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Extraordinary Session
July 14, 2006

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

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JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 3, 2006

The House met pursuant to adjournment at 1:14 p.m., Roberts of Carroll in the chair.

Prayer was offered by Reverend Jerry Rigdon, pastor of the Asbury United Methodist Church, Burlington. He was the guest of Representative Dennis Cohoon of Des Moines County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Friday, March 31, 2006 was approved.

INTRODUCTION OF BILL

House File 2790, by committee on ways and means, a bill for an act providing for association group health care plans, wellness incentives for small employers, health benefit coverage for independent contractors, and a small business wellness program tax credit, providing an appropriation, and providing for effective, retroactive, and applicability dates.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schueller of Jackson on request of Murphy of Dubuque.

ADOPTION OF HOUSE RESOLUTION 119

Bell of Jasper called up for consideration **House Resolution 119**, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 122

Bell of Jasper called up for consideration **House Resolution 122**, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 145

Bell of Jasper called up for consideration **House Resolution 145**, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, and moved its adoption.

The motion prevailed and the resolution was adopted.

Boal of Polk in the chair at 1:23 p.m.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 107

Roberts of Carroll called up for consideration **House Concurrent Resolution 107**, a concurrent resolution relating to the board of correction's evaluation of the Iowa state penitentiary in Fort Madison, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 107** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Tomonga of Polk called up for consideration **House File 540**, a bill for an act prohibiting consideration of certain traffic accidents

occurring in the line of duty during a certified law enforcement officer's employment in establishment of motor vehicle insurance rates, amended by the Senate amendment H-1542 as follows:

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."

Tomenga of Polk asked and received unanimous consent to withdraw amendment H-8008, to amendment H-1542, filed by him on January 31, 2006, placing out of order amendment H-8010 filed by Thomas of Clayton on February 2, 2006, amendment H-8019 filed by Thomas of Clayton on February 13, 2006 and amendment H-8366 filed by Thomas of Clayton on March 23, 2006.

Tomenga of Polk offered amendment H-8173, to the Senate amendment H-1542, filed by him as follows:

H-8173

1 Amend the Senate amendment, H-1542, to House File
2 540, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 26 and

5 inserting the following:

6 " _____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 321.267A TRAFFIC
9 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
10 - REPORTS.

11 1. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 shall be reported to the department by the officer's
14 employer. The officer's employer shall certify to the
15 department whether or not the accident occurred in the
16 line of duty while operating an official government
17 vehicle. Such a certification is effective only for
18 the purposes of this section.

19 2. Notwithstanding section 321.200, upon receiving
20 a certification pursuant to subsection 1, the
21 department shall not include a notation of the
22 accident described in the certification on the
23 officer's driving record.

24 3. The provisions of this section shall not
25 relieve a certified law enforcement officer operating
26 a motor vehicle of the duty to drive with due regard
27 for the safety of all persons.

28 4. For the purposes of this section, "certified law
29 enforcement officer" means a law enforcement officer
30 who is certified through the Iowa law enforcement
31 academy as provided in section 80B.13, subsection 3,
32 or section 80B.17."

Thomas of Clayton offered the following amendment H-8371, to amendment H-8173 to the Senate amendment H-1542 filed by him and moved its adoption:

H-8371

1 Amend the amendment, H-8173, to the Senate
2 amendment, H-1542, to House File 540, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, line 9, by inserting after the word
5 "OFFICERS" the following: "OR OTHER EMERGENCY
6 RESPONDERS".

7 2. Page 1, line 12, by inserting after the word
8 "officer" the following: "or other emergency
9 responder".

10 3. Page 1, line 13, by inserting after the word
11 "officer's" the following: "or responder's".

12 4. Page 1, line 14, by inserting after the word
13 "officer's" the following: "or responder's".

- 14 5. Page 1, line 17, by inserting after the word
 15 "vehicle" the following: "or during the responder's
 16 deployment on an emergency call".
- 17 6. Page 1, line 23, by inserting after the word
 18 "officer's" the following: "or responder's".
- 19 7. Page 1, line 25, by inserting after the word
 20 "officer" the following: "or other emergency
 21 responder".
- 22 8. Page 1, by inserting after line 32, the
 23 following:
- 24 "5. For the purposes of this section, "other
 25 emergency responder" means a fire fighter certified as
 26 a fire fighter I pursuant to rules adopted under
 27 chapter 100B and trained in emergency driving or an
 28 emergency medical responder certified under chapter
 29 147A and trained in emergency driving."
- 30 _____. Title page, line 2, by inserting after the
 31 word "officers" the following: "and other emergency
 32 responders"."
- 33 9. By renumbering as necessary.

Amendment H-8371 was adopted.

On motion by Tomenga of Polk amendment H-8173, as amended, was adopted.

On motion by Tomenga of Polk the House concurred in the Senate amendment H-1542, as amended.

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

On the question "Shall the bill pass?" (H.F. 540)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cphoon	Dandekar	Davitt
De Boef	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
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
Boal, Presiding			

The nays were, none.

Absent or not voting, 3:

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

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 2748, a bill for an act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa department of public health, providing for the nontransferability of specified fees, and providing effective dates, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-8443 filed by her and moved its adoption:

H-8443

- 1 Amend House File 2748 as follows:
- 2 1. Page 2, line 21, by inserting after the words
- 3 "this section" the following: ", including but not
- 4 limited to the addition of full-time equivalent
- 5 positions for program services and investigations".
- 6 2. Page 4, line 12, by inserting after the word
- 7 "duties" the following: ", including but not limited
- 8 to the addition of full-time equivalent positions for
- 9 program services and investigations".
- 10 3. Page 5, by inserting after line 21 the
- 11 following:
- 12 "Sec. __. EXAMINING BOARDS – BUREAU OF

13 PROFESSIONAL LICENSURE – BUREAU OF RADIOLOGICAL
 14 HEALTH – NONREVERSION OF FUNDS. Notwithstanding any
 15 provision to the contrary, and notwithstanding section
 16 8.33, moneys appropriated for the fiscal year
 17 beginning July 1, 2006, and ending June 30, 2007, to
 18 an examining board listed in section 147.80, to the
 19 bureau of professional licensure, and to the bureau of
 20 radiological health that remain unencumbered or
 21 unobligated at the close of the fiscal year and
 22 repayment receipts and fees authorized to be retained
 23 by an examining board listed in section 147.80, the
 24 bureau of professional licensure, and the bureau of
 25 radiological health, for the fiscal year beginning
 26 July 1, 2006, and ending June 30, 2007, shall not
 27 revert but shall remain available for expenditure for
 28 the purposes designated until the close of the
 29 succeeding fiscal year."

30 4. Page 5, by striking line 28 and inserting the
 31 following:

32 "The sections of this Act relating to the addition
 33 of the hearing aid dispenser examiners and the nursing
 34 home administrators examiners to the list of examining
 35 boards in section 147.13, adding those professions to
 36 the list of examining boards contained in section
 37 147.80, and providing for nonreversion of certain
 38 appropriations made for, and repayment receipts, and
 39 retained fees applicable to, the fiscal year beginning
 40 July 1, 2006, take effect July 1, 2006. The remaining
 41 sections of this Act take effect July 1, 2007."

42 5. By renumbering as necessary.

Amendment H-8443 was adopted.

Hutter 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. 2748)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	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
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
Boal, Presiding			

The nays were, none.

Absent or not voting, 3:

Dix Schueller Zirkelbach

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

HOUSE FILES 2289 and 2568 WITHDRAWN

Hutter of Scott asked and received unanimous consent to withdraw House Files 2289 and 2568 from further consideration by the House.

Appropriations Calendar

House File 2773, a bill for an act relating to real estate education programs and the real estate education fund and making an appropriation, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8445 filed by her and moved its adoption:

H-8445

- 1 Amend House File 2773 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:

4 "Section 1. Section 543B.54, Code 2005, is amended
5 to read as follows:

6 543B.54 REAL ESTATE EDUCATION FUND.

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

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

47 2. Page 1, by striking lines 22 through 24 and
48 inserting the following:

49 "a. The ad hoc committee shall consist of the
50 following members: the education director of the real

Page 2

1 estate commission, the education director of the Iowa
2 association of realtors, a representative of the Iowa

- 3 community colleges, a representative of the state
 4 board of regents, and a representative of private
 5 colleges and universities."
 6 3. By striking page 1, line 34 through page 2,
 7 line 3.
 8 4. Page 2, by inserting after line 12 the
 9 following:
 10 "Sec.____. EFFECTIVE DATE. The section of this
 11 Act amending section 543B.54 shall take effect July 1,
 12 2007."
 13 5. Title page, line 2, by inserting after the
 14 word "fund" the following: ", establishing an
 15 effective date,".
 16 6. By renumbering as necessary.

Amendment H-8445 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. 2773)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	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
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
Wilderdyke	Winckler	Wise	Boal, Presiding

The nays were, none.

Absent or not voting, 4:

Dix Schueller Taylor, D. Zirkelbach

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

HOUSE FILE 2514 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 2514 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 540, 2748 and 2773.**

Ways and Means Calendar

House File 2774, a bill for an act relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services, was taken up for consideration.

Reasoner of Union moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2774)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohon	Dandekar	Davitt
De Boef	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
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
Boal, Presiding			

The nays were, none.

Absent or not voting, 3:

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

Appropriations Calendar

House File 2775, a bill for an act relating to the judicial branch including the assessment of court fees and costs, was taken up for consideration.

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. 2775)

The ayes were, 90:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dolecheck	Drake	Elgin
Foege	Ford	Freeman	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs

Jacoby	Jenkins	Jones	Kressig
Kaufmann	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	Roberts
Sands	Schickel	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	Wilderdyke	Winckler
Wise	Boal, Presiding		

The nays were, 6:

Eichhorn	Fallon	Frevort	Hunter
Reichert	Shoultz		

Absent or not voting, 4:

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

HOUSE FILE 2714 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 2714 from further consideration by the House.

Senate Joint Resolution 2001, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, was taken up for consideration.

Dolecheck of Ringgold moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2001)

The ayes were, 80:

Anderson	Baudler	Bell	Berry
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	Dolecheck	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kressig	Kuhn	Kurtenbach	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	Shoultz	Soderberg	Struyk
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise

The nays were, 17:

Alons	Arnold	De Boef	Drake
Eichhorn	Fallon	Heddens	Hogg
Kaufmann	Lalk	Roberts	Shomshor
Smith	Swaim	Taylor, D.	Van Engelenhoven
Boal, Presiding			

Absent or not voting, 3:

Dix	Schueller	Zirkelbach
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

HOUSE FILE 2471 WITHDRAWN

Reasoner of Union asked and received unanimous consent to withdraw House File 2471 from further consideration by the House.

Unfinished Business Calendar

Senate File 2076, a bill for an act relating to confinement feeding operations by providing for manure management plans, with report of committee recommending passage, was taken up for consideration.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment H-8067 filed by her on March 2, 2006.

De Boef of Keokuk offered the following amendment H-8428 filed by her and moved its adoption:

H-8428

- 1 Amend Senate File 2076, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 459.312, Code 2005, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 4A. The department shall provide
- 8 for the receipt and processing of manure management
- 9 plans, including updates to manure management plans,
- 10 in an electronic format pursuant to section 459.302,
- 11 not later than July 1, 2008. After that time, a
- 12 person required to submit a manure management plan
- 13 under this section may submit the manure management
- 14 plan to the department and to the county board of
- 15 supervisors in an electronic format."
- 16 2. By renumbering as necessary.

Amendment H-8428 was adopted.

De Boef of Keokuk 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. 2076)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	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.	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	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	Boal,	
		Presiding	

The nays were, 2:

Fallon	Rasmussen
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Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2774, 2775, Senate Joint Resolution 2001 and Senate File 2076.**

Senate File 2249, a bill for an act relating to the rights and responsibilities of a person providing family foster care, was taken up for consideration.

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. 2249)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	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	Roberts	Sands
Schickel	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	Boal, Presiding		

The nays were, none.

Absent or not voting, 2:

Schueller Zirkelbach

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

Senate File 2343, a bill for an act revising the membership requirements for the child advocacy board, with report of committee recommending passage, was taken up for consideration.

Hutter 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. 2343)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	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	Roberts	Sands
Schickel	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	Boal, Presiding		

The nays were, none.

Absent or not voting, 2:

Schueller Zirkelbach

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

House File 2772, a bill for an act creating a brain injury services program and providing for allocation of a previously enacted appropriation, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-8450 filed by him and Heddens of Story and moved its adoption:

H-8450

- 1 Amend House File 2772 as follows:
- 2 1. Page 3, by striking lines 28 through 33 and
- 3 inserting the following:
- 4 "d. The cost-share component's financial
- 5 eligibility requirements shall be established in
- 6 administrative rule. In establishing the
- 7 requirements, the department shall consider the
- 8 eligibility and cost-share requirements used for the
- 9 hawk-i program under chapter 514I. The individual

- 10 must meet the cost-share component's financial
 11 eligibility requirements and be willing to pay a cost-
 12 share for the cost-share component."

Amendment H-8450 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. 2772)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	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	Roberts	Sands
Schickel	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	Boal, Presiding		

The nays were, none.

Absent or not voting, 2:

Schueller Zirkelbach

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

HOUSE FILES 2325 and 2561 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House Files 2325 and 2561 from further consideration by the House.

Senate File 2363, a bill for an act relating to water quality standards, with report of committee recommending passage, was taken up for consideration.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-8427 filed by him on March 29, 2006.

Anderson of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2363)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	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	Roberts	Sands
Schickel	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	Boal, Presiding		

The nays were, none.

Absent or not voting, 2:

Schueller Zirkelbach

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 2772, Senate Files 2249, 2343 and 2363.**

House File 2746, a bill for an act relating to state employee vehicle usage, 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. 2746)

The ayes were, 52:

Alons	Anderson	Arnold	Baudler
Carroll	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	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	Boal, Presiding

The nays were, 46:

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	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise		

Absent or not voting, 2:

Schueller Zirkelbach

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2746** be immediately messaged to the Senate.

The House stood at ease at 3:08 p.m., until the fall of the gavel.

The House resumed session at 4:59 p.m., Roberts of Carroll in the chair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 30, 2006. Had I been present, I would have voted "aye" on House Files 2740, 2764 and Senate Files 2087, 2275, 2290, 2299, 2304, 2327, 2341, 2344 and 2358.

PAULSEN of Linn

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

2006\1220 Penny Fee, Sioux City – For being named Siouxland Woman of the Year by Quota International of Sioux City.

- 2006\1221 Jim and Shirley Bauer, Sioux City – For celebrating their 50th wedding anniversary.
- 2006\1222 Rubene Fromknecht, Sioux City – For celebrating her 92nd birthday.
- 2006\1223 Robert and Dorene McCarthy, Dubuque – For celebrating their 60th wedding anniversary.
- 2006\1224 Kristen Jogerst, Dubuque – For winning 1st place in the 2006 Chemistry Olympiad.
- 2006\1225 Keegan Clefisch, Dubuque – For winning 3rd place in the 2006 Chemistry Olympiad.
- 2006\1226 Mark Vaske, Dubuque – For receiving 3rd place in the 2006 Chemistry Olympiad.
- 2006\1227 Chase Liaboe, Dubuque – For receiving 6th place in the 2006 Chemistry Olympiad.
- 2006\1228 LaVerne and Phyllis Childers, Roland – For celebrating their 50th wedding anniversary.
- 2006\1229 Delbert and Darlene Quam, Story City – For celebrating their 50th wedding anniversary.
- 2006\1230 Kenneth Thomas, West Branch – For celebrating his 80th birthday.
- 2006\1231 Myrt Hasselbusch, Clarence – For celebrating her 85th birthday.
- 2006\1232 Ellsworth Brown, Ottumwa – For celebrating his 80th birthday.
- 2006\1233 Frances Snyder, Ottumwa – For celebrating her 90th birthday.
- 2006\1234 Raymond Benjamin, Ottumwa – For celebrating his 90th birthday.
- 2006\1235 Martha Chisman, Ottumwa – For celebrating her 80th birthday.
- 2006\1236 Mary Hart, Ottumwa – For celebrating her 85th birthday.
- 2006\1237 Evelyn Prusinski, Ottumwa – For celebrating her 90th birthday.
- 2006\1238 Gordon Brandt, Blakesburg – For celebrating his 80th birthday.
- 2006\1239 Geraldine Schoolen, Ottumwa – For celebrating her 85th birthday.
- 2006\1240 Stephen Stoltz, Ottumwa – For celebrating his 85th birthday.
- 2006\1241 Violet Crowther, Ottumwa – For celebrating her 85th birthday.
- 2006\1242 Wilbur Jones, Ottumwa – For celebrating his 104th birthday.

- 2006\1243 Clara Liddell, Ottumwa – For celebrating her 90th birthday.
- 2006\1244 Lester Johnson, Ottumwa – For celebrating his 80th birthday.
- 2006\1245 Robert Rhynas, Ottumwa – For celebrating his 80th birthday.
- 2006\1246 Hobart Sims, Ottumwa – For celebrating his 80th birthday.
- 2006\1247 James Taylor, Ottumwa – For celebrating his 90th birthday.
- 2006\1248 Howard Vanzante, Ottumwa – For celebrating his 85th birthday.
- 2006\1249 Vesta Steele, Ottumwa – For celebrating her 102nd birthday.
- 2006\1250 Blanche Moore, Oskaloosa – For celebrating her 90th birthday.
- 2006\1251 Rachel Silvers, Oskaloosa – For celebrating her 90th birthday.
- 2006\1252 Hazel and Cecil Brim, Grinnell – For celebrating their 65th wedding anniversary.
- 2006\1253 Neil and Pat Johnson, Grinnell – For celebrating their 50th wedding anniversary.
- 2006\1254 Virginia and George Turner, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2006\1255 Eleanor Harvey, Akron – For celebrating her 87th birthday.
- 2006\1256 Jenny Versteeg, Orange City – For celebrating her 102nd birthday.

RESOLUTIONS FILED

HR 161, by Kuhn, a resolution honoring the City of Stacyville on its sesquicentennial year.

Laid over under **Rule 25**.

HR 162, by Heaton, a resolution honoring Coach Robert Hilmer, the “winningest” coach in the history of Iowa boys’ high school basketball.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8448	H.F.	2771	Paulsen of Linn
H—8449	H.F.	2782	Thomas of Clayton
H—8451	H.F.	2763	Winckler of Scott

			Jochum of Dubuque
H—8452	S.F.	2318	Lukan of Dubuque
H—8453	H.F.	2752	Petersen of Polk
H—8454	S.F.	2346	Tymeson of Madison
			Paulsen of Linn
H—8455	H.F.	2782	Petersen of Polk
H—8456	S.F.	2352	Baudler of Adair
H—8457	H.F.	2760	Ford of Polk
H—8458	H.F.	2782	T. Taylor of Linn

On motion by Jacobs of Polk the House adjourned at 4:59 p.m., until 8:45 a.m., Tuesday, April 5, 2006.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 4, 2006

The House met pursuant to adjournment at 8:47 a.m., Jacobs of Polk in the chair.

Prayer was offered by Reverend Joel Love, pastor of Union Congregational United Church of Christ, Reinbeck. He was the guest of Representative Lance Horbach of Tama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Libby Jacobs, state representative from Polk County.

The Journal of Monday, April 3, 2006 was approved.

ADOPTION OF HOUSE RESOLUTION 149

Heddens of Story and Wessel-Kroeschell of Story called up for consideration **House Resolution 149**, a resolution to welcome the 2006 Special Olympics USA National Games to Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Wessel-Kroeschell introduced to the House Rich Fellingham, President/CEO of the Special Olympics Iowa and Kyler Prunty a participant of 2006 Special Olympics. They addressed the House briefly regarding the Games.

The House rose and expressed it welcome.

SENATE AMENDMENT CONSIDERED

Elgin of Linn called up for consideration **House File 729**, a bill for an act relating to the Iowa public employees' retirement system and

the judicial retirement system, amended by the Senate, and moved that the House concur in the following Senate amendment H-8029:

H-8029

1 Amend House File 729, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 97B.1A, Code Supplement 2005,
6 is amended by adding the following new subsection:
7 **NEW SUBSECTION.** 11A. "Fully funded" means a
8 funded ratio of at least one hundred percent using the
9 most recent actuarial valuation. For purposes of this
10 subsection, "funded ratio" means the ratio produced by
11 dividing the lesser of the actuarial value of the
12 system's assets or the market value of the system's
13 assets, by the system's actuarial liabilities, using
14 the actuarial method adopted by the investment board
15 pursuant to section 97B.8A, subsection 3.

16 Sec. _____. Section 97B.1A, subsection 24, paragraph
17 a, Code Supplement 2005, is amended to read as
18 follows:

19 a. "Three-year average covered wage" means, ~~for a~~
20 ~~member who retires prior to July 1, 2008,~~ a member's
21 covered wages averaged for the highest three years of
22 the member's service, except as otherwise provided in
23 this subsection. The highest three years of a
24 member's covered wages shall be determined using
25 calendar years. However, if a member's final quarter
26 of a year of employment does not occur at the end of a
27 calendar year, the system may determine the wages for
28 the third year by computing the average quarter of all
29 quarters from the member's highest calendar year of
30 covered wages not being used in the selection of the
31 two highest years and using the computed average
32 quarter for each quarter in the third year in which no
33 wages have been reported in combination with the final
34 quarter or quarters of the member's service to create
35 a full year. However, the system shall not use the
36 member's final quarter of wages if using that quarter
37 would reduce the member's three-year average covered
38 wage. If the three-year average covered wage of a
39 member exceeds the highest maximum covered wages in
40 effect for a calendar year during the member's period
41 of service, the three-year average covered wage of the
42 member shall be reduced to the highest maximum covered
43 wages in effect during the member's period of service.
44 Notwithstanding any other provision of this paragraph
45 to the contrary, a member's wages for the third year
46 as computed by this paragraph shall not exceed, by

47 more than three percent, the member's highest actual
 48 calendar year of covered wages for a member whose
 49 first month of entitlement is January 1999 or later.
 50 Sec. _____. Section 97B.1A, subsection 24, paragraph

Page 2

1 c, Code Supplement 2005, is amended by striking the
 2 paragraph and inserting in lieu thereof the following:
 3 c. Notwithstanding any other provisions of this
 4 subsection to the contrary, for a member who retires
 5 on or after July 1, 2007, the member's three-year
 6 average covered wage shall be the lesser of the three-
 7 year average covered wage as calculated pursuant to
 8 paragraph "a" and the adjusted covered wage amount.
 9 For purposes of this paragraph, the adjusted covered
 10 wage amount shall be the greater of the member's
 11 three-year average covered wage calculated pursuant to
 12 paragraph "a" as of July 1, 2007, and an amount equal
 13 to one hundred twenty-one percent of the member's
 14 applicable calendar year wages. The member's
 15 applicable calendar year wages shall be the member's
 16 highest full calendar year of covered wages not used
 17 in the calculation of the member's three-year average
 18 covered wage pursuant to paragraph "a", or, if the
 19 member does not have another full calendar year of
 20 covered wages that was not used in the calculation of
 21 the three-year average covered wage under paragraph
 22 "a", the lowest full calendar year of covered wages
 23 that was used in the calculation of the member's
 24 three-year average covered wage pursuant to paragraph
 25 "a".
 26 2. Page 1, line 23, by striking the figure "2006"
 27 and inserting the following: "2007".
 28 3. Page 1, line 24, by striking the figure "2014"
 29 and inserting the following: "2011".
 30 4. Page 1, line 31, by striking the figure "2014"
 31 and inserting the following: "2011".
 32 5. Page 2, by inserting after line 2 the
 33 following:
 34 "Sec. _____. Section 97B.48A, subsection 1, Code
 35 2005, is amended by adding the following new
 36 unnumbered paragraph:
 37 NEW UNNUMBERED PARAGRAPH. For purposes of this
 38 subsection and not for purposes of determining a
 39 retiree's covered wages, remuneration paid on and
 40 after July 1, 2007, includes uncovered contributions
 41 to a defined contribution plan qualified under
 42 Internal Revenue Code section 401(a), a tax-deferred
 43 annuity qualified under Internal Revenue Code section
 44 403(b), an eligible deferred compensation plan
 45 qualified under Internal Revenue Code section 457, or

46 any other tax qualified or nonqualified investment
47 vehicle, that is provided by an employer to a retiree
48 who has been or will be reemployed in covered
49 employment."

50 6. Page 2, line 3, by inserting after the word

Page 3

1 "Code" the following: "Supplement".

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

4 "Sec.____. Section 97B.49F, subsection 2,
5 paragraph c, Code 2005, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (4A) Notwithstanding any
8 provisions of this paragraph to the contrary, moneys
9 shall not be credited to the reserve account if the
10 system is not fully funded or if the system would not
11 remain fully funded if moneys were credited to the
12 reserve account.

13 Sec.____. Section 97B.49H, subsection 3, Code
14 2005, is amended to read as follows:

15 3. The system shall annually determine the amount
16 to be credited to the supplemental accounts of active
17 members. The total amount credited to the
18 supplemental accounts of all active members shall not
19 exceed the amount that the system determines, in
20 consultation with the system's actuary, can be
21 absorbed without significantly impacting the funded
22 status of the system. The amount to be credited shall
23 be not be greater than the amount calculated by
24 multiplying the member's covered wages for the
25 applicable wage reporting period by the supplemental
26 rate. For purposes of this subsection, the
27 supplemental rate is the difference, if positive,
28 between the combined employee and employer statutory
29 contribution rates in effect under section 97B.11 and
30 the normal cost rate of the retirement system as
31 determined by the system's actuary in the most recent
32 annual actuarial valuation of the retirement system.
33 The credits shall be made at least quarterly during
34 the calendar year following a determination that the
35 retirement system does not have an unfunded accrued
36 liability. The normal cost rate, calculated according
37 to the actuarial cost method used, is the percent of
38 pay allocated to each year of service that is
39 necessary to fund projected benefits over all members'
40 service with the retirement system."

41 8. Page 2, by inserting after line 21 the
42 following:

43 "Sec.____. Section 97B.65, Code 2005, is amended
44 to read as follows:

45 97B.65 REVISION RIGHTS RESERVED – INCREASE OF
 46 BENEFITS – RATES OF CONTRIBUTION.

47 The right is reserved to the general assembly to
 48 alter, amend, or repeal any provision of this chapter
 49 or any application thereof to any person, provided,
 50 however, that to the extent of the funds in the

Page 4

1 retirement system the amount of benefits which at the
 2 time of any such alteration, amendment, or repeal
 3 shall have accrued to any member of the retirement
 4 system shall not be repudiated, provided further,
 5 however, that the amount of benefits accrued on
 6 account of prior service shall be adjusted to the
 7 extent of any unfunded accrued liability then
 8 outstanding. ~~Any~~ An increase enacted in the benefits
 9 or retirement ~~allowances~~ allowances provided under thi
 10 chapter shall not be enacted until after the system's
 11 actuary determines that the system is fully funded and
 12 will continue to be fully funded immediately following
 13 enactment of the increase. However, an increase in
 14 the benefits or retirement allowances provided under
 15 this chapter may be enacted if the increase is
 16 accompanied by a change in the employer and employee
 17 contribution rates necessary to support such increase,
 18 ~~all as determined in accordance with sound actuarial~~
 19 ~~principles and methods by the system's actuary."~~

20 9. Page 3, line 17, by striking the word and
 21 figures "January 1, 2006" and inserting the following:
 22 "October 1, 2007".

23 10. Page 5, line 4, by striking the figure "2005"
 24 and inserting the following: "2006".

25 11. Page 5, line 8, by striking the figure "2005"
 26 and inserting the following: "2006".

27 12. Page 5, line 30, by striking the figure
 28 "2005" and inserting the following: "2006".

29 13. Page 7, line 11, by striking the figure
 30 "2005" and inserting the following: "2006".

31 14. Page 7, line 16, by striking the figure
 32 "2005" and inserting the following: "2006".

33 15. Page 11, line 33, by striking the figure
 34 "2005" and inserting the following: "2006".

35 16. Page 12, line 2, by striking the figure
 36 "2005" and inserting the following: "2006".

37 17. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8029.

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

On the question "Shall the bill pass?" (H.F. 729)

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	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Mascher	May	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
Jacobs, Presiding			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 729** be immediately messaged to the Senate.

House Joint Resolution 2006, a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 2006)

The ayes were, 99:

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	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	Jacobs,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Joint Resolution 2006** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration **House File 2240**, a bill for an act relating to county board of supervisor vacancies, amended by the Senate, and moved that the House concur in the following Senate amendment H-8421:

H-8421

1 Amend House File 2240, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 69.14A, subsection 1,
6 unnumbered paragraph 1, Code 2005, is amended to read
7 as follows:
8 A vacancy on the board of supervisors shall be
9 filled by one of the ~~two~~ following procedures:
10 Sec. ____. Section 69.14A, subsection 1, Code 2005,
11 is amended by adding the following new paragraph:
12 NEW PARAGRAPH. c. For a vacancy declared by the
13 board pursuant to section 331.214, subsection 2, by
14 special election held to fill the office if the
15 remaining balance of the unexpired term is two and
16 one-half years or more. The committee of county
17 officers designated to fill the vacancy in section
18 69.8 shall order the special election at the earliest
19 practicable date, but giving at least thirty-two days'
20 notice of the election. A special election called
21 under this section shall be held on a Tuesday and
22 shall not be held on the same day as a school election
23 within the county. The office shall be listed on the
24 ballot, as "For Board of Supervisors, To Fill
25 Vacancy". The person elected at the special election
26 shall serve the balance of the unexpired term."
27 2. Page 1, line 22 by inserting after the word
28 "board" the following: "shall appoint a physician and
29 the family of the supervisor shall appoint a physician
30 to examine the supervisor. For purposes of this

31 subsection, "family" means the parent, spouse, or
 32 child of the supervisor. If the family does not
 33 appoint a physician, the board".
 34 3. Page 1, line 23, by striking the word "and"
 35 and inserting the following: "The board shall".
 36 4. Page 1, line 30, by inserting after the word
 37 "term," the following: "However, if the physicians
 38 concur that the supervisor is mentally incapable of
 39 performing the duties of office, the board shall not
 40 declare the supervisor's seat vacant for one year from
 41 the date of the hearing if the supervisor is receiving
 42 treatment for the mental incapacity."
 43 5. Page 1, by inserting after line 35 the
 44 following:
 45 "c. If the board declares a vacancy under this
 46 subsection and the remaining balance of the
 47 supervisor's unexpired term is two and one-half years
 48 or more, a special election shall be held to fill the
 49 office as provided in section 69.14A, subsection 1,
 50 paragraph "c.""

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1 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8421.

Schickel of Cerro Gordo 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. 2240)

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	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	Jacobs, Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Watts of Dallas called up for consideration **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, amended by the Senate, and moved that the House concur in the following Senate amendment H-8422:

H-8422

1 Amend House File 2282, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 9 the
 4 following:
 5 "Sec. ____ Section 372.13, subsection 2, paragraph
 6 a, unnumbered paragraph 1, Code 2005, is amended to
 7 read as follows:
 8 By appointment by the remaining members of the
 9 council, except that if the remaining members do not
 10 constitute a quorum of the full membership, ~~paragraph~~
 11 paragraphs "b" and "c" shall be followed. The
 12 appointment shall be for the period until the next
 13 pending election as defined in section 69.12, and
 14 shall be made within forty days after the vacancy
 15 occurs. If the council chooses to proceed under this

16 paragraph, it shall publish notice in the manner
 17 prescribed by section 362.3, stating that the council
 18 intends to fill the vacancy by appointment but that
 19 the electors of the city or ward, as the case may be,
 20 have the right to file a petition requiring that the
 21 vacancy be filled by a special election. The council
 22 may publish notice in advance if an elected official
 23 submits a resignation to take effect at a future date.
 24 The council may make an appointment to fill the
 25 vacancy after the notice is published or after the
 26 vacancy occurs, whichever is later. However, if
 27 within fourteen days after publication of the notice
 28 or within fourteen days after the appointment is made,
 29 there is filed with the city clerk a petition which
 30 requests a special election to fill the vacancy, an
 31 appointment to fill the vacancy is temporary and the
 32 council shall call a special election to fill the
 33 vacancy permanently, under paragraph "b". The number
 34 of signatures of eligible electors of a city for a
 35 valid petition shall be determined as follows:
 36 Sec. ___. Section 372.13, subsection 2, Code 2005,
 37 is amended by adding the following new paragraph:
 38 NEW PARAGRAPH. c. If concurrent vacancies exist
 39 on the council and the remaining council members do
 40 not constitute a quorum of the full membership, the
 41 city clerk shall notify the mayors of the cities in
 42 the county where the city is located and such mayors
 43 shall, within twenty days of notification, appoint a
 44 successor to each vacant city council office. If the
 45 city is divided into wards, the appointee must be a
 46 resident of the ward in which the city council vacancy
 47 has occurred. The appointee shall serve until
 48 qualification of the person elected at the special
 49 election provided for in paragraph "b". If the office
 50 of city clerk is vacant, the remaining council members

Page 2

1 shall notify the mayors of the city council
 2 vacancies."
 3 2. Page 2, by inserting after line 9 the
 4 following:
 5 "Sec. ___. NEW SECTION. 372.13A PAYMENTS WITHOUT
 6 PRIOR AUTHORIZATION OF COUNCIL.
 7 1. If concurrent vacancies exist on the council
 8 and the remaining council members do not constitute a
 9 quorum of the full membership, the city clerk is
 10 authorized to make the following payments without
 11 prior approval of the council:
 12 a. For fixed charges including but not limited to
 13 freight, express, postage, water, light, telephone
 14 service, or contractual services, after a bill is

- 15 filed with the clerk.
16 b. For salaries and payrolls if the compensation
17 has been fixed or approved by the council. The salary
18 or payroll shall be certified by the officer or
19 supervisor under whose direction or supervision the
20 compensation is earned.
21 2. The bills paid under this section shall be
22 submitted to the city council for review and approval
23 at the next regular meeting following payment in which
24 a quorum of the council is present."
25 3. Title page, line 1, by inserting after the
26 words "relating to" the following: "city government
27 by providing for".
28 4. Title page, line 3, by inserting after the
29 word "government" the following: "and by providing
30 for city continuity when concurrent city council
31 vacancies exist".
32 5. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-8422.

SENATE AMENDMENT CONSIDERED

Kaufmann of Cedar called up for consideration **House File 2365**, a bill for an act relating to committing disorderly conduct near a military funeral, memorial service, funeral procession, or burial, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8137:

H-8137

- 1 Amend House File 2365, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 3, by striking the word "three"
4 and inserting the following: "five".
5 2. Page 1, by inserting after line 24 the
6 following:
7 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
8 of immediate importance, takes effect upon enactment."
9 3. Title page, lines 2 and 3, by striking the
10 words "and providing penalties" and inserting the
11 following: "providing penalties, and providing an
12 effective date".
13 4. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8137.

Kaufmann of Cedar 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. 2365)

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	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	Jacobs,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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 2240 and 2365.**

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session at 10:21 a.m., Speaker pro tempore Carroll in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2768, a bill for an act authorizing the state medical examiner to collect and retain fees for medical examiner facility expenses and services related to tissue recovery and making an appropriation, 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. 2768)

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	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	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	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Maddox Zirkelbach

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

House File 2776, a bill for an act exempting from sales and use taxes certain equipment used in transmitting telecommunications services, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-8447 filed by him and moved its adoption:

H-8447

- 1 Amend House File 2776 as follows:
- 2 1. Page 1, line 10, by striking the word "which"
- 3 and inserting the following: "that".
- 4 2. Title page, by striking lines 1 and 2 and
- 5 inserting the following: "An Act relating to the
- 6 sales and use tax exemption for central office
- 7 equipment and transmission equipment used in
- 8 telecommunications operations."

Amendment H-8447 was adopted.

SENATE FILE 2390 SUBSTITUTED FOR HOUSE FILE 2776

Struyk of Pottawattamie asked and received unanimous consent to substitute Senate File 2390 for House File 2776.

Senate File 2390, a bill for an act relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations, was taken up for consideration.

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. 2390)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
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
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	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	Carroll,	
		Presiding	

The nays were, 3:

Fallon	Ford	Hunter
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Absent or not voting, 2:

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

HOUSE FILE 829 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 829 from further consideration by the House.

HOUSE FILE 2776 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House File 2776 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2768** and **Senate File 2390**.

House File 2777, a bill for an act relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes, 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. 2777)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
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	Roberts	Sands	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	Wilderdylke	Winckler	Wise
Carroll, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Taylor, D. Zirkelbach

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

HOUSE FILE 2732 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 2732 from further consideration by the House.

Unfinished Business Calendar

Senate File 2318, a bill for an act relating to an exception from emergency medical care requirements for persons providing care within the scope of their certification, with report of committee recommending passage, was taken up for consideration.

Lukan of Dubuque offered the following amendment H-8452 filed by him and moved its adoption:

H-8452

- 1 Amend Senate File 2318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "patients" the following: "to a hospital or other
- 5 medical facility".
- 6 2. Page 1, line 22, by inserting after the word
- 7 "patients" the following: "to a hospital or other
- 8 medical facility".

Amendment H-8452 was adopted.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2318)

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, 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	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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 2777** and **Senate File 2318**.

On motion by Gipp of Winneshiek, the House was recessed at 10:40 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:03 p.m., Speaker pro tempore 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 4, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 4, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2245, a bill for an act concerning the Iowa public employees' retirement system and the statewide fire and police retirement system, and providing an effective and retroactive applicability date.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2331, a bill for an act to eliminate certain restrictions on the authority of a physician assistant to prescribe certain schedule II controlled substances.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2613, a bill for an act concerning programs and reports related to economic development.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2624, a bill for an act extending the statute of limitations for the filing of an indictment or information in a felony or aggravated or serious misdemeanor proceeding involving DNA profiling.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2632, a bill for an act relating to real estate, including real estate broker and salesperson licensing and real estate disclosures.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the House is asked:

House File 2635, a bill for an act relating to drainage and levee districts by providing for the publication of notice and the letting of bids.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2665, a bill for an act concerning the line of duty death benefit payable to public safety providers.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2672, a bill for an act relating to payment of attorney fees in termination of parental rights proceedings, providing an effective date, and providing for retroactive applicability.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2679, a bill for an act relating to agricultural drainage wells by providing for the implementation of water quality practices as an alternative to constructing alternative drainage systems.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2697, a bill for an act relating to the confinement of a prisoner in a municipal holding facility or county jail.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2391, a bill for an act relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2392, a bill for an act relating to the filing of reports with the ethics and campaign disclosure board.

Also: That the Senate has on April 4, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2394, a bill for an act relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 2:04 p.m., until the fall of the gavel.

The House resumed session at 4:13 p.m., Roberts of Carroll in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2391, by committee on ways and means, a bill for an act relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions.

Read first time and **passed on file**.

Senate File 2392, by committee on government oversight, a bill for an act relating to the filing of reports with the ethics and campaign disclosure board.

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

Senate File 2394, by committee on ways and means, a bill for an act relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions.

Read first time and **passed on file**.

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 4, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2652, a bill for an act relating to civil and criminal procedure including the issuance of and violations of certain civil protective orders and criminal no-contact orders.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

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

MOTION TO RECONSIDER PREVAILED

Huser of Polk called up for consideration the motion to reconsider **House File 2282**, filed on April 4, 2006, and moved to reconsider the vote by which the Senate amendment H-8422 to House File 2282, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, failed to be adopted by the House on April 4, 2006, filed by her from the floor. (Found on pages 1123-1125 of the House Journal.)

The motion prevailed and the House reconsidered the Senate amendment H-8422 to House File 2282.

Huser of Polk offered the following amendment H-8482, to the Senate amendment H-8422, filed by her, Watts of Dallas, Tjepkes of Webster and Drake of Pottawattamie from the floor and moved its adoption:

H-8482

1 Amend the amendment, H-8422, to House File 2282, as
 2 passed by the House, as follows:
 3 1. By striking page 1, line 5, through page 2,
 4 line 2, and inserting the following:
 5 ""Sec. ___. Section 372.13, subsection 2,
 6 paragraph b, Code 2005, is amended to read as follows:
 7 b. By a special election held to fill the office
 8 for the remaining balance of the unexpired term. If
 9 the council opts for a special election or a valid
 10 petition is filed under paragraph "a", the special
 11 election may be held concurrently with any pending
 12 election as provided by section 69.12 if by so doing
 13 the vacancy will be filled not more than ninety days
 14 after it occurs. Otherwise, a special election to
 15 fill the office shall be called at the earliest
 16 practicable date. If there are concurrent vacancies
 17 on the council and the remaining council members do
 18 not constitute a quorum of the full membership, a
 19 special election shall be called at the earliest
 20 practicable date. The council shall give the county

21 commissioner at least ~~sixty~~ thirty-two days' written
 22 notice of the date chosen for the special election.
 23 The council of a city where a primary election may be
 24 required shall give the county commissioner at least
 25 ~~eighty-five~~ sixty days' written notice of the date
 26 chosen for the special election. A special election
 27 held under this subsection is subject to sections
 28 376.4 through 376.11, but the dates for actions in
 29 relation to the special election, including dates for
 30 filing of nomination petitions, shall be calculated
 31 with regard to the date for which the special election
 32 is called."

33 2. Page 2, by inserting after line 20 the
 34 following:

35 "2. If concurrent vacancies exist on the council
 36 and the remaining council members do not constitute a
 37 quorum of the full membership and the office of city
 38 clerk is vacant, the county auditor of the county
 39 where the city is located shall make the payments
 40 described in subsection 1 without prior approval of
 41 the council."

42 3. Page 2, line 21, by striking the figure "2."
 43 and inserting the following: "3."

44 4. By renumbering as necessary.

Amendment H-8482 was adopted.

On motion by Watts of Dallas the House concurred in the Senate amendment H-8422, as amended.

Watts of Dallas 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. 2282)

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	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	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
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2282** be immediately messaged to the Senate.

Appropriations Calendar

House File 2782, 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, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters, was taken up for consideration.

Huseman of Cherokee offered amendment H-8475 filed by him from the floor as follows:

H-8475

- 1 Amend House File 2782 as follows:
- 2 1. Page 1, line 25, by striking the figure

3 "2,800,500" and inserting the following: "2,536,500".

4 2. Page 1, line 31, by striking the figure

5 "22,000,000" and inserting the following:

6 "1,800,000".

7 3. Page 4, line 10, by striking the figure

8 "35,000" and inserting the following: "235,000".

9 4. Page 4, line 17, by striking the figure

10 "500,000" and inserting the following: "564,000".

11 5. Page 4, by inserting after line 17, the

12 following:

13 "c. For acquiring, constructing, and improving

14 recreational trails within the state:

15 \$ 1,000,000"

16 6. Page 5, line 30, by striking the figure

17 "23,685,000" and inserting the following:

18 "14,600,000".

19 7. Page 5, line 31, by striking the figure

20 "22,000,000" and inserting the following:

21 "14,600,000".

22 8. Page 10, by inserting after line 1 the

23 following:

24 "Of the amount appropriated for the dredging of

25 lakes, \$275,000 shall be allocated for a lake with

26 public access located in a county with a population

27 between 18,350 and 18,450."

28 9. Page 11, line 30, by inserting before the word

29 "For" the following: "(1)".

30 10. Page 11, by inserting after line 32 the

31 following:

32 "(2) For planning, design, and construction costs

33 associated with the construction of a new 350,000-

34 gross-square-foot state office building:

35 \$ 1,000,000"

36 11. Page 12, by striking lines 21 through 27 and

37 inserting the following:

38 "(2) For allocation to the homeland security and

39 emergency management division for the STARCOM project:

40 \$ 1,700,000

41 DEPARTMENT OF PUBLIC SAFETY

42 For allocation to the division of fire protection

43 for the planning, design, and construction of regional

44 emergency response training centers in the state:

45 \$ 4,300,000

46 Of the amount appropriated in this subsection,

47 \$300,000 shall be allocated to Western Iowa technical

48 community college.

49 Of the amount appropriated in this subsection,

50 \$900,000 shall be allocated to Iowa western community

2 Of the amount appropriated in this subsection,
3 \$150,000 shall be allocated to the Dubuque county
4 firemen's association.

5 Of the amount appropriated in this subsection,
6 \$150,000 shall be allocated to the city of Waterloo.

7 Of the amount appropriated in this subsection,
8 \$300,000 shall be allocated to Scott county community
9 college.

10 Of the amount appropriated in this subsection,
11 \$400,000 shall be allocated to Iowa lakes community
12 college.

13 Of the amount appropriated in this subsection,
14 \$400,000 shall be allocated to the Mason City fire
15 department.

16 Of the amount appropriated in this subsection,
17 \$400,000 shall be allocated to southeastern community
18 college.

19 Of the amount appropriated in this subsection,
20 \$300,000 shall be allocated to a public agency, as
21 defined in section 470.1, located in merged area
22 eleven.

23 Of the amount appropriated in this subsection,
24 \$300,000 shall be allocated to a public agency, as
25 defined in section 470.1, located in merged area ten.

26 Of the amount appropriated in this subsection,
27 \$300,000 shall be allocated to a public agency, as
28 defined in section 470.1, located in merged area five.

29 Of the amount appropriated in this subsection,
30 \$400,000 shall be allocated to a public agency, as
31 defined in section 470.1, located in merged areas
32 fourteen and fifteen."

33 12. Page 12, by striking lines 32 through 34.

34 13. Page 14, by striking lines 31 through 33.

35 14. Page 15, line 14, by striking the figure
36 "2,800,000" and inserting the following:

37 "38,485,000".

38 15. Page 16, line 16, by striking the figure

39 "1,000,000" and inserting the following: "3,000,000".

40 16. By striking page 17, line 34, through page
41 18, line 26.

42 17. Page 18, by inserting before line 27 the
43 following:

44 "Sec. __. There is appropriated from the
45 endowment for Iowa's health restricted capitals fund
46 to the department of administrative services for the
47 fiscal year beginning July 1, 2005, and ending June
48 30, 2006, the following amount, or so much thereof as
49 is necessary, to be used for the purpose designated:

50 For costs associated with the restoration of the

Page 3

1 west capitol terrace:
2 \$ 2,300,00"

3 18. Page 19, by striking line 1 and inserting the
4 following: "fiscal years that begin July 1, 2005, and
5 July 1, 2006,".

6 19. Page 19, line 19, by striking the word
7 "needing" and inserting the following: "ending".

8 20. Page 19, line 20, by striking the words "the
9 division" and inserting the following: "this
10 division".

11 21. Page 19, by inserting after line 27 the
12 following:

13 "Sec. __. EFFECTIVE DATE. The section of this
14 division of this Act appropriating moneys to the
15 department of administrative services for the fiscal
16 year beginning July 1, 2005, for restoration of the
17 west capitol terrace, being deemed of immediate
18 importance, takes effect upon enactment."

19 22. Page 20, line 3, by striking the figure
20 "3,397,434" and inserting the following: "3,358,334".

21 23. Page 20, by inserting after line 27 the
22 following:

23 " . IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD
24 For technological improvements to the board's
25 electronic filing system:
26 \$ 39,100"

27 24. Page 23, line 20, by striking the word
28 "credited" and inserting the following: "created".

29 25. Page 26, by inserting after line 11 the
30 following:

31 "Sec. __. 2001 Iowa Acts, chapter 185, section
32 30, as amended by 2005 Iowa Acts, chapter 178, section
33 22, is amended to read as follows:

34 SEC. 30. REVERSION.

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

44 2. Notwithstanding section 8.33, moneys
45 appropriated in section 25, subsection 3, paragraph
46 "b", and section 28 of this division of this Act shall
47 not revert at the close of the fiscal year for which
48 they were appropriated but shall remain available for
49 the purpose designated until the close of the fiscal
50 year that begins July 1, 2005 2006, or until the

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1 project for which the appropriation was made is
2 completed, whichever is earlier."

3 26. Page 28, by inserting after line 13 the
4 following:

5 "DIVISION

6 MISCELLANEOUS CODE CHANGES

7 Sec. __. NEW SECTION. 8A.330 NEW CONSTRUCTION
8 – RETURN ON INVESTMENT.

9 The department shall not expend or obligate more
10 than \$1,000,000 in total of the funds appropriated for
11 a project unless authorized by a constitutional
12 majority of each house of the general assembly, or
13 upon approval by a constitutional majority of the
14 members of each house of the general assembly
15 appointed to the legislative fiscal committee if the
16 general assembly is not in session. If the return on
17 investment is less than five percent, the expenditure
18 or obligation of the funds must be approved by the
19 general assembly and the governor. Additionally,
20 prior to expending or obligating more than \$1,000,000
21 in total, the department shall submit a business plan
22 related to the construction of a new state office
23 building that includes all of the following:

24 1. A list of the identified agencies that will
25 occupy the building and an estimate of the number of
26 employees of each agency.

27 2. The rental or lease costs currently paid by the
28 identified state agencies, and the estimated rental or
29 lease costs to be incurred by the identified state
30 agencies if a new state office building is not
31 constructed.

32 3. A return on investment analysis associated with
33 the construction of a new state office building
34 compared with the following:

35 a. Continuing to lease or rent space for existing
36 state agencies in addition to renovating the Wallace
37 state office building.

38 b. Entering into an agreement for the construction
39 of a new building for use by the state through a long-
40 term lease or long-term lease-purchase agreement.

41 Sec. __. Section 100B.2, Code Supplement 2005, is
42 amended by adding the following new subsection:
43 NEW SUBSECTION. 9. Participate in the regional
44 emergency response training center application process
45 as provided in section 100B.16.

46 Sec. __. Section 100B.3, Code 2005, is amended to
47 read as follows:

48 100B.3 TRAINING AGREEMENTS.

49 The state fire marshal, subject to the approval of
50 the state fire service and emergency response council,

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1 ~~may shall~~ enter into written agreements with other
2 ~~educational institutions~~ public agencies that have
3 established regional emergency response training
4 centers under section 100B.16 to provide training in
5 conjunction with training provided by the fire service
6 training bureau or. ~~Moneys appropriated shall not be~~
7 ~~distributed by the department of public safety to a~~
8 ~~regional training center until such an agreement has~~
9 ~~been entered into with the regional training center.~~
10 PARAGRAPH DIVIDED. The state fire marshal, subject
11 to the approval of the state fire service and
12 emergency response council, may enter into written
13 agreements with other educational institutions to
14 assist in research conducted by the bureau.
15 Sec.____. Section 100B.4, unnumbered paragraph 1,
16 Code Supplement 2005, is amended to read as follows:
17 Fees assessed pursuant to this chapter shall be
18 retained by the division of state fire marshal and
19 such repayments received shall be used exclusively to
20 offset the cost of fire service training. Fees
21 charged by regional emergency response training
22 centers for fire service training programs as
23 described in section 100B.6 shall be uniform statewide
24 and shall not be greater than the fee schedule
25 approved by the state fire service and emergency
26 response council.
27 Sec.____. Section 100B.7, subsection 2, paragraphs
28 k and l, Code 2005, are amended to read as follows:
29 k. Plan and coordinate fire schools and other
30 short courses of instruction on a statewide, regional,
31 and local level, utilizing existing educational
32 institutions, programs, and facilities as feasible
33 provided in sections 100B.16 and 100B.18.
34 l. Prepare for the state fire marshal and the
35 state fire service and emergency response council an
36 annual report of activities that include a summary of
37 classes taught, budget, and staff activities. The
38 annual report shall include a report of the activities
39 of each regional emergency response training center
40 established under section 100B.16.
41 Sec.____. Section 100B.7, subsection 2, Code 2005,
42 is amended by adding the following new paragraph:
43 NEW PARAGRAPH. r. Work in conjunction with those
44 state agencies charged with developing training
45 standards for emergency response training to develop a
46 curriculum and standards for emergency response
47 training provided by a training center established
48 pursuant to section 100B.16.
49 Sec.____. NEW SECTION. 100B.15 DEFINITIONS.
50 As used in this part:

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- 1 1. "Bureau" means the fire service training
 2 bureau.
- 3 2. "Council" means the state fire service and
 4 emergency response council.
- 5 3. "Emergency responders" means firefighters, law
 6 enforcement officers, emergency medical service
 7 personnel, and other personnel having emergency
 8 response duties.
- 9 4. "Emergency response service" means fire
 10 protection service, law enforcement, emergency medical
 11 service, hazardous materials containment and disposal,
 12 search and rescue operations, evacuation operations,
 13 and other related services.
- 14 5. "Municipality" means a city, county, township,
 15 benefited fire district, or agency authorized by law
 16 to provide emergency response services.
- 17 6. "Public agency" means a municipality, a
 18 community college, or an association representing fire
 19 fighters.
- 20 7. "Training center" means a regional emergency
 21 response training center established under section
 22 100B.16.
- 23 Sec. ____ **NEW SECTION. 100B.16 REGIONAL**
 24 **EMERGENCY RESPONSE TRAINING CENTERS.**
- 25 1. Twelve regional emergency response training
 26 centers are established to provide training to fire
 27 fighters and other emergency responders. The training
 28 centers are established in the following cities and
 29 shall be operated by the following public agencies:
- 30 a. In Dubuque to be operated by the Dubuque county
 31 fire fighters' association and to provide advanced
 32 training in agricultural emergency response.
- 33 b. In Waterloo to be operated by the city of
 34 Waterloo and to provide advanced training in hazardous
 35 materials emergency response.
- 36 c. In Sioux City to be operated by Western Iowa
 37 technology community college and to provide advanced
 38 training in emergency responder communications.
- 39 d. In Council Bluffs to be operated by Iowa
 40 western community college.
- 41 e. In Davenport to be operated by Scott County
 42 community college.
- 43 f. In Emmetsburg to be operated by Iowa lakes
 44 community college.
- 45 g. In Mason City to be operated by the Mason City
 46 fire department.
- 47 h. In Fort Madison to be operated by southeastern
 48 community college.
- 49 The public agencies named in paragraphs "a" through
 50 "h" shall, in conjunction with the bureau, coordinate

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1 fire service training programs as described in section
2 100B.6 at each training center.

3 2. a. A public agency listed in subsection 1,
4 paragraphs "a" through "h", shall submit an
5 application to the council in order to receive any
6 appropriation made for the agency's training center.
7 A public agency located in merged area five, ten, or
8 eleven, or in merged areas fourteen and fifteen
9 combined may submit an application to the council to
10 request that a training center be established to
11 coordinate, in conjunction with the bureau, fire
12 service training programs as described in section
13 100B.6 at that training center.

14 b. The application shall be provided by the bureau
15 in a form prescribed by the council. An applicant
16 public agency shall indicate on the application the
17 location of the proposed training center. The
18 application shall be accompanied by letters from
19 public agencies and private businesses in the merged
20 area stating an intent to participate in, and provide
21 for financial support for, establishment and
22 activities of the training center.

23 c. By January 10 of each year, the council shall
24 submit a list of applications received and the
25 council's recommendation on each application to the
26 general assembly. The general assembly shall
27 determine which applications for establishment of a
28 training center shall be approved. The council shall,
29 upon request, provide the applications and supporting
30 documentation submitted by each applicant.

31 3. In selecting a location for a proposed training
32 center, an applicant public agency shall consider, and
33 address in the application, all of the following:

34 a. The availability and proximity of quality
35 classroom space with adequate audio-visual support.

36 b. The availability and adequate supply from area
37 emergency response service entities of equipment which
38 supports training.

39 c. A site where limited, safe open burning would
40 not be challenged or prohibited due to environmental
41 issues or community concerns.

42 d. Proximity to a medical facility.

43 e. The availability of water mains, roadway,
44 drainage, electrical service, and reasonably flat
45 terrain.

46 f. Accessibility to area fire departments.

47 The application shall include letters of support
48 for the recommended site from emergency response
49 entities in the region.

50 4. a. If a training center is established in

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1 merged area five, the training center shall provide
2 advanced training in homeland security.

3 b. If a training center is established in merged
4 area ten, the training center shall provide advanced
5 training in agricultural terrorism response and mass
6 casualty and fatality response.

7 c. If a training center is established in merged
8 area eleven, the training center shall provide
9 advanced training in operations integration in
10 compliance with the national incident management
11 system.

12 Sec. . NEW SECTION. 100B.17 TRAINING CENTER
13 FACILITIES.

14 1. Each training center is required to have the
15 following facilities:

16 a. A two-story burn building containing a minimum
17 of two burn rooms, interior and exterior stairways, a
18 standpipe connection, and other features necessary to
19 provide live fire training which meets federal fire
20 fighter professional qualifications standards and the
21 minimum training standards developed by the council
22 for Iowa fire fighters.

23 b. A two-story skills building containing interior
24 and exterior stairways, ventilation panels, forcible
25 entry skill stations, a sprinkler system, and other
26 features necessary to provide live fire training which
27 meets federal fire fighter professional qualifications
28 standards and the minimum training standards developed
29 by the council for Iowa fire fighters.

30 c. Necessary classroom space.

31 2. In addition to the requirements in subsection
32 1, each training center assigned an area of advanced
33 training as specified in section 100B.16 is required
34 to have facilities to support instruction in its area
35 of advanced training. These facilities shall include
36 facilities and structures to support full-scale
37 training exercises in such area of advanced training
38 as recommended or required by any applicable state or
39 national training facility standards.

40 3. The bureau shall inspect the facilities of each
41 training center to ensure compliance with the
42 requirements of this section.

43 Sec. . NEW SECTION. 100B.18 TRAINING
44 PROVIDED.

45 1. Training centers shall provide fire service
46 training in accordance with curriculum approved by the
47 bureau. The bureau, in cooperation with the public
48 agencies operating the training centers, shall provide
49 the necessary training materials, curriculum, and
50 training aids. Each public agency operating a

1 training center shall be responsible for scheduling
2 training programs.

3 2. Training centers may provide emergency response
4 service training in addition to fire service training.

5 A training center shall offer joint training exercises
6 to emergency responders. The bureau shall work in
7 conjunction with those state agencies charged with
8 developing training standards for emergency response
9 service training to develop a curriculum and standards
10 for emergency response service training provided by a
11 training center.

12 3. A training center shall offer training to any
13 emergency responder who applies for training at the
14 training center regardless of the emergency
15 responder's place of residence or employment.

16 Sec. . **NEW SECTION.** 100B.19 AGREEMENTS FOR
17 TRAINING AND FINANCIAL ASSISTANCE – AUTHORITY.

18 A public agency operating a training center may
19 enter into agreements under chapter 28E to provide
20 emergency response service training to emergency
21 responders. The agreements may provide for financial
22 contributions from participating public agencies,
23 private fire departments, and emergency response
24 service entities and may provide for in-kind
25 contributions of land, equipment, and personnel from
26 such public agencies, private fire departments, and
27 other entities providing emergency response services.

28 Sec. . **NEW SECTION.** 546.12 COMMERCE-RELATED
29 BUILDING.

30 1. For the purposes of this section:

31 a. "Chargeable expenses" means expenses incurred
32 as part of the regulatory expenses charged by a
33 commerce-related agency that are not deposited into
34 the general fund of the state, may be expended by the
35 commerce-related agency, and are collected by the
36 following commerce-related agency pursuant to the
37 following specified authorization:

38 (1) The utilities board and the consumer advocate
39 division of the department of justice, expenses for
40 carrying out duties under section 476.10.

41 (2) The banking division, actual expenses under
42 section 524.207, subsection 3.

43 (3) The credit union division, actual expenses
44 under section 533.67, subsection 3.

45 (4) The insurance division, actual expenses under
46 section 505.7, subsection 4.

47 b. "Commerce-related agency" means the consumer
48 advocate division of the department of justice or any
49 of the following divisions of the department:

50 (1) Banking.

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1 (2) Credit union.

2 (3) Insurance.

3 (4) Utilities.

4 2. The commerce-related agencies may jointly
5 provide for construction of a building to house the
6 commerce-related agencies. If deemed cost-effective
7 by the commerce-related agencies, the building may be
8 developed with capacity for other occupants. A
9 building developed under this section shall be a model
10 energy-efficient building that may be used as a public
11 example for similar efforts. The building shall
12 comply with the life cycle cost provisions developed
13 pursuant to section 72.5. The building shall be
14 located on the capitol grounds.

15 3. Costs associated with construction and
16 operation of the building are chargeable expenses.
17 The commerce-related agencies shall utilize a cost-
18 effective approach for financing construction of the
19 building which may include but is not limited to
20 lease, lease-purchase, bonding, or installment
21 acquisition arrangement, or a financing arrangement
22 under section 12.28. If financing for the building is
23 implemented under section 12.28, the limitation on
24 principal under that section does not apply. This
25 section comprises a complete and independent
26 authorization and procedure for the commerce-related
27 agencies to enter into a lease or agreement and this
28 section is not a qualification of any other powers
29 which the commerce-related agencies may possess and
30 the authorizations and powers granted under this
31 section are not subject to the terms, requirements, or
32 limitations of any other provisions of law, except
33 that the commerce-related agencies must comply with
34 the provisions of section 12.28 when entering into
35 financing agreements for the purchase of real or
36 personal property.

37 4. If financing for the building is implemented
38 through bonding, the commerce-related agencies shall
39 be considered to be an authority for purposes of
40 section 12.30 and shall be subject to that section.
41 In order further to assure maintenance of any bond
42 reserve funds established in connection with the
43 financing, the treasurer of state shall, on or before
44 January 1 of each calendar year, make and deliver to
45 the governor the treasurer of state's certificate
46 stating the sum, if any, required to restore any such
47 bond reserve fund to the bond reserve fund requirement
48 for that fund. Within thirty days after the beginning
49 of the session of the general assembly next following
50 the delivery of the certificate, the governor shall

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1 submit to both houses of the general assembly printed
2 copies of a budget including the sum, if any, required
3 to restore any such bond reserve fund to the bond
4 reserve fund requirement for that fund. Any sums
5 appropriated by the general assembly and paid to the
6 treasurer of state shall be deposited by the treasurer
7 of state in the applicable bond reserve fund.

8 5. All moneys received by the commerce-related
9 agencies from agreements and leases entered into
10 pursuant to this section with private and public
11 agencies shall be considered repayment receipts as
12 defined in section 8.2, and shall be used for costs
13 incurred in connection with the building.

14 6. Notwithstanding sections 8A.302, 8A.321, and
15 8A.322, the commerce-related agencies shall be
16 responsible for securing architectural services,
17 contracting for construction, engineering, and
18 construction oversight and management, assigning
19 space, and controlling the funding associated with the
20 building construction and the building's operation.
21 The commerce-related agencies may utilize consultants
22 or other expert assistance to address feasibility,
23 planning, or other considerations connected with
24 construction of the building or decision making
25 regarding the building. The commerce-related agencies
26 shall consult with the office of the governor and the
27 legislative bodies with oversight of the commerce-
28 related agencies and capital projects. If the
29 building will be constructed on the capitol grounds,
30 the building project shall be subject to a
31 recommendation by the capitol planning commission.

32 Sec. ____ TRAINING FOCUS REPORT.

33 1. The state fire service and emergency response
34 council and the homeland security and emergency
35 management division of the department of public
36 defense shall compile a report developing a
37 comprehensive training focus for emergency responders
38 to be implemented by training centers that are, or
39 will be, established under section 100B.16. The
40 report shall identify areas of emergency response
41 services on which the state should focus, including
42 but not limited to advanced training in homeland
43 security, agricultural terrorism response, mass
44 casualty and fatality response, and operations
45 integration in compliance with the national incident
46 management system. The report shall also include
47 recommendations on which a merged area or established
48 training center should provide the training.

49 2. On or before March 10, 2007, the state fire
50 service and emergency response council and the

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- 1 homeland security and emergency response division
- 2 shall report to the general assembly on the matters
- 3 described in subsection 1."
- 4 27. By renumbering, redesignating, and correcting
- 5 internal references as necessary.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8486, to amendment H-8475, filed by him from the floor.

The House stood at ease at 4:40 p.m., until the fall of the gavel.

The House resumed session at 4:52 p.m., S. Olson of Clinton in the chair.

Sands of Louisa asked and received unanimous consent to withdraw the following amendment H-8487, to amendment H-8475, filed by him from the floor.

Eichhorn of Hamilton offered the following amendment H-8488, to amendment H-8475, filed by him and Tjepkes of Webster from the floor and moved its adoption:

H-8488

- 1 Amend the amendment, H-8475, to House File 2782 as
- 2 follows:
- 3 1. Page 2, by striking lines 26 through 28 and
- 4 inserting the following:
- 5 "Of the amount appropriated in this subsection,
- 6 \$300,000 shall be allocated to Iowa central community
- 7 college."
- 8 2. Page 6, by inserting after line 44 the
- 9 following:
- 10 " _____. In Fort Dodge to be operated by Iowa central
- 11 community college."
- 12 3. By renumbering as necessary.

Amendment H-8488 was adopted.

The House stood at ease at 4:55 p.m., until the fall of the gavel.

The House resumed session at 5:18 p.m., S. Olson of Clinton in the chair.

Huseman of Cherokee asked and received unanimous consent that amendment H-8475, as amended, be deferred.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8472 filed by him and Berry of Black Hawk from the floor.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-8481 filed by him from the floor.

Cohoon of Des Moines offered the following amendment H-8483 filed by him from the floor and moved its adoption:

H-8483

- 1 Amend House File 2782 as follows:
- 2 1. Page 2, by inserting after line 17 the
- 3 following:
- 4 "___ DEPARTMENT OF ECONOMIC DEVELOPMENT
- 5 For costs associated with the creation and
- 6 operation of Iowa port authorities pursuant to chapter
- 7 28J:
- 8 \$ 80,000
- 9 The amount appropriated in this subsection shall be
- 10 administered by the department as a grant program.
- 11 The purpose of the grant program is to provide support
- 12 for programs that enhance, foster, aid, provide, or
- 13 promote transportation, economic development,
- 14 recreation, governmental operations, culture, or
- 15 research within the jurisdiction of a port authority
- 16 pursuant to chapter 28J. Grants shall be awarded in
- 17 the manner provided by the department pursuant to
- 18 rule."

Amendment H-8483 was adopted.

D. Olson of Boone asked and received unanimous consent that amendment H-8469 be deferred.

Swaim of Davis offered amendment H-8461 filed by him and Arnold of Lucas from the floor as follows:

H-8461

- 1 Amend House File 2782 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:

4 "___ DEPARTMENT OF PUBLIC HEALTH
5 For construction costs associated with the
6 planning, design, and construction of a regional
7 collaborative building to house environmental public
8 health and emergency and facility management:
9\$ 450,000"
10 2. By renumbering as necessary.

Amendment H-8461 lost.

Swaim of Davis offered the following amendment H-8484 filed by him from the floor and moved its adoption:

H-8484

1 Amend House File 2782 as follows:
2 1. Page 2, by inserting after line 30 the
3 following:
4 "___ DEPARTMENT OF PUBLIC HEALTH
5 For the establishment of a grant program for
6 infrastructure needs associated with the expansion and
7 enhancement of medical services in distressed rural
8 areas of the state:
9 \$ 2,000,000
10 For purposes of the grant program, "distressed
11 rural area of the state" means a county with a
12 population not exceeding twenty thousand which has a
13 family poverty rate which is among the fifteen highest
14 in the state. The department shall establish rules to
15 implement and administer the grant program."
16 2. By renumbering as necessary.

Amendment H-8484 lost.

Raecker of Polk offered amendment H-8462 filed by him from the floor as follows:

H-8462

1 Amend House File 2782 as follows:
2 1. Page 3, line 13, by striking the figure
3 "13,200,000" and inserting the following:
4 "8,200,000".
5 2. Page 3, by inserting after line 20 the
6 following:
7 "___ For the design and construction of a new
8 university hygienic laboratory at the state university
9 of Iowa:
10 \$ 10,000,000

11 ____ For the construction, major renovation, and
 12 maintenance of a veterinary laboratory at Iowa state
 13 university of science and technology:
 14 \$ 2,000,000
 15 ____ For major renovation and major repair needs,
 16 including health, life, and fire safety needs, and for
 17 compliance with the federal Americans With
 18 Disabilities Act, for state buildings and facilities
 19 under the purview of the state board of regents
 20 institutions:
 21 \$ 6,200,000
 22 ____ For endowment salaries:
 23 \$ 5,000,000
 24 ____ To provide a grant for the construction of,
 25 and purchasing equipment for, a facility to be used
 26 exclusively for processing novel proteins from
 27 agricultural products for pharmaceutical,
 28 nutraceutical, or chemical applications:
 29 \$ 1,000,000"
 30 3. Page 6, by inserting after line 3 the
 31 following:
 32 "Sec. ____ STATE BOARD OF REGENTS. There is
 33 appropriated from the rebuild Iowa infrastructure fund
 34 to the state board of regents for the following fiscal
 35 years the following amounts, or so much thereof as is
 36 necessary, to be used for the purposes designated:
 37 For the design and construction of a new university
 38 hygienic laboratory at the state university of Iowa:
 39 FY 2007-2008 \$ 14,000,000
 40 FY 2008-2009 \$ 12,000,000
 41 Notwithstanding section 8.33, moneys appropriated
 42 in this section shall not revert at the close of the
 43 fiscal year for which they were appropriated but shall
 44 remain available for the purposes designated until the
 45 close of the fiscal year that begins July 1, 2011, or
 46 until the project for which the appropriation was made
 47 is completed, whichever is earlier."
 48 4. Page 17, line 12, by striking the word "a."
 49 5. Page 17, by striking lines 28 through 30.
 50 6. Page 28, by inserting after line 13 the

Page 2

1 following:
 2 "DIVISION IX
 3 MISCELLANEOUS CHANGES
 4 Sec. ____ STATE BOARD OF REGENTS – GENERAL FUND
 5 ENDING BALANCE.
 6 1. Prior to the appropriation of the surplus
 7 existing in the general fund of the state at the
 8 conclusion of the fiscal year beginning July 1, 2005,
 9 pursuant to section 8.57, subsections 1 and 2, from

10 appropriations that remain unencumbered or unobligated
11 and would otherwise revert on August 31, 2006,
12 pursuant to section 8.33, up to \$2,800,000 shall be
13 transferred to the state board of regents.

14 2. The transfer made in subsection 1 shall be
15 distributed to the state board of regents in the
16 fiscal year beginning July 1, 2006, to be used as
17 additional funding for the fiscal year beginning July
18 1, 2006, for the institutions under the state board of
19 regents.

20 Sec. __. EFFECTIVE DATE. This division of this
21 Act, being deemed of immediate importance, takes
22 effect upon enactment."

23 7. Title page, line 6, by inserting after the
24 word "matters" the following: "and providing an
25 immediate effective date".

26 8. By renumbering, redesignating, and correcting
27 internal references as necessary.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-8480, to amendment H-8462, filed by him and Huser of Polk from the floor.

Raecker of Polk offered the following amendment H-8468, to amendment H-8462, filed by him from the floor and moved its adoption:

H-8468

1 Amend the amendment, H-8462, to House File 2782 as
2 follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "It is the intent of the general assembly that the
6 moneys appropriated in this subsection supplant state
7 university operating funds used for the purposes
8 stated."

9 2. By renumbering as necessary.

Amendment H-8468 was adopted.

On motion by Raecker of Polk, amendment H-8462, as amended, was adopted.

T. Taylor of Linn offered the following amendment H-8463 filed by him from the floor and moved its adoption:

H-8463

- 1 Amend House File 2782 as follows:
- 2 1. Page 4, by inserting after line 17, the
- 3 following:
- 4 "c. For the purchase and placement of close-
- 5 clearance warning devices by a railroad company at a
- 6 location along its railways:
- 7 \$ 5,000"
- 8 The director of the department of transportation
- 9 shall adopt rules regarding the placement and purchase
- 10 of close-clearance warning devices."
- 11 2. By renumbering as necessary.

Amendment H-8463 lost.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-8470 filed by him from the floor.

Thomas of Clayton offered the following amendment H-8449 filed by him and moved its adoption:

H-8449

- 1 Amend House File 2782 as follows:
- 2 1. Page 12, line 15, by inserting before the word
- 3 "For" the following: "(1)".
- 4 2. Page 12, by inserting after line 16 the
- 5 following:
- 6 "(2) For the preservation of a historic wall at
- 7 backbone state park:
- 8\$ 25,000"
- 9 3. By renumbering as necessary.

Amendment H-8449 lost.

Ford of Polk offered the following amendment H-8479 filed by him from the floor and moved its adoption:

H-8479

- 1 Amend House File 2782 as follows:
- 2 1. Page 16, by inserting after line 29 the
- 3 following:
- 4 "The authority shall seek minority entertainment
- 5 performers for entertainment attractions."
- 6 2. By renumbering as necessary.

Amendment H-8479 lost.

T. Taylor of Linn offered the following amendment H-8458 filed by him and moved its adoption:

H-8458

- 1 Amend House File 2782 as follows:
 2 1. Page 18, by striking lines 5 through 11 and
 3 inserting the following:
 4 "For a community designated by the department as a
 5 great place under the great places initiative."
 6 2. Page 18, by striking lines 19 through 25 and
 7 inserting the following:
 8 "For a community designated by the department as a
 9 great place under the great places initiative."
 10 3. By renumbering as necessary.

Amendment H-8458 lost.

Petersen of Polk offered the following amendment H-8455 filed by her and moved its adoption:

H-8455

- 1 Amend House File 2782 as follows:
 2 1. Page 28, by inserting after line 13, the
 3 following:
 4 "DIVISION IX
 5 MISCELLANEOUS CHANGES
 6 Sec. ____ NEW SECTION. 307.15 SAFE ROUTES TO
 7 SCHOOL PROGRAM.
 8 1. A safe routes to school program is established
 9 as provided in the federal Safe, Accountable,
 10 Flexible, Efficient Transportation Equity Act: A
 11 Legacy For Users, Pub. L. No. 109-59. The program
 12 shall be administered by the department using funds
 13 received from the federal government, appropriations,
 14 and any other moneys available from public or private
 15 sources. The primary purpose of the program is to
 16 enable and encourage children in kindergarten through
 17 grade eight to walk or ride bicycles to school.
 18 Projects which are eligible for funding under the
 19 state infrastructure program include but are not
 20 limited to the following:
 21 a. Installation of new crosswalks and bicycle
 22 lanes.
 23 b. Construction of multiuse trails in proximity to
 24 schools.

- 25 c. Implementation of traffic-calming programs in
- 26 neighborhoods surrounding schools.
- 27 d. Construction of wide outside lanes to be used
- 28 as bicycle routes.
- 29 2. The department is encouraged to work with
- 30 school districts and individual schools, neighborhood
- 31 associations, metropolitan and regional planning
- 32 organizations, law enforcement agencies, state and
- 33 local government agencies, and other entities as
- 34 necessary to maximize the use of federal and other
- 35 moneys to fulfill the purpose of the program.
- 36 3. Contingent upon the receipt of funds from the
- 37 federal government in a fiscal year, there is
- 38 appropriated from the rebuild Iowa infrastructure fund
- 39 to the department an annual appropriation of one
- 40 million dollars."
- 41 2. By renumbering as necessary.

Amendment H-8455 lost.

Petersen of Polk offered the following amendment H-8474 filed by her from the floor and moved its adoption:

H-8474

- 1 Amend House File 2782 as follows:
- 2 1. Page 28, by inserting after line 13 the
- 3 following:
- 4 "DIVISION
- 5 MISCELLANEOUS CODE CHANGES
- 6 Sec. __. Section 8A.321, Code Supplement 2005, is
- 7 amended by adding the following new subsection:
- 8 NEW SUBSECTION. 4A. Adopt the energy-efficient
- 9 components of the leadership in energy and
- 10 environmental design rating system for all new
- 11 construction state-owned and state-financed
- 12 buildings."
- 13 2. By renumbering as necessary.

Roll call was requested by Petersen of Polk and Wise of Lee.

On the question "Shall amendment H-8474 be adopted?" (H.F. 2782)

The ayes were, 48:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Ferveert	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, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise

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	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
Wilderdye	Olson, S., Presiding		

Absent or not voting, 2:

Taylor, D. Zirkelbach

Amendment H-8474 lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8476 filed by her from the floor.

D. Olson of Boone asked and received unanimous consent that amendment H-8469 be deferred.

Petersen of Polk offered the following amendment H-8478 filed by her from the floor and moved its adoption:

H-8478

- 1 Amend House File 2782 as follows:
- 2 1. Page 28, by inserting after line 13 the
- 3 following:
- 4 "DIVISION
- 5 STATE BUILDING WELLNESS FACILITIES
- 6 Sec. __. NEW SECTION. 8A.330 STATE BUILDING
- 7 WELLNESS FACILITIES.
- 8 1. For the purposes of this section:
- 9 a. "State business space" means a building or

10 portion of a building occupied by persons conducting
11 state business.
12 b. "Wellness facilities" means space dedicated for
13 exercise equipment, shower and changing facilities,
14 the provision of physical fitness and health promotion
15 classes, and other programs and facilities intended to
16 support persons engaged in healthy lifestyle
17 activities.
18 2. The general assembly finds that a healthy
19 workforce is essential to efficiently provide service
20 to the public and that state employees should be
21 supported in their efforts to maintain a healthy
22 lifestyle. In order to support these efforts, state-
23 owned wellness facilities should be provided within or
24 in close proximity to state business space.
25 3. State business space that is constructed on or
26 after July 1, 2007, shall provide the employees using
27 that space with access to wellness facilities. Unless
28 state-owned wellness facilities are already available
29 in close proximity to the state business space, the
30 department, state agency contracting officer, and
31 director of the state agency that will occupy the
32 business space shall ensure that the architect or
33 other person responsible for developing plans and
34 specifications for the space includes plans and
35 specifications for wellness facilities within the
36 state business space. The cost of the wellness
37 facilities shall not exceed one-half of one percent of
38 the total cost of the state business space, exclusive
39 of professional fees associated with development of
40 the wellness facilities.
41 4. A wellness facility developed in accordance
42 with this section shall be administered by the
43 department in accordance with the needs of the agency
44 occupying the state business space in which the
45 wellness facility is located."
46 2. By renumbering as necessary.

Roll call was requested by Speaker Rants and Tymeson of Madison.

On the question "Shall amendment H-8478 be adopted?" (H.F. 2782)

The ayes were, 41:

Bell	Berry	Bukta	Cohon
Davitt	Foege	Ford	Frevert
Gaskill	Heddens	Hogg	Hunter
Jacoby	Jochum	Kressig	Kuhn

Lensing	Lykam	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Reasoner	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise			

The nays were, 56:

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

Absent or not voting, 3:

Huser	Quirk	Zirkelbach
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Amendment H-8478 lost.

Huser of Polk asked and received unanimous consent that amendment H-8491 be deferred.

The House resumed consideration of amendment H-8475, as amended and found on pages 1138-1150 of the House Journal.

Raecker of Polk offered the following amendment H-8495, to amendment H-8475, filed by him from the floor and moved its adoption:

H-8495

- 1 Amend the amendment, H-8475, to House File 2782 as
- 2 follows:
- 3 1. Page 1, by inserting after line 6 the
- 4 following:
- 5 "___". Page 2, by inserting after line 17 the

- 6 following:
- 7 "___ DEPARTMENT OF EDUCATION
- 8 To provide resources for structural and
- 9 technological improvements to local libraries and for
- 10 the enrich Iowa program, notwithstanding section 8.57,
- 11 subsection 6, paragraph "c":
- 12 \$ 1,200,000""

Amendment H-8495 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendments H-8492 and H-8496, to amendment H-8475, filed by him from the floor.

Watts of Dallas offered the following amendment H-8490, to amendment H-8475, filed by him from the floor and moved its adoption:

H-8490

- 1 Amend the amendment, H-8475, to House File 2782 as
- 2 follows:
- 3 1. Page 11, by striking lines 28 through 31 and
- 4 inserting the following: "related agencies and
- 5 capital projects. The building location shall be
- 6 subject to a recommendation by the capitol planning
- 7 commission."

Amendment H-8490 was adopted.

Reichert of Muscatine offered amendment H-8498, to amendment H-8475, filed by him and Bell of Jasper, Berry of Black Hawk, Cohoon of Des Moines, Dandekar of Linn, Davitt of Warren, Foege of Linn, Frevert of Palo Alto, Gaskill of Wapello, Heddens of Story, 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, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, R. Olson of Polk, Petersen of Polk, Pettengill of Benton, Quirk of Chickasaw, Reasoner of Union, Schueller of Jackson, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Swaim of Davis, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Wessel-Kroeschell of Story, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott and Wise of Lee from the floor as follows:

H-8498

1 Amend the amendment, H-8475, to House File 2782, as
2 follows:

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

5 "____. Page 16, by inserting after line 16 the
6 following:

7 "Moneys appropriated in this subsection shall be
8 used for vertical infrastructure purposes.

9 By January 15 of each year, an identified Iowa
10 great place shall submit a report to the department of
11 cultural affairs regarding the activities of the Iowa
12 great place during the previous calendar year. The
13 report shall include but not be limited to an
14 explanation of the use of all moneys received by the
15 Iowa great place from the department of cultural
16 affairs. The department shall submit information
17 received in the annual reports as well as a written
18 report accounting for all expenditures made by the
19 department during the previous year for purposes of
20 the Iowa great places program to the governor, the
21 auditor of state, the general assembly, and the chairs
22 and ranking members of the joint appropriations
23 subcommittee on transportation, infrastructure, and
24 capitals and the chairs and ranking members of
25 committees in the senate and house which customarily
26 consider legislation regarding the Iowa great places
27 programs."

28 2. Page 9, by inserting after line 27 the
29 following:

30 "Sec.____. Section 303.3C, subsection 3, Code
31 Supplement 2005, is amended by adding the following
32 new paragraph:

33 NEW PARAGRAPH. d. Approve, deny, or modify
34 recommendations submitted by the department of
35 cultural affairs for the expenditure of moneys
36 appropriated to the department for purposes of the
37 Iowa great places program.

38 Sec.____. Section 303.3C, Code Supplement 2005, is
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 4. By January 15 of each year, an
41 identified Iowa great place shall submit a report to
42 the department of cultural affairs regarding the
43 activities of the Iowa great place during the previous
44 calendar year. The report shall include but not be
45 limited to an explanation of the use of all moneys
46 received by the Iowa great place from the department
47 of cultural affairs. The department shall submit
48 information received in the annual reports as well as
49 a written report accounting for all expenditures made
50 by the department during the previous year for

Page 2

1 purposes of the Iowa great places program to the
 2 governor, the auditor of state, the general assembly,
 3 and the chairs and ranking members of the joint
 4 appropriations subcommittee on transportation,
 5 infrastructure, and capitals and the chairs and
 6 ranking members of committees in the senate and house
 7 which customarily consider legislation regarding the
 8 Iowa great places programs."
 9 3. By renumbering as necessary.

Speaker pro tempore Carroll in the chair at 6:51 p.m.

Huseman of Cherokee asked and received unanimous consent that amendment H-8475, as amended, be deferred. (Amendment H-8498 pending)

D. Olson of Boone offered amendment H-8469 filed by him and Anderson of Page, previously deferred, from the floor as follows:

H-8469

1 Amend House File 2782 as follows:
 2 1. Page 2, line 23, by inserting before the word
 3 "To" the following: "a."
 4 2. Page 2, by inserting after line 26 the
 5 following:
 6 "b. For the establishment of a wastewater
 7 treatment financial assistance program to assist
 8 disadvantaged communities in installing or upgrading
 9 water treatment facilities:
 10 \$ 5,000,000"
 11 3. Page 6, by inserting after line 3 the
 12 following:
 13 "Sec.____. DEPARTMENT OF NATURAL RESOURCES. There
 14 is appropriated from the rebuild Iowa infrastructure
 15 fund to the department of natural resources for the
 16 fiscal year beginning July 1, 2007, and ending June
 17 30, 2008, the following amount, or so much thereof as
 18 is necessary, to be used for the purpose designated:
 19 For the establishment of a wastewater treatment
 20 financial assistance program to assist disadvantaged
 21 communities in installing or upgrading water treatment
 22 facilities:
 23 \$ 5,000,000
 24 Notwithstanding section 8.33, moneys appropriated

25 in this section shall not revert at the close of the
 26 fiscal year for which they were appropriated but shall
 27 remain available for the purposes designated until the
 28 close of the fiscal year that begins July 1, 2009, or
 29 until the project for which the appropriation was made
 30 is completed, whichever is earlier."
 31 4. By renumbering as necessary.

D. Olson of Boone offered the following amendment H-8497, to amendment H-8469, filed by him from the floor, previously deferred, and moved its adoption:

H-8497

1 Amend the amendment, H-8469, to House File 2782 as
 2 follows:
 3 1. Page 1, line 13, by striking the words
 4 "NATURAL RESOURCES" and inserting the following:
 5 "ECONOMIC DEVELOPMENT".
 6 2. Page 1, line 15, by striking the words
 7 "natural resources" and inserting the following:
 8 "economic development".

Amendment H-8497 was adopted.

On motion by D. Olson of Boone, amendment H-8469, as amended, lost.

Huser of Polk asked and received unanimous consent that amendment H-8491 be deferred.

Eichhorn of Hamilton offered the following amendment H-8500, to amendment H-8475, filed by him and Tjepkes of Webster from the floor and moved its adoption:

H-8500

1 Amend the amendment, H-8475, to House File 2782 as
 2 follows:
 3 1. Page 2, by striking lines 26 through 28 and
 4 inserting the following:
 5 "Of the amount appropriated in this subsection,
 6 \$300,000 shall be allocated to Iowa central community
 7 college."
 8 2. Page 6, by inserting after line 44 the
 9 following:
 10 " _____. In Fort Dodge to be operated by Iowa central

- 11 community college and to provide advanced training in
12 homeland security."
13 3. Page 7, by striking lines 7 and 8 and
14 inserting the following: "A public agency located in
15 merged area ten or eleven, or in merged areas fourteen
16 and fifteen".
17 4. By striking page 7, line 50, through page 8,
18 line 2.
19 5. By renumbering as necessary.

Amendment H-8500 was adopted, placing out of order amendment H-8488, previously adopted.

Paulsen of Linn offered the following amendment H-8501, to amendment H-8475, filed by him and Elgin of Linn from the floor and moved its adoption:

H-8501

- 1 Amend the amendment, H-8475, to House File 2782 as
2 follows:
3 1. Page 2, by striking lines 23 through 25 and
4 inserting the following:
5 "Of the amount appropriated in this subsection,
6 \$300,000 shall be allocated to Kirkwood community
7 college."
8 2. Page 6, by inserting after line 38 the
9 following:
10 "___ In Cedar Rapids to be operated by Kirkwood
11 community college and to provide advanced training in
12 agricultural terrorism response and mass casualty and
13 fatality response."
14 3. Page 7, by striking lines 7 and 8 and
15 inserting the following: "A public agency located in
16 merged area five or eleven, or in merged areas
17 fourteen and fifteen".
18 4. Page 8, by striking lines 3 through 6.
19 5. By renumbering as necessary.

Amendment H-8501 was adopted.

Huseman of Cherokee asked and received unanimous consent that amendment H-8475, as amended, be deferred.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8491, previously deferred, filed by her and Quirk of Chickasaw from the floor.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-8498, previously deferred.

The House stood at ease at 7:22 p.m., until the fall of the gavel.

The House resumed session at 7:35 p.m., Speaker pro tempore Carroll in the chair.

Paulsen of Linn offered the following amendment H-8502, to amendment H-8475, filed by him from the floor and moved its adoption:

H-8502

- 1 Amend the amendment, H-8475, to House File
- 2 2782 as follows:
- 3 1. Page 7, by striking lines 7 and 8 and inserting the
- 4 following: "A public agency located in merged area
- 5 eleven, or in merged areas fourteen and fifteen".
- 6 2. By renumbering as necessary.

Amendment H-8502 was adopted.

On motion by Huseman of Cherokee, amendment H-8475, 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. 2782)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	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	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	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	Wilderdye	Winckler
Wise	Carroll, Presiding		

The nays were, 4:

Ford	Gaskill	McCarthy	Pettengill
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Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2782** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 4, 2006. Had I been present, I would have voted "aye" on House File 729.

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 4th day of April, 2006: House Files 537, 2505, 2507, 2611 and 2696.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighty 5th grade students from Gehlen and LeMars Community Schools, LeMars, Iowa, including Blake Wendt grandson of Representative Roger Wendt. They were accompanied by Mrs. Boehmer, Mr. Kasel, Mrs. Renner, Mr. Gunther and Jay King (D.A.R.E. officer). By Soderberg of Plymouth.

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

- | | |
|-----------|---|
| 2006\1257 | Dick and Bonnie Timmerman, Fayette – For celebrating their 50 th wedding anniversary. |
| 2006\1258 | Frances Scott, Fontanelle – For celebrating his 92 nd birthday. |
| 2006\1259 | Mildred Persing, Stuart – For celebrating her 90 th birthday. |
| 2006\1260 | Robert and Jane Starr, Panora – For celebrating their 50 th wedding anniversary. |
| 2006\1261 | Cargill and Sunny Fresh Foods, Mason City – For being selected as McDonald's Supplier of the Year. |
| 2006\1262 | Elsie Onken, Iowa Falls – For celebrating her 90 th birthday. |
| 2006\1263 | Ray and Louise Mensing, Greenfield – For celebrating their 65 th wedding anniversary. |
| 2006\1264 | Melvin and Helen Clark, Yale – For celebrating their 58 th wedding anniversary. |
| 2006\1265 | Leroy Van Gundy, Bagley – For celebrating his 80 th birthday. |
| 2006\1266 | Hazel Conrad, Audubon – For celebrating her 90 th birthday. |
| 2006\1267 | Wincie Doffing, Dubuque – For receiving a Division 1 rating at the Iowa Music Teacher Association auditions at Iowa State University, |

and also for winning the University of Dubuque Level A district auditions.

- 2006\1268 Carrie Li, Dubuque – For receiving a Division 1 rating at the Iowa Music Teacher Association auditions at Iowa State University, and also for winning the University of Dubuque Level B district auditions.
- 2006\1269 Adam O'Dell, Dubuque – For receiving a Division 1 rating at the Iowa Music Teacher Association auditions at Iowa State University, and also for winning the University of Dubuque Level C district auditions.
- 2006\1270 Lea Hoefler, Dubuque – For receiving a Division 1 rating at the Iowa Music Teacher Association auditions at Iowa State University, and also for winning the University of Dubuque Level D district auditions.
- 2006\1271 Swapnil “Neil” Mehta, Dubuque – For winning the University of Dubuque Level E district auditions.
- 2006\1272 Michael Gilbertson, Dubuque – For winning the University of Dubuque Level F district auditions.
- 2006\1273 Irene Thompson, Clear Lake – For celebrating her 80th birthday.
- 2006\1274 Duane Mabb, Thornton – For celebrating his 80th birthday.
- 2006\1275 Glenn Wille, Garner – For celebrating his 80th birthday.
- 2006\1276 Ruby Lenz, Garner – For celebrating her 90th birthday.
- 2006\1277 Wilma Donaldson, Hampton – For celebrating her 85th birthday.
- 2006\1278 Maxine Springer, Hampton – For celebrating her 90th birthday.
- 2006\1279 Nathan and Marlys Pals, Meservey – For celebrating their 50th wedding anniversary.
- 2006\1280 Robert and Nancy Moore, Alexander – For celebrating their 50th wedding anniversary.
- 2006\1281 Mary Rose Brown, Iowa Falls – For celebrating her 80th birthday.
- 2006\1282 Don and Pauline Musson, Iowa Falls – For celebrating their 60th wedding anniversary.
- 2006\1283 Bill and Fran Stone, Iowa Falls – For celebrating their 55th wedding anniversary.
- 2006\1284 Melvin and Elaine Montgomery, Baxter – For celebrating their 50th wedding anniversary.

- 2006\1285 Sarah Shively, Council Bluffs – For receiving the Outstanding Young Women in Music designation from Sigma Alpha Iota.
- 2006\1286 5th Judicial District Department of Correctional Services-Field Services and Men's Residential – For passing the American Correctional Associations Audit and for their admirable dedication to Iowa's Correctional System.
- 2006\1287 Jeffrey William Hoobin, Johnston – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1288 Marshall Meyer, Sumner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1289 Marie Lincoln, Oelwein – For celebrating her 90th birthday.
- 2006\1290 Al Franzen, St. Lucas – For celebrating his 80th birthday.
- 2006\1291 Eleanor Gehrke, Sumner – For celebrating her 85th birthday.
- 2006\1292 Mr. and Mrs. Ritchie Kane, Westgate – For celebrating their 50th wedding anniversary.
- 2006\1293 Zach Moye, Reinbeck – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1294 Marvin and Mary Cecak, Clutier – For celebrating their 50th wedding anniversary.
- 2006\1295 Catherine Fischer, Sheldon – For celebrating her 95th birthday.
- 2006\1296 Kamrin Ryun, Keokuk – For receiving an award from the Keokuk American Legion Auxiliary Unit 41 and the National Children and Youth for saving his mother's life by calling 911 when she lapsed into a diabetic coma.
- 2006\1297 Tessa Vande Hoef, Harris – For being named to the All-State Cheerleading Squad.
- 2006\1298 Leland and Bernice Hirt, Spirit Lake – For celebrating their 65th wedding anniversary.
- 2006\1299 Rosemary Carlson, Essex – For celebrating her 80th birthday.
- 2006\1300 Lorenz Meier, Coin – For celebrating his 80th birthday.
- 2006\1301 Leslie and Vivian Bugbee, Mason City – For celebrating their 65th wedding anniversary.
- 2006\1302 Carl Tatone, Mason City – For celebrating his 80th birthday.

- 2006\1303 Thomas and Eleanor Madden, Mason City – For celebrating their 50th wedding anniversary.
- 2006\1304 Don and Kayrl Plagge, Mason City – For celebrating their 50th wedding anniversary.
- 2006\1305 Clayton and Gertrude Knoll, Mason City – For celebrating their 73rd wedding anniversary.
- 2006\1306 Doris Abrahamsen, Webster City – For celebrating her 80th birthday.
- 2006\1307 Laura Samuelson, Stanhope – For celebrating her 95th birthday.
- 2006\1308 Mrs. Cleo Kalsem, Ames – For celebrating her 95th birthday.

SUBCOMMITTEE ASSIGNMENT

House File 2784

Appropriations: Roberts, Chair; Jacobs and Mertz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 776 Ways and Means

Relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

H.S.B. 777 Ways and Means

Relating to electronic technology in county government and providing a fee.

RESOLUTIONS FILED

HCR 112, by Huser, Struyk, Arnold, Van Engelenhoven, Rasmussen, Greiner, Pettengill, Lukan, J.R. Van Fossen, Carroll, Horbach, Dandekar, D. Olson, Thomas, Davitt and Mertz, a concurrent resolution designating May 2006 as Motorcycle Safety Awareness Month.

Laid over under **Rule 25**.

HR 163, by Gipp and Murphy, a resolution to recognize and honor Iowans serving in all branches and components of the military.

Laid over under **Rule 25**.

HR 164, by Whitaker, Wise, Heaton, Greiner, Gaskill, Sands, Cohoon, Swaim, De Boef, Miller, Thomas, Hutter, D. Taylor, Watts, Baudler, Shomshor, Reasoner, Dolecheck, Kurtenbach, Dandekar, Boal, Heddens, Granzow, Struyk, Lukan, Reichert, Huseman, Hunter, Pettengill, Tymeson, Berry, Eichhorn, Kressig, Davitt, Murphy, D. Olson, Bukta, Petersen, Jacoby and Tjepkes, a resolution to honor the 224th Combat Engineer Battalion of the Iowa National Guard for its service and sacrifice in the Iraq War.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8459	H.F.	2780	Whitaker of Van Buren
H—8460	H.F.	2781	Paulsen of Linn
H—8464	S.F.	2322	Upmeyer of Hancock
H—8465	S.F.	2346	Mascher of Johnson
H—8466	H.F.	845	Senate Amendment
H—8467	S.F.	2364	Huser of Polk Kaufmann of Cedar Lalk of Fayette Swaim of Davis Schueller of Jackson
H—8471	H.F.	2752	Lensing of Johnson Jenkins of Black Hawk Upmeyer of Hancock
H—8473	H.F.	2245	Senate Amendment
H—8477	H.F.	2780	Carroll of Poweshiek Heddens of Story
H—8485	H.F.	2758	Carroll of Poweshiek
H—8489	H.F.	2767	Boal of Polk

H—8493	H.F.	2789	Tomenga of Polk Wilderdyke of Harrison Kaufmann of Cedar R. Olson of Polk
H—8494	H.F.	2508	Horbach of Tama
H—8499	S.F.	2268	Drake of Pottawattamie Mertz of Kossuth

On motion by Gipp of Winneshiek the House adjourned at 7:41 p.m., until 8:45 a.m., Wednesday, April 5, 2006.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 5, 2006

The House met pursuant to adjournment at 8:56 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Chris Fontanni, the Vocation Director of the Diocese of Des Moines. He was the guest of Representative Scott Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 4, 2006 was approved.

ADOPTION OF HOUSE RESOLUTION 162

Heaton of Henry called up for consideration **House Resolution 162**, a resolution honoring Coach Robert Hilmer, the "winningest" coach in the history of Iowa boys' high school basketball, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Heaton of Henry introduced to the House, Coach Robert Hilmer whom introduced the WACO Warriors boys' basketball team.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 158

Jacobs of Polk called up for consideration **House Resolution 158**, a resolution honoring the Valley High School mock trial program and congratulating its mock trial team on winning the Iowa High School Mock Trial State Tournament, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jacobs of Polk introduced to the House the Valley High School mock trial team.

The House rose and expressed its welcome.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 10:51 a.m., Roberts of Carroll in the chair.

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 2510, a bill for an act relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness, was taken up for consideration.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8059 filed by him on February 27, 2006.

Eichhorn of Hamilton offered the following amendment H-8097 filed by him and moved its adoption:

H-8097

- 1 Amend House File 2510 as follows:
- 2 1. Page 1, by striking line 22 and inserting the
- 3 following: "applicant, respondent, and the
- 4 respondent's attorney may waive the presence or
- 5 telephonic".
- 6 2. Page 3, by striking line 3 and inserting the
- 7 following: "is not necessary. The applicant,
- 8 respondent, and the respondent's attorney may waive
- 9 the".
- 10 3. By renumbering as necessary.

Amendment H-8097 was adopted.

SENATE FILE 2362 SUBSTITUTED FOR HOUSE FILE 2510

Carroll of Poweshiek asked and received unanimous consent to substitute Senate File 2362 for House File 2510.

Senate File 2362, a bill for an act relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness, was taken up for consideration.

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. 2362)

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	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	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	Wilderdyke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting and 1:

Zirkelbach

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

HOUSE FILE 2510 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2510 from further consideration by the House.

Ways and Means Calendar

House File 2789, a bill for an act relating to assessing court costs and modifying speeding fines, providing for indigent defense, and making appropriations to the judicial branch and department of inspections and appeals, was taken up for consideration.

Tomenga of Polk offered the following amendment H-8493 filed by Tomenga, et al., and moved its adoption:

H-8493

- 1 Amend House File 2789 as follows:
- 2 1. Page 3, line 3, by striking the word "thirty-
- 3 five" and inserting the following: "fifty".
- 4 2. Page 3, line 5, by striking the word "thirty-
- 5 five" and inserting the following: "fifty".
- 6 3. Page 3, line 7, by striking the word "thirty-
- 7 five" and inserting the following: "fifty".
- 8 4. By striking page 4, line 15, through page 5,
- 9 line 13.
- 10 5. Title page, lines 1 and 2, by striking the
- 11 words "and modifying speeding fines".

Amendment H-8493 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. 2789)

The ayes were, 78:

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

The nays were, 20:

Baudler	Berry	Cohoon	Dandekar
Davitt	Dix	Ford	Gaskill
Hogg	Hunter	Jochum	Lukan
Mertz	Paulsen	Pettengill	Reichert
Sands	Shomshor	Shoultz	Whitaker

Absent or not voting, 2:

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

HOUSE FILE 2689 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 2689 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2789** and **Senate File 2362**.

Unfinished Business Calendar

Senate File 2268, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates, with report of committee recommending passage, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-8499 filed by him and Mertz of Kossuth and moved its adoption:

H-8499

1 Amend Senate File 2268, as passed by the Senate as
2 follows:

3 1. By striking page 1, line 1, by through page 4,
4 line 28, and inserting the following:

5 "Sec.____. Section 175.2, Code 2005, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 0A. "Agricultural assets" means
8 agricultural land, depreciable agricultural property,
9 crops, or livestock.

10 Sec.____. NEW SECTION. 175.37 AGRICULTURAL
11 ASSETS TRANSFER TAX CREDIT – AGREEMENT.

12 1. An agricultural assets transfer tax credit is
13 allowed under this section. The tax credit is allowed
14 against the taxes imposed in chapter 422, division II,
15 as provided in section 422.11M, and in chapter 422,
16 division III, as provided in section 422.33, to
17 facilitate the transfer of agricultural assets from a
18 taxpayer to a beginning farmer.

19 2. In order to qualify for the tax credit, the
20 taxpayer must meet qualifications established by rules
21 adopted by the authority. At a minimum, the taxpayer
22 must comply with all of the following:

23 a. Be a person who may acquire or otherwise obtain
24 or lease agricultural land in this state pursuant to
25 chapter 9H or 9I. However, the taxpayer must not be a
26 person who may acquire or otherwise obtain or lease
27 agricultural land exclusively because of an exception
28 provided in one of those chapters or in a provision of
29 another chapter of this Code including but not limited
30 to chapter 10, 10C, 10D, or 501, or section 15E.207.

31 b. Execute an agricultural assets transfer
32 agreement with a beginning farmer as provided in this
33 section.

34 3. An individual may claim a tax credit under this
35 section of a partnership, limited liability company, S
36 corporation, estate, or trust electing to have income

37 taxed directly to the individual. The amount claimed
38 by the individual shall be based upon the pro rata
39 share of the individual's earnings from the
40 partnership, limited liability company, S corporation,
41 estate, or trust.

42 4. The tax credit is allowed only for agricultural
43 assets that are subject to an agricultural assets
44 transfer agreement. The agreement shall provide for
45 the lease of agricultural land including any
46 improvements and may provide for the rental of
47 agricultural equipment as defined in section 322F.1.
48 a. The agreement may be made on a cash basis or on
49 a commodity share basis which includes a share of the
50 crops or livestock produced on the agricultural land.

Page 2

1 The agreement must be in writing.

2 b. The agreement shall be for at least two years,
3 but not more than five years. The agreement or that
4 part of the agreement providing for the lease may be
5 renewed by the beginning farmer for a term of at least
6 two years, but not more than five years. An agreement
7 does not include a lease or the rental of equipment
8 intended as a security.

9 5. The tax credit shall be calculated based on the
10 gross amount paid to the taxpayer under the
11 agricultural assets transfer agreement.

12 a. Except as provided in paragraph "b", the tax
13 credit shall equal five percent of the amount paid to
14 the taxpayer under the agreement.

15 b. The tax credit shall equal fifteen percent of
16 the amount paid to the taxpayer from crops or animals
17 sold under an agreement in which the payment is
18 exclusively made from the sale of crops or animals.

19 6. In order to qualify as a beginning farmer, a
20 person must be eligible to receive financial
21 assistance under section 175.12.

22 7. A tax credit in excess of the taxpayer's
23 liability for the tax year may be credited to the tax
24 liability for the following five years or until
25 depleted, whichever is earlier. A tax credit shall
26 not be carried back to a tax year prior to the tax
27 year in which the taxpayer redeems the tax credit. A
28 tax credit shall not be transferable to any other
29 person other than the taxpayer's estate or trust upon
30 the taxpayer's death.

31 8. A taxpayer shall not claim a tax credit under
32 this section unless a tax credit certificate issued by
33 the authority is attached to the taxpayer's tax return
34 for the tax year for which the tax credit is claimed.
35 The authority must review and approve an application

36 for a tax credit as provided by rules adopted by the
37 authority. The application must include a copy of the
38 agricultural assets transfer agreement. The authority
39 may approve an application and issue a tax credit
40 certificate to a taxpayer who has previously been
41 allowed a tax credit under this section. The
42 authority may require that the parties to an
43 agricultural assets transfer agreement provide
44 additional information as determined relevant by the
45 authority. The authority shall review an application
46 for a tax credit which includes the renewal of an
47 agricultural assets transfer agreement to determine
48 that the parties to the renewed agreement meet the
49 same qualifications as required for an original
50 application. However, the authority shall not approve

Page 3

1 an application or issue a certificate to a taxpayer if
2 any of the following applies:
3 a. The taxpayer is at fault for terminating a
4 prior agricultural assets transfer agreement as
5 determined by the authority.
6 b. The taxpayer is any of the following:
7 (1) A party to a pending administrative or
8 judicial action, including a contested case proceeding
9 under chapter 17A, relating to an alleged violation
10 involving an animal feeding operation as regulated by
11 the department of natural resources, regardless of
12 whether the pending action is brought by the
13 department or the attorney general.
14 (2) Classified as a habitual violator for a
15 violation of state law involving an animal feeding
16 operation as regulated by the department of natural
17 resources.
18 c. The beginning farmer is responsible for
19 managing or maintaining agricultural land and other
20 agricultural assets that are greater than necessary to
21 adequately support a beginning farmer as determined by
22 the authority according to rules which shall be
23 adopted by the authority.
24 d. The agricultural assets are being leased or
25 rented at a rate which is substantially higher or
26 lower than the market rate for similar agricultural
27 assets leased or rented within the same community, as
28 determined by the authority.
29 9. A taxpayer or the beginning farmer may
30 terminate an agricultural assets transfer agreement as
31 provided in the agreement or by law. The taxpayer
32 must immediately notify the authority of the
33 termination.
34 a. If the authority determines that the taxpayer

35 is not at fault for the termination, the authority
 36 shall not issue a tax certificate to the taxpayer for
 37 a subsequent tax year based on the approved
 38 application. Any prior tax credit is allowed as
 39 provided in this section. The taxpayer may apply for
 40 and be issued another tax credit certificate for the
 41 same agricultural assets as provided in this section
 42 for any remaining tax years for which a certificate
 43 was not issued.

44 b. If the authority determines that the taxpayer
 45 is at fault for the termination, any prior tax credit
 46 allowed under this section is disallowed. The tax
 47 credit shall be recaptured and the amount of the tax
 48 credit shall be immediately due and payable to the
 49 department of revenue. If a taxpayer does not
 50 immediately notify the authority of the termination,

Page 4

1 the taxpayer shall be conclusively deemed at fault for
 2 the termination.

3 Sec. ____ NEW SECTION. 422.11M AGRICULTURAL
 4 ASSETS TRANSFERRED TO BEGINNING FARMERS.

5 The taxes imposed under this division, less the
 6 credits allowed under sections 422.12 and 422.12B,
 7 shall be reduced by an agricultural assets transfer
 8 tax credit as allowed under section 175.37.

9 Sec. ____ Section 422.33, Code Supplement 2005, is
 10 amended by adding the following new subsection:

11 NEW SUBSECTION. 20. The taxes imposed under this
 12 division shall be reduced by an agricultural assets
 13 transfer tax credit as allowed under section 175.37."

Amendment H-8499 was adopted.

The House stood at ease at 11:10 a.m., until the fall of the gavel.

The House resumed session at 11:15 a.m., Roberts of Carroll in the chair.

Frevort of Palo Alto asked and received unanimous consent to withdraw amendment H-8503 filed by her, Kuhn of Floyd and Swaim of Davis from the floor.

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. 2268)

The ayes were, 70:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Cohoon	Dandekar	Davitt	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	Lykam
Maddox	May	McCarthy	Mertz
Miller	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Soderberg
Struyk	Swaim	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Wise	Roberts, Presiding		

The nays were, 29:

Berry	Bukta	Fallon	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Mascher	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Shoultz	Smith	Taylor, D.	Taylor, T.
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler			

Absent or not voting, 1:

Zirkelbach

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 11:21 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:06 p.m., Speaker Rants in the chair.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **House Resolution 165**.

ADOPTION OF HOUSE RESOLUTION 165

Kressig of Black Hawk and Jenkins of Black Hawk called up for consideration **House Resolution 165**, a resolution honoring Robert Koob, President of the University of Northern Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Jenkins of Black Hawk introduced to the House, President Robert Koob whom addressed the House briefly regarding his appreciation for the honor bestowed upon him and the contributions made by the legislators to the people of the State of Iowa.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:15 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 3:13 p.m., Paulsen of Linn 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 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2233, a bill for an act relating to the time limit on executions of judgments and orders for wage garnishments.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act relating to the process utilized in assessing residents of health care facilities for veterans program benefits.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2398, a bill for an act relating to criminal penalties for a driver convicted of failure to stop and render aid at the scene of a motor vehicle accident.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2462, a bill for an act relating to the number of eligible electors' signatures necessary in a school district to propose at a regular election the question of providing free textbooks for the use of the school district's pupils.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2463, a bill for an act relating to adoption and termination of jurisdiction of a court involving prior child support and custody proceedings.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2492, a bill for an act relating to the costs of services provided to persons with mental retardation whose service costs are a state responsibility.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2506, a bill for an act relating to the issuance of identity theft passports by the attorney general.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2522, a bill for an act relating to the assessment of a fee when filing a praecipe.

Also: That the Senate has on April 5, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2562, a bill for an act to make electronic mail and telephone billing records of law enforcement agencies confidential if that information is part of an investigation.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2565, a bill for an act requiring the department of human services to implement an electronic payment system for the state child care assistance program.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2571, a bill for an act relating to the confidentiality and release of an intelligence assessment or intelligence data.

Also: That the Senate has on April 5, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2590, a bill for an act providing for the confidentiality of information concerning security procedures or emergency preparedness information developed and maintained by a government body.

Also: That the Senate has on April 5, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2219, a bill for an act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance programs, and providing penalties.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 164

Whitaker of Van Buren, Wise of Lee, Heaton of Henry, Greiner of Washington, Gaskill of Wapello, Sands of Louisa and Cohoon of Des Moines, called up for consideration **House Resolution 164**, a resolution to honor the 224th Combat Engineer Battalion of the Iowa National Guard for its service and sacrifice in the Iraq War, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 126

Alons of Sioux called up for consideration **House Resolution 126**, a resolution to honor the service of the 185th Air Refueling Wing, Iowa Air National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Alons of Sioux introduced to the House Lt. Colonel Mike Myer who addressed the House briefly and thanked the House for the honor.

The House rose and expressed its appreciation.

ADOPTION OF HOUSE RESOLUTION 163

Tymeson of Madison called up for consideration **House Resolution 163**, a resolution to recognize and honor Iowans serving in all branches and components of the military, and moved its adoption.

The motion prevailed and the resolution was adopted.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following correction was made:

House File 2240

1. Page 2, line 23 – Underscored the period after “incapacity”.

MARGARET A. THOMSON
Chief Clerk of the House

**MOTION TO RECONSIDER
(Senate File 2268)**

I move to reconsider the vote by which Senate File 2268 passed the House on April 5, 2006.

GIPP of Winneshiek

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 5th day of April, 2006: House Files 2333, 2337, 2512, 2569 and 2695.

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

- 2003\1309 Jamilee Lightfoot, Central Lee High School District – For receiving First Place in the Physical Science category at the State of Iowa Science Fair.
- 2003\1310 Cory Millmier, Central Lee High School District – For receiving First Place in the Biological Science and Seminar category at the State of Iowa Science Fair.
- 2003\1311 Shala Hawes, Central Lee High School – For receiving First Place as a Team and First Place in Seminar at the State of Iowa Science Fair.
- 2003\1312 Haley Burgess, Central Lee High School – For receiving First Place as a Team and First Place in Seminar at the State of Iowa Science Fair.
- 2003\1313 Lynnelly Parker, Central Lee Middle School District – For receiving First Place Team and First Place in Seminar at the State of Iowa Science Fair.
- 2003\1314 Bailee Bryant, Central Lee Middle School District – For receiving First Place in Team and in Seminar at the State of Iowa Science Fair.
- 2003\1315 Katie Hocker, Central Lee Middle School District – For receiving First Place Team at the State of Iowa Science Fair.
- 2003\1316 Tia Johnson, Central Lee Middle School District – For receiving First Place Team at the State of Iowa Science Fair.
- 2003\1317 Kayla Hasper, Central Lee Middle School District – For receiving First Place Team at the State of Iowa Science Fair.
- 2003\1318 Emilee Rairden, Central Lee Middle School District – For receiving First Place Team at the State of Iowa Science Fair.
- 2003\1319 Grace Douglass, Madrid – For celebrating her 104th birthday.
- 2006\1320 James Bingman, Madrid – For celebrating his 95th birthday.

- 2006\1321 Mildred Hedlund, Madrid – For celebrating her 95th birthday.
- 2006\1322 Leafa Strum, Ames – For celebrating her 90th birthday.
- 2006\1323 Louise Upton, Madrid – For celebrating her 90th birthday.
- 2006\1324 Doris Stukenberg, Ames – For celebrating her 85th birthday.
- 2006\1325 Eva Dowell, Ames – For celebrating her 85th birthday.
- 2006\1326 Carl Rusk, Ames – For celebrating his 85th birthday.
- 2006\1327 Dora Romitti, Madrid – For celebrating her 85th birthday.
- 2006\1328 Mildred Shoeman, Madrid – For celebrating her 85th birthday.
- 2006\1329 Thelma Ross, Madrid – For celebrating her 85th birthday.
- 2006\1330 John Harker, Ames – For celebrating his 85th birthday.
- 2006\1331 Robert Wessel, Ames – For celebrating his 80th birthday.
- 2006\1332 Douglas Haviland, Ames – For celebrating his 80th birthday.
- 2006\1333 Abraham Epstein, Ames – For celebrating his 80th birthday.
- 2006\1334 Eleanor Richards, Ames – For celebrating her 80th birthday.
- 2006\1335 Josephine Johnson, Madrid – For celebrating her 80th birthday.
- 2006\1336 Arlene McHose, Ames – For celebrating her 80th birthday.
- 2006\1337 Deloris Anderson, Ames – For celebrating her 80th birthday.
- 2006\1338 Una Arnbal, Ames – For celebrating his 80th birthday.
- 2006\1339 Irene Wilcox, Madrid – For celebrating her 80th birthday.
- 2006\1340 Rupert Kenyon, Ames – For celebrating his 80th birthday.
- 2006\1341 Coleen Nutty, Ames – For celebrating her 80th birthday.
- 2006\1342 Carol Catus, Ames – For celebrating her 80th birthday.
- 2006\1343 Mrs. Dorothy Dietrich, Clear Lake – For celebrating her 83rd birthday.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 776

Ways and Means: Kurtenbach, Chair; Shomshor and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 778 Ways and Means

Relating to school funding by increasing the foundation property tax levy, increasing the regular program foundation base, providing on-time funding for school districts with increasing enrollment, replacing the local option sales and services tax for school infrastructure purposes with an increase in the state sales and use tax rates, making an appropriation, and including an effective date provision.

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 File 2710), relating to the establishment of a statewide educational standards and accountability task force.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2006.

Committee Bill (Formerly House File 2784), concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2006.

AMENDMENTS FILED

H—8504	S.F.	2364	Kurtenbach of Story
H—8505	S.F.	2364	Kurtenbach of Story
H—8506	H.F.	2562	Senate Amendment
H—8507	S.F.	2251	Upmeyer of Hancock
H—8508	S.F.	2319	Pettengill of Benton Mertz of Kossuth

On motion by Gipp of Winneshiek the House adjourned at 3:34 p.m., until 8:45 a.m., Thursday, April 6, 2006.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 6, 2006

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prayer was offered by Dr. James Wallace, pastor of Central Presbyterian Church, Des Moines. He was the guest of Representative Libby Jacobs of Polk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, April 5, 2006 was approved.

INTRODUCTION OF BILLS

House File 2791, by committee on appropriations, a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date.

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

House File 2792, by committee on appropriations, a bill for an act providing for a statewide core curriculum and standards study.

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

The House stood at ease at 8:57 a.m., until the fall of the gavel.

The House resumed session at 9:49 a.m., Speaker pro tempore Carroll in the chair.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 2707, a bill for an act concerning alcoholic beverage control relating to manufacturers providing free cleaning services to retailers, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8145 filed by her and moved its adoption:

H-8145

1 Amend House File 2707 as follows:

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

4 "Section 1. Section 123.186, Code 2005, is amended
5 to read as follows:

6 123.186 FEDERAL REGULATIONS ADOPTED AS RULES.

7 1. The division shall adopt as rules the substance
8 of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R.
9 pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11 as they
10 relate to transactions between wholesalers and
11 retailers.

12 2. The division shall adopt as rules the substance
13 of 27 C.F.R. § 6.88, to permit a manufacturer of
14 alcoholic beverages, wine, or beer, or agent of such
15 manufacturer, to provide to a retailer without charge
16 wine and beer coil cleaning services, including carbon
17 dioxide filters and other necessary accessories to
18 properly clean the coil and affix carbon dioxide
19 filters. The rules shall provide that the
20 manufacturer shall be responsible for paying the costs
21 of any filters provided."

22 2. By renumbering as necessary.

Amendment H-8145 was adopted.

SENATE FILE 2368 SUBSTITUTED FOR HOUSE FILE 2707

Jacobs of Polk asked and received unanimous consent to substitute Senate File 2368 for House File 2707.

Senate File 2368, a bill for an act concerning alcoholic beverage control relating to manufacturers providing free cleaning services to retailers, 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. 2368)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
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	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
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 2707 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 2707 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Drake of Pottawattamie called up for consideration **House File 2245**, a bill for an act concerning the Iowa public employees' retirement system and the statewide fire and police retirement system, and providing an effective and retroactive applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8473:

H-8473

1 Amend House File 2245, as passed by the House, as
 2 follows:
 3 1. Page 5, by inserting after line 2 the
 4 following:
 5 "Sec. __. Section 411.3, subsection 3, paragraph
 6 b, Code 2005, is amended to read as follows:
 7 b. If a person is reemployed, the person shall not
 8 become an active member of the system upon
 9 reemployment, and the person so reemployed and the
 10 participating city shall not make contributions to the
 11 system based upon the person's compensation for
 12 reemployment. A person who is so reemployed shall
 13 ~~continue not be eligible to receive the a service~~
 14 retirement allowance for the period of reemployment.
 15 The service retirement allowance shall be reinstated
 16 upon termination of the reemployment, and but the
 17 service retirement allowance shall not be recalculated
 18 based upon the person's reemployment. Notwithstanding
 19 section 97B.1A or any other provision of law to the
 20 contrary, a person reemployed as provided in this
 21 subsection shall be exempt from chapter 97B.11"
 22 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8473.

Drake 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. 2245)

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	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	Wilderdyke	Winckler
Wise	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Murphy Zirkelbach

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 2751, a bill for an act relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions, was taken up for consideration.

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. 2751)

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
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	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
Carroll, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 2:

Murphy Zirkelbach

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

Roberts of Carroll in the chair at 10:02 a.m.

House File 2781, a bill for an act relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions, was taken up for consideration.

Paulsen of Linn offered the following amendment H-8460 filed by him and moved its adoption:

H-8460

- 1 Amend House File 2781 as follows:
 2 1. Page 8, by inserting after line 16 the
 3 following:
 4 "Sec.____. Section 103A.10, subsection 3, Code
 5 2005, is amended to read as follows:
 6 3. Provisions of the state building code relating
 7 to the manufacture and installation of factory-built
 8 structures shall apply throughout the state. Factory-
 9 built structures approved by the commissioner shall be
 10 deemed to comply with all building regulations
 11 applicable to its manufacture and installation and
 12 shall be exempt from any other state or local building
 13 regulations."
 14 2. Page 11, line 7, by striking the word
 15 "section" and inserting the following: "sections".
 16 3. Page 11, line 8, by inserting after the word
 17 "section" the following: "103A.10, subsection 3, and
 18 section".
 19 4. Page 11, line 9, by striking the word "takes"
 20 and inserting the following: "take".
 21 5. By renumbering as necessary.

Amendment H-8460 was adopted.

SENATE FILE 2394 SUBSTITUTED FOR HOUSE FILE 2781

Paulsen of Linn asked and received unanimous consent to substitute Senate File 2394 for House File 2781.

Senate File 2394, a bill for an act relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions, was taken up for consideration.

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?" (S.F. 2394)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cphoon	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	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
Roberts, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Murphy Zirkelbach

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

HOUSE FILE 2781 WITHDRAWN

Paulsen of Linn asked and received unanimous consent to withdraw House File 2781 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2245, 2751 and Senate Files 2368 and 2394.**

House File 2758, a bill for an act relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and

including effective date and retroactive applicability date provisions, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-8485 filed by him and moved its adoption:

H-8485

- 1 Amend House File 2758 as follows:
- 2 1. Page 1, line 33, by striking the figure
- 3 "2005," and inserting the following: "2006,".

Amendment H-8485 was adopted.

SENATE FILE 2391 SUBSTITUTED FOR HOUSE FILE 2758

Carroll of Poweshiek asked and received unanimous consent to substitute Senate File 2391 for House File 2758.

Senate File 2391, a bill for an act relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions, was taken up for consideration.

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. 2391)

The ayes were, 91:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, 8:

Fallon	Ford	Gaskill	Hunter
Mascher	Taylor, D.	Taylor, T.	Wessel-Kroeschell

Absent or not voting and 1:

Zirkelbach

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

HOUSE FILE 2758 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2758 from further consideration by the House.

Senate File 2251, a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-8507 filed by her and moved its adoption:

H-8507

- 1 Amend Senate File 2251, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 17, by striking the word "Four"
- 4 and inserting the following: "Eight".
- 5 2. Page 1, by striking lines 19 through 26 and
- 6 inserting the following:
- 7 "(1) Four state senators who are the co-

- 8 chairpersons of the standing senate education and
 9 human resources committees.
 10 (2) Four state representatives, including the
 11 chairpersons of the standing house of representatives
 12 education and human resources committees, and the
 13 ranking members of the standing house of
 14 representatives education and human resources
 15 committees."
 16 3. Page 2, by inserting after line 13 the
 17 following:
 18 "(20) The Iowa occupational therapy association.
 19 (21) The Iowa physical therapy association.
 20 (22) The dean of the school of consumer and family
 21 sciences at the Iowa state university of science and
 22 technology.
 23 (23) The state board of education.
 24 (24) The child development coordinating council.
 25 (25) The Iowa empowerment board.
 26 (26) The Iowa hospital association.
 27 (27) The Iowa optometric association.
 28 (28) The department of human services.
 29 (29) The hawk-i board.
 30 (30) The area education agencies.
 31 (31) The Iowa academy of family physicians.
 32 (32) The Iowa osteopathic medical association.
 33 (33) The access for special kids family resource
 34 center.
 35 (34) The university of Iowa hospitals and clinics'
 36 center for disabilities and development."
 37 4. Page 2, by inserting after line 15 the
 38 following:
 39 "d. One middle school student and one high school
 40 student from each of the five congressional districts
 41 who shall be appointed by the governor."
 42 5. Page 2, line 18, by striking the figure "(19)"
 43 and inserting the following: "(34)".
 44 6. By renumbering as necessary.

Amendment H-8507 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. 2251)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

Senate File 2322, a bill for an act relating to the investigation and control of communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-8464 filed by her and moved its adoption:

H-8464

- 1 Amend Senate File 2322, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 29 through 35 and
 4 inserting the following:
 5 "NEW SUBSECTION. 0A. "Area quarantine" means
 6 prohibiting ingress and egress to and from a building
 7 or buildings, structure or structures, or other
 8 definable physical location, or portion thereof, to
 9 prevent or contain the spread of a suspected or
 10 confirmed quarantinable disease or to prevent or
 11 contain exposure to a suspected or known chemical,
 12 biological, radioactive, or other hazardous or toxic
 13 agent."

Amendment H-8464 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. 2322)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
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	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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Dix

Horbach

Raecker

Zirkelbach

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

Senate File 2364, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries, with report of committee recommending amendment and passage, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-8376 filed by the committee on commerce-regulation and moved its adoption:

H-8376

1 Amend Senate File 2364, as passed by the Senate, as
2 follows:
3 1. Page 10, line 13, by striking the words
4 "contract or" and inserting the following:
5 "contractor".
6 2. Page 12, by striking lines 7 through 14.
7 3. Page 12, line 15, by striking the figure "16."
8 and inserting the following: "15."
9 4. Page 78, by inserting after line 1, the
10 following:
11 "Sec. ____ Section 616.15, Code 2005, is amended
12 to read as follows:
13 616.15 SURETY COMPANIES.
14 1. Suit may be brought against any company or
15 corporation furnishing or pretending to furnish
16 surety, fidelity, or other bonds in this state, in any

17 county in which the principal place of business of
 18 such company or corporation is maintained in this
 19 state, or in any county wherein is maintained its
 20 general office for the transaction of its Iowa
 21 business, or in the county where the principal resides
 22 at the time of bringing suit, or in the county where
 23 the principal did reside at the time the bond or other
 24 undertaking was executed; and in the case of bonds
 25 furnished by any such company or corporation for any
 26 building or improvement, either public or private,
 27 action may be brought in the county wherein said
 28 building or improvement, or any part thereof is
 29 located.

30 2. The secretary of state shall serve as the agent
 31 for service of process for the purposes of 31 U.S.C. §
 32 9306, of any surety company or corporation for a
 33 surety bond written by that surety company or
 34 corporation for the federal government and issued in
 35 this state as required or permitted under federal law,
 36 if the surety company or corporation is licensed in
 37 this state and cannot be otherwise served with
 38 process. Notwithstanding section 507.14, upon request
 39 of the secretary of state, the commissioner of
 40 insurance shall provide the secretary of state with
 41 the name and address of the person designated for
 42 consent to service of process by the surety company or
 43 corporation which is on file with the commissioner."

44 5. By renumbering as necessary.

The committee amendment H-8376 was adopted, placing out of order amendment H-8441 filed by Struyk of Pottawattamie and Kurtenbach of Story on March 30, 2006.

Huser of Polk offered amendment H-8467 filed by Huser, et al., as follows:

H-8467

1 Amend Senate File 2364, as passed by the Senate, as
 2 follows:

3 1. Page 72, line 3, by striking the word
 4 "subsections" and inserting the following:
 5 "subsection".

6 2. Page 72, by striking lines 4 through 9.

7 3. Page 75, line 18, by striking the word "an"
 8 and inserting the following: "an a written".

9 4. Page 75, line 20, by inserting after the word
 10 "a" the following: "public or".

11 5. Page 75, by striking lines 25 through 30 and
 12 inserting the following:

13 "c. If a governmental subdivision proposes to
14 enter into an agreement with a public or private
15 organization pursuant to this subsection to preserve
16 and protect a cemetery or burial site that is located
17 on property owned by another person within the
18 jurisdiction of the governmental subdivision, the
19 proposed agreement shall be written, and the
20 governmental subdivision shall provide written notice
21 by ordinary mail of the proposed agreement to the
22 property owner at least fourteen days prior to the
23 date of the meeting at which such proposed agreement
24 will be authorized. The notice shall include the
25 location of the cemetery or burial site and a copy of
26 the proposed agreement, and explain that the property
27 owner is required to permit members of the public or
28 private organization reasonable ingress and egress for
29 the purposes of preserving and protecting the cemetery
30 or burial site pursuant to the proposed agreement.
31 The notice shall also include the date, time, and
32 place of the meeting and a statement that the property
33 owner has a right to attend the meeting and to comment
34 regarding the proposed agreement.

35 d. Subject to chapter 670, a governmental
36 subdivision that enters into an agreement with a
37 public or private organization pursuant to this
38 subsection is liable for any personal injury or
39 property damage that occurs in connection with the
40 preservation or protection of the cemetery or burial
41 site or access to the cemetery or burial site by the
42 governmental subdivision or the public or private
43 organization.

44 For the purposes of this paragraph, "liable" means
45 liability for every civil wrong which results in
46 wrongful death or injury to a person or injury to
47 property or injury to personal or property rights and
48 includes but is not restricted to actions based upon
49 negligence; error or omission; nuisance; breach of
50 duty, whether statutory or other duty; or denial or

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1 impairment of any right under any constitutional
2 provision, statute, or rule of law.

3 e. A property owner who is required to permit
4 members of a public or private organization reasonable
5 ingress and egress for the purpose of preserving or
6 protecting a cemetery or burial site on that owner's
7 property and who acts in good faith and in a
8 reasonable manner pursuant to this subsection is not
9 liable for any personal injury or property damage that
10 occurs in connection with the preservation or
11 protection of the cemetery or burial site or access to

- 12 the cemetery or burial site.
13 f. For the purposes of this subsection, reasonable
14 ingress and egress to a cemetery or burial site shall
15 include the following:
16 (1) A member of a public or private organization
17 that has entered into a written agreement with the
18 governmental subdivision who desires to visit such a
19 cemetery or burial site shall give the property owner
20 at least ten days' written notice of the intended
21 visit.
22 (2) If the property owner cannot provide
23 reasonable access to the cemetery or burial site on
24 the desired date, the property owner shall provide
25 reasonable alternative dates when the property owner
26 can provide access to the member.
27 (3) A property owner is not required to make any
28 improvements to that person's property to satisfy the
29 requirement to provide reasonable access to a cemetery
30 or burial site pursuant to this subsection."
31 6. By striking page 76, line 3, through page 77,
32 line 26.
33 7. By renumbering as necessary.

Kurtenbach of Story offered the following amendment H-8504, to amendment H-8467, filed by him and moved its adoption:

H-8504

- 1 Amend the amendment, H-8467, to Senate File 2364,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking lines 9 and 10 and
4 inserting the following:
5 "___. Page 75, line 20, by striking the word "a"
6 and inserting the following: "a the owner of the
7 property on which the cemetery or burial site is
8 located or to a public or".
9 ___. Page 75, line 21, by inserting after the
10 word "preservation." the following: "The governmental
11 subdivision shall not enter into an agreement with a
12 public or private organization to preserve and protect
13 the cemetery or burial site unless the property owner
14 has been offered the opportunity to enter into such an
15 agreement and has declined to do so."
16 2. By renumbering as necessary.

Amendment H-8504 was adopted.

On motion by Huser of Polk amendment H-8467, as amended, was adopted.

Kurtenbach of Story asked and received unanimous consent to withdraw amendment H-8505 filed by him on April 5, 2006, placing out of order amendment H-8513 filed by Kurtenbach of Story from the floor.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2364 be deferred.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2251, 2322 and 2391.**

Ways and Means Calendar

House File 2786, a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees, was taken up for consideration.

Swaim of Davis offered amendment H-8509 filed by him and Kaufmann of Cedar from the floor as follows:

H-8509

1 Amend House File 2786 as follows:

2 1. Page 1, by striking lines 2 through 7 and
3 inserting the following: "Supplement 2005, is amended
4 by striking the subsection."

5 2. Page 1, by striking lines 17 through 22 and
6 inserting the following: "for rent ~~or judgment~~
7 ~~assigned by a receiver of a closed bank or rendered~~
8 ~~upon credits assigned by the receiver of a closed bank~~
9 ~~when the assignee is not a trustee for depositors or~~
10 ~~creditors of the bank, the reconstruction finance~~
11 ~~corporation or any other federal governmental agency~~
12 ~~to which the bank or the receiver is or may be~~
13 ~~indebted shall not be enforced and".~~

14 3. Page 2, line 3, by inserting after the word
15 "force" the following: "against the property subject
16 to foreclosure only".

17 4. Page 2, by striking lines 12 through 15 and
18 inserting the following: "case shall not become a
19 lien on real property until either the identity of the
20 judgment creditor becomes public record, or until the
21 judgment creditor, in a public document in the case in

22 which judgment is entered, designates an agent and
23 office, consistent with the requirements of section
24 490.501, on which process on the judgment creditor may
25 be served. Service may be made on the agent in the
26 same manner as service may be made on a corporate
27 agent pursuant to section 490.504. An agent who has
28 resigned without designating a successor agent and
29 office and who is otherwise unavailable for service
30 may be served in the manner provided in section
31 490.504, subsection 2, at the agent's office of
32 record."

33 5. Page 2, line 27, by inserting after the word
34 "repeated" the following: "and diligent".

35 6. Page 3, by striking lines 8 through 17 and
36 inserting the following: "person. A party who has
37 appeared in the foreclosure may submit a written bid,
38 which shall include a facsimile number or electronic
39 mail address where the party can be notified of the
40 results of the sale. If a party submitting a winning
41 written bid does not pay the amount of the bid in
42 certified funds in the manner in which the sheriff in
43 the notice directs, such bid shall be deemed canceled
44 and the sheriff shall certify the next highest bidder
45 as the successful bidder of the sale either within
46 twenty-four hours for an electronic funds transfer or
47 forty-eight hours otherwise, of notification of the
48 sale results. A sheriff may refuse to accept written
49 bids from a bidder other than the judgment creditor if
50 the bidder or the bidder's agent in the action has

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1 demonstrated a pattern of nonpayment on previously
2 accepted bids."

3 7. By striking page 3, line 18, through page 4,
4 line 26.

5 8. Page 4, line 27, by striking the word "PRIOR"
6 and inserting the following: "SUPERIOR".

7 9. Page 5, line 8, by inserting after the word
8 "fees." the following: "A guarantor filing such a
9 bond shall be subrogated to any defenses which the
10 plaintiff may have against the adverse claimant,
11 including but not limited to a defense of lack of
12 equity in the mortgaged property to secure the adverse
13 claim in its proper priority."

14 10. Page 5, line 23, by striking the words
15 "nontitleholding claimant" and inserting the
16 following: "judgment creditor".

17 11. Page 5, by striking lines 25 through 32 and
18 inserting the following: "form advising the creditor
19 that the property that is the subject of the
20 foreclosure action shall be foreclosed and describing

21 the creditor's interest in the action and that unless
22 such creditor intervenes in the foreclosure action
23 such creditor shall lose the creditor's interest in
24 the mortgaged property. Unless the creditor
25 intervenes within thirty days of the service of
26 notice, the court may adjudicate the creditor's rights
27 against the property as if the creditor had".

28 12. Page 5, line 34, by inserting after the word
29 "defendant." the following: "If a creditor cannot be
30 located for personal service, the plaintiff may, at
31 any time prior to sixty days before the date of trial,
32 amend the petition as a matter of right to add the
33 creditor as a defendant for service by publication as
34 provided by rule."

35 13. Page 6, line 2, by striking the word
36 "claimant" and inserting the following: "creditor".

37 14. Page 6, line 10, by striking the word
38 "claimant's" and inserting the following:
39 "creditor's".

40 15. Page 6, by striking line 25 and inserting the
41 following: "and before the mortgagee's rights become
42 unenforceable by operation of the statute of
43 limitations, the judgment creditor, or the judgment
44 creditor who is the successful bidder at the
45 sheriff's".

46 16. Page 6, line 30, by inserting after the word
47 "action" the following: "which the plaintiff requests
48 returned".

49 17. By striking page 6, line 33, through page 7,
50 line 1, and inserting the following: "foreclosure and

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1 the rights of all persons with an interest in the
2 property may be enforced as if the foreclosure had not
3 been filed. However, any findings of fact or law
4 shall be preclusive for purposes of any future action
5 unless the court, upon hearing, rules otherwise. The
6 mortgagor shall be assessed costs,".

7 18. Page 7, by striking lines 6 and 7 and
8 inserting the following: "plaintiff may apply to the
9 court for an order approving an offer for".

10 19. Page 7, line 10, by inserting after the
11 figure "654.15B." the following: "A copy of the offer
12 shall be attached to the application and the
13 application shall contain a written consent to the
14 proposed sale by all equitable titleholders who have
15 not abandoned the property."

16 20. Page 7, by striking lines 15 and 16 and
17 inserting the following: "654.8, otherwise provide
18 adequate protection to senior creditors, or establish
19 that a sheriff's sale is substantially more likely

20 than the proposed sale to provide the creditor with
21 more favorable satisfaction of its lien. Pending
22 resolution of the rights of the parties".

23 21. Page 7, by inserting after line 21 the
24 following:

25 "Sec.____. Section 655.5, Code 2005, is amended by
26 striking the section and inserting in lieu thereof the
27 following:

28 655.5 INSTRUMENT OF SATISFACTION.

29 When the judgment is paid in full, the mortgagee
30 shall file with the clerk a satisfaction of judgment
31 which shall release the mortgage underlying the
32 action. A mortgagee who fails to file a satisfaction
33 within thirty days of receiving a written request
34 shall be subject to a penalty of one hundred dollars
35 plus reasonable attorney fees incurred by the
36 aggrieved party, to be recovered in an action for the
37 satisfaction or acknowledged by the party aggrieved."

38 22. Page 7, by striking line 30 and inserting the
39 following: "617.10 and shall commence on the filing
40 of proof of service on the mortgagors and terminate on
41 the filing of a rejection pursuant to section 655A.6,
42 an affidavit of completion pursuant to section 655A.7,
43 or the expiration of ninety days from completion of
44 service on the mortgagors, whichever occurs first.

45 Sec.____. Section 655A.9, Code 2005, is amended to
46 read as follows:

47 655A.9 APPLICATION OF CHAPTER.

48 This chapter does not apply to real estate used for
49 an agricultural purpose as defined in section 535.13,
50 or to a one or two family dwelling occupied by an

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1 equitable titleholder."

2 23. Page 7, by inserting after line 31 the
3 following:

4 "Sec.____. APPLICABILITY.

5 1. Except as provided in subsection 2, this Act
6 applies to actions commenced on or after July 1, 2006.

7 2. The section of this Act enacting section
8 624.23, subsection 7, applies to judgments entered on
9 or after July 1, 2007."

10 24. Title page, line 2, by inserting after the
11 word "fees" the following: "and applicability
12 provisions".

Swaim of Davis offered the following amendment H-8512, to amendment H-8509, filed by him and Kaufmann of Cedar from the floor and moved its adoption:

H-8512

- 1 Amend the amendment, H-8509, to House File 2786 as
 2 follows:
 3 1. Page 3, line 50, by inserting after the word
 4 "dwelling" the following: "which is, at the time of
 5 the initiation of the foreclosure,".
 6 2. Page 4, by inserting after line 1 the
 7 following:
 8 "____. Page 7, line 24, by striking the word
 9 "mortgagor" and inserting the following: "mortgagee".
 10 ____ Page 7, line 26, by striking the word
 11 "mortgagee" and inserting the following: "mortgagor".
 12 3. By renumbering as necessary.

Amendment H-8512 was adopted.

On motion by Swaim of Davis amendment H-8509, as amended, 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. 2786)

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	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	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	Roberts,		
	Presiding		

The nays were, 1:

Olson, R.

Absent or not voting, 1:

Zirkelbach

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

May of Dickinson called up for consideration **House File 2612**, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, amended by the Senate, and moved that the House concur in the following Senate amendment H-8303:

H-8303

- 1 Amend House File 2612, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "Sec. __. Section 462A.26, Code 2005, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 4. Failure of the operator of any
- 8 vessel involved in a collision, accident, or other
- 9 casualty, to comply with the requirements of this
- 10 section, is punishable as follows:
- 11 a. In the event of a collision, accident, or other
- 12 casualty resulting only in property damage, the
- 13 operator is guilty upon conviction of a simple
- 14 misdemeanor.
- 15 b. In the event of a collision, accident, or other
- 16 casualty resulting in an injury to a person, the
- 17 operator is guilty upon conviction of a serious
- 18 misdemeanor.
- 19 c. In the event of a collision, accident, or other
- 20 casualty resulting in a serious injury to a person,
- 21 the operator is guilty upon conviction of an
- 22 aggravated misdemeanor.

- 23 d. In the event of a collision, accident, or other
 24 casualty resulting in the death of a person, the
 25 operator is guilty upon conviction of a class "D"
 26 felony."
 27 2. Title page, line 3, by inserting after the
 28 word "casualty" the following: ", and for a violation
 29 of certain operating rules for vessels involved in a
 30 collision, accident, or other casualty".
 31 3. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-8303.

SENATE AMENDMENT CONSIDERED

Smith of Marshall called up for consideration **House File 722**, a bill for an act providing for the creation of an electronic drug database, establishing fees, providing penalties, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8438:

H-8438

- 1 Amend House File 722, 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 22.7, Code Supplement 2005, is
 6 amended by adding the following new subsection:
 7 **NEW SUBSECTION. 52.** The information contained in
 8 the information program established in section
 9 124.510A, except to the extent that disclosure is
 10 authorized pursuant to section 124.510C.
 11 **Sec. 2. NEW SECTION. 124.510A INFORMATION**
 12 **PROGRAM FOR DRUG PRESCRIBING AND DISPENSING.**
 13 Contingent upon the receipt of funds pursuant to
 14 section 124.510G sufficient to carry out the purposes
 15 of this division, the board, in conjunction with the
 16 advisory council created in section 124.510E, shall
 17 establish and maintain an information program for drug
 18 prescribing and dispensing. The program shall collect
 19 from pharmacies dispensing information for controlled
 20 substances identified pursuant to section 124.510D,
 21 subsection 1, paragraph "g". The information
 22 collected shall be used by prescribing practitioners
 23 and pharmacists on a need-to-know basis for purposes
 24 of improving patient health care by facilitating early
 25 identification of patients who may be at risk for
 26 addiction, or who may be using, abusing, or diverting

27 drugs for unlawful or otherwise unauthorized purposes
28 at risk to themselves and others, or who may be
29 appropriately using controlled substances lawfully
30 prescribed for them but unknown to the practitioner.
31 For purposes of this division, "prescribing
32 practitioner" means a practitioner who has prescribed
33 or is contemplating the authorization of a
34 prescription for the patient about whom information is
35 requested, and "pharmacist" means a practicing
36 pharmacist who is actively engaged in and responsible
37 for the pharmaceutical care of the patient about whom
38 information is requested. The board shall collect,
39 store, and disseminate program information consistent
40 with security criteria established by rule, including
41 use of appropriate encryption or other industry-
42 recognized security technology. The board shall seek
43 any federal waiver necessary to implement the
44 provisions of the program.

45 Sec. 3. NEW SECTION. 124.510B INFORMATION
46 REPORTING.

47 1. Each licensed pharmacy that dispenses
48 controlled substances identified pursuant to section
49 124.510D, subsection 1, paragraph "g", to patients in
50 the state, and each licensed pharmacy located in the

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1 state that dispenses such controlled substances
2 identified pursuant to section 124.510D, subsection 1,
3 paragraph "g", to patients inside or outside the
4 state, unless specifically excepted in this section or
5 by rule, shall submit the following prescription
6 information to the program:
7 a. Pharmacy identification.
8 b. Patient identification.
9 c. Prescriber identification.
10 d. The date the prescription was issued by the
11 prescriber.
12 e. The date the prescription was dispensed.
13 f. An indication of whether the prescription
14 dispensed is new or a refill.
15 g. Identification of the drug dispensed.
16 h. Quantity of the drug dispensed.
17 i. The number of days' supply of the drug
18 dispensed.
19 j. Serial or prescription number assigned by the
20 pharmacy.
21 k. Type of payment for the prescription.
22 1. Other information identified by the board and
23 advisory council by rule.
24 2. Information shall be submitted electronically
25 in a secure format specified by the board unless the

26 board has granted a waiver and approved an alternate
27 secure format.

28 3. Information shall be timely transmitted as
29 designated by the board and advisory council by rule,
30 unless the board grants an extension. The board may
31 grant an extension if either of the following occurs:
32 a. The pharmacy suffers a mechanical or electronic
33 failure, or cannot meet the deadline established by
34 the board for other reasons beyond the pharmacy's
35 control.

36 b. The board is unable to receive electronic
37 submissions.

38 4. This section shall not apply to a prescriber
39 furnishing, dispensing, supplying, or administering
40 drugs to the prescriber's patient, or to dispensing by
41 a licensed pharmacy for the purposes of inpatient
42 hospital care, inpatient hospice care, or long-term
43 residential facility patient care.

44 Sec. 4. NEW SECTION. 124.510C INFORMATION
45 ACCESS.

46 1. The board may provide information from the
47 program to the following:

48 a. (1) A pharmacist or prescriber who requests
49 the information and certifies in a form specified by
50 the board that it is for the purpose of providing

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1 medical or pharmaceutical care to a patient of the
2 pharmacist or prescriber. Neither a pharmacist nor a
3 prescriber may delegate program information access to
4 another individual.

5 (2) Notwithstanding subparagraph (1), a prescriber
6 may delegate program information access to another
7 licensed health care professional only in emergency
8 situations where the patient would be placed in
9 greater jeopardy if the prescriber was required to
10 access the information personally.

11 b. An individual who requests the individual's own
12 program information in accordance with the procedure
13 established in rules of the board and advisory council
14 adopted under section 124.510D.

15 c. Pursuant to an order, subpoena, or other means
16 of legal compulsion for access to or release of
17 program information that is issued based upon a
18 determination of probable cause in the course of a
19 specific investigation of a specific individual.

20 2. The board shall maintain a record of each
21 person that requests information from the program.
22 Pursuant to rules adopted by the board and advisory
23 council under section 124.510D, the board may use the
24 records to document and report statistical

25 information.

26 3. Information contained in the program and any
27 information obtained from it, and information
28 contained in the records of requests for information
29 from the program, is privileged and strictly
30 confidential information. Such information is not a
31 public record pursuant to chapter 22, 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 program shall not
35 be released, shared with an agency or institution, or
36 made public except as provided in this division.

37 4. Information collected for the program shall be
38 retained in the program for four years from the date
39 of dispensing. The information shall then be
40 destroyed.

41 5. A pharmacist or other dispenser making a report
42 to the program reasonably and in good faith pursuant
43 to this division is immune from any liability, civil,
44 criminal, or administrative, which might otherwise be
45 incurred or imposed as a result of the report.

46 6. Nothing in this section shall require a
47 pharmacist or prescriber to obtain information about a
48 patient from the program. A pharmacist or prescriber
49 does not have a duty and shall not be held liable in
50 damages to any person in any civil or derivative

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1 criminal or administrative action for injury, death,
2 or loss to person or property on the basis that the
3 pharmacist or prescriber did or did not seek or obtain
4 or use information from the program. A pharmacist or
5 prescriber acting reasonably and in good faith is
6 immune from any civil, criminal, or administrative
7 liability that might otherwise be incurred or imposed
8 for requesting or receiving or using information from
9 the program.

10 7. The board shall not charge a fee to a pharmacy,
11 pharmacist, or prescriber for the establishment,
12 maintenance, or administration of the program,
13 including costs for forms required to submit
14 information to or access information from the program,
15 except that the board may charge a fee to an
16 individual who requests the individual's own program
17 information. A fee charged pursuant to this
18 subsection shall not exceed the actual cost of
19 providing the requested information and shall be
20 considered a repayment receipt as defined in section
21 8.2.

22 Sec. 5. NEW SECTION. 124.510D RULES AND
23 REPORTING.

24 1. The board and advisory council shall jointly
 25 adopt rules in accordance with chapter 17A to carry
 26 out the purposes of, and to enforce the provisions of,
 27 this division. The rules shall include but not be
 28 limited to the development of procedures relating to:
 29 a. Identifying each patient about whom information
 30 is entered into the program.
 31 b. An electronic format for the submission of
 32 information from pharmacies.
 33 c. A waiver to submit information in another
 34 format for a pharmacy unable to submit information
 35 electronically.
 36 d. An application by a pharmacy for an extension
 37 of time for transmitting information to the program.
 38 e. The submission by an authorized requestor of a
 39 request for information and a procedure for the
 40 verification of the identity of the requestor.
 41 f. Use by the board or advisory council of the
 42 program request records required by section 124.510C,
 43 subsection 2, to document and report statistical
 44 information.
 45 g. Including all Schedule II controlled substances
 46 and those substances in Schedules III and IV that the
 47 advisory council and board determine can be addictive
 48 or fatal if not taken under the proper care and
 49 direction of a prescriber.
 50 h. Access by a pharmacist or prescriber to

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1 information in the program pursuant to a written
 2 agreement with the board and advisory council.
 3 i. The correction or deletion of erroneous
 4 information in the program.
 5 2. Beginning January 1, 2007, and annually by
 6 January 1 thereafter, the board and advisory council
 7 shall present to the general assembly and the governor
 8 a report prepared consistent with section 124.510E,
 9 subsection 3, paragraph "d", which shall include but
 10 not be limited to the following:
 11 a. The cost to the state of implementing and
 12 maintaining the program.
 13 b. Information from pharmacies, prescribers, the
 14 board, the advisory council, and others regarding the
 15 benefits or detriments of the program.
 16 c. Information from pharmacies, prescribers, the
 17 board, the advisory council, and others regarding the
 18 board's effectiveness in providing information from
 19 the program.
 20 Sec. 6. NEW SECTION. 124.510E ADVISORY COUNCIL
 21 ESTABLISHED.
 22 An advisory council shall be established to provide

23 oversight to the board and the program and to manage
24 program activities. The board and advisory council
25 shall jointly adopt rules specifying the duties and
26 activities of the advisory council and related
27 matters.

28 1. The council shall consist of eight members
29 appointed by the governor. The members shall include
30 three licensed pharmacists, four physicians licensed
31 under chapter 148, 150, or 150A, and one licensed
32 prescriber who is not a physician. The governor shall
33 solicit recommendations for council members from Iowa
34 health professional licensing boards, associations,
35 and societies. The license of each member appointed
36 to and serving on the advisory council shall be
37 current and in good standing with the professional's
38 licensing board.

39 2. The council shall advance the goals of the
40 program, which include identification of misuse and
41 diversion of controlled substances identified pursuant
42 to section 124.510D, subsection 1, paragraph "g", and
43 enhancement of the quality of health care delivery in
44 this state.

45 3. Duties of the council shall include but not be
46 limited to the following:

- 47 a. Ensuring the confidentiality of the patient,
48 prescriber, and dispensing pharmacist and pharmacy.
- 49 b. Respecting and preserving the integrity of the
50 patient's treatment relationship with the patient's

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1 health care providers.

2 c. Encouraging and facilitating cooperative
3 efforts among health care practitioners and other
4 interested and knowledgeable persons in developing
5 best practices for prescribing and dispensing
6 controlled substances and in educating health care
7 practitioners and patients regarding controlled
8 substance use and abuse.

9 d. Making recommendations regarding the continued
10 benefits of maintaining the program in relationship to
11 cost and other burdens to the patient, prescriber,
12 pharmacist, and the board. The council's
13 recommendations shall be included in reports required
14 by section 124.510D, subsection 2.

15 e. One physician and one pharmacist member of the
16 council shall include in their duties the
17 responsibility for monitoring and ensuring that
18 patient confidentiality, best interests, and civil
19 liberties are at all times protected and preserved
20 during the existence of the program.

21 4. Members of the advisory council shall be

22 eligible to request and receive actual expenses for
 23 their duties as members of the advisory council,
 24 subject to reimbursement limits imposed by the
 25 department of administrative services, and shall also
 26 be eligible to receive a per diem compensation as
 27 provided in section 7E.6, subsection 1.

28 Sec. 7. NEW SECTION. 124.510F EDUCATION AND
 29 TREATMENT.

30 The program for drug prescribing and dispensing
 31 shall include education initiatives and outreach to
 32 consumers, prescribers, and pharmacists, and shall
 33 also include assistance for identifying substance
 34 abuse treatment programs and providers. The board and
 35 advisory council shall adopt rules, as provided under
 36 section 124.510D, to implement this section.

37 Sec. 8. NEW SECTION. 124.510G DRUG INFORMATION
 38 PROGRAM FUND.

39 The drug information program fund is established to
 40 be used by the board to fund or assist in funding the
 41 program. The board may make deposits into the fund
 42 from any source, public or private, including grants
 43 or contributions of money or other items of value,
 44 which it determines necessary to carry out the
 45 purposes of this division. Moneys received by the
 46 board to establish and maintain the program must be
 47 used for the expenses of administering this division.
 48 Notwithstanding section 8.33, amounts contained in the
 49 fund that remain unencumbered or unobligated at the
 50 close of the fiscal year shall not revert but shall

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1 remain available for expenditure for the purposes
 2 designated in future years.

3 Sec. 9. NEW SECTION. 124.510H PROHIBITED ACTS –
 4 PENALTIES.

5 1. FAILURE TO COMPLY WITH REQUIREMENTS. A
 6 pharmacist, pharmacy, or prescriber who knowingly
 7 fails to comply with the confidentiality requirements
 8 of this division or who delegates program information
 9 access to another individual is subject to
 10 disciplinary action by the appropriate professional
 11 licensing board. A pharmacist or pharmacy that
 12 knowingly fails to comply with other requirements of
 13 this division is subject to disciplinary action by the
 14 board. Each licensing board may adopt rules in
 15 accordance with chapter 17A to implement the
 16 provisions of this section.

17 2. UNLAWFUL ACCESS, DISCLOSURE, OR USE OF
 18 INFORMATION. A person who intentionally or knowingly
 19 accesses, uses, or discloses program information in
 20 violation of this division, unless otherwise

- 21 authorized by law, is guilty of a class "D" felony.
 22 This section shall not preclude a pharmacist or
 23 prescriber who requests and receives information from
 24 the program consistent with the requirements of this
 25 chapter from otherwise lawfully providing that
 26 information to any other person for medical or
 27 pharmaceutical care purposes.
 28 Sec. 10. Sections 124.510A through 124.510H are
 29 repealed June 30, 2009.
 30 Sec. 11. EFFECTIVE DATE. This Act, being deemed
 31 of immediate importance, takes effect upon enactment."
 32 2. Title page, by striking lines 1 through 3 and
 33 inserting the following: "An Act providing for the
 34 establishment of an information program for drug
 35 prescribing and dispensing, providing penalties, and
 36 providing an effective date."
 37 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8438.

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

On the question "Shall the bill pass?" (H.F. 722)

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	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	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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 722, 2612 and 2786.**

On motion by Gipp of Winneshiek, the House was recessed at 11:15 a.m., until the conclusion of the meeting on government oversight.

AFTERNOON SESSION

The House reconvened at 1:53 p.m., Speaker pro tempore Carroll in the chair.

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session at 2:04 p.m., Boal of Polk in the chair.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 6, 2006. Had I been present, I would have voted "aye" on Senate File 2322.

RAECKER of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-three students from Graettinger School, Terril, Iowa, accompanied by teacher Joann Gano, Principal Jared Cecil and superintendent Dan Mart. By May of Dickinson and Frevert of Palo Alto.

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

- 2006\1344 Harriet Vande Hoef, Sibley – For celebrating her 80th birthday.
- 2006\1345 Larry Kisor, Sioux City – For his 35 years as band instructor, with the last 21 years of instruction at North High School, for his admirable devotion to music education, and the values of self-confidence, hard work and commitment and dedication he has instilled in his students.
- 2006\1346 Mr. and Mrs. James Stuhler, Bettendorf – For celebrating their 50th wedding anniversary.
- 2006\1347 Mr. and Mrs. Leon Hubble, Bettendorf – For celebrating their 61st wedding anniversary.
- 2006\1348 Mr. and Mrs. Edwin Kerns, Bettendorf – For celebrating their 75th wedding anniversary.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 777

Ways and Means: Kurtenbach, Chair; Huser and Struyk.

House Study Bill 778

Ways and Means: Tymeson, Chair; Davitt and Kaufmann.

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 WAYS AND MEANS

Committee Bill (Formerly House File 2584), relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2006.

Committee Bill (Formerly House Study Bill 776), relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2006.

AMENDMENTS FILED

H—8510	H.F.	2770	Struyk of Pottawattamie
H—8511	H.F.	2770	Huser of Polk
			Wise of Lee
			Thomas of Clayton
H—8514	H.F.	2752	Alons of Sioux
H—8515	S.F.	2319	Pettengill of Benton
H—8516	S.F.	2369	Dolecheck of Ringgold

On motion by Dolecheck of Ringgold the House adjourned at 2:04 p.m., until 9:00 a.m., Friday, April 7, 2006.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 7, 2006

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants in the chair.

The Journal of Thursday, April 6, 2006 was approved.

INTRODUCTION OF BILL

House File 2793, by committee on ways and means, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

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

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 2006, he approved and transmitted to the Secretary of State the following bills:

House File 537, an Act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

House File 2505, an Act authorizing the labor commissioner to represent laborers or employees seeking wage claims in pending receivership or seizure actions and providing an applicability date.

House File 2507, an Act relating to priority of labor or wage claims over other debts when an employer's property is placed in receivership or otherwise seized by creditors.

House File 2611, an Act authorizing the department of natural resources to issue a fishing permit to certain students.

House File 2696, an Act relating to the disposal of a controlled substance.

Senate File 2194, an Act relating to county, city, and school board publication of allowed claims.

Senate File 2207, an Act relating to the publication of official notices in English language newspapers.

Senate File 2231, an Act concerning accrued sick leave and the conversion of sick leave for state employees.

Senate File 2267, an Act relating to safe motor vehicle operation, including penalties for certain motor vehicle violations causing death or serious injury and classroom instruction for driver education courses.

Senate File 2289, an Act relating to identification of publicly owned motor vehicles used by persons who provide off-site or in-home medical or mental health services.

Also: the Governor announced that on April 7, 2006 he approved and transmitted to the Secretary of State the following bills:

House File 2333, an Act prohibiting a person or club holding a liquor control license or retail wine or beer permit from distributing or possessing machines used to vaporize an alcoholic beverage for consumption and making penalties applicable.

House File 2337, an Act relating to the use of a peace officer of the department of public safety in an industrial dispute and providing an effective date.

House File 2512, an Act relating to the jurisdiction of the ethics and campaign disclosure board and including effective date and retroactive applicability provisions and subjecting violators to remedies and penalties.

House File 2569, an Act relating to the operation of all-terrain vehicles on the highway for limited purposes.

House File 2695, an Act relating to landlords and tenants including notice requirements to terminate a periodic tenancy and service of a petition for forcible entry and detainer by publication.

Senate File 2199, an Act concerning the purchase of service under the Iowa department of public safety peace officers' retirement, accident, and disability system.

Senate File 2252, an Act relating to adoption petitions and proceedings including the information required to be included in an adoption petition.

Senate File 2253, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Senate File 2264, an Act relating to the duties of county recorders and county auditors concerning instruments affecting real estate and certain other filings recorded by the county recorder.

Senate File 2305, an Act concerning wine, including the allowable alcohol content of wine and inspection of certain wine permittees.

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

- 2006\1349 Mr. and Mrs. Joseph Holdiman, Waterloo – For celebrating their 60th wedding anniversary.
- 2006\1350 Mr. and Mrs. Roland Riensche, Jesup – For celebrating their 50th wedding anniversary.
- 2006\1351 Larry and Jan Sloan, Madrid – For celebrating their 50th wedding anniversary.
- 2006\1352 Vi George, North English – For celebrating her 80th birthday.
- 2006\1353 John and Myrtle Henning, Hartwick – For celebrating their 60th wedding anniversary.
- 2006\1354 Margaret Rusk McClure, Richland – For celebrating her 90th birthday.
- 2006\1355 Louise A. and Charles D. Funaro, Des Moines – For celebrating their 50th 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

Senate File 2319, a bill for an act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 2006.

RESOLUTION FILED

HR 166, by Berry, Kressig, Shoultz, Jenkins, Reasoner, Ford, Oldson, Petersen, R. Olson, Hunter, McCarthy and Fallon, a resolution congratulating the Iowa communities named among the 100 Best Communities for Young People.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 8:47 a.m., until 1:00 p.m., Monday, April 10, 2006.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 10, 2006

The House met pursuant to adjournment at 1:12 p.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the music of "Godz Guyz", a group of singers from Gloria Dei Lutheran Church and Hope Lutheran Church. They were the guests of Representative Scott Raecker of Polk County.

Prayer was offered by Reverend Susan Guy, pastor of Walnut Hills United Methodist Church, Urbandale. She was the guest of Representative Janet Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, April 7, 2006 was approved.

INTRODUCTION OF BILL

House File 2794, by committee on ways and means, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

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

ADOPTION OF HOUSE RESOLUTION 142

Raecker of Polk called up for consideration **House Resolution 142**, a resolution to congratulate the Urbandale Senior League All-Star Team for winning the 2005 Senior League Baseball World Series Championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 112

Huser of Polk called up for consideration **House Concurrent Resolution 112**, a concurrent resolution designating May 2006 as Motorcycle Safety Awareness Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Winckler of Scott introduced to the House members of the Scott County Medical Society visiting here to celebrate their 150th anniversary.

The House rose and expressed its welcome.

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session at 4:22 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 eighty-one members present, nineteen absent.

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **House File 2508**, a bill for an act relating to direct deposit of wages and creating an exception to the payday information employers are required to provide each employee under the Iowa wage payment collection law and providing for retroactive applicability, amended by the Senate amendment H-8426 as follows:

H-8426

- 1 Amend House File 2508, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec.____. Section 91A.3, subsection 3, Code

6 Supplement 2005, is amended by adding the following
 7 new unnumbered paragraph after paragraph c:
 8 NEW UNNUMBERED PARAGRAPH. If the employer fails to
 9 send an employee's wages for direct deposit on or by
 10 the regular payday in accordance with this subsection,
 11 the employer is liable for the amount of any overdraft
 12 charge if the overdraft is created on the employee's
 13 account because of the employer's failure to direct
 14 deposit the wages on or by the regular payday."
 15 2. By renumbering as necessary.

Horbach of Tama offered the following amendment H-8494, to the Senate amendment H-8426, filed by him and moved its adoption:

H-8494

1 Amend the Senate amendment, H-8426, to House File
 2 2508, as passed by the House, as follows:
 3 1. Page 1, lines 13 and 14, by striking the words
 4 "direct deposit" and inserting the following: "send".

Amendment H-8494 was adopted.

On motion by Horbach of Tama the House concurred in the Senate amendment H-8426, 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. 2508)

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	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	Wildurdyke	Winckler
Wise	Carroll, Presiding		

The nays were, 1:

Hunter

Absent or not voting, 1:

Zirkelbach

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

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2770, a bill for an act relating to economic development by creating a bioscience funding board and bioscience fund, providing tax incentives under the high quality job creation Act, and providing an exempt activity for foreign corporations, and including effective and retroactive applicability date provisions, was taken up for consideration.

Struyk of Pottawattamie offered amendment H-8510 filed by him as follows:

H-8510

- 1 Amend House File 2770 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 24.
- 4 2. Page 3, by inserting after line 1 the
- 5 following:
- 6 "Sec. ____ NEW SECTION. 15.362 ENDOWED CHAIRS.
- 7 1. The state board of regents may create endowed
- 8 chair positions at each of the regents universities

9 using, in part, moneys appropriated to the state board
10 of regents for purposes of implementing
11 recommendations provided in separate consultant
12 reports on bioscience, advanced manufacturing, and
13 information technology submitted to the department of
14 economic development in the calendar years 2004 and
15 2005. Such moneys may only be used to partially fund
16 an endowed chair position if significant private
17 contributions and contributions from governmental
18 entities other than the state and political
19 subdivisions of the state are used to fund the
20 position. Not more than fifty percent of the cost of
21 funding an endowed chair position shall be paid with
22 such moneys. The endowed chair positions shall be
23 used to attract scholars recruited nationally and
24 internationally who can bring with them related start-
25 up business ventures or a concept for near-term
26 commercialization.

27 2. The state board of regents shall not use moneys
28 appropriated to the board for purposes of implementing
29 recommendations provided in separate consultant
30 reports on bioscience, advanced manufacturing, and
31 information technology submitted to the department of
32 economic development in the calendar years 2004 and
33 2005 to pay the salary of a salaried employee, but may
34 use the moneys to pay the salary of a contract
35 employee provided that the employment contract is for
36 not more than five years."

37 3. Page 3, by inserting after line 19 the
38 following:

39 "Sec. ____. **NEW SECTION. 262B.21 RESEARCH AND**
40 **DEVELOPMENT PLATFORMS.**

41 1. For purposes of this section, and sections
42 262B.22 and 262B.23, "core platform areas" means the
43 areas of advanced manufacturing, biosciences,
44 information solutions, and financial services.

45 2. The state board of regents shall do all of the
46 following:

47 a. Recruit employees, build capacity, and invest
48 moneys to ensure rapid scientific progress in the core
49 platform areas.

50 b. Create endowed chair positions and employ

Page 2

1 persons with entrepreneurial expertise.

2 c. Invest in technology development infrastructure
3 to strengthen and accelerate the scientific and
4 commercialization work in the core platform areas.

5 d. Provide financial assistance in the form of
6 grants for purposes of accelerating the transformation
7 of new and ongoing research and development

8 initiatives in the core platform areas into commercial
9 opportunities.

10 e. Actively participate in advisory groups
11 dedicated to the areas of bioscience advanced
12 manufacturing, and information solutions.

13 Sec. __. NEW SECTION. 262B.22 TECHNOLOGY AND
14 COMMERCIALIZATION RESOURCE ORGANIZATION.

15 1. The general assembly finds and declares that
16 the public good requires that Iowa successfully
17 participate and compete in the emerging world economy.
18 A technology and commercialization resource
19 organization is established to formulate and implement
20 plans and programs for the core platform areas and to
21 facilitate their commercial application within the
22 state.

23 2. The technology and commercialization resource
24 organization shall receive recommendations for
25 research projects which have commercialization
26 potential from institutions of higher learning under
27 the control of the state board of regents. In
28 cooperation with commercialization experts in the
29 private sector, the organization shall analyze
30 research project submissions and make recommendations
31 regarding which projects should receive funding and
32 how much funding such projects should receive. The
33 recommendations of the organization shall be forwarded
34 to the state board of regents. The state board of
35 regents shall review the recommendations and may
36 approve, deny, or modify the recommendations. If the
37 state board of regents modifies a recommendation, the
38 modified recommendation shall be returned to the
39 technology and commercialization resource organization
40 for consideration and for recommendation. The state
41 board of regents may award financial assistance to
42 approved research projects.

43 3. A technology and commercialization resource
44 organization shall be incorporated under chapter 504.
45 The organization shall not be regarded as a state
46 agency, except for purposes of chapter 17A. A member
47 of the board of directors is not considered a state
48 employee, except for purposes of chapter 669. A
49 natural person employed by the organization is a state
50 employee for purposes of the Iowa public employees'

Page 3

1 retirement system, state health and dental plans, and
2 other state employee benefit plans and chapter 669.
3 Chapters 8, 8A, and 20, and other provisions of law
4 that relate to requirements or restrictions dealing
5 with state personnel or state funds, do not apply to
6 the organization or any employees of the board of

- 7 directors or the organization except to the extent
8 provided in this chapter.
- 9 4. The board of directors of the organization
10 shall consist of eight voting members as follows:
11 a. The president of the state board of regents.
12 b. The three members of the economic development
13 subcommittee of the state board of regents.
14 c. The chief technology officer of the state.
15 d. One member selected by a biosciences
16 development organization designated by the department
17 of economic development pursuant to section 15G.111,
18 subsection 2.
19 e. The chairperson of the advanced manufacturing
20 steering group of the department of economic
21 development.
22 f. The chairperson of the information solutions
23 steering group of the department of economic
24 development.
- 25 5. The members of the board of directors shall
26 annually elect a president of the board from the board
27 membership. A vacancy shall be filled by the
28 appointing authority. Members are eligible for actual
29 expense reimbursement while fulfilling duties of the
30 board."
- 31 4. Page 4, line 6, by striking the words and
32 figure "Section 2 of this Act" and inserting the
33 following: "The section of this act amending section
34 15.335A".
- 35 5. Page 4, line 9, by striking the words and
36 figure "Section 5 of this Act" and inserting the
37 following: "The section of this Act enacting section
38 422.34A, subsection 8".
- 39 6. Title page, lines 1 and 2, by striking the
40 words "bioscience funding board and bioscience fund"
41 and inserting the following: "technology and
42 commercialization resource organization".
- 43 7. By renumbering as necessary.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8517, to amendment H-8510, filed by him from the floor.

Raecker of Polk offered the following amendment H-8522, to amendment H-8510, filed by him from the floor and moved its adoption:

H-8522

- 1 Amend the amendment, H-8510, to House File 2770 as
2 follows:

- 3 1. Page 1, by striking lines 4 through 36.
 4 2. Page 3, by striking line 30 and inserting the
 5 following: "board.
 6 Sec. ____ NEW SECTION. 262B.23 ENDOWED CHAIRS
 7 AND SALARIES.
 8 1. The state board of regents may use for salaries
 9 and may create endowed chair positions at each of the
 10 regents universities using, in part, moneys
 11 appropriated to the state board of regents for
 12 purposes of implementing recommendations provided in
 13 separate consultant reports on bioscience, advanced
 14 manufacturing, and information technology submitted to
 15 the department of economic development in the calendar
 16 years 2004 and 2005. Such moneys may only be used to
 17 partially fund an endowed chair position if
 18 significant private contributions and contributions
 19 from governmental entities other than the state and
 20 political subdivisions of the state are used to fund
 21 the position. Not more than fifty percent of the cost
 22 of funding an endowed chair position shall be paid
 23 with such moneys. The endowed chair positions shall
 24 be used to attract scholars recruited nationally and
 25 internationally who can bring with them related start-
 26 up business ventures or a concept for near-term
 27 commercialization.""
 28 3. By renumbering as necessary.

Amendment H-8522 was adopted.

Struyk of Pottawattamie offered the following amendment H-8519, to amendment H-8510, filed by him from the floor and moved its adoption:

H-8519

- 1 Amend the amendment, H-8510, to House File 2770 as
 2 follows:
 3 1. Page 2, by striking lines 36 through 40 and
 4 inserting the following: "approve, deny, or modify
 5 the recommendations, but the state board of regents
 6 shall not change the primary focus of the proposal.
 7 The state".

Amendment H-8519 was adopted.

The House stood at ease at 5:03 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Speaker Rants in the chair.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8524, to amendment H-8510, filed by her from the floor.

Huser of Polk offered the following amendment H-8526, to amendment H-8510, filed by her, Wise of Lee and Thomas of Clayton from the floor and moved its adoption:

H-8526

- 1 Amend the amendment, H-8510, to House File 2770 as
- 2 follows:
- 3 1. Page 3, by striking lines 9 through 24 and
- 4 inserting the following:
- 5 "4. The board of directors of the organization
- 6 shall consist of all of the following members:
- 7 a. Three members of the state board of regents
- 8 appointed by the state board of regents.
- 9 b. Two members appointed by a single bioscience
- 10 development organization identified by the department
- 11 pursuant to section 15G.111, subsection 2.
- 12 c. Five members appointed by the governor and
- 13 confirmed by the senate pursuant to section 2.32 as
- 14 follows:
- 15 (1) Two members with expertise in advanced
- 16 manufacturing.
- 17 (2) Two members with expertise in information
- 18 technology.
- 19 (3) One member who shall serve as the chairperson
- 20 of the board."
- 21 2. Page 3, by striking lines 25 through 27 and
- 22 inserting the following:
- 23 "5. A vacancy shall be filled by the".

A non-record roll call was requested.

The ayes were 37, nays 52.

Amendment H-8526 lost.

On motion by Struyk of Pottawattamie amendment H-8510, as amended, was adopted placing out of order amendment H-8511 filed by Huser et al., on April 6, 2006.

Struyk of Pottawattamie offered the following amendment H-8520 filed by him from the floor and moved its adoption:

H-8520

1 Amend House File 2770 as follows:
2 1. Page 2, line 35, by striking the words "fifty
3 percent of the number of" and inserting the following:
4 "all".
5 2. Page 3, by striking lines 17 through 19 and
6 inserting the following: "medical insurance under
7 family coverage plans to all new employees."
8 3. By striking page 3, line 22, through page 4,
9 line 4, and inserting the following:
10 "NEW SUBSECTION. 8. Storing tangible personal
11 property in a warehouse located in Iowa which is not
12 owned by the corporation provided that not more than
13 twenty-five percent of the dollar amount of the goods
14 are delivered or shipped so as to be included in the
15 gross sales of the corporation within this state as
16 provided in section 422.33, subsection 2, paragraph
17 "b", subparagraph (6), provided that not more than
18 twenty-five percent of the dollar amount of the goods
19 sold through the warehouse are sold to customers in
20 Iowa."

Amendment H-8520 was adopted.

Thomas of Clayton offered the following amendment H-8518 filed by him from the floor and moved its adoption:

H-8518

1 Amend House File 2770 as follows:
2 1. Page 3, by inserting after line 11 the
3 following:
4 "Sec. ____ Section 15G.112, Code Supplement 2005,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 1A. If a project is located in
7 any nonmetropolitan county or group of contiguous
8 counties the majority of which includes
9 nonmetropolitan counties, an applicant may qualify by
10 meeting one of the following wage threshold
11 requirements in lieu of the wage threshold requirement
12 in subsection 1:
13 a. The average hourly wage of new jobs created
14 must be equal to or greater than one hundred thirty
15 percent of one of the following:
16 (1) For a single county, the average new hire
17 hourly wage over a three calendar quarter period.

18 (2) For a region, the average of all contiguous
19 counties average new hire hourly wage over a three
20 calendar quarter period.
21 b. The average hourly wage, including benefits, of
22 new jobs created must be equal to or greater than one
23 hundred fifty percent of one of the following:
24 (1) For a single county, the average new hire
25 hourly wage over a three calendar quarter period.
26 (2) For a region, the average of all contiguous
27 counties average new hire hourly wage over a three
28 calendar quarter period.
29 For purposes of this subsection, the wage
30 thresholds shall be determined by utilizing wage data
31 available from the local employment dynamics program
32 of the department of workforce development. The
33 method for calculating the wage threshold shall be
34 based on local employment dynamics program data for
35 all industry sectors and all public and private
36 entities.
37 For purposes of this subsection, "metropolitan
38 county" means a county included in the standard
39 metropolitan statistical areas as determined by the
40 United States census bureau."
41 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 54, nays 29.

Amendment H-8518 was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 2770 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 590, a bill for an act providing for special senior crossbow deer hunting licenses.

Also: That the Senate has on April 10, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2147, a bill for an act relating to the temporary appointment of a conservator for a dependent adult in an emergency situation.

Also: That the Senate has on April 10, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2525, a bill for an act relating to policies and duties of the state department of transportation, including placement of official signs on primary highways, inspection of bridges, administrative duties, motor vehicle registration and titling, driver licensing, licensing and regulation of vehicle-related businesses, vehicle braking requirements, vehicle length restrictions, proof of financial responsibility requirements, and persons with disabilities parking permits, and including effective dates.

Also: That the Senate has on April 10, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2567, a bill for an act creating a multidimensional treatment level foster care program.

Also: That the Senate has on April 10, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2651, a bill for an act relating to a restitution order in a juvenile delinquency proceeding.

Also: That the Senate has on April 10, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2654, a bill for an act relating to the powers and duties of the county treasurer and including effective and applicability date provisions.

Also: That the Senate has on April 10, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2705, a bill for an act providing for changes relating to specified aspects of the operation of the department of administrative services.

Also: That the Senate has on April 10, 2006, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2742, a bill for an act relating to the probate and trust codes.

Also: That the Senate has on April 10, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2076, a bill for an act relating to confinement feeding operations by providing for manure management plans.

Also: That the Senate has on April 10, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2318, a bill for an act relating to an exception from emergency medical care requirements for persons providing care within the scope of their certification.

Also: That the Senate has on April 10, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2321, a bill for an act relating to the confidentiality of certain information relating to homeless individuals and individuals receiving housing assistance.

Also: That the Senate has on April 10, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2341, a bill for an act relating to county processing of orders for observation, evaluation, and treatment of public patients at the state psychiatric hospital at the state university of Iowa.

Also: That the Senate has on April 10, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2374, a bill for an act containing various provisions relating to business entities, including corporations, limited liability companies, and nonprofit corporations.

MICHAEL E. MARSHALL, Secretary

House File 2788, a bill for an act relating to the renewable energy tax credit program including providing for the extension of certain eligibility deadlines and operational requirements for eligible facilities, was taken up for consideration.

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. 2788)

The ayes were, 99:

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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

HOUSE FILES 2489 and 2682 WITHDRAWN

May of Dickinson asked and received unanimous consent to withdraw House Files 2489 and 2682 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2508, 2788 and House Concurrent Resolution 112.**

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 722

1. Page 3, line 19 – Changed “precriber” to “prescriber”.

House File 2652

1. Page 2, line 4 – Deleted “1.”
2. Page 2, line 5 – Changed “a.” to “1.”
3. Page 2, line 12 – Changed “b.” to “2.”
4. Page 2, line 21 – Changed “c.” to “3.”

MARGARET A. THOMSON
Chief Clerk of the House

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of April, 2006: House Files 2171, 2462, 2493, 2509 and 2590.

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

- | | |
|-----------|--|
| 2006\1356 | Larry and Dee Nelson, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2006\1357 | Robert and Norma Michaelson, Sioux City – For celebrating their 60 th wedding anniversary |
| 2006\1358 | Rennie Batcheller, Sioux City – For celebrating her 90 th birthday. |
| 2006\1359 | Gerald and Mary Schwartz, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2006\1360 | Don and Justine Owen, West Liberty – For celebrating their 50 th wedding anniversary. |

RESOLUTION FILED

HR 167, by Chambers, Kaufmann, Hutter, Lalk, Hogg, Watts, Horbach, Baudler, Swaim, May, Wilderdyke, Roberts, Dandekar, Pettengill, Tymeson, Alons, Freeman, Wendt, Jacoby, Murphy, De Boef, Soderberg, Maddox, Heddens, Arnold, Rasmussen, Paulsen, Gaskill, Sands, Tomenga, Upmeyer, Reichert, Jones, Huseman and Schickel, a resolution honoring the Iowa Army National Guard's 2168th Transportation Company for its service in support of the Global War on Terrorism.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8521	H.F.	2780	Winckler of Scott Whitaker of Van Buren
H—8523	H.F.	2790	Struyk of Pottawattamie Hoffman of Crawford
H—8525	H.F.	2742	Senate Amendment
H—8527	H.F.	2790	Struyk of Pottawattamie
H—8528	H.F.	2567	Senate Amendment
H—8529	H.F.	2651	Senate Amendment
H—8530	S.F.	2364	Struyk of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 6:21 p.m., until 8:45 a.m., Tuesday, April 11, 2006.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 11, 2006

The House met pursuant to adjournment at 8:46 a.m., Roberts of Carroll in the chair.

Prayer was offered by Reverend Larry McGuire, pastor of Community of Christ Church, Cedar Rapids. He was the guest of Representative Todd Taylor and Representative Swati Dandekar of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Monday, April 10, 2006 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2321, by committee on government oversight, a bill for an act relating to the confidentiality of certain information relating to homeless individuals and individuals receiving housing assistance

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

The House stood at ease at 8:50 a.m., until the fall of the gavel.

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

The House stood at ease at 9:33 a.m., until the fall of the gavel.

The House resumed session at 11:02 a.m., Speaker Rants in the chair.

On motion by S. Olson of Clinton, the House was recessed at 11:03 a.m., until the conclusion of the meeting of the committee on government oversight.

AFTERNOON SESSION

The House reconvened at 2:30 p.m., Paulsen of Linn in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2754, a bill for an act relating to the formulation of motor fuel, by providing for renewable fuel including ethanol blended fuel and biodiesel blended fuel, providing incentives for infrastructure used to store and dispense renewable fuel, providing for income tax credits and excise taxes, providing for penalties, and providing effective and applicability dates, including retroactive applicability.

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 11th day of April, 2006: House Files 2522, 2586, 2632, 2635 and 2679.

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 11, 2006, he approved and transmitted to the Secretary of State the following bills:

House File 2171, an Act allowing fishing without a license for certain persons who fish in a supervised group.

House File 2462, an Act relating to the number of eligible electors' signatures necessary in a school district to propose at a regular election the question of providing free textbooks for the use of the school district's pupils.

House File 2493, an Act providing for the establishment of a viral hepatitis program and study.

House File 2509, an Act relating to financial education for applicants for and participants in the family investment program.

Senate File 2087, an Act relating to an increase in per diem paid to trustees of sanitary districts.

Senate File 2275, an Act relating to debt cancellation coverage offered by banks and credit unions.

Senate File 2299, an Act relating to credit unions and other financial organizations by providing for public funds requirements, membership qualifications, and preservation of records.

Senate File 2304, an Act relating to indigent defense claims and the reimbursement of costs in juvenile cases paid by a county.

Senate File 2338, an Act modifying provisions relating to utilization of indirect cost reimbursements in appropriations to the office of grants enterprise management of the department of management, and making an appropriation.

Senate File 2353, an Act relating to debt management, mortgage bankers and brokers, delayed deposit services, regulated loans, and industrial loans, and providing for 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

- | | |
|-----------|--|
| 2006\1361 | Norma Ruhs, Audubon – For celebrating her 80 th birthday. |
| 2006\1362 | Virginia Kirkpatrick, Stuart – For celebrating her 90 th birthday. |
| 2006\1363 | Leone Petty, Adair – For celebrating her 90 th birthday. |
| 2006\1364 | Ron and Pat Keating, Casey – For celebrating their 50 th wedding anniversary. |

- 2006\1365 Lonnie and Polly Blass, Casey – For celebrating their 50th wedding anniversary.
- 2006\1366 Kenneth and Eleanor Miller, Fontanelle – For celebrating their 65th wedding anniversary.
- 2006\1367 Meryl and Phyllis Fett, Adair – For their 50th wedding anniversary.
- 2006\1368 Mr. and Mrs. Vernon Klabunde, Davenport – For celebrating their 65th wedding anniversary.
- 2006\1369 Wayne and Mildred Wilke, Clinton – For celebrating their 50th wedding anniversary.
- 2006\1370 Jack and Rosalie James, Clinton – For celebrating their 50th wedding anniversary.
- 2006\1371 Reynold and Myrna Miller, Clinton – For celebrating their 50th wedding anniversary.
- 2006\1372 Calvin and Shirley Henkes, Farmersburg – For celebrating their 60th wedding anniversary.
- 2006\1373 Gordon and Mary Carol, Montezuma – For celebrating their 50th wedding anniversary.
- 2006\1374 Margaret Wise, Grinnell – For celebrating her 88th birthday.
- 2006\1375 Marty Wanderscheid, Le Mars – For celebrating his 80th birthday.
- 2006\1376 Don and Deanna Lockhorst, Ireton – For celebrating their 50th wedding anniversary.
- 2006\1377 Dorothy Utesch, Le Mars – For celebrating her 80th birthday.
- 2006\1378 LaDonna and Larry Oltmanns, Craig – For celebrating their 50th wedding anniversary.
- 2006\1379 Darrell and Bernice Reiter, Le Mars – For celebrating their 50th wedding anniversary.
- 2006\1380 Lydia Muhlenbruck, Latimer – For celebrating her 90th birthday.
- 2006\1381 Bonnie Miller, Sheffield – For celebrating her 80th birthday.
- 2006\1382 Gordon and Marlis Nielsen, Waverly – For celebrating their 60th wedding anniversary.
- 2006\1383 Sarah Hansen, Clear Lake High School – For being named an All-American Scholar by the United States Achievement Academy.

- 2006\1384 Laura Priebe, Klemme – For being chosen to attend the annual Iowa American Legion Auxiliary Girls State.
- 2006\1385 LaVerne and Loretto Perry, Hazelton – For celebrating their 50th wedding anniversary.
- 2006\1386 Elmer and Marlene Hettinger, Independence – For celebrating their 50th wedding anniversary.
- 2006\1387 Donald and Anna Johnson, Jesup – For celebrating their 50th wedding anniversary.
- 2006\1388 John and Hermina Falck, Aurora – For celebrating their 50th wedding anniversary.
- 2006\1389 Belle Boyer, Jesup – For celebrating her 80th birthday.
- 2006\1390 Ethel Fosse, Iowa Falls – For celebrating her 96th birthday.
- 2006\1391 Mr. and Mrs. Fred Seibel, Walcott – For celebrating their 50th wedding anniversary.
- 2006\1392 Dorothy Dillon, Keswick – For celebrating her 85th birthday.
- 2006\1393 Cloyd and Mabel Fisher, Sigourney – For celebrating their 50th wedding anniversary.
- 2006\1394 Sam Vander Schaaf, Rock Valley – For celebrating his 95th birthday.
- 2006\1395 Caleb and Helen Hargis, New Sharon – For celebrating their 65th wedding anniversary.
- 2006\1396 Francis Purvis, Deep River – For celebrating his 80th birthday.
- 2006\1397 Walter and Marie Schueller, Dubuque – For celebrating their 60th wedding anniversary.
- 2006\1398 Don and Irma Gibbs, Springbrook – For celebrating their 55th wedding anniversary.
- 2006\1399 Margaret Genscher, Webster City – For celebrating her 90th birthday.
- 2006\1400 David Bisbee, Blairsburg – For celebrating his 90th birthday.
- 2006\1401 Monroe and Gladys Newcomb, Eagle Grove – For celebrating their 65th wedding anniversary.
- 2006\1402 Don and Georgia Becker, Hospers – For celebrating their 50th wedding anniversary.

- 2006\1403 Junior and Corrine Hohbach, Paullina – For celebrating their 50th wedding anniversary.
- 2006\1404 Les Birkholz, Mason City – For celebrating his 97th birthday.
- 2006\1405 William and Mary Lou Britven, Mason City – For celebrating their 50th wedding anniversary.
- 2006\1406 Duane and Betty Fibelstad, Mason City – For celebrating their 50th wedding anniversary.
- 2006\1407 Leonard and Marlene Gobeli, Mason City – For celebrating their 50th wedding anniversary.
- 2006\1408 Virginia Gibbs, Mason City – For celebrating her 93rd birthday.
- 2006\1409 Martha Friend, Mason City – For celebrating her 90th birthday.
- 2006\1410 Harold and Elizabeth Wilson, Toddville – For celebrating their 65th wedding anniversary.
- 2006\1411 Ed and Ann Roetman, Sioux Center – For celebrating their 65th wedding anniversary.
- 2006\1412 Madison Frei, Iowa City – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2006\1413 Andrea Schubert, Coralville – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2006\1414 Lindsey Hudson, Iowa City – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2006\1415 Noreen Broadie, Ruthven – For celebrating her 80th birthday.
- 2006\1416 Andy McGaffin, Spencer – For his many years of dedication to the students of Spencer High School as an educator and coach.
- 2006\1417 Mike Schmillen, Spencer – For his many years of dedication to the students of Spencer High School as an educator and coach.
- 2006\1418 Ryan Bergmann, Sumner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1419 Marie Drape, Tripoli – For celebrating her 90th birthday.
- 2006\1420 Dorothy Sorenson, Spencer – For celebrating her 95th birthday.
- 2006\1421 Earl and Betty Lou Baish, Lake Park – For celebrating their 50th wedding anniversary.
- 2006\1422 Doris Camp, Spencer – For celebrating her 80th birthday.

- 2006\1423 Verlyn and Marie Jipson, Arnolds Park – For celebrating their 60th wedding anniversary.
- 2006\1424 Grace Hynes, Spencer – For celebrating her 95th birthday.
- 2006\1425 Martin and Cleo Wolthuis, Spencer – For celebrating their 65th wedding anniversary.
- 2006\1426 Mr. and Mrs. Mayne Courter, Winfield – For celebrating their 60th wedding anniversary.
- 2006\1427 Michelle Gravert, Davenport – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.

RESOLUTIONS FILED

HR 168, by Kuhn and Schickel, a resolution honoring Greg Brunner and Jeff Horner, two of the most celebrated basketball players in Iowa's history.

Laid over under **Rule 25**.

HR 169, by Dix, Foege and McCarthy, a resolution honoring the Wartburg College women's track team.

Laid over under **Rule 25**.

HR 170, by Dix, Foege and McCarthy, a resolution honoring the Wartburg College wrestling team.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8531	S.F.	2301	Anderson of Page Swaim of Davis
H—8532	H.F.	2754	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 2:32 p.m., until 8:45 a.m., Wednesday, April 12, 2006.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 12, 2006

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

Prayer was offered by Reverend John Colyer, pastor of Ankeny Free Church, Ankeny. He was the guest of Representative Carmine Boal of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker pro tempore Carroll.

The Journal of Tuesday, April 11, 2006 was approved.

The House stood at ease at 8:49 a.m., until the fall of the gavel.

The House resumed session at 11:29 a.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **House File 2562**, a bill for an act to make electronic mail and telephone billing records of law enforcement agencies confidential if that information is part of an investigation, amended by the Senate, and moved that the House concur in the following Senate amendment H-8506:

H-8506

- 1 Amend House File 2562, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "an" the following: "ongoing".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "individual." the following: "Specific portions of
- 7 electronic mail and telephone billing records may be
- 8 kept confidential under this subsection only for as
- 9 long as the statute of limitations would have run on a
- 10 respective crime that is under investigation."

The motion prevailed and the House concurred in the Senate amendment H-8506.

Horbach of Tama 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. 2562)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	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
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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2562** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 11:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., S. Olson of Clinton in the chair.

QUORUM CALL

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

SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration **House File 2742**, a bill for an act relating to the probate and trust codes and providing applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8525:

H-8525

- 1 Amend House File 2742, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 11, through page 2,
- 4 line 9.
- 5 2. Page 2, line 27, by inserting after the word
- 6 "account" the following: "or other property".
- 7 3. Page 3, line 8, by inserting after the word
- 8 "to" the following: "funds or".
- 9 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8525.

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

On the question "Shall the bill pass?" (H.F. 2742)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	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.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	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
Wilderdyeke	Winckler	Wise	Olson, S., Presiding

The nays were, 1:

Taylor, D.

Absent or not voting, 3:

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

The House stood at ease at 1:14 p.m., until the fall of the gavel.

The House resumed session at 2:59 p.m., Roberts of Carroll in the chair.

SENATE AMENDMENT CONSIDERED

S. Olson of Clinton called up for consideration **House File 2754**, a bill for an act relating to renewable fuel and energy, providing

incentives for infrastructure used to store and dispense renewable fuel, providing for income tax credits and excise taxes, providing for penalties, and providing effective and applicability dates, including retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H-8532:

H-8532

1 Amend House File 2754, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by striking the figure "2025"
4 and inserting the following: "2020, all".
5 2. Page 1, by inserting after line 6 the
6 following:
7 "Sec. ___. Section 214.1, subsections 1 through 3,
8 Code 2005, are amended by striking the subsections and
9 inserting in lieu thereof the following:
10 1. "Commercial weighing and measuring device" or
11 "device" means the same as defined in section 215.26.
12 2. "Motor fuel" means the same as defined in
13 section 214A.1.
14 3. "Motor fuel pump" means a pump, meter, or
15 similar commercial weighing and measuring device used
16 to measure and dispense motor fuel on a retail basis.
17 4. "Retail dealer" means the same as defined in
18 section 214A.1.
19 5. "Wholesale dealer" means the same as defined in
20 section 214A.1."
21 3. Page 1, line 20, by striking the word
22 "constituent" and inserting the following:
23 "component".
24 4. Page 3, line 14, by inserting after the word
25 "site" the following: "including a permanent or
26 mobile location".
27 5. Page 4, line 7, by striking the word
28 "registration".
29 6. Page 4, by striking lines 17 through 22 and
30 inserting the following:
31 "() Ethanol must be an agriculturally derived
32 ethyl alcohol that meets A.S.T.M. international
33 specification D 4806 for denatured fuel ethanol for
34 blending with gasoline for use as automotive spark-
35 ignition engine fuel, or a successor A.S.T.M.
36 international specification, as established by rules
37 adopted by the department."
38 7. By striking page 4, line 26, through page 5,
39 line 1, and inserting the following:
40 "() E-85 gasoline must be an agriculturally
41 derived ethyl alcohol that meets A.S.T.M.
42 international specification D 5798, described as a

43 fuel blend for use in ground vehicles with automotive
44 spark-ignition engines, or a successor A.S.T.M.
45 international specification, as established by rules
46 adopted by the department."
47 8. Page 5, line 11, by striking the words
48 "biodiesel or biodiesel blended" and inserting the
49 following: "diesel".
50 9. Page 5, line 12, by striking the word

Page 2

1 "registration".
2 10. Page 5, line 16, by striking the word "The"
3 and inserting the following: "If the motor fuel is
4 advertised for sale or sold as biodiesel or biodiesel
5 blended fuel, the".
6 11. Page 6, line 32, by inserting after the word
7 "gasoline." the following: "However, a person
8 advertising E-10 gasoline may only designate it as
9 ethanol blended gasoline."
10 12. Page 7, by inserting after line 4 the
11 following:
12 "Sec.____. Section 214A.5, Code 2005, is amended
13 to read as follows:
14 214A.5 SALES SLIP ON DEMAND.
15 ~~Each A~~ wholesale dealer or retail dealer ~~in this~~
16 ~~state~~ shall, when making a sale of motor vehicle fuel,
17 give to ~~each a~~ purchaser upon demand a sales slip,
18 ~~upon which must be printed the words "This motor~~
19 ~~vehicle fuel conforms to the standard of~~
20 ~~specifications required by the state of Iowa."~~ Each
21 ~~wholesale dealer in this state shall, when making a~~
22 ~~sale of oxygenate octane enhancer, give to each~~
23 ~~purchaser upon demand a sales slip upon which must be~~
24 ~~printed the words "This oxygenate octane enhancer~~
25 ~~conforms to the standard specifications required by~~
26 ~~the state of Iowa."~~
27 Sec.____. Section 214A.7, Code 2005, is amended to
28 read as follows:
29 214A.7 DEPARTMENT INSPECTION – SAMPLES TESTED.
30 The department, ~~its agents or employees,~~ shall,
31 from time to time, make or cause to be made tests of
32 any motor vehicle fuel or oxygenate octane enhancer
33 which is being sold, or held or offered for sale
34 within this state, ~~and for such purposes the~~
35 ~~inspectors have the right to.~~ An inspector may enter
36 upon the premises of any wholesale dealer or retail
37 dealer ~~of motor vehicle fuel or oxygenate octane~~
38 ~~enhancer within this state,~~ and to take from any
39 container a sample of the motor vehicle fuel or
40 oxygenate octane enhancer, not to exceed eight sixteen
41 fluid ounces. The sample shall be sealed and

42 appropriately marked or labeled by the inspector and
 43 delivered to the department. The department shall
 44 make, or cause to be made, complete analyses or tests
 45 of the motor vehicle fuel or oxygenate octane enhancer
 46 by the methods specified in section 214A.2."

47 13. Page 7, line 9, by striking the words "an
 48 oxygenate" and inserting the following: "oxygenate".

49 14. Page 7, line 10, by inserting after the word
 50 "~~enhancer~~" the following: "biofuel".

Page 3

1 15. Page 7, by striking lines 13 through 18 and
 2 inserting the following:
 3 "Sec. ____ Section 214A.11, Code 2005, is amended
 4 to read as follows:

5 214A.11 VIOLATIONS PENALTIES.

6 1. Any Except as provided in subsection 2, a
 7 person violating the provisions who violates a
 8 provision of this chapter shall be is guilty of a
 9 simple serious misdemeanor. Each day that a
 10 continuing violation occurs shall be considered a
 11 separate offense.

12 2. The state may proceed against a person who
 13 violates this chapter by initiating an alternative
 14 civil enforcement action in lieu of a prosecution.
 15 The alternative civil enforcement action may be
 16 brought against the person as a contested case
 17 proceeding by the department under chapter 17A or as a
 18 civil judicial proceeding by the attorney general upon
 19 referral by the department. The department may
 20 impose, assess, and collect the civil penalty. The
 21 civil penalty shall be for at least one hundred
 22 dollars but not more than one thousand dollars for
 23 each violation. Each day that a continuing violation
 24 occurs shall be considered a separate offense.

25 a. Except as provided in paragraph "b", the state
 26 is precluded from prosecuting a violation pursuant to
 27 subsection 1, if the state is a party in the
 28 alternative civil enforcement action, the department
 29 has made a final decision in the contested case
 30 proceeding, or a court has entered a final judgment.

31 b. If a party to an alternative civil enforcement
 32 action fails to pay the civil penalty to the
 33 department within thirty days after the party has
 34 exhausted the party's administrative remedies and the
 35 party has not sought judicial review in accordance
 36 with section 17A.19, the department may order that its
 37 final decision be vacated. When the department's
 38 final decision is vacated, the state may initiate a
 39 criminal prosecution, but shall be precluded from
 40 bringing an alternative civil enforcement action. If

41 a party to an alternative civil enforcement action
42 fails to pay the civil penalty within thirty days
43 after a court has entered a final judgment, the
44 department may request that the attorney general
45 petition the court to vacate its final judgment. When
46 the court's judgment has been vacated, the state may
47 initiate a criminal prosecution, but shall be
48 precluded from bringing an alternative civil
49 enforcement action."
50 16. Page 11, by striking line 20 and inserting

Page 4

1 the following:

2 "____. As used in this section, unless the context
3 otherwise requires:

4 _____. "E-85 gasoline and "retail dealer" mean the
5 same as defined in section 214A.1.

6 _____. "Gasoline storage and".

7 17. Page 11, line 25, by striking the words "as
8 defined in section 214A.1".

9 18. Page 11, line 30, by inserting after the word
10 "department" the following: "of natural resources
11 under this chapter or the state fire marshal under
12 chapter 101, division II".

13 19. Page 11, line 34, by striking the word
14 "equipment" and inserting the following: "dispenser".

15 20. Page 12, line 6, by inserting after the word
16 "equipment" the following: "for use in dispensing E-
17 85 gasoline".

18 21. Page 12, lines 9 and 10, by striking the
19 words "department of public safety" and inserting the
20 following: "state fire marshal".

21 22. Page 12, line 14, by striking the words
22 "department of public safety" and inserting the
23 following: "state fire marshal".

24 23. Page 12, by inserting after line 15 the
25 following:

26 "Sec.____. CONFLICT WITH OTHER ACT. If the
27 Eighty-first General Assembly enacts House File 2793
28 or any other Act that amends section 214.1 in a manner
29 that conflicts with the amendments in this Act to
30 section 214.1, the provisions of this Act shall
31 prevail."

32 24. Page 12, by inserting after line 32 the
33 following:

34 "____. "Department" means the Iowa department of
35 economic development created in section 15.105."

36 25. Page 13, line 7, by inserting after the word
37 "biodiesel" the following: "that is stored on-site or
38 off-site in bulk and".

39 26. Page 13, line 9, by inserting after the word

- 40 "which" the following: "storage and distribution
41 facility".
42 27. Page 13, by inserting after line 20 the
43 following:
44 "___ "Underground storage tank fund board" means
45 the Iowa comprehensive petroleum underground storage
46 tank fund board established pursuant to section
47 455G.4."
48 28. Page 13, line 32, by striking the word "nine"
49 and inserting the following: "eleven".
50 29. Page 13, by inserting after line 35 the

Page 5

- 1 following:
2 "___ One person representing the petroleum
3 industry who is knowledgeable about issues relating to
4 petroleum refining, terminal operations, and petroleum
5 or motor fuel distribution."
6 30. Page 14, line 1, by striking the word "Eight"
7 and inserting the following: "Nine".
8 31. Page 14, by inserting after line 11 the
9 following:
10 "() The Iowa grocery industry association."
11 32. Page 14, line 29, by striking the word "five"
12 and inserting the following: "six".
13 33. Page 14, by inserting after line 30 the
14 following:
15 "___ The infrastructure board shall meet with
16 three or more members of the underground storage tank
17 fund board who shall represent the underground storage
18 tank fund board. The representatives shall be
19 available to advise the infrastructure board when the
20 infrastructure board makes decisions regarding the
21 awarding of financial incentives to a person under a
22 renewable fuel infrastructure program provided in
23 section 15G.116 or 15G.117."
24 34. Page 14, line 34, by striking the word "Five"
25 and inserting the following: "Six".
26 35. Page 15, line 16, by inserting after the word
27 "dispense" the following: "renewable fuel which is".
28 36. Page 15, by striking lines 19 through 26 and
29 inserting the following:
30 "2. A person may apply to the department to
31 receive financial incentives on a cost-share basis.
32 The department shall forward the applications to the
33 underground storage tank fund board as required by
34 that board for evaluation and recommendation. The
35 underground storage tank fund board may rank the
36 applications with comments and shall forward them to
37 the infrastructure board for approval or disapproval.
38 The department shall award financial incentives on a

39 cost-share basis to an eligible person whose
40 application was approved by the infrastructure board.
41 3. To all extent practical, the program shall be
42 administered in conjunction with the programs provided
43 in section 15.401."
44 37. Page 16, by striking lines 31 through 33 and
45 inserting the following: "to perform a new site
46 assessment unless a new release occurs or if a
47 previously unknown or unforeseen risk condition should
48 arise."
49 38. By striking page 16, line 34, through page
50 17, line 4, and inserting the following:

Page 6

1 "____. The infrastructure board shall not approve a
2 cost."
3 39. Page 17, line 7, by striking the words "or
4 motor fuel pump".
5 40. Page 17, by striking lines 17 through 25 and
6 inserting the following: "exceed fifty percent of the
7 actual cost of making the improvement or thirty
8 thousand dollars, whichever is less. The
9 infrastructure board may approve multiple awards to
10 make improvements to a retail motor fuel site so long
11 as the total amount of the awards does not exceed the
12 limitations provided in this paragraph."
13 41. Page 17, line 26, by striking the word "c."
14 and inserting the following: "7."
15 42. Page 17, by striking lines 27 and 28 and
16 inserting the following: "to store and dispense motor
17 fuel other than the type of renewable fuel approved by
18 the board in the cost-share agreement, unless one of
19 the".
20 43. Page 17, line 30, by striking the figure
21 "(1)" and inserting the following: "a."
22 44. Page 17, line 34, by striking the figure
23 "(2)" and inserting the following: "b."
24 45. Page 17, line 34, by striking the words
25 "infrastructure fund" and inserting the following:
26 "renewable fuel infrastructure fund if created in 2006
27 Iowa acts, House File 2759".
28 46. Page 18, line 2, by inserting after the word
29 "amount." the following: "The amount shall be
30 deposited in the renewable fuel infrastructure fund if
31 created in 2006 Iowa acts, House File 2759."
32 47. Page 18, line 3, by striking the word "d."
33 and inserting the following: "8."
34 48. Page 18, by striking lines 9 through 11.
35 49. Page 18, by striking lines 15 through 17 and
36 inserting the following: "infrastructure board
37 created in section 15G.115 shall".

38 50. Page 18, by striking lines 25 through 30 and
 39 inserting the following:
 40 "____. A person may apply to the department to
 41 receive financial incentives on a cost-share basis.
 42 The department shall forward the applications to the
 43 underground storage tank fund board as required by
 44 that board for evaluation and recommendation. The
 45 underground storage tank fund board may rank the
 46 applications with comments and shall forward them to
 47 the infrastructure board for approval or disapproval.
 48 The department shall award financial incentives on a
 49 cost-share basis to an eligible person whose
 50 application was approved by the infrastructure board.

Page 7

1 _____. To all extent practical, the program shall be
 2 administered in conjunction with the programs provided
 3 in section 15.401."
 4 51. Page 19, by striking lines 16 through 25 and
 5 inserting the following:
 6 "____. An award of financial incentives to a
 7 participating person shall be in the form of a grant.
 8 In order to participate in the program an eligible
 9 person must execute a cost-share agreement with the
 10 department as approved by the infrastructure board in
 11 which the person contributes a percentage of the total
 12 costs related to improving the terminal. The
 13 financial incentives awarded to the participating
 14 person shall not exceed fifty percent of the actual
 15 cost of making the improvements or fifty thousand
 16 dollars, whichever is less. The infrastructure board
 17 may approve multiple awards to make improvements to a
 18 terminal so long as the total amount of the awards
 19 does not exceed the limitations provided in this
 20 subsection."
 21 52. Page 19, line 34, by striking the words
 22 "infrastructure fund" and inserting the following:
 23 "renewable fuel infrastructure fund if created in 2006
 24 Iowa acts, House File 2759".
 25 53. Page 20, line 2, by inserting after the word
 26 "amount." the following: "The amount shall be
 27 deposited in the renewable fuel infrastructure fund if
 28 created in 2006 Iowa acts, House File 2759."
 29 54. Page 20, by inserting after line 8, the
 30 following:
 31 "Sec.____. **NEW SECTION.** 15G.120 REPORT.
 32 1. By January 15 of each year, the renewable fuel
 33 infrastructure board shall approve that part of the
 34 department's report required to be submitted to the
 35 governor and general assembly by the department
 36 regarding projects supported from the grow Iowa values

37 fund as provided in section 15.104 which provides
 38 information regarding expenditures to support
 39 renewable fuel infrastructure programs as provided in
 40 sections 15G.116 and 15G.117. That part of the report
 41 approved by the board shall include the same
 42 information as required for business finance projects
 43 funded during the previous fiscal year.

44 2. This section is repealed on July 1, 2012.
 45 Sec.____. DEPARTMENTAL STUDY – E-85 GASOLINE
 46 AVAILABILITY. The state department of transportation
 47 and the department of natural resources shall
 48 cooperate to conduct a study to provide methods to
 49 inform persons of the availability of E-85 gasoline
 50 offered for sale and distribution by retail dealers of

Page 8

1 motor fuel in this state, including the location of
 2 each retail motor fuel site where a retail dealer
 3 offers E-85 gasoline for sale and distribution. The
 4 department's study shall include methods for
 5 identifying those locations for the convenience of the
 6 traveling public including but not limited to the
 7 identification of those locations on roadside signs
 8 and on the official Iowa map published pursuant to
 9 section 307.14. The departments shall jointly prepare
 10 and deliver a report to the governor and general
 11 assembly, which includes findings and recommendations,
 12 not later than January 10, 2007.

13 Sec.____. EMERGENCY RULES. The Iowa department of
 14 economic development and the Iowa comprehensive
 15 petroleum underground storage tank fund board shall
 16 adopt emergency rules under section 17A.4, subsection
 17 2, and section 17A.5, subsection 2, paragraph "b", to
 18 implement the provisions of this division and the
 19 rules shall be effective immediately upon filing, but
 20 not later than June 1, 2006. Any rules adopted in
 21 accordance with this section shall also be published
 22 as a notice of intended action as provided in section
 23 17A.4, subsection 1."

24 55. Page 20, line 15, by striking the words "and
 25 "retail dealer"" and inserting the following:
 26 ""retail dealer", and "retail motor fuel site"".

27 56. Page 20, lines 17 and 18, by striking the
 28 words "as motor vehicle fuel pump".

29 57. Page 20, by striking lines 19 and 20.

30 58. Page 21, by striking lines 9 through 16, and
 31 inserting the following:

32 "3A. A retail dealer is eligible to claim a
 33 designated ethanol blended gasoline tax credit as
 34 provided in this section even though the retail dealer
 35 claims an E-85 gasoline promotion tax credit pursuant

36 to section 422.110 for the same tax year for the same
37 ethanol gallonage."

38 59. Page 21, line 20 by striking the figure
39 "2007" and inserting the following: "2009".

40 60. Page 21, line 26, by striking the words
41 ""motor fuel pump",".

42 61. Page 21, by inserting after line 27 the
43 following:

44 "____. "Flexible fuel vehicle" means the same as
45 defined in section 452A.2.

46 _____. "Motor fuel" means the same as defined in
47 section 452A.2.

48 _____. "Motor fuel pump" means the same as defined
49 in section 214.1."

50 62. Page 21, by inserting after line 30 the

Page 9

1 following:

2 "____. The special terms provided in section
3 452A.31 shall also apply to this section."

4 63. By striking page 22, line 9, through page 23,
5 line 11, and inserting the following:

6 "a. The retail dealer's biofuel distribution
7 percentage which is the sum of the retail dealer's
8 total ethanol gallonage plus the retail dealer's total
9 biodiesel gallonage expressed as a percentage of the
10 retail dealer's total gasoline gallonage, in the
11 retail dealer's applicable determination period.

12 b. The retail dealer's biofuel threshold
13 percentage is as follows:

14 (1) For a retail dealer who sells and dispenses
15 more than two hundred thousand gallons of motor fuel
16 in an applicable determination period, the retail
17 dealer's biofuel threshold percentage is as follows:

18 (a) Ten percent for the determination period
19 beginning on January 1, 2009, and ending December 31,
20 2009.

21 (b) Eleven percent for the determination period
22 beginning on January 1, 2010, and ending December 31,
23 2010.

24 (c) Twelve percent for the determination period
25 beginning on January 1, 2011, and ending December 31,
26 2011.

27 (d) Thirteen percent for the determination period
28 beginning on January 1, 2012, and ending December 31,
29 2012.

30 (e) Fourteen percent for the determination period
31 beginning on January 1, 2013, and ending December 31,
32 2013.

33 (f) Fifteen percent for the determination period
34 beginning on January 1, 2014, and ending December 31,

- 35 2014.
36 (g) Seventeen percent for the determination period
37 beginning on January 1, 2015, and ending December 31,
38 2015.
39 (h) Nineteen percent for the determination period
40 beginning on January 1, 2016, and ending December 31,
41 2016.
42 (i) Twenty-one percent for the determination
43 period beginning on January 1, 2017, and ending
44 December 31, 2017.
45 (j) Twenty-three percent for the determination
46 period beginning on January 1, 2018, and ending
47 December 31, 2018.
48 (k) Twenty-five percent for each determination
49 period beginning on and after January 1, 2019.
50 (2) For a retail dealer who sells and dispenses

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- 1 two hundred thousand gallons of motor fuel or less in
2 an applicable determination period, the biofuel
3 threshold percentages shall be:
4 (a) Six percent for the determination period
5 beginning on January 1, 2009, and ending December 31,
6 2009.
7 (b) Six percent for the determination period
8 beginning on January 1, 2010, and ending December 31,
9 2010.
10 (c) Ten percent for the determination period
11 beginning on January 1, 2011, and ending December 31,
12 2011.
13 (d) Eleven percent for the determination period
14 beginning on January 1, 2012, and ending December 31,
15 2012.
16 (e) Twelve percent for the determination period
17 beginning on January 1, 2013, and ending December 31,
18 2013.
19 (f) Thirteen percent for the determination period
20 beginning on January 1, 2014, and ending December 31,
21 2014.
22 (g) Fourteen percent for the determination period
23 beginning on January 1, 2015, and ending December 31,
24 2015.
25 (h) Fifteen percent for the determination period
26 beginning on January 1, 2016, and ending December 31,
27 2016.
28 (i) Seventeen percent for the determination period
29 beginning on January 1, 2017, and ending December 31,
30 2017.
31 (j) Nineteen percent for the determination period
32 beginning on January 1, 2018, and ending December 31,
33 2018.

- 34 (k) Twenty-one percent for the determination
 35 period beginning on January 1, 2019, and ending
 36 December 31, 2019.
- 37 (l) Twenty-three percent for the determination
 38 period beginning on January 1, 2020, and ending
 39 December 31, 2020.
- 40 (m) Twenty-five percent for each determination
 41 period beginning on and after January 1, 2021.
- 42 (3) Notwithstanding paragraph "a", the governor
 43 may adjust a biofuel threshold percentage for a
 44 determination period if the governor finds that
 45 exigent circumstances exist. Exigent circumstances
 46 exist due to potential substantial economic injury to
 47 the state's economy. Exigent circumstances also exist
 48 if it is probable that a substantial number of retail
 49 dealers cannot comply with a biofuel threshold
 50 percentage during a determination period due to any of

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- 1 the following:
- 2 (a) Less than the target number of flexible fuel
 3 vehicles are registered under chapter 321. The target
 4 numbers of flexible fuel vehicles are as follows:
- 5 (i) On January 1, 2011, two hundred fifty
 6 thousand.
- 7 (ii) On January 1, 2014, three hundred fifty
 8 thousand.
- 9 (iii) On January 1, 2017, four hundred fifty
 10 thousand.
- 11 (iv) On January 1, 2019, five hundred fifty
 12 thousand.
- 13 (b) A shortage in the biofuel feedstock resulting
 14 in a dramatic decrease in biofuel inventories.
- 15 If the governor finds that exigent circumstances
 16 exist, the governor may reduce the applicable biofuel
 17 threshold percentage by replacing it with an adjusted
 18 biofuel threshold percentage. The governor shall
 19 consult with the department of revenue and the
 20 renewable fuels and coproducts advisory committee
 21 established pursuant to section 159A.4. The governor
 22 shall make the adjustment by giving notice of intent
 23 to issue a proclamation which shall take effect not
 24 earlier than thirty-five days after publication in the
 25 Iowa administrative bulletin of a notice to issue the
 26 proclamation. The governor shall provide a period of
 27 notice and comment in the same manner as provided in
 28 section 17A.4, subsection 1. The adjusted biofuel
 29 threshold percentage shall be effective for the
 30 following determination period.
- 31 c. The retail dealer's biofuel threshold
 32 percentage disparity which is a positive percentage

33 difference obtained by taking the minuend which is the
34 retail dealer's biofuel distribution percentage and
35 subtracting from it the subtrahend which is the retail
36 dealer's biofuel threshold percentage, in the retail
37 dealer's applicable determination period.

38 d. The tax credit shall be calculated separately
39 for each retail motor fuel site or other permanent or
40 temporary location from which the retail dealer sells
41 and dispenses ethanol blended gasoline.

42 4. a. For a retail dealer whose tax year is the
43 same as a determination period beginning on January 1
44 and ending on December 31, the retail dealer's tax
45 credit is calculated by multiplying the retail
46 dealer's total ethanol gallonage by a tax credit rate,
47 which may be adjusted based on the retail dealer's
48 biofuel threshold percentage disparity. The tax
49 credit rate is as follows:

50 (1) For any tax year in which the retail dealer

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1 has attained a biofuel threshold percentage for the
2 determination period, the tax credit rate is six and
3 one-half cents.

4 (2) For any tax year in which the retail dealer
5 has not attained a biofuel threshold percentage for
6 the determination period, the tax credit rate shall be
7 adjusted based on the retail dealer's biofuel
8 threshold percentage disparity. The amount of the
9 adjusted tax credit rate is as follows:

10 (a) If the retail dealer's biofuel threshold
11 percentage disparity equals two percent or less, the
12 tax credit rate is four and one-half cents.

13 (b) If the retail dealer's biofuel threshold
14 percentage disparity equals more than two percent but
15 not more than four percent, the tax credit rate is two
16 and one-half cents.

17 (c) A retail dealer is not eligible for a tax
18 credit if the retail dealer's biofuel threshold
19 percentage disparity equals more than four percent.

20 b. For a retail dealer whose tax year is not the
21 same as a determination period beginning on January 1
22 and ending on December 31, the retail dealer shall
23 calculate the tax credit twice, as follows:

24 (1) For the period beginning on the first day of
25 the retail dealer's tax year until December 31, the
26 retail dealer shall calculate the tax credit in the
27 same manner as a retail dealer who calculates the tax
28 credit on that same December 31 as provided in
29 paragraph "a".

30 (2) For the period beginning on January 1 to the
31 end of the retail dealer's tax year, the retail dealer

32 shall calculate the tax credit in the same manner as a
33 retail dealer who will calculate the tax credit on the
34 following December 31 as provided in paragraph "a."
35 64. Page 23, line 12, by striking the word "a."
36 65. Page 23, by striking lines 17 through 20.
37 66. Page 24, lines 3 and 4, by striking the words
38 ""motor fuel pump",."
39 67. Page 24, by inserting after line 5 the
40 following:
41 " _____. "Motor fuel pump" means the same as defined
42 in section 214.1."
43 68. Page 24, line 12, by inserting after the word
44 "claim" the following: "the tax credit".
45 69. Page 24, by striking lines 19 and 20 and
46 inserting the following:
47 " _____. For a retail dealer whose tax year is on a
48 calendar year basis, the retail dealer shall calculate
49 the amount of the tax credit by multiplying a
50 designated rate by the retail".

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1 70. Page 24, by striking line 23, and inserting
2 the following:
3 " _____. For calendar year 2006, calendar year 2007,
4 and calendar year 2008, twenty-".
5 71. Page 24, line 25, by striking the figures and
6 words "2008 or calendar year 2009" and inserting the
7 following: "2009 and calendar year 2010".
8 72. Page 24, line 27, by striking the figure
9 "2010" and inserting the following: "2011".
10 73. Page 24, line 28, by striking the figure
11 "2011" and inserting the following: "2012".
12 74. Page 24, line 29, by striking the figure
13 "2012" and inserting the following: "2013".
14 75. Page 24, line 30, by striking the figure
15 "2013" and inserting the following: "2014".
16 76. Page 24, line 31, by striking the figure
17 "2014" and inserting the following: "2015".
18 77. Page 24, line 32, by striking the figure
19 "2015" and inserting the following: "2016".
20 78. Page 24, line 33, by striking the figure
21 "2016" and inserting the following: "2017".
22 79. Page 24, line 34, by striking the figure
23 "2017" and inserting: "2018".
24 80. Page 24, line 35, by striking the figure
25 "2018" and inserting the following: "2019".
26 81. Page 25, line 1, by striking the figure
27 "2019" and inserting the following: "2020".
28 82. Page 25, by striking lines 2 through 12 and
29 inserting the following:
30 " _____. For a retail dealer whose tax year is not on

31 a calendar year basis, the retail dealer shall
32 calculate the tax credit twice, as follows:
33 (1) For the period beginning on the first day of
34 the retail dealer's tax year until December 31, the
35 retail dealer shall calculate the tax credit in the
36 same manner as a retail dealer who calculates the tax
37 credit on that same December 31 as provided in
38 subsection 3.
39 (2) For the period beginning on January 1 to the
40 end of the retail dealer's tax year, the retail dealer
41 shall calculate the tax credit in the same manner as a
42 retail dealer who will calculate the tax credit on the
43 following December 31 as provided in subsection 3."
44 83. Page 25, line 13, by striking the word "a."
45 84. Page 25, by striking lines 18 through 21.
46 85. Page 25, line 34, by striking the figure
47 "2020" and inserting the following: "2021".
48 86. Page 28, by striking lines 8 through 15.
49 87. Page 28, line 19, by striking the figure
50 "2007" and inserting the following: "2009".

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1 88. Page 29, line 18, by striking the figure
2 "2020" and inserting the following: "2021".
3 89. Page 30, line 1, by striking the figures
4 "422.11N, 422,110," and inserting the following:
5 "422.110"
6 90. Page 30, line 2, by striking the figures
7 "11A, 11B" and inserting the following: "11B".
8 91. Page 30, line 8, by striking the figure
9 "2006" and inserting the following: "2008".
10 92. Page 30, line 9, by striking the figure
11 "2006" and inserting the following: "2008".
12 93. Page 30, line 15, by striking the figure
13 "2006" and inserting the following: "2008".
14 94. Page 30, line 19, by striking the figure
15 "2006" and inserting the following: "2008".
16 95. Page 31, line 1, by striking the figure
17 "2019" and inserting the following: "2020".
18 96. Page 31, line 2, by striking the figure
19 "2019" and inserting the following: "2020".
20 97. Page 31, line 8, by striking the figure
21 "2019" and inserting the following: "2020".
22 98. Page 31, line 12, by striking the figure
23 "2019" and inserting the following: "2020".
24 99. Page 32, by inserting after line 18 the
25 following:
26 NEW SUBSECTION. 13A. "Flexible fuel vehicle"
27 means a motor vehicle as defined in section 321M.1
28 which is powered by an engine capable of operating
29 using E-85 gasoline."

- 30 100. Page 32, line 19, by striking the figure
 31 "13A." and inserting the following: "13B."
 32 101. Page 32, by striking lines 27 and 28.
 33 102. By striking page 33, line 4, through page
 34 34, line 13.
 35 103. Page 34, line 17, by striking the word "a."
 36 104. Page 34, by striking lines 19 through 32.
 37 105. Page 37, line 18, by inserting after the
 38 word "gallonage" the following: "calculated for a
 39 twelve-month period beginning January 1 and ending
 40 December 31".
 41 106. Page 37, line 25, by inserting after the
 42 word "gallonage" the following: "calculated for a
 43 twelve-month period beginning January 1 and ending
 44 December 31".
 45 107. Page 37, line 30, by inserting after the
 46 word "gallonage" the following: "calculated for a
 47 twelve-month period beginning January 1 and ending
 48 December 31".
 49 108. By striking page 37, line 31, through page
 50 38, line 7.

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- 1 109. Page 38, line 9, by striking the words
 2 "BIOFUEL CONTENT IN MOTOR FUEL" and inserting the
 3 following: "ETHANOL CONTENT IN E-85 GASOLINE".
 4 110. Page 38, line 10, by striking the figure
 5 "1."
 6 111. Page 38, by striking lines 19 through 28.
 7 112. Page 39, by inserting after line 2, the
 8 following:
 9 "____. The report shall include a breakdown of the
 10 information required in paragraph "a" for each retail
 11 motor fuel site or other permanent or temporary
 12 location from which the retail dealer sells and
 13 dispenses motor fuel."
 14 113. By striking page 39, line 26, through page
 15 40, line 9.
 16 114. By striking page 40, line 30, through page
 17 41, line 26.
 18 115. Page 48, by inserting after line 20 the
 19 following:
 20 "4. The department shall consult with the
 21 renewable fuel infrastructure board created in section
 22 15G.115 in administering this section."
 23 116. By striking page 50, line 31 through page
 24 51, line 9.
 25 117. Page 52, line 21, by striking the figure
 26 "214.1".
 27 118. Page 52, line 27, by striking the figure
 28 "214.1".

- 29 119. Title page, lines 3 and 4, by striking the
 30 words "and excise taxes".
 31 120. By renumbering, relettering, or
 32 redesignating and correcting internal references as
 33 necessary.

The motion prevailed and the House concurred in the Senate amendment H-8532.

S. Olson of Clinton 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. 2754)

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	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.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Roberts, Presiding			

The nays were, 1:

Watts

Absent or not voting, 2:

Fallon

Zirkelbach

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

CONSIDERATION OF BILLS Appropriations Calendar

House File 2780, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, and providing effective and applicability dates, was taken up for consideration.

Carroll of Poweshiek offered amendment H-8477 filed by him and Heddens of Story as follows:

H-8477

- 1 Amend House File 2780 as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 "restricted uniform availability of this care" and
- 4 inserting the following: "~~restricted uniform~~
- 5 ~~availability of this care~~ enabled many counties to
- 6 exceed minimum state standards for the services
- 7 resulting in an uneven level of services around the
- 8 state".
- 9 2. Page 5, by striking line 20 and inserting the
- 10 following:
- 11 "(1) The service system seeks to empower persons
- 12 to exercise their own choices".
- 13 3. Page 5, by striking line 25 and inserting the
- 14 following:
- 15 "(3) The service system seeks to provide services
- 16 and other support that are individualized,".
- 17 4. Page 5, by striking line 27 and inserting the
- 18 following:
- 19 "(4) The services system seeks to provide services
- 20 and other supports in a manner".
- 21 5. Page 6, line 2, by striking the words "each
- 22 individual" and inserting the following: "the
- 23 individuals".

- 24 6. Page 6, line 4, by striking the word
25 "individual's" and inserting the following:
26 "individuals".
- 27 7. Page 6, line 13, by inserting after the word
28 "that" the following: "either meet or".
- 29 8. Page 7, line 1, by striking the word "wholly".
- 30 9. Page 7, line 2, by inserting after the word
31 "funding," the following: "However, a county may
32 apply a copayment requirement for a particular
33 disability service to a person with an income equal to
34 or less than one hundred fifty percent of the federal
35 poverty level, provided the disability service and the
36 copayment amount both comply with rules adopted by the
37 commission applying uniform standards with respect to
38 copayment requirements."
- 39 10. Page 7, line 9, by striking the words "based
40 upon" and inserting the following: "derived from".
- 41 11. Page 8, line 9, by striking the figure "2008"
42 and inserting the following: "2007".
- 43 12. Page 8, line 14, by inserting after the word
44 "case." the following: "Such services and other
45 support do not include medical assistance program
46 services or services provided in a state institution."
- 47 13. By striking page 8, line 15, through page 10,
48 line 23, and inserting the following:
49 "Sec. __. Section 331.440, subsection 3, Code
50 2005, is amended to read as follows:

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1 3. a. An application for services may be made
2 through the central point of coordination process of a
3 an adult person's county of residence. ~~However, if a~~
4 Effective July 1, 2007, if an adult person who is
5 subject to a central point of coordination process has
6 legal settlement in another county, ~~or the costs of~~
7 ~~services or other support provided to the person are~~
8 ~~the financial responsibility of the state, an~~
9 ~~authorization through the central point of~~
10 ~~coordination process shall be coordinated with the~~
11 ~~person's county of legal settlement or with the state,~~
12 ~~as applicable. The county of residence and county of~~
13 ~~legal settlement of a person subject to a central~~
14 ~~point of coordination process may mutually agree that~~
15 the central point of coordination process functions
16 shall be performed by the central point of
17 coordination process of the person's county of legal
18 settlement residence in accordance with the county of
19 residence's management plan approved under section
20 331.439 and the person's county of legal settlement is
21 responsible for the cost of the services or other
22 support authorized at the rates reimbursed by the

23 county of residence. At the time services or other
 24 support are authorized, the county of residence shall
 25 send the county of legal settlement a copy of the
 26 authorization notice.
 27 b. However, if the county of legal settlement
 28 applies for and receives a temporary waiver from the
 29 risk pool board created in section 426B.5, the county
 30 of legal settlement may apply a waiting list
 31 requirement in accordance with the waiver to all or a
 32 portion of the services or other support approved for
 33 the person. The risk pool board's approval of a
 34 temporary waiver is subject to the risk pool board's
 35 determination that payment for all or a portion of the
 36 services or other support approved for the person
 37 would create a financial risk for the county of legal
 38 settlement. The determination shall be based on an
 39 analysis which provides for encumbering of moneys in
 40 the county services fund that are anticipated to be
 41 expended for the remainder of the fiscal year for the
 42 persons receiving services or other support funded by
 43 the services fund at the time of the authorization
 44 under paragraph "a". The risk pool board shall use
 45 the requirements established in section 426B.5 for
 46 basic eligibility for risk pool funding or other
 47 comparable standards developed by the risk pool board
 48 for determining whether a financial risk exists for
 49 the county. The term of a waiver shall not extend
 50 beyond the end of the fiscal year in which the waiver

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1 is granted.
 2 Sec. ___. Section 331.440, Code 2005, is amended
 3 by adding the following new subsection:
 4 NEW SUBSECTION. 3A. Effective July 1, 2007, if an
 5 adult person has no established county of legal
 6 settlement or the legal settlement is unknown so that
 7 the person is deemed to be a state case, the person's
 8 eligibility and the authorization for state case
 9 services and other support shall be determined by the
 10 adult person's county of residence in accordance with
 11 that county's management plan approved under section
 12 331.439. The costs of the state case services and
 13 other support provided for the person shall be the
 14 responsibility of the person's county of legal
 15 residence. The funding appropriated to the department
 16 of human services for purposes of the state case
 17 services and other support shall be distributed as
 18 provided in the appropriation to the counties of
 19 residence responsible for the costs.
 20 Sec. ___. EFFECTIVE DATE -- COST PROJECTIONS --
 21 LEGISLATIVE INTENT.

22 1. Except for this section, this division of this
23 Act takes effect July 1, 2007. This section, being
24 deemed of immediate importance, takes effect upon
25 enactment.

26 2. Unless a more equitable approach is identified,
27 it is the intent of the general assembly to distribute
28 the appropriation made for state case services and
29 other support, as defined in this division of this
30 Act, for the fiscal year beginning July 1, 2007, on
31 the basis of the actual amount expended for state case
32 services and other support provided to persons who
33 resided in each county during the fiscal year
34 beginning July 1, 2006, as adjusted for any increase
35 made in the appropriation amount. It is further
36 intended that warrants distributing the appropriation
37 made for state case services and other support will be
38 issued to counties in July 2007.

39 3. Each county that would need to amend the
40 county's management plan for services approved under
41 section 331.439 in order to implement the provisions
42 of this division of this Act on July 1, 2007, shall
43 develop and submit projections of the costs to the
44 county to implement the provisions. The projections
45 shall identify costs in the initial and succeeding
46 fiscal years. The projections shall be submitted on
47 December 1, 2006, along with the county's expenditure
48 report submitted pursuant to section 331.439,
49 subsection 1, paragraph "a". The projections, along
50 with any findings and recommendations identified by

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1 the county, shall be submitted at the same time to the
2 department of human services, the mental health,
3 mental retardation, developmental disabilities, and
4 brain injury commission, and the general assembly.

5 4. It is the intent of the general assembly to
6 direct the department of human services to renegotiate
7 the contract with the contractor providing managed
8 care for mental health services under the medical
9 assistance program so that any responsibility for the
10 contractor to manage state case services and other
11 support, as defined by this division of this Act, will
12 end effective June 30, 2007."

13 14. Page 10, by striking lines 26 through 28 and
14 inserting the following:

15 "Sec. __. IMPLEMENTATION OF ACT. Section 25B.2,
16 subsection 3, shall not apply to this Act."

17 15. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-8539, to amendment H-8477, filed by him and Heddens of Story from the floor and moved its adoption:

H-8539

- 1 Amend the amendment, H-8477, to House File 2780 as
- 2 follows:
- 3 1. Page 2, line 1, by striking the word "a."
- 4 2. By striking page 2, line 27, through page 3,
- 5 line 1.
- 6 3. Page 4, by inserting after line 4 the
- 7 following:
- 8 "3A. The department of human services shall review
- 9 the funding distribution methodology for state case
- 10 funding described in this section and the cost
- 11 projections, findings, and recommendations submitted
- 12 by counties pursuant to this section and provide
- 13 departmental findings and recommendations to resolve
- 14 the issues identified. The department's findings and
- 15 recommendations shall be submitted to the governor and
- 16 general assembly on or before January 2, 2007."
- 17 4. By renumbering as necessary.

Amendment H-8539 was adopted.

On motion by Carroll of Poweshiek amendment H-8477, as amended, was adopted.

Winckler of Scott offered the following amendment H-8521 filed by her and Whitaker of Van Buren and moved its adoption:

H-8521

- 1 Amend House File 2780 as follows:
- 2 1. Page 7, by inserting after line 21 the
- 3 following:
- 4 "Sec. ____ . ALLOWED GROWTH FUNDING STUDY. A study
- 5 committee shall be established by the legislative
- 6 council for the 2006 legislative interim to review the
- 7 formulas used for distribution of state mental health,
- 8 mental retardation, and developmental disabilities
- 9 services allowed growth factor funding to counties.
- 10 The purpose of the review is to determine whether the
- 11 formulas are effective in distributing funds to
- 12 counties in a manner that best serves Iowans with
- 13 disabilities while enabling the state and counties to
- 14 budget effectively for providing the services. The
- 15 study committee shall hear testimony and provide an

16 opportunity for discussion with counties, advocates
 17 for persons with disabilities, and other interested
 18 parties. The membership of the study committee shall
 19 include at least six members of the senate and five
 20 members of the house of representatives."
 21 2. By renumbering as necessary.

Amendment H-8521 was adopted.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment H-8459 filed by him on April 4, 2006.

Heaton of Henry offered amendment H-8541 filed by Heaton, Smith of Marshall, Upmeyer of Hancock, Foege of Linn, Carroll of Poweshiek and Heddens of Story from the floor as follows:

H-8541

1 Amend House File 2780 as follows:
 2 1. Page 10, by inserting before line 24 the
 3 following:
 4 "DIVISION
 5 DIVISION NAME CHANGE
 6 Sec.____. Section 135C.25, subsection 1, Code
 7 2005, is amended to read as follows:
 8 1. Each health care facility shall have a resident
 9 advocate committee whose members shall be appointed by
 10 the director of the department of elder affairs or the
 11 director's designee. A person shall not be appointed
 12 a member of a resident advocate committee for a health
 13 care facility unless the person is a resident of the
 14 service area where the facility is located. The
 15 resident advocate committee for any facility caring
 16 primarily for persons with mental illness, mental
 17 retardation, or a developmental disability shall only
 18 be appointed after consultation with the administrator
 19 of the division of mental health and ~~developmental~~
 20 ~~disabilities~~ disability services of the department of
 21 human services on the proposed appointments.
 22 Recommendations to the director or the director's
 23 designee for membership on resident advocate
 24 committees are encouraged from any agency,
 25 organization, or individual. The administrator of the
 26 facility shall not be appointed to the resident
 27 advocate committee and shall not be present at
 28 committee meetings except upon request of the
 29 committee.
 30 Sec.____. Section 217.6, unnumbered paragraph 2,
 31 Code 2005, is amended to read as follows:

32 The department of human services may be initially
 33 divided into the following divisions of
 34 responsibility: the division of child and family
 35 services, the division of mental health and
 36 ~~developmental disabilities~~ disability services, the
 37 division of administration, and the division of
 38 planning, research and statistics.

39 Sec. __. Section 217.10, Code 2005, is amended to
 40 read as follows:

41 217.10 ADMINISTRATOR OF DIVISION OF MENTAL HEALTH
 42 ~~AND DEVELOPMENTAL DISABILITIES~~ DISABILITY SERVICES.

43 The administrator of the division of mental health
 44 and ~~developmental disabilities~~ disability services
 45 shall be qualified as provided in section 225C.3,
 46 subsection 3. The administrator's duties are
 47 enumerated in section 225C.4.

48 Sec. __. Section 221.2, Code 2005, is amended to
 49 read as follows:

50 221.2 ADMINISTRATOR.

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1 Pursuant to the compact, the administrator of the
 2 division of mental health and ~~developmental~~
 3 ~~disabilities~~ disability services of the department of
 4 human services shall be the compact administrator.
 5 The compact administrator may cooperate with all
 6 departments, agencies, and officers of this state and
 7 its subdivisions in facilitating the proper
 8 administration of the compact and of any supplementary
 9 agreement entered into by this state under the
 10 compact.

11 Sec. __. Section 225C.2, subsections 1 and 7,
 12 Code 2005, is amended to read as follows:

13 1. "Administrator" means the administrator of the
 14 ~~division of mental health and developmental~~
 15 ~~disabilities of the department of human services.~~

16 7. "Division" means the division of mental health
 17 and ~~developmental disabilities~~ disability services of
 18 the department of human services.

19 Sec. __. Section 225C.13, subsection 2, Code
 20 Supplement 2005, is amended to read as follows:

21 2. The division administrator of the ~~division of~~
 22 ~~mental health and developmental disabilities~~ may work
 23 with the appropriate administrator of the department's
 24 institutions to establish mental health and mental
 25 retardation services for all institutions under the
 26 control of the director of human services and to
 27 establish an autism unit, following mutual planning
 28 and consultation with the medical director of the
 29 state psychiatric hospital, at an institution or a
 30 facility administered by the department to provide

31 psychiatric and related services and other specific
32 programs to meet the needs of autistic persons, and to
33 furnish appropriate diagnostic evaluation services.

34 Sec. __. Section 230A.1, Code 2005, is amended to
35 read as follows:

36 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY
37 MENTAL HEALTH CENTERS.

38 A county or affiliated counties, by action of the
39 board or boards of supervisors, with approval of the
40 administrator of the division of mental health and
41 ~~developmental disabilities~~ disability services of the
42 department of human services, may establish a
43 community mental health center under this chapter to
44 serve the county or counties. This section does not
45 limit the authority of the board or boards of
46 supervisors of any county or group of counties to
47 continue to expend money to support operation of the
48 center, and to form agreements with the board of
49 supervisors of any additional county for that county
50 to join in supporting and receiving services from or

Page 3

1 through the center.

2 Sec. __. Section 230A.13, unnumbered paragraph 2,
3 Code 2005, is amended to read as follows:

4 Release of administrative and diagnostic
5 information, as defined in section 228.1, ~~subsections~~
6 ~~1 and 3~~, and demographic information necessary for
7 aggregated reporting to meet the data requirements
8 established by the department of human services,
9 division of mental health and ~~developmental~~
10 ~~disabilities~~ disability services, relating to an
11 individual who receives services from a community
12 mental health center through the applicable central
13 point of coordination process, may be made a condition
14 of support of that center by any county under this
15 section.

16 Sec. __. Section 230A.16, unnumbered paragraph 1,
17 Code 2005, is amended to read as follows:

18 The administrator of the division of mental health
19 and ~~developmental disabilities~~ disability services of
20 the department of human services shall recommend and
21 the mental health, mental retardation, developmental
22 disabilities, and brain injury commission shall adopt
23 standards for community mental health centers and
24 comprehensive community mental health programs, with
25 the overall objective of ensuring that each center and
26 each affiliate providing services under contract with
27 a center furnishes high quality mental health services
28 within a framework of accountability to the community
29 it serves. The standards shall be in substantial

30 conformity with those of the psychiatric committee of
 31 the joint commission on accreditation of health care
 32 organizations and other recognized national standards
 33 for evaluation of psychiatric facilities unless in the
 34 judgment of the administrator of the division of
 35 mental health and ~~developmental disabilities~~
 36 disability services, with approval of the mental
 37 health, mental retardation, developmental
 38 disabilities, and brain injury commission, there are
 39 sound reasons for departing from the standards. When
 40 recommending standards under this section, the
 41 administrator of the division shall designate an
 42 advisory committee representing boards of directors
 43 and professional staff of community mental health
 44 centers to assist in the formulation or revision of
 45 standards. At least a simple majority of the members
 46 of the advisory committee shall be lay representatives
 47 of community mental health center boards of directors.
 48 At least one member of the advisory committee shall be
 49 a member of a county board of supervisors. The
 50 standards recommended under this section shall include

Page 4

1 requirements that each community mental health center
 2 established or operating as authorized by section
 3 230A.1 shall:

4 Sec. __. Section 230A.16, subsection 3, Code
 5 2005, is amended to read as follows:

6 3. Arrange for the financial condition and
 7 transactions of the community mental health center to
 8 be audited once each year by the auditor of state.
 9 However, in lieu of an audit by state accountants, the
 10 local governing body of a community mental health
 11 center organized under this chapter may contract with
 12 or employ certified public accountants to conduct the
 13 audit, pursuant to the applicable terms and conditions
 14 prescribed by sections 11.6 and 11.19 and audit format
 15 prescribed by the auditor of state. Copies of each
 16 audit shall be furnished by the accountant to the
 17 administrator of the division of mental health and
 18 ~~developmental disabilities~~, disability services and
 19 the board of supervisors supporting the audited
 20 community mental health center.

21 Sec. __. Section 230A.17, Code 2005, is amended
 22 to read as follows:

23 230A.17 REVIEW AND EVALUATION.

24 The administrator of the division of mental health
 25 and ~~developmental disabilities~~ disability services of
 26 the department of human services may review and
 27 evaluate any community mental health center upon the
 28 recommendation of the mental health, mental

29 retardation, developmental disabilities, and brain
 30 injury commission, and shall do so upon the written
 31 request of the center's board of directors, its chief
 32 medical or administrative officer, or the board of
 33 supervisors of any county from which the center
 34 receives public funds. The cost of the review shall
 35 be paid by the division.

36 Sec. __. Section 262.70, Code 2005, is amended to
 37 read as follows:

38 262.70 EDUCATION, PREVENTION, AND RESEARCH
 39 PROGRAMS IN MENTAL HEALTH AND ~~MENTAL RETARDATION~~
 40 DISABILITY SERVICES.

41 The division of mental health and ~~developmental~~
 42 ~~disabilities~~ disability services of the department of
 43 human services may contract with the board of regents
 44 or any institution under the board's jurisdiction to
 45 establish and maintain programs of education,
 46 prevention, and research in the fields of mental
 47 health, ~~and mental retardation, developmental~~
 48 ~~disabilities, and brain injury.~~ The board may
 49 delegate responsibility for these programs to the
 50 state psychiatric hospital, the university hospital,

Page 5

1 or any other appropriate entity under the board's
 2 jurisdiction.

3 Sec. __. Section 331.440A, subsection 7,
 4 paragraph a, subparagraph (3), Code 2005, is amended
 5 to read as follows:

6 (3) One individual designated by the division of
 7 medical services of the department of human services
 8 and one individual designated by the division of
 9 mental health and ~~developmental disabilities~~
 10 disability services of the department of human
 11 services.

12 Sec. __. Section 331.756, subsection 45, Code
 13 Supplement 2005, is amended to read as follows:

14 45. Appear on behalf of the administrator of the
 15 division of mental health and ~~developmental~~
 16 ~~disabilities~~ disability services of the department of
 17 human services in support of an application to
 18 transfer a person with mental illness who becomes
 19 incorrigible and dangerous from a state hospital for
 20 persons with mental illness to the Iowa medical and
 21 classification center as provided in section 226.30.

22 Sec. __. CODE EDITOR – NAME CHANGE DIRECTIVE.

23 The Code editor shall revise the headnote to section
 24 225C.3 to reflect the change in the name of the
 25 division of mental health and developmental
 26 disabilities to the division of mental health and
 27 disability services made pursuant to this division of

28 this Act.
 29 Sec. ____ REQUIREMENT TO REESTABLISH DIVISION.
 30 The general assembly finds that the scope and
 31 importance of the department of human services' duties
 32 under law involving mental health, mental retardation,
 33 developmental disabilities, and brain injury services
 34 justifies assigning those duties to a separate
 35 division in place of the current practice in which the
 36 duties are assigned to a division serving many
 37 disparate populations. Therefore, during the fiscal
 38 year beginning July 1, 2006, contingent upon the
 39 appropriation of funding for this purpose, the
 40 director of human services shall reestablish a
 41 separate division, to be known as the division of
 42 mental health and disability services, and shall
 43 appropriately assign to that division the department's
 44 duties under law involving such services."
 45 2. Title page, line 7, by inserting after the
 46 word "support," the following: "changing the name of
 47 a departmental division."
 48 3. By renumbering as necessary.

The House stood at ease at 3:31 p.m., until the fall of the gavel.

The House resumed session at 3:33 p.m., Roberts of Carroll in the chair.

Smith of Marshall offered the following amendment H-8542, to amendment H-8541, filed by Smith, Heaton of Henry, Upmeyer of Hancock, Foege of Linn, Carroll of Poweshiek and Heddens of Story from the floor and moved its adoption:

H-8542

1 Amend the amendment, H-8541, to House File 2780 as
 2 follows:
 3 1. Page 5, by inserting after line 44 the
 4 following:
 5 "DIVISION ____
 6 REIMBURSEMENT PROVISIONS
 7 Sec. ____ FY 2006-2007 MEDICAL ASSISTANCE PROGRAM
 8 REIMBURSEMENT OF INPATIENT MENTAL HEALTH SERVICES,
 9 COMMUNITY MENTAL HEALTH CENTERS, AND PSYCHIATRISTS.
 10 In combination with any other reimbursement
 11 increases authorized by law for the indicated
 12 providers, the department of human services shall seek
 13 federal approval to amend the medical assistance
 14 program state plan and shall amend the contract with
 15 the department's managed care contractor for mental

16 health services under the program, in order to
 17 increase medical assistance program reimbursement
 18 rates beginning October 1, 2006, to not more than the
 19 maximum amounts indicated, for all of the following
 20 providers:

- 21 1. Inpatient mental health services provided at
- 22 hospitals at the cost of the services, subject to
- 23 Medicaid program upper payment limit rules.
- 24 2. Community mental health centers at 100 percent
- 25 of the reasonable costs for the provision of services
- 26 to recipients of medical assistance.
- 27 3. Psychiatrists at the medical assistance program
- 28 fee for service rate.

29 Implementation of the provisions of this section is
 30 contingent upon receipt of federal approval and
 31 limited to the funding made available through amending
 32 the contract with the managed care contractor."

- 33 2. Page 5, line 47, by inserting after the word
- 34 "division," the following: "providing for an increase
- 35 in the reimbursement of certain service providers,".
- 36 3. By renumbering as necessary.

Amendment H-8542 was adopted.

On motion by Heaton of Henry, amendment H-8541, as amended, 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. 2780)

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	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	Whitead	Wilderdyke	Winckler
Wise	Roberts, Presiding		

The nays were, 1:

Whitaker

Absent or not voting, 1:

Zirkelbach

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

HOUSE FILES 2338 and 2616 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House Files 2338 and 2616 from further consideration by the House.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2754 and 2780.**

Unfinished Business Calendar

Senate File 2312, a bill for an act providing grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision, with report of committee recommending amendment and passage, was taken up for consideration.

Watts of Dallas offered the following amendment H-8440 filed by the committee on ways and means and moved its adoption:

H-8440

- 1 Amend Senate File 2312, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the words "at
- 4 least ninety days of" and inserting the following:
- 5 "on".
- 6 2. Page 1, line 11, by inserting after the word
- 7 "veterans." the following: "The department may
- 8 receive and accept donations, grants, gifts, and
- 9 contributions from any public or private source for
- 10 the purpose of providing grants under this section."
- 11 3. Page 1, line 12, by inserting after the words
- 12 "appropriated to" the following: "or received by".
- 13 4. Page 1, line 19, by striking the word "since"
- 14 and inserting the following: "after".
- 15 5. Page 2, line 6, by inserting after the word
- 16 "injured" the following: "after September 11, 2001,
- 17 but".

The committee amendment H-8440 was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8540 filed by her and Chambers of O'Brien from the floor.

Jacobs of Polk asked and received unanimous consent that Senate File 2312 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 2790, a bill for an act providing for association group health care plans, wellness incentives for small employers, health benefit coverage for independent contractors, and a small business wellness program tax credit, providing an appropriation, and providing for effective, retroactive, and applicability dates, was taken up for consideration.

Struyk of Pottawattamie offered amendment H-8523 filed by him and Hoffman of Crawford as follows:

H-8523

- 1 Amend House File 2790 as follows:
- 2 1. By striking page 1, line 3, through page 3,
- 3 line 19, and inserting the following:

4 "Section 1. ASSOCIATION GROUP HEALTH CARE PLAN
5 PILOT PROJECT.

6 1. The commissioner of insurance shall administer
7 a pilot project for the purpose of making health
8 insurance coverage available through an innovative and
9 less costly association group health care plan offered
10 by a bona fide association to employees of members of
11 the association.

12 2. For the purposes of this section, an
13 "association group health care plan" is a group health
14 care plan which provides health insurance coverage as
15 defined in section 513B.2, or a group health care plan
16 offered pursuant to a high deductible health plan
17 qualified under section 223(c) of the Internal Revenue
18 Code, which allows eligibility for contribution to a
19 health savings account on behalf of an employee of a
20 member of the association, and which also includes
21 wellness initiatives. For the purposes of this
22 subsection, "health savings account" means a health
23 savings account as defined in section 223(d) of the
24 Internal Revenue Code.

25 3. An association group health care plan offered
26 pursuant to this section shall meet all of the
27 following requirements:

28 a. The association group health care plan offers
29 group health insurance coverage to employees of
30 members of a bona fide association and to the spouses
31 and dependents of such employees.

32 b. The policy of group health insurance coverage
33 is issued to a bona fide association. For the
34 purposes of this section, a bona fide association is
35 an association which meets all of the following
36 requirements:

37 (1) The association is a trade, industry, or
38 professional association which is organized in good
39 faith as a nonprofit corporation under chapter 504 for
40 purposes other than obtaining insurance and has been
41 in existence and actively maintained for at least five
42 continuous years at the time the policy is issued.

43 (2) The association accepts any person for
44 membership in the association who qualifies for
45 membership.

46 (3) The association does not condition membership
47 in the association on the health status of employees
48 of its members or the health status of the spouses and
49 dependents of such employees.

50 (4) Group health insurance coverage offered by the

Page 2

1 association is available to all eligible employees of
2 its members, and to the spouses and dependents of such

3 employees regardless of the health status of such
4 employees, or their spouses and dependents. For the
5 purposes of this section, "eligible employee" means an
6 employee who works on a full-time basis and has a
7 normal work week of thirty or more hours.

8 (5) Group health insurance coverage offered by the
9 association is available only to persons who are
10 eligible employees of an employer that is a member of
11 the association, or to the spouses and dependents of
12 such employees.

13 (6) Notwithstanding chapter 513B, members of the
14 association may include small employers as defined in
15 section 513B.2, so long as the total number of
16 eligible employees of all of the association's members
17 is more than fifty.

18 c. The insurance premiums are paid by members to
19 the association but a member of the association may
20 collect part of the premium from its insured
21 employees, and the method of apportionment of the
22 premium payment between the member and the member's
23 employees shall be determined by each member.

24 d. Not less than seventy-five percent of the
25 eligible employees of each member of the association
26 shall be insured under an association group health
27 care plan, excluding employees who are enrolled in or
28 eligible for Medicare or who receive health insurance
29 coverage under another contract or policy. Employees
30 who receive or are eligible for the medical assistance
31 program under chapter 249A are not excluded from this
32 requirement.

33 e. An association group health care plan shall not
34 exclude from coverage an employee or an employee's
35 spouse or dependents on the basis of the eligibility
36 of the employee or the employee's spouse or dependents
37 for medical assistance under chapter 249A.

38 f. Premium rates for an association group health
39 care plan shall be determined by the total number of
40 lives insured by the plan, not the number of lives
41 insured of each member of the association. However,
42 the commissioner of insurance may determine premium
43 rates by a different methodology as the commissioner
44 deems necessary to effectuate the purposes of the
45 pilot project pursuant to rules adopted under chapter
46 17A.

47 g. A member of an association shall not offer any
48 valuable consideration or inducement to any of its
49 employees for nonparticipation in the association
50 group health care plan offered.

Page 3

1 h. An association group health care plan offered
2 pursuant to this section shall be considered
3 creditable coverage for purposes of chapter 513B and
4 qualifying previous coverage for purposes of chapter
5 513C.

6 i. An association group health care plan offered
7 pursuant to this section shall include wellness
8 initiatives. The commissioner shall adopt, by rule or
9 order, provisions allowing suspension or modification
10 of premium rate restrictions to enable an association
11 group health care plan to receive premium credits or
12 discounts based on measurable reductions in costs of
13 the association group health care plan, including but
14 not limited to tobacco use cessation, participation in
15 established wellness or disease management programs,
16 and reduced administrative or distribution costs.

17 j. An association group health care plan shall not
18 be offered pursuant to this section unless approved by
19 the commissioner of insurance.

20 k. Health insurance coverage offered by an
21 association group health care plan pursuant to this
22 section may be canceled, nonrenewed, or otherwise
23 terminated at the end of the policy term upon notice
24 of sixty days to the association.

25 l. An association group health care plan offered
26 pursuant to this section shall include at a minimum a
27 basic health benefit plan as defined in section 513B.2
28 and a high deductible health plan qualified under
29 section 223(d) of the Internal Revenue Code.

30 4. The commissioner shall select at least three
31 and not more than five bona fide associations to
32 participate in the pilot project pursuant to this
33 section. The number of enrollees in association group
34 health care plans offered pursuant to this section
35 shall not exceed ten percent of the number of all
36 enrollees in health insurance coverage issued pursuant
37 to chapter 513B.

38 5. The commissioner shall adopt rules pursuant to
39 chapter 17A necessary to administer this section by
40 November 1, 2006. However, the commissioner may
41 receive an extension of time for adoption of the rules
42 to not later than January 1, 2007, upon approval of
43 the administrative rules review committee.

44 6. The commissioner shall submit an annual report
45 to the general assembly and to the governor no later
46 than January 1 of each year the pilot project is
47 administered, concerning the status of the pilot
48 project, including but not limited to the number of
49 employers participating in an association group health
50 care plan offered pursuant to this section, the number

Page 4

1 of enrollees, the types of plans offered, premium
2 costs, and other pertinent information.

3 7. This section is repealed effective July 1,
4 2011.

5 Sec. 2. ASSOCIATION GROUP HEALTH CARE PLAN
6 ACTUARIAL STUDIES – APPROPRIATION.

7 1. Upon enactment of this Act, the commissioner of
8 insurance shall initiate and conduct actuarial studies
9 to evaluate all of the following:

10 a. The effect of authorizing association group
11 health care plans which are not subject to chapter
12 513B and which include both large employers with more
13 than fifty eligible employees and small employers, as
14 defined in section 513B.2, with two to fifty
15 employees. The study shall include an analysis of the
16 potential impact of removing employees of small
17 employers who participate in such an association group
18 health care plan from the group of enrollees who
19 receive health insurance coverage under chapter 513B,
20 the potential impact of such plans on the uninsured in
21 Iowa, and the corresponding relationship of such plans
22 to any existing or proposed plans to provide
23 assistance with premiums.

24 b. The effect of increasing the allowable variance
25 from the index rate in premium rates charged to small
26 employers with similar case characteristics permitted
27 by section 513B.4, subsection 1, paragraph "b", from
28 twenty-five percent to thirty percent of the index
29 rate.

30 c. The effect of making group health insurance
31 coverage for employees of small employers, as defined
32 in section 513B.2 which have two to five employees,
33 subject to the requirements of the Iowa comprehensive
34 health insurance association established by chapter
35 514E.

36 2. The commissioner shall submit a report of the
37 results of the studies to the general assembly and to
38 the governor no later than September 1, 2006.

39 3. There is appropriated from the general fund of
40 the state to the insurance division of the department
41 of commerce the amount of sixty-five thousand dollars,
42 or so much thereof as is necessary, for the purpose of
43 conducting the actuarial studies."

44 2. Page 5, by inserting after line 31, the
45 following:

46 "Sec.____. Section 513B.4, subsection 1, paragraph
47 c, subparagraph (2), Code 2005, is amended to read as
48 follows:

49 (2) An adjustment, not to exceed an increase of
50 more than fifteen percent annually and adjusted pro

Page 5

- 1 rata for rating periods of less than one year, due to
- 2 the claim experience, health status, or duration of the
- 3 coverage of the employees or dependents of the small
- 4 employer as determined from the small employer
- 5 carrier's rate manual for the class of business."
- 6 3. Page 5, line 35, by striking the word
- 7 "subsections" and inserting the following:
- 8 "subsection".
- 9 4. Page 6, by striking lines 7 through 12.
- 10 5. Page 7, by inserting after line 23, the
- 11 following:
- 12 "() Independent contractors and their spouses and
- 13 dependents included in an employer-sponsored health
- 14 benefit plan do not in total equal more than forty-
- 15 nine percent of the total persons covered by the
- 16 health benefit plan."
- 17 6. By striking page 8, line 33, through page 11,
- 18 line 33.
- 19 7. Page 11, line 35, by striking the words ",
- 20 APPLICABILITY, AND RETROACTIVITY DATES" and inserting
- 21 the following: "DATE".
- 22 8. Page 12, by striking lines 3 through 5.
- 23 9. Title page, by striking lines 1 through 5 and
- 24 inserting the following: "An Act providing for
- 25 association group health care plans, including an
- 26 association group health care plan pilot project and
- 27 association group health care plan actuarial studies,
- 28 wellness initiatives, health benefit coverage for
- 29 independent contractors, providing an appropriation,
- 30 and providing for an effective date."
- 31 10. By renumbering as necessary.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8527 to amendment H-8523 filed by him on April 10, 2006.

Paulsen of Linn offered the following amendment H-8535, to amendment H-8523, filed by him, Struyk of Pottawattamie, and Kurtenbach of Story from the floor and moved its adoption:

H-8535

- 1 Amend the amendment, H-8523, to House File 2790, as
- 2 follows:
- 3 1. Page 3, by striking lines 33 through 37 and
- 4 inserting the following: "section."
- 5 2. Page 4, line 2, by inserting after the word
- 6 "information." the following: "This subsection is

- 7 repealed effective July 1, 2011."
8 3. Page 4, by striking lines 3 and 4.

Speaker pro tempore Carroll in the chair at 4:07 p.m.

Speaker Rants in the chair at 4:09 p.m.

Roll call was requested by Paulsen of Linn and Murphy of Dubuque.

On the question "Shall amendment H-8535 be adopted?" (H.F. 2790)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Elgin	Gipp	Granzow	Greiner
Heaton	Horbach	Huseman	Huser
Hutter	Kaufmann	Kurtenbach	Lalk
Lukan	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.	Wildurdyke	Mr. Speaker
			Rants

The nays were, 55:

Bell	Berry	Bukta	Cphoon
Davitt	Eichhorn	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Heddens	Hoffman	Hogg	Hunter
Jacobs	Jacoby	Jenkins	Jochum
Jones	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	Tomenga
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 1:

Zirkelbach

Amendment H-8535 lost.

Gipp of Winneshiek asked and received unanimous consent that House File 2790 be deferred and that the bill retain its place on the calendar. (Amendment H-8523 pending)

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2742** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 12, 2006 due to a mandatory emergency lockdown of the county courthouse by Des Moines HAZMAT Materials Unit. Had I been present, I would have voted "aye" on House File 2562.

MCCARTHY of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 12, 2006, he approved and transmitted to the Secretary of State the following bills:

House File 2522, an Act relating to the assessment of a fee when filing a praecipe.

House File 2586, an Act relating to the collection of liquidated debts owed to and various authorizations issued by the labor commissioner.

House File 2590, an Act providing for the confidentiality of information concerning security procedures or emergency preparedness information developed and maintained by a government body.

House File 2632, an Act relating to real estate, including real estate broker and salesperson licensing and real estate disclosures.

House file 2635, an Act relating to drainage and levee districts by providing for the publication of notice and the letting of bids.

House File 2679, an Act relating to agricultural drainage wells by providing for the implementation of water quality practices as an alternative to constructing alternative draining systems.

Senate File 2320, an Act relating to the development of an Iowa Studies Professional Development Plan and the establishment of an Iowa Studies Committee.

Senate File 2327, an Act relating to access to confidential information used to secure an arrest warrant.

Senate File 2343, an Act revising the membership requirements for the child advocacy board.

Senate File 2344, an act requiring development of a uniform application form for small employer group health insurance coverage.

Senate File 2358, an Act relating to the administrative duties of the state board of regents.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty students from Sigourney High School, Sigourney, Iowa, accompanied by government teacher Mike Donnelly and teacher Barb Tornow. By De Boef of Keokuk.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2006\1428 Bettie Montgomery, Delta – For celebrating her 80th birthday.
- 2006\1429 Betty Miller Stoutner, Keota – For celebrating her 85th birthday.
- 2006\1430 Hannah Baker, Richland – For receiving the E. Wayne Cooley Scholarship.
- 2006\1431 Darlene Smith, Ladora – For celebrating her 85th birthday.
- 2006\1432 Roger and Mardell Hansen, Elk Horn – For celebrating their 60th wedding anniversary.
- 2006\1433 Jefferson Elementary School, Clinton – For celebrating their grand opening on April 8, 2006.
- 2006\1434 Paul and Evelyn Liles, Batavia – For celebrating their 50th wedding anniversary.
- 2006\1435 Richard and Shirley Ide, Shannon City – For receiving the Iowa Good Neighbor Award from the Iowa Department of Agriculture and Land Stewardship.

AMENDMENTS FILED

H—8533	S.F.	2369	Dolecheck of Ringgold
H—8534	H.F.	2794	Kurtenbach of Story
H—8536	H.F.	2750	Huser of Polk
H—8537	H.F.	2791	Huser of Polk
H—8538	S.F.	2369	Dolecheck of Ringgold
H—8543	H.F.	2794	Kurtenbach of Story

On motion by Gipp of Winneshiek the House adjourned at 4:55 p.m., until 8:45 a.m., April 13, 2006.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 13, 2006

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

Prayer was offered by Reverend Marvin Siems, pastor of the Methodist Church of Logan. He was the guest of Representative Paul Wilderdyke of Harrison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, April 12, 2006 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 12, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2508, a bill for an act relating to direct deposit of wages and creating an exception to the payday information employers are required to provide each employee under the Iowa wage payment collection law and providing for retroactive applicability.

Also: That the Senate has on April 12, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2663, a bill for an act relating to jurisdiction of the natural resource commission over certain lakebeds and riverbeds.

Also: That the Senate has on April 12, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2740, a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty.

Also: That the Senate has on April 12, 2006, amended the House amendment, concurred in the House amendment as amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation.

Also: That the Senate has on April 12, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2290, a bill for an act relating to the payment of costs of reasonable attorney fees and other expenses related to certain paternity and adoption proceedings.

Also: That the Senate has on April 12, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2322, a bill for an act relating to the investigation and control of communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster.

MICHAEL E. MARSHALL, Secretary

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2006\1436 Katherine Jares, Council Bluffs – For receiving the Harry S. Truman Scholarship.
- 2006\1437 Mary Crowdy, Clarinda – For celebrating her 85th birthday.
- 2006\1438 John and Jackie Longdin, Winfield – For celebrating their 50th wedding anniversary.
- 2006\1439 Harold and Darlene Miller, Churdan – For celebrating their 65th wedding anniversary.

RESOLUTION FILED

HR 171, by Eichhorn, Paulsen and Swaim, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and order issued by the Meskwaki Tribal Court.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8544	S.F.	2183	Senate Amendment
H—8545	H.F.	2663	Senate Amendment
H—8546	H.F.	2740	Senate Amendment
H—8547	H.F.	2739	Anderson of Page
H—8548	H.F.	2794	Watts of Dallas
H—8549	H.F.	2794	Watts of Dallas

On motion by Gipp of Winneshiek the House adjourned at 8:59 a.m., until 1:00 p.m., Monday, April 17, 2006.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 17, 2006

The House met pursuant to adjournment at 1:08 p.m., Speaker Rants in the chair.

Prior to convening the “Star Spangled Banner” was sung by “The Sirens” from Williamsburg High School, accompanied by their director Mary Wetjen. They were the guests of Representative Betty De Boef of Keokuk County.

Prayer was offered by the Honorable Carmine Boal, state representative from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, April 13, 2006 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cphoon of Des Moines on request of Murphy of Dubuque.

The House stood at ease at 1:13 p.m., until the fall of the gavel.

The House resumed session at 2:57 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-six members present, twenty-four absent.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2651**, a bill for an act relating to a restitution order in a juvenile delinquency proceeding, amended by the Senate, and moved that the House concur in the following Senate amendment H-8529:

H-8529

1 Amend House File 2651, as passed by the House, as
2 follows:

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

5 "Section 1. Section 232.147, subsection 2, Code
6 Supplement 2005, is amended to read as follows:

7 2. Official juvenile court records in cases
8 alleging delinquency, including complaints under
9 section 232.28, shall be public records, subject to
10 ~~sealing under section 232.150~~ the following
11 restrictions:

12 a. Official juvenile court records containing a
13 petition or complaint alleging delinquency filed prior
14 to January 1, 2007, shall be public records subject to
15 a confidentiality order under section 232.149A or
16 sealing under section 232.150.

17 b. Official juvenile court records containing a
18 petition or complaint alleging delinquency filed on or
19 after January 1, 2007, shall be public records subject
20 to a confidentiality order under section 232.149A or
21 sealing under section 232.150. However, the official
22 records shall not be available to the public through
23 the internet or in an electronic customized data
24 report unless the child has been adjudicated
25 delinquent.

26 c. If the court has excluded the public from a
27 hearing under division II of this chapter, the
28 transcript of the proceedings shall not be deemed a
29 public record and inspection and disclosure of the
30 contents of the transcript shall not be permitted
31 except pursuant to court order or unless otherwise
32 provided in this chapter.

33 d. Complaints under section 232.28 shall be
34 released in accordance with section 915.25. Other
35 official juvenile court records may be released under
36 this section by a juvenile court officer.

37 Sec. 2. NEW SECTION. 232.149A CONFIDENTIALITY
38 ORDERS.

39 1. Notwithstanding any other provision of the Code
40 to the contrary, upon application of a person who was

41 taken into custody for a delinquent act or was the
42 subject of a complaint alleging delinquency or was the
43 subject of a delinquency petition, or upon the court's
44 own motion, the court after hearing, shall order
45 official juvenile court records in the case to be kept
46 confidential and no longer public records under
47 sections 232.147 and 232.149, if the court finds both
48 of the following apply:
49 a. The case has been dismissed and the person is
50 no longer subject to the jurisdiction of the juvenile

Page 2

1 court.
2 b. Making the records confidential is in the best
3 interests of the person and the public.
4 2. The records subject to a confidentiality order
5 may be sealed at a later date if section 232.150
6 applies.
7 3. Official juvenile court records subject to a
8 confidentiality order may be inspected and their
9 contents shall be disclosed to the following without
10 court order:
11 a. The judge and professional court staff,
12 including juvenile court officers.
13 b. The child and the child's counsel.
14 c. The child's parent, guardian or custodian,
15 court appointed special advocate, and guardian ad
16 litem, and the members of the child advocacy board
17 created in section 237.16 or a local citizen foster
18 care review board created in accordance with section
19 237.19 who are assigning or reviewing the child's
20 case.
21 d. The county attorney and the county attorney's
22 assistants.
23 e. An agency, association, facility, or
24 institution which has custody of the child, or is
25 legally responsible for the care, treatment, or
26 supervision of the child, including but not limited to
27 the department of human services.
28 f. A court, court professional staff, and adult
29 probation officers in connection with the preparation
30 of a presentence report concerning a person who had
31 been the subject of a juvenile court proceeding.
32 g. The child's foster parent or an individual
33 providing preadoptive care to the child.
34 h. A state or local law enforcement agency.
35 4. If the child has been discharged from the
36 jurisdiction of the juvenile court due to reaching the
37 age of eighteen and restitution remains unpaid, the
38 name of the court, the title of the action, and the
39 court's file number shall not be kept confidential,

40 and the restitution amount shall be a judgment and
 41 lien as provided in sections 910.7A, 910.8, 910.10,
 42 and 915.28 until the restitution is paid.
 43 5. Pursuant to court order, official juvenile
 44 court records subject to a confidentiality order may
 45 be inspected by and their contents may be disclosed
 46 to:
 47 a. A person conducting bona fide research for
 48 research purposes under whatever conditions the court
 49 may deem proper, provided that no personal identifying
 50 data shall be disclosed to such a person.

Page 3

1 b. Persons who have a direct interest in a
 2 proceeding or in the work of the court."
 3 2. Page 1, line 7, by inserting before the word
 4 "records" the following: "official juvenile court".
 5 3. Page 1, line 10, by striking the word "Two"
 6 and inserting the following: "Two The person is
 7 eighteen years of age or older and two".
 8 4. Page 1, lines 10 and 11, by striking the words
 9 "the final discharge of the person or since" and
 10 inserting the following: "the final discharge of the
 11 person or since".
 12 5. Page 1, line 12, by striking the words "if
 13 there was no adjudication and disposition" and
 14 inserting the following: "if there was no
 15 adjudication and disposition".
 16 6. Title page, by striking lines 1 and 2 and
 17 inserting the following: "An Act relating to juvenile
 18 court records and restitution orders.

The motion prevailed and the House concurred in the Senate amendment H-8529.

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. 2651)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	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	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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Cohoon Shoultz Zirkelbach

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

May of Dickinson called up for consideration **House File 2663**, a bill for an act relating to jurisdiction of the natural resource commission over certain lakebeds and riverbeds, amended by the Senate, and moved that the House concur in the following Senate amendment H-8545:

H-8545

- 1 Amend House File 2663, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 10, and
- 4 inserting the following:
- 5 "**NEW UNNUMBERED PARAGRAPH.** For the purposes of
- 6 this section, property under the commission's
- 7 jurisdiction does not include an area of the bed of a

- 8 lake or river occupied by a dock or other appurtenance
- 9 or means of access to a dock, including but not
- 10 limited to boat hoists and boat slips, or occupied by
- 11 a boat ramp, constructed or installed and maintained
- 12 under littoral or riparian rights."
- 13 2. Title page, line 2, by striking the word
- 14 "inland" and inserting the following: "areas of".

The motion prevailed and the House concurred in the Senate amendment H-8545.

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. 2663)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	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
Schueler	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Cohoon

Zirkelbach

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

Eichhorn of Hamilton called up for consideration **House File 2740**, a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-8546:

H-8546

1 Amend House File 2740, as passed by the House, as
2 follows:

3 1. Page 2, by striking lines 23 through 32 and
4 inserting the following:

5 "Sec. ___. Section 602.4102, subsection 5, Code
6 2005, is amended to read as follows:

7 5. The court of appeals shall extend the time for
8 filing of an application if the court of appeals
9 determines that a failure to timely file an
10 application was due to the failure of the clerk of the
11 court of appeals to notify the prospective applicant
12 of the filing of the decision. ~~If an application for
13 further review is not acted upon by the supreme court
14 within thirty days after the application was filed,
15 the application is deemed denied, the supreme court
16 loses jurisdiction, and the decision of the court of
17 appeals is conclusive.~~

18 Sec. ___. Section 602.5106, subsection 2, Code
19 2005, is amended to read as follows:

20 2. A decision of the court of appeals is final and
21 shall not be reviewed by any other court except upon
22 the granting by the supreme court of an application
23 for further review as provided in section 602.4102.
24 Upon the filing of the application, the judgment and
25 mandate of the court of appeals is stayed pending
26 action of the supreme court ~~or until the expiration of
27 the time specified in section 602.4102, subsections 4
28 and 5."~~

29 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8546.

Eichhorn of Hamilton 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. 2740)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Cohoon Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Jenkins of Black Hawk called up for consideration **Senate File 2183**, a bill for an act allowing cities and counties to create enterprise

zones near modes of transportation, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8544 to the House amendment:

H-8544

- 1 Amend the House amendment, S-5135, to Senate File
- 2 2183, as passed by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the word "year"
- 4 and inserting the following: "period".
- 5 2. Page 2, by striking lines 11 and 12 and
- 6 inserting the following: "be awarded to eligible
- 7 businesses applying to an enterprise zone commission
- 8 for incentives and assistance during that fiscal year
- 9 that are located in an enterprise zone certified
- 10 pursuant to this".
- 11 3. Page 3, line 29, by inserting after the word
- 12 "area" the following: "is a blighted area as defined
- 13 in section 403.17 and the area".

The motion prevailed and the House concurred in the Senate amendment H-8544, to the House amendment.

Jenkins of Black Hawk 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. 2183)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	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
Mr. Speaker			
Rants			

The nays were, 1:

Fallon

Absent or not voting, 2:

Cphoon

Zirkelbach

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 2651, 2663** and **Senate File 2183**.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2268)

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2268**, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates, filed by him on April 5, 2006.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2268** be immediately messaged to the Senate.

The House resumed consideration of Senate File 2312, previously deferred and found on page 1285 of the House Journal.

MOTION TO RECONSIDER PREVAILED
Committee Amendment H-8440

Watts of Dallas moved to reconsider the vote by which the committee amendment H-8440 to **Senate File 2312**, a bill for an act providing grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision, passed the House on April 12, 2006, filed by him from the floor.

The motion prevailed and the House reconsidered the committee amendment H-8440 to Senate File 2312.

Huser of Polk offered the following amendment H-8550, to the committee amendment H-8440, filed by her from the floor and moved its adoption:

H-8550

1 Amend the amendment, H-8440, to Senate File 2312,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 6 through 10 and
5 inserting the following:

6 " ___. Page 1, line 11, by inserting after the
7 word "veterans." the following: "Providing grants to
8 eligible injured veterans pursuant to this section is
9 deemed to serve a vital and valid public purpose of
10 the state by assisting injured veterans and their
11 families."

12 ___. Page 1, by inserting after line 11 the
13 following:

14 "2A. The department may receive and accept
15 donations, grants, gifts, and contributions from any
16 public or private source for the purpose of providing
17 grants under this section. Moneys received by the
18 department pursuant to this subsection shall be
19 deposited in an injured veterans trust fund which
20 shall be created in the state treasury under the
21 control of the department. Moneys credited to the
22 trust fund shall be appropriated to the department for
23 the purpose of providing injured veterans grants under
24 this section and shall not be transferred, used,
25 obligated, appropriated, or otherwise encumbered,
26 except as provided in this section. Notwithstanding
27 section 12C.7, subsection 2, interest or earnings on
28 moneys in the trust fund shall be credited to the
29 trust fund.""

30 2. Page 1, by inserting after line 17 the
 31 following:
 32 "___ Page 2, line 11, by striking the word
 33 "subsection" and inserting the following:
 34 "subsections".
 35 ___ Page 2, by inserting after line 14 the
 36 following:
 37 "NEW SUBSECTION. 46. Subtract, to the extent not
 38 otherwise deducted in computing adjusted gross income,
 39 the amounts paid by the taxpayer to the department of
 40 veterans affairs for the purpose of providing grants
 41 under the injured veterans grant program established
 42 in section 35A.14. Amounts subtracted under this
 43 subsection shall not be used by the taxpayer in
 44 computing the amount of charitable contributions as
 45 defined by section 170 of the Internal Revenue Code."
 46 ___ Title page, line 2, by striking the words
 47 "an income tax exclusion" and inserting the following:
 48 "income tax exclusions".
 49 ___ By renumbering as necessary."

Amendment H-8550 was adopted.

On motion by Watts of Dallas, the committee amendment H-8440, as amended, was adopted.

Watts of Dallas 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. 2312)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Cohoon Zirkelbach

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 2312** be immediately messaged to the Senate.

MOTION TO RECONSIDER (House File 2740)

I move to reconsider the vote by which House File 2740 passed the House on April 17, 2006.

GIPP of Winneshiek

AMENDMENTS FILED

H—8551	H.F.	2794	Mertz of Kossuth
H—8552	H.F.	2769	Foege of Linn
			Heaton of Henry
			Boal of Polk
H—8553	H.F.	2794	Watts of Dallas

On motion by Gipp of Winneshiek the House adjourned at 3:28 p.m., until 8:45 a.m., Tuesday, April 18, 2006.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 18, 2006

The House met pursuant to adjournment at 8:50 a.m., Speaker Rants in the chair.

Prayer was offered and sung by Reverend Bob Connors, pastor of the Union Park Independent Christian Church, Des Moines. He is the brother of the Honorable John Connors, former state representative from Polk County. He was the guest of Representative Rick Olson of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 17, 2006 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eichhorn of Hamilton on request of Gipp of Winneshiek; D. Olson of Boone, until his arrival, on request of Murphy of Dubuque.

The House stood at ease at 9:03 a.m., until the fall of the gavel.

The House resumed session at 9:52 a.m., Speaker pro tempore Carroll in the chair.

ADOPTION OF HOUSE RESOLUTION 137

Hoffman of Crawford called up for consideration **House Resolution 137**, a resolution designating a Technology and Science Day in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 167

Chambers of O'Brien called up for consideration **House Resolution 167**, a resolution honoring the Iowa Army National Guard's 2168th Transportation Company for its service in support of the Global War on Terrorism, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 2718, a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability, was taken up for consideration.

SENATE FILE 2369 SUBSTITUTED FOR HOUSE FILE 2718

Dolecheck of Ringgold asked and received unanimous consent to substitute Senate File 2369 for House File 2718.

Senate File 2369, a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability, was taken up for consideration.

Dolecheck of Ringgold offered amendment H-8516 filed by him as follows:

H-8516

- 1 Amend Senate File 2369, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. _____. Section 459A.102, Code Supplement 2005,
- 6 is amended by adding the following new subsections:
- 7 NEW SUBSECTION. 8A. "Designated area" means a
- 8 known sinkhole, a cistern, an abandoned well, an
- 9 unplugged agricultural drainage well, an agricultural
- 10 drainage well surface inlet, a drinking water well, a

11 designated wetland, or a water source. However,
12 "designated area" does not include a terrace tile
13 inlet or surface tile inlet other than an agricultural
14 drainage well surface tile inlet.

15 NEW SUBSECTION. 8B. "Designated wetland" means
16 the same as defined in section 459.102.

17 NEW SUBSECTION. 9A. "Grassed waterway" means a
18 natural or constructed channel that is shaped or
19 graded and established with suitable vegetation for
20 the stable conveyance of surface water runoff.

21 NEW SUBSECTION. 9B. "High-quality water resource"
22 means the same as defined in section 459.102.

23 NEW SUBSECTION. 20A. "Stockpile" means to store
24 solids from an open feedlot operation outside of an
25 open feedlot operation structure or outside of an area
26 that drains to an open feedlot operation structure.

27 NEW SUBSECTION. 23. "Water source" means the same
28 as defined in section 459.102."

29 2. Page 2, by inserting after line 12 the
30 following:

31 "Sec. ____ NEW SECTION. 459A.403 SOLIDS
32 STOCKPILING.

33 A person may stockpile solids, subject to all of
34 the following:

35 1. a. The person shall not stockpile the solids
36 within the following distances:

37 (1) Two hundred feet from a designated area other
38 than a high-quality water resource.

39 (2) Eight hundred feet from a high-quality water
40 resource.

41 b. The person shall not stockpile solids within
42 two hundred feet from a terrace tile inlet or surface
43 tile inlet unless the solids are maintained in a
44 manner that will not allow precipitation-induced
45 runoff to drain from the solids to the terrace tile
46 inlet or surface tile inlet.

47 c. The person shall not stockpile solids in a
48 grassed waterway or where water pools on the soil
49 surface.

50 d. The person shall not stockpile solids on land

Page 2

1 having a slope of more than five percent unless
2 methods, structures, or practices are implemented to
3 prevent or diminish precipitation-induced runoff from
4 the stockpiled solids.

5 2. The person must remove the stockpiled solids
6 and apply them in accordance with the provisions of
7 this chapter, including but not limited to section
8 459A.410, within six months after the solids are
9 stockpiled."

- 10 3. Title page, line 2, by inserting after the
 11 word "plans" the following: ", stockpiling of
 12 solids,".
 13 4. By renumbering as necessary.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-8533, to amendment H-8516, filed by him on April 12, 2006.

Dolecheck of Ringgold offered the following amendment H-8538, to amendment H-8516, filed by him and moved its adoption:

H-8538

- 1 Amend the amendment, H-8516, to Senate File 2369,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 37, by striking the word "Two"
 4 and inserting the following: "Four".
 5 2. Page 2, line 1, by striking the word "five"
 6 and inserting the following: "three".
 7 3. Page 2, line 2, by inserting after the words
 8 "implemented to" the following: "contain the
 9 stockpiled solids, including but not limited to using
 10 hay bales, silt fences, temporary earthen berms, or
 11 other effective measures, and to".
 12 4. By renumbering as necessary.

Roberts of Carroll in the chair at 10:04 a.m.

Amendment H-8538 was adopted.

On motion by Dolecheck of Ringgold, amendment H-8516, as amended, was adopted.

Dolecheck of Ringgold 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. 2369)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck

Drake	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	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

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

HOUSE FILE 2718 WITHDRAWN

Dolecheck of Ringgold asked and received unanimous consent to withdraw House File 2718 from further consideration by the House.

House File 2739, a bill for an act relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions, was taken up for consideration.

Anderson of Page asked and received unanimous consent to withdraw amendment H-8547 filed by him on April 13, 2006.

SENATE FILE 2301 SUBSTITUTED FOR HOUSE FILE 2739

Anderson of Page asked and received unanimous consent to substitute Senate File 2301 for House File 2739.

Senate File 2301, a bill for an act relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions, was taken up for consideration.

Anderson of Page offered the following amendment H-8554 filed by him from the floor and moved its adoption:

H-8554

- 1 Amend Senate File 2301, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 19 through 34 and
- 4 inserting the following:
- 5 **"NEW SUBSECTION.** 15. The debtor's interest in
- 6 payments reasonably necessary for the support of the
- 7 debtor or the debtor's dependents to or for the
- 8 benefit of the debtor or the debtor's dependents,
- 9 including structured settlements, resulting from the
- 10 wrongful death of a decedent upon which the debtor or
- 11 the debtor's dependents were dependent."
- 12 2. By renumbering as necessary.

Amendment H-8554 was adopted, placing out of order amendment H-8531 filed by Anderson of Page and Swaim of Davis on April 11, 2006.

Anderson of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2301)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	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	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Eichhorn	Maddox	Olson, D.	Zirkelbach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2739 WITHDRAWN

Anderson of Page asked and received unanimous consent to withdraw House File 2739 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2301** and **2369**.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 2319.

Appropriations Calendar

Senate File 2319, a bill for an act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations, with report of committee recommending passage, was taken up for consideration.

Pettengill of Benton offered amendment H-8508 filed by her and Mertz of Kossuth as follows:

H-8508

1 Amend Senate File 2319, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 11 through 13 and
 4 inserting the following: "of such moneys shall be
 5 deposited in the general fund of the county in which
 6 the violation occurred."

Pettengill of Benton offered the following amendment H-8515, to amendment H-8508, filed by her and moved its adoption:

H-8515

1 Amend the amendment, H-8508, to Senate File 2319,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "occurred" the following: "to be used exclusively for
 5 the clean up and prevention of illegal dumping".

Amendment H-8515 was adopted.

On motion by Pettengill of Benton, amendment H-8508, as amended, was adopted.

De Boef of Keokuk 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. 2319)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrall	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	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, 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
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Eichhorn	Olson, D.	Zirkelbach
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2319** 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 and 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 Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Matthew L. Schwieger	15-1	S-O	03-06-06
Legislative Committee Secretary	JoAnn Murray	17-1	S-O	03-06-06
Legislative Secretary	Gina M. Noll	16-2	S-O	03-06-06

<u>Position</u>	<u>Name</u>	<u>Grade And Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Juliana P. Anderson	15-1 to 15-2	S-O	03-10-06
Legislative Secretary	Curtis I. Bigsby	16-1 to 16-2	S-O	03-10-06
Legislative Committee Secretary	Deborah L. Helsen	17-1 to 17-2	S-O	03-10-06
Legislative Secretary	Alex J. Kuhn	16-1 to 16-2	S-O	03-10-06
Legislative Secretary	Jennifer Lee Lunsford	17-1 to 17-2	S-O	03-10-06
Legislative Secretary	Susan G. Meimann	15-1 to 15-2	S-O	03-10-06
Legislative Committee Secretary	Laura L. Mommsen	17-1 to 17-2	S-O	03-10-06
Legislative Secretary	Melodie K. Schueller	15-1 to 15-2	S-O	03-10-06
Legislative Secretary	Gary M. Thelen	16-1 to 16-2	S-O	03-10-06
Legislative Secretary	Paula J. Toms	16-1 to 16-2	S-O	03-10-06
Legislative Secretary	Yvonne S. Welshhons	16-1 to 16-2	S-O	03-10-06
Legislative Secretary	David H. White	16-1 to 16-2	S-O	03-10-06
Sr Legislative Research Analyst	Lon W. Anderson	38-6 to 38-7	P-FT	03-24-06
Senior Caucus Secretary	Bruce G. Brandt	24-6 to 24-7	P-FT	03-24-06
Legislative Research Analyst	Kristin A. Gray	27-3 to 27-4	P-FT	03-24-06
Legislative Research Analyst III	Anna M. Hyatt-Crozier	35-3 to 35-4	P-FT	03-24-06
Sr Legislative Research Analyst	Ann M. McCarthy	38-6 to 38-7	P-FT	03-24-06
Assistant Bill Clerk	Elaine A. Platt	12-1 to 12-2	S-O	03-24-06
Legislative Secretary	Robert F. Kaufmann	16-1 to 16-2	S-O	03-24-06
Legislative Secretary	Amy L. Lynch	15-1 to 15-2	S-O	03-24-06
Legislative Secretary	Susan M. Mahedy- Ridgway	17-1 to 17-2	S-O	03-24-06
Legislative Secretary	Twyla L. Miller	17-6+2 to 17-7+2	S-O	03-24-06
Finance Officer II	Kelly M. Bronsink	27-6 to 27-7	P-FT	04-07-06
Sr Finance Officer III	Debra K. Rex	38-5 to 38-6	P-FT	04-07-06

<u>Position</u>	<u>Name</u>	<u>Grade And Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Sr Admin Asst to Leader	Carolyn McNeill Gaukel	38-6 to 38-7	P-FT	04-21-06
Legislative Committee Secretary	Clarice E. Alons	17-2 to 17-3	S-O	04-21-06
Legislative Secretary	Clark E. McMullen	16-2 to 16-3	S-O	04-21-06

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

Postmaster	William C. Walling			03-09-06
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Pursuant to Senate Concurrent Resolution 3, duly adopted, the following is a list of changes for officers and employees of the Joint Senate/House:

Sr Facilities Manager	Mark L. Willemsen	41-5 to 41-6	P-FT	04-07-06
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The following are resignations from the officers and employees of the Joint Senate/House:

Legislative Security Officer I	Nickolas S. Brown			03-15-06
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EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 18, 2006. Had I been present, I would have voted "aye" on Senate Files 2301, 2319 and 2369.

EICHHORN of Hamilton

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 17th day of April, 2006: House File 2365. Also: That on this 18th day of April,

2006, the following House Files were found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval: House Files 590, 2240, 2492, 2506, 2525, 2588, 2654, 2672, 2705 and 2712.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 2006, he approved and transmitted to the Secretary of State the following bill:

House File 2365, an Act relating to committing disorderly conduct near a funeral, memorial service, funeral procession, or burial, 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

- | | |
|-----------|--|
| 2006\1440 | Ahleen "Tuttie" Seaman, Sioux City – For celebrating her 90 th birthday. |
| 200\1441 | Earl Ashcraft, Sioux City – For celebrating his 106 th birthday. |
| 2006\1442 | R. Wayne Waterman, Sioux City – For celebrating his 102 nd birthday. |
| 2006\1443 | Rena De Jong Kloosterman, Orange City – For celebrating her 80 th birthday. |
| 2006\1444 | Cathy Bowden, Hawarden – For celebrating her 80 th birthday. |
| 2006\1445 | Mary Byers, Hartley – For celebrating her 90 th birthday. |
| 2006\1446 | Erma McIlrath, Rockwell – For celebrating her 90 th birthday. |
| 2006\1447 | Don Peters, Hampton – For celebrating his 80 th birthday. |
| 2006\1448 | Mildred Pingel, Hampton – For celebrating her 80 th birthday. |

- 2006\1449 Harry Cottrell, Clear Lake – For celebrating his 80th birthday.
- 2006\1450 Vince Kopacek, Britt – For celebrating his 95th birthday.
- 2006\1451 Rozelle Madison, Audubon – For celebrating her 85th birthday.
- 2006\1452 Myrna Rabe, Anita – For celebrating her 80th birthday.
- 2006\1453 Wanda Barrett, Panora – For celebrating her 90th birthday.
- 2006\1454 Karen Johnson, Fort Dodge – For receiving the Golden Apple Award.
- 2006\1455 Crystal Wilks, Gowrie -- For receiving the Golden Apple Award.
- 2006\1456 Barb Langer, Gowrie – For receiving the Golden Apple Award.
- 2006\1457 Staci Halligan, Gowrie – For receiving the Golden Apple Award.
- 2006\1458 Ruth Nellis, Fort Dodge – For receiving the Golden Apple Award.
- 2006\1459 Kevin Nanning, Independence – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1460 Margaret Michael, Independence – For celebrating her 90th birthday.
- 2006\1461 Matrona Moroney, Independence – For celebrating her 90th birthday.
- 2006\1462 Dale Bowden, Independence – For celebrating his 90th birthday.
- 2006\1463 Bob and Marcella Streppe, Independence – For celebrating their 50th wedding anniversary.
- 2006\1464 Elmer and Marlene Hettinger, Independence – For celebrating their 50th wedding anniversary.
- 2006\1465 James and Jean Haskin, Dunkerton – For celebrating their 50th wedding anniversary.
- 2006\1466 Kenneth and Beverly Youngblut, Jesup – For celebrating their 50th wedding anniversary.
- 2006\1467 Dorothy Archer, Onawa – For celebrating her 85th birthday.
- 2006\1468 Vernon and Roberta Matson, New Providence – For celebrating their 65th wedding anniversary.
- 2006\1469 Sharon and Jody Steelmen, Gillford – For celebrating their 50th wedding anniversary.

- 2006\1470 Dewey and Sue Dennis, State Center – For celebrating their 50th wedding anniversary.
- 2006\1471 Donald Fix, West Liberty – For celebrating his 80th birthday.
- 2006\1472 Warren and Kay McConahay, Columbus City – For celebrating their 50th wedding anniversary.
- 2006\1473 Florence Benshoof, DeWitt – For celebrating her 90th birthday.
- 2006\1474 Karl and Grete Maass, DeWitt – For celebrating their 50th wedding anniversary.
- 2006\1475 Natalie Weires, Dubuque – For receiving 3rd place in the State Mathcounts Competition.
- 2006\1476 Molly Zmudka, Dubuque – For receiving 3rd place in the State Finals of the 2006 Letters About Literature Contest.
- 2006\1477 Shannon Mulligan, Dubuque – For her winning entry in the 2006 Iowa Energy Poster Contest.
- 2006\1478 Nicole Olson, Mt. Pleasant – For being selected to attend Girls State by the American Legion Auxiliary.
- 2006\1479 Graham Prellwitz, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1480 Bill Schwenke, Sigourney – For celebrating his 90th birthday.
- 2006\1481 Catherine Johnston, Keswick – For celebrating her 90th birthday.
- 2006\1482 Ben Pedersen, Rolfe – For being named a United States National Award Winner in Science.
- 2006\1483 Frank E. Jones, Atlantic – For being celebrating his 80th birthday.
- 2006\1484 Iola Buchholz, Tripoli – For celebrating her 87th birthday.
- 2006\1485 Alma Klinger, West Union – For celebrating her 95th birthday.
- 2006\1486 Max and Gail Treat, Oelwein – For celebrating their 50th wedding anniversary.
- 2006\1487 Wayne and Shirley Gibbs, Hawkeye – For celebrating their 50th wedding anniversary.
- 2006\1488 Garrett Schubert, Story City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1489 Megan Bartholomew, Central Lee High School – For being a member of the Community Problem Solving Team representing

- Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1490 Kelsey Hammer, Central Lee High School – For being a member of the Community Problem Solving Team representing Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1491 Shala Hawes, Central Lee High School – For being a member of the Community Problem Solving Team representing Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1492 Morgan Krehbiel, Central Lee High School – For being a member of the Community Problem Solving Team representing Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1493 Hannah Seyb, Central Lee High School – For being a member of the Community Problem Solving Team representing Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1494 Natalie Staudte, Central Lee High School – For being a member of the Community Problem Solving Team representing Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1495 Magan Weirather, Central Lee High School – For being a member of the Community Problem Solving Team representing Iowa at the 2006 International Future Problem Conference in Colorado.
- 2006\1496 Margery Stratman, Hartley – For celebrating her 90th birthday.

AMENDMENT FILED

H—8555	H.F.	2790	Wise of Lee
	Petersen of Polk		Oldson of Polk
	Quirk of Chickasaw		Pettengill of Benton
	Bell of Jasper		Berry of Black Hawk
	Bukta of Clinton		Cohoon of Des Moines
	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
	Lykam of Scott		Mascher of Johnson
	McCarthy of Polk		Mertz of Kossuth
	Miller of Webster		R. Olson of Polk
	Reasoner of Union		Reichert of Muscatine
	Schueller of Jackson		Shomshor of Pottawattamie

Shoultz of Black Hawk
Swaim of Davis
T. Taylor of Linn
Wendt of Woodbury
Whitead of Woodbury

Smith of Marshall
D. Taylor of Linn
Thomas of Clayton
Whitaker of Van Buren

On motion by Gipp of Winneshiek the House adjourned at 10:33 a.m., until 8:45 a.m., Wednesday, April 19, 2006.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 19, 2006

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Bradersen, pastor of the Sacred Heart Church, Boone. He was the guest of Representative Donovan Olson of Boone County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 18, 2006 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 18, 2006, 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 540, a bill for an act relating to reports of traffic accidents involving certified law enforcement officers.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2319, a bill for an act relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2361, a bill for an act relating to energy conservation standards included in the state building code for new single-family or two-family residential construction.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2461, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

Also: That the Senate has on April 18, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2515, a bill for an act relating to obstructions in highways and providing penalties.

Also: That the Senate has on April 18, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2558, a bill for an act relating to and making appropriations to the justice system and providing an effective date.

Also: That the Senate has on April 18, 2006, insisted on its amendment to House File 2612, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty. (Formerly House File 2249), and the members of the Conference Committee on the part of the Senate are: The senator from Scott, Senator Wood and the senator from Pottawattamie, Senator Houser, Co-Chairs; the senator from Davis, Senator Kreiman; the senator from Dubuque, Senator Hancock; the senator from Osceola, Senator Johnson; and the senator from Hancock, Senator Gaskill.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2633, a bill for an act relating to the definition of recycling property for purposes of the property tax exemption for pollution-control or recycling property and providing an applicability date.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2768, a bill for an act authorizing the state medical examiner to collect and retain fees for medical examiner facility expenses and services related to tissue recovery and making an appropriation.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2772, a bill for an act creating a brain injury services program and providing for allocation of a previously enacted appropriation.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2775, a bill for an act relating to the judicial branch including the assessment of court fees and costs.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2777, a bill for an act relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2251, a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2301, a bill for an act relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2319, a bill for an act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations.

Also: That the Senate has on April 18, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2369, a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2393, a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2395, a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2399, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit.

Also: That the Senate has on April 18, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2402, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2393, by committee on government oversight, a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies.

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

Senate File 2395, by committee on ways and means, a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program.

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

Senate File 2399, by committee on ways and means, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date.

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

Senate File 2402, by committee on ways and means, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

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

CONFERENCE COMMITTEE APPOINTED (House File 2612)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2612: May of Dickinson, Chair; Freeman of Buena Vista, Baudler of Adair, Heddens of Story and Bell of Jasper.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2612** be immediately messaged to the Senate.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration **House File 2515**, a bill for an act relating to obstructions in highways and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8557:

H-8557

- 1 Amend House File 2515, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "____. "Officer" means any department employee,
- 6 county employee, or elected county official."
- 7 2. By striking page 2, line 29, through page 3,
- 8 line 2.
- 9 3. Page 3, by striking lines 6 and 7.
- 10 4. Page 3, by inserting after line 35 the
- 11 following:
- 12 "4. All removals shall be without liability on the
- 13 part of any officer ordering or effecting such
- 14 removal."
- 15 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8557.

Schickel of Cerro Gordo 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. 2515)

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	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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **House File 2558**, a bill for an act relating to and making appropriations to the justice system and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8556:

H-8556

- 1 Amend House File 2558, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 12, by striking the figure
- 4 "2,450,000" and inserting the following: "3,200,000".
- 5 2. Page 5, by striking line 28 and inserting the
- 6 following:
- 7 "..... \$ 28,972,190"

- 8 3. Page 5, by striking line 32 and inserting the
- 9 following:
- 10 "..... \$ 26,144,996"
- 11 4. Page 6, by striking line 5 and inserting the
- 12 following:
- 13 "..... \$ 8,599,419"
- 14 5. Page 6, by striking line 18 and inserting the
- 15 following:
- 16 "..... \$ 14,969,715"
- 17 6. Page 7, by striking line 9 and inserting the
- 18 following:
- 19 "..... \$ 3,928,438"
- 20 7. Page 10, by inserting after line 17 the
- 21 following:
- 22 "6. The department shall submit a report to the
- 23 co-chairpersons and ranking members of the joint
- 24 appropriations subcommittee on the justice system and
- 25 the legislative services agency by January 2, 2007,
- 26 regarding the special needs unit located at the Iowa
- 27 medical and classification center at Oakdale which is
- 28 currently under construction. The report shall
- 29 specify the date when the construction of the special
- 30 needs unit will be completed, the date when the unit
- 31 is ready to be occupied by inmates, and the amount of
- 32 funding required to operate the unit in FY 2006-
- 33 2007."
- 34 8. Page 10, by striking line 30 and inserting the
- 35 following:
- 36 "..... \$ 11,242,260"
- 37 9. Page 11, by striking line 1 and inserting the
- 38 following:
- 39 "..... \$ 8,924,193"
- 40 10. Page 11, by striking line 7 and inserting the
- 41 following:
- 42 "..... \$ 5,285,982"
- 43 11. Page 11, by striking line 13 and inserting
- 44 the following:
- 45 "..... \$ 4,810,474"
- 46 12. Page 11, by striking line 21 and inserting
- 47 the following:
- 48 "..... \$ 16,345,917"
- 49 13. Page 11, by striking line 27 and inserting
- 50 the following:

Page 2

- 1 "..... \$ 11,204,167"
- 2 14. Page 11, by inserting before line 28 the
- 3 following:
- 4 "____. The sixth judicial district department of
- 5 correctional services shall maintain a youth
- 6 leadership model program to help at-risk youth. As a

7 part of the program, the district department may
 8 recruit college or high school students in the
 9 judicial district to work with at-risk youth. The
 10 student workers shall be recruited regardless of
 11 gender and be recommended by their respective schools
 12 as good role models, including but not limited to
 13 students who possess capabilities in one or more of
 14 the following areas of ability: intellectual
 15 capacity, athletics, visual arts, or performing arts."

16 15. Page 11, by striking line 33 and inserting
 17 the following:
 18 "..... \$ 6,348,075"

19 16. Page 12, by striking line 4 and inserting the
 20 following:
 21 "..... \$ 6,401,794"

22 17. Page 12, by inserting before line 9 the
 23 following:

24 "The department of corrections shall contract with
 25 a private nonprofit substance abuse treatment provider
 26 in a city with a population exceeding sixty-five
 27 thousand but not exceeding seventy thousand to
 28 implement the pilot project. The department shall
 29 file a report with the co-chairpersons and ranking
 30 members of the appropriations subcommittee on the
 31 justice system and the legislative services agency by
 32 February 1, 2007, detailing the number of offenders
 33 served by the pilot project, the recidivism rate, a
 34 description of the type of services received by the
 35 offenders, and the number of prison bed days saved by
 36 the pilot project."

37 18. Page 17, by striking lines 16 and 17 and
 38 inserting the following:
 39 "..... \$ 1,582,029

40 "..... FTEs 26.75"

41 19. Page 17, by inserting after line 19 the
 42 following:

43 "It is the intent of the general assembly that the
 44 homeland security and emergency management division
 45 work in conjunction with the department of public
 46 safety, to the extent possible, when gathering and
 47 analyzing information related to potential domestic or
 48 foreign security threats, and when monitoring such
 49 threats."

50 20. Page 21, by striking lines 3 and 4 and

Page 3

1 inserting the following:

2 "..... \$ 1,075,53
 3 FTEs 27.0"

4 21. Page 21, by inserting after line 7 the following:

5 "Sec. YOUTH ENRICHMENT PILOT PROJECT. There is

6 appropriated from the general fund of the state to the judicial
7 branch for the fiscal year beginning July 1, 2006, and ending
8 June 30, 2007, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For a grant to be determined by the state court administrator,
11 for the maintenance of a youth enrichment pilot project located
12 in a county with a population greater than 300,000 that is
13 involved in a public-private partnership pursuing life
14 skills, education, and mentoring programs for offenders between
15 the ages of 16 and 22 who have been charged with a felony:

16 \$ 50,000"

17 22. Page 22, by inserting after line 13 the
18 following:

19 "Sec.____. Section 903A.5, Code 2005, is amended
20 to read as follows:

21 903A.5 TIME TO BE SERVED – CREDIT.

22 1. An inmate shall not be discharged from the
23 custody of the director of the Iowa department of
24 corrections until the inmate has served the full term
25 for which the inmate was sentenced, less earned time
26 and other credits earned and not forfeited, unless the
27 inmate is pardoned or otherwise legally released.
28 Earned time accrued and not forfeited shall apply to
29 reduce a mandatory minimum sentence being served
30 pursuant to section 124.406, 124.413, 902.7, 902.8,
31 902.8A, or 902.11. An inmate shall be deemed to be
32 serving the sentence from the day on which the inmate
33 is received into the institution. If an inmate was
34 confined to a county jail or other correctional or
35 mental facility at any time prior to sentencing, or
36 after sentencing but prior to the case having been
37 decided on appeal, because of failure to furnish bail
38 or because of being charged with a nonbailable
39 offense, the inmate shall be given credit for the days
40 already served upon the term of the sentence.
41 However, if a person commits any offense while
42 confined in a county jail or other correctional or
43 mental health facility, the person shall not be
44 granted jail credit for that offense. Unless the
45 inmate was confined in a correctional facility, the
46 sheriff of the county in which the inmate was confined
47 shall certify to the clerk of the district court from
48 which the inmate was sentenced and to the department
49 of corrections' records administrator at the Iowa
50 medical and classification center the number of days

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1 so served. The department of corrections' records
2 administrator, or the administrator's designee, shall
3 apply jail credit as ordered by the court of proper
4 jurisdiction or as authorized by this section and

5 section 907.3, subsection 3, and shall forward a copy
6 of the number of days served to the clerk of the
7 district court from which the inmate was sentenced.
8 2. An inmate shall not receive credit upon the
9 inmate's sentence for time spent in custody in another
10 state resisting return to Iowa following an escape.
11 However, an inmate may receive credit upon the
12 inmate's sentence while incarcerated in an institution
13 or jail of another jurisdiction during any period of
14 time the person is receiving credit upon a sentence of
15 that other jurisdiction."

16 23. Page 22, by inserting after line 31 the
17 following:

18 "Sec. _____. Section 904.702, Code 2005, is amended
19 to read as follows:

20 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

21 1. If allowances are paid pursuant to section
22 904.701, the director shall establish an inmate
23 account, for deposit of those allowances and for
24 deposit of moneys sent to the inmate from a source
25 other than the department of corrections. The
26 director may deduct an amount, not to exceed ten
27 percent of the amount of the allowance, unless the
28 inmate requests a larger amount, to be deposited into
29 the inmate savings fund as required under section
30 904.508, subsection 2. In addition to deducting a
31 portion of the allowance, the director may also deduct
32 from an inmate account any amount, except amounts
33 directed to be deposited in the inmate telephone fund
34 established in section 904.508A, sent to the inmate
35 from a source other than the department of corrections
36 for deposit in the inmate savings fund as required
37 under section 904.508, subsection 2, until the amount
38 in the fund equals the amount due the inmate upon
39 discharge, parole, or placement on work release. The
40 director shall deduct from the inmate account an
41 amount the inmate is legally obligated to pay for
42 child support. The director shall deduct from the
43 inmate account an amount established by the inmate's
44 restitution plan of payment. The director shall also
45 deduct from any remaining account balance an amount
46 sufficient to pay all or part of any judgment against
47 the inmate, including but not limited to judgments for
48 taxes and child support, and court costs and fees
49 assessed either as a result of the inmate's
50 confinement or amounts required to be paid under

Page 5

1 section 610A.1. Written notice of the amount of the
2 deduction shall be given to the inmate, who shall have
3 five days after receipt of the notice to submit in

4 writing any and all objections to the deduction to the
5 director, who shall consider the objections prior to
6 transmitting the deducted amount to the clerk of the
7 district court. The director need give only one
8 notice for each action or appeal under section 610A.1
9 for which periodic deductions are to be made. The
10 director shall next deduct from any remaining account
11 balance an amount sufficient to pay all or part of any
12 costs assessed against the inmate for misconduct or
13 damage to the property of others. The director may
14 deduct from the inmate's account an amount sufficient
15 to pay for the inmate's share of the costs of health
16 services requested by the inmate and for the treatment
17 of injuries inflicted by the inmate on the inmate or
18 others. The director may deduct and disburse an
19 amount sufficient for industries' programs to qualify
20 under the eligibility requirements established in the
21 Justice Assistance Act of 1984, Pub. L. No. 98-473,
22 including an amount to pay all or part of the cost of
23 the inmate's incarceration. The director may pay all
24 or any part of remaining allowances paid pursuant to
25 section 904.701 directly to a dependent of the inmate,
26 or may deposit the allowance to the account of the
27 inmate, or may deposit a portion and allow the inmate
28 a portion for the inmate's personal use.
29 2. The director, ~~the institutional division,~~ and
30 the department shall not be liable to any person for
31 any damages caused by the withdrawal or failure to
32 withdraw money or the payment or failure to make any
33 payment under this section."

34 24. Page 23, by inserting after line 3 the
35 following:

36 "Sec. Section 905.14, subsection 1, Code
37 2005, is amended to read as follows:

38 1. A person placed on probation or parole and
39 subject to supervision by a district department shall
40 be required to pay an enrollment fee of ~~two hundred~~
41 ~~fifty~~ three hundred dollars to the district department
42 to offset the costs of supervision. In addition to
43 the enrollment fee, the district department may
44 require a person to pay a fee to the district
45 department to offset the costs of providing sex
46 offender programming to that person."

47 25. Title page, line 2, by striking the word
48 "and" and inserting the following: ", providing for a
49 fee, and".

50 26. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8556.

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

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	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	Mr. Speaker		
	Rants		

The nays were, 1:

Fallon

Absent or not voting, 1:

Zirkelbach

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 2515** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2006, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2282, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

Also: That the Senate has on April 19, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2521, 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

CONSIDERATION OF BILLS Appropriations Calendar

House File 2791, a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date, was taken up for consideration.

Huser of Polk offered the following amendment H-8537 filed by her and moved its adoption:

H-8537

- 1 Amend House File 2791 as follows:
- 2 1. Page 2, line 6, by inserting after the word
- 3 "communities." the following: "In addition, as a
- 4 condition of receiving a grant, the governing body of
- 5 a charitable organization receiving a grant shall
- 6 approve all expenditures of grant moneys and shall
- 7 allow a state audit of expenditures of all grant
- 8 moneys."

Amendment H-8537 was adopted.

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. 2791)

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	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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

HOUSE FILES 2004, 2670 and 2784 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House Files 2004, 2670 and 2784 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2791** be immediately messaged to the Senate.

HOUSE INSISTS

Watts of Dallas called up for consideration **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 2282)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2282: Watts of Dallas, Chair; Drake of Pottawattamie, Huser of Polk, Gaskill of Wapello and Pettengill of Benton.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2282** be immediately messaged to the Senate

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration **House File 2521**, 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-8560:

H-8560

- 1 Amend House File 2521, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 12 and 13 and
- 4 inserting the following:

5 "..... \$ 5,836,824
 6 FTEs 451.8"

7 2. Page 1, by inserting after line 16 the
 8 following:
 9 "Notwithstanding section 8.33, any excess funds
 10 appropriated for utility costs in this subsection
 11 shall not revert to the general fund of the state at
 12 the end of the fiscal year but shall remain available
 13 for expenditure for the purposes of this subsection
 14 during the fiscal year beginning July 1, 2007."

15 3. Page 8, by inserting after line 3 the
 16 following:
 17 "6. TRANSITION COSTS
 18 a. For payment of vacation allowances:
 19 \$ 77,057

20 b. For payment to the governor-elect expense fund
 21 in lieu of the appropriation from the general fund of
 22 the state under section 7.13 to the governor-elect
 23 expense fund:
 24 \$ 100,000"

25 4. Page 14, by striking line 2 and inserting the
 26 following:
 27 "..... \$ 119,435"

28 5. Page 15, by inserting after line 6 the
 29 following:
 30 "6. For deposit in the local government innovation
 31 fund established in section 8.64:
 32 \$ 300,000"

33 6. Page 16, by inserting after line 1 the
 34 following:
 35 "If the director of revenue determines that
 36 contracting for an upgrade of the department's
 37 computer assisted collections system would result in
 38 generating significantly increased net collection
 39 revenues for the fiscal year beginning July 1, 2006,
 40 and ending June 30, 2007, in excess of \$2,000,000, the
 41 director is authorized to procure such upgrade from
 42 the current vendor."

43 7. Page 18, by inserting after line 29 the
 44 following:
 45 "Sec. ____ Section 70A.20, Code 2005, is amended
 46 to read as follows:
 47 70A.20 EMPLOYEES DISABILITY PROGRAM.
 48 A state employees disability insurance program is
 49 created, which shall be administered by the director
 50 of the department of administrative services and which

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1 shall provide disability benefits in an amount and for
 2 the employees as provided in this section. The
 3 monthly disability benefits shall, at a minimum,

4 provide twenty percent of monthly earnings if employed
5 less than one year, forty percent of monthly earnings
6 if employed one year or more but less than two years,
7 and sixty percent of monthly earnings thereafter,
8 reduced by primary and family social security
9 determined at the time social security disability
10 payments commence, railroad retirement disability
11 income, workers' compensation if applicable, and any
12 other state-sponsored sickness or disability benefits
13 payable. However, the amount of benefits payable
14 under the Iowa public employees' retirement system
15 pursuant to chapter 97B shall not reduce the benefits
16 payable pursuant to this section. Subsequent social
17 security or railroad retirement increases shall not be
18 used to further reduce the insurance benefits payable.
19 As used in this section, "primary and family social
20 security" shall not include social security benefits
21 awarded to an adult child with a disability of the
22 state employee with a disability who does not reside
23 with the state employee with a disability if the
24 social security benefits were awarded to the adult
25 child with a disability prior to the approval of the
26 state employee's benefits under this section,
27 regardless of whether the United States social
28 security administration records the benefits to the
29 social security number of the adult child with a
30 disability, the state employee with a disability, or
31 any other family member, and such social security
32 benefits shall not reduce the benefits payable
33 pursuant to this section. As used in this section,
34 unless the context otherwise requires, "adult" means a
35 person who is eighteen years of age or older. State
36 employees shall receive credit for the time they were
37 continuously employed prior to and on July 1, 1974.
38 The following provisions apply to the employees
39 disability insurance program:
40 1. Waiting period, of no more than ninety working
41 days of continuous sickness or accident disability or
42 the expiration of accrued sick leave, whichever is
43 greater.
44 2. Maximum period benefits paid for both accident
45 or sickness disability:
46 a. If the disability occurs prior to the time the
47 employee attains the age of sixty-one years, the
48 maximum benefit period shall end sixty months after
49 continuous benefit payments begin or on the date on
50 which the employee attains the age of sixty-five

Page 3

1 years, whichever is later.

2 b. If the disability occurs on or after the time

3 the employee attains the age of sixty-one years but
 4 prior to the age of sixty-nine years, the maximum
 5 benefit period shall end sixty months after continuous
 6 benefit payments begin or on the date on which the
 7 employee attains the age of seventy years, whichever
 8 is earlier.

9 c. If the disability occurs on or after the time
 10 the employee attains the age of sixty-nine years, the
 11 maximum benefit period shall end twelve months after
 12 continuous benefit payments begin.

13 3. a. Minimum and maximum benefits, of not less
 14 than fifty dollars per month and not exceeding ~~two~~
 15 three thousand dollars per month.

16 b. In no event shall benefits exceed one hundred
 17 percent of the claimant's predisability covered
 18 monthly compensation.

19 4. All probationary and permanent full-time state
 20 employees shall be covered under the employees
 21 disability insurance program, except board members and
 22 members of commissions who are not full-time state
 23 employees, and state employees who on July 1, 1974,
 24 are under another disability program financed in whole
 25 or in part by the state, and state employees who have
 26 agreed to participation in another disability program
 27 through a collective bargaining agreement. For
 28 purposes of this section, members of the general
 29 assembly serving on or after January 1, 1989, are
 30 eligible for the plan during their tenure in office,
 31 on the basis of enrollment rules established for full-
 32 time state employees excluded from collective
 33 bargaining as provided in chapter 20."

34 8. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8560.

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. 2521)

The ayes were, 54:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg

Horbach	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Pettengill
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdye	Mr. Speaker		
	Rants		

The nays were, 45:

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

Absent or not voting, 1:

Zirkelbach

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

On motion by Speaker Rants, the House was recessed at 11:26 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:17 p.m., Speaker Rants in the chair.

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 Second Regular Session of the Eighty-first General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Chuck Gipp and Minority Leader Pat Murphy.

Leah Carlson	Mike Johnson
Jacob Faircloth	Andrea Lorenz
Jocelyn Gerrietts	Lacey Pagel
Jonathan Gessert	Ashley Reitzler
Cara Gethmann	Amy Rosauer
April Heki	Heidi Schaben
Ashley Heyer	Zachary Sersland
Anne Hildreth	Alyssa Staley
Melissa Hostetler	Chelsea Wierson
Anna Johnson	

The House resumed consideration of **House File 2770**, a bill for an act relating to economic development by creating a bioscience funding board and bioscience fund, providing tax incentives under the high quality job creation Act, and providing an exempt activity for foreign corporations, and including effective and retroactive applicability date provisions, previously deferred and found on pages 1236-1239 of the House Journal.

Struyk of Pottawattamie offered the following amendment H-8562 filed by Huser of Polk and Struyk from the floor and moved its adoption:

H-8562

- 1 Amend House File 2770 as follows:
- 2 1. Page 2, line 35, by striking the words "fifty
- 3 percent of the number of" and inserting the following:
- 4 "all".
- 5 2. Page 3, by striking lines 17 through 19 and
- 6 inserting the following: "medical insurance under
- 7 family coverage plans to all new employees."
- 8 3. Page 4, by striking lines 1 through 4 and
- 9 inserting the following: "shipments of tangible
- 10 personal property to customers provided that not more
- 11 than ten percent of the dollar amount of goods are
- 12 delivered and shipped so as to be included in the
- 13 gross sales of the corporation within this state as
- 14 provided in section 422.33, subsection 2, paragraph
- 15 "b", subparagraph (6)."

Amendment H-8562 was adopted, placing amendment H-8520, previously adopted, out of order.

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. 2770)

The ayes were, 54:

Alons	Anderson	Arnold	Boal
Bukta	Carroll	Chambers	Dandekar
Dolecheck	Drake	Elgin	Freeman
Gipp	Greiner	Heddens	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Lalk	Lukan
Mascher	May	Mertz	Murphy
Olson, D.	Olson, S.	Quirk	Raecker
Rasmussen	Rayhons	Reichert	Roberts
Schickel	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Upmeyer	Van Engelenhoven	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 43:

Baudler	Bell	Berry	Cohoon
Davitt	De Boef	Fallon	Foege
Ford	Frevert	Gaskill	Granzow
Heaton	Hogg	Hunter	Huser
Jochum	Kurtenbach	Lensing	Lykam
Maddox	McCarthy	Miller	Oldson
Olson, R.	Paulsen	Petersen	Pettengill
Reasoner	Sands	Schueller	Shoultz
Smith	Taylor, D.	Taylor, T.	Tymeson
Van Fossen, J.K.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2770** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration **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, and providing for temporary delays in filling judgeships, amended by the Senate amendment H-1627 as follows:

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.

Paulsen of Linn offered the following amendment H-8561, to the Senate amendment H-1627, filed by him from the floor and moved its adoption:

H-8561

- 1 Amend the amendment, H-1627, to House File 711, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 " ____ . Page 1, by striking lines 1 through 29."
- 7 2. Page 1, by inserting after line 4 the
- 8 following:
- 9 " ____ . By striking page 2, line 19, through page
- 10 4, line 16.
- 11 ____ . Title page, by striking lines 1 through 4,
- 12 and inserting the following: "An Act relating to the
- 13 appointment of a chief juvenile court officer."

Amendment H-8561 was adopted.

On motion by Paulsen of Linn the House concurred in the Senate amendment H-1627, 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. 711)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dolecheck	Drake
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	Schueler
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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 711** be immediately messaged to the Senate.

MOTION TO RECONSIDER
(House File 2521)

I move to reconsider the vote by which House File 2521 passed the House on April 19, 2006.

GIPP of Winneshiek

MOTION TO RECONSIDER
(House File 2558)

I move to reconsider the vote by which House File 2558 passed the House on April 19, 2006.

GIPP of Winneshiek

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-three government students from Burlington Community High School, Burlington, Iowa, accompanied by Mr. Rob Remmers. By Cohoon of Des Moines.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Recommended provisions of case management services for frail elders, pursuant to Chapter 14.4, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

2005 tobacco progress report, pursuant to Chapter 142A.4(12), Code of Iowa.

DEPARTMENT OF REVENUE

Iowa Streamline Sales Tax Advisory Council Report, pursuant to Chapter 423, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

Annual status report, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2006\1497 Darlene and Edd Felgar, Fairfield – For celebrating their 50th wedding anniversary.
- 2006\1498 George and Francis Welder, Madrid – For celebrating their 70th wedding anniversary.
- 2006\1499 Don Johnsen, Madrid – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

Senate File 2393

Government Oversight: Alons, Chair; Baudler, Eichhorn, Hutter, Lensing, Thomas, J.K. Van Fossen, Whitead and Winckler.

AMENDMENTS FILED

H—8558	H.F.	2769	Tymeson of Madison
H—8559	H.F.	2769	Tymeson of Madison

On motion by Gipp of Winneshiek the House adjourned at 2:02 p.m., until 9:00 a.m., Thursday, April 20, 2006.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 20, 2006

The House met pursuant to adjournment at 9:02 a.m., Speaker Rants in the chair.

The Journal of Wednesday, April 19, 2006 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2006, appointed the conference committee to House File 2282, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government. (Formerly House File 2093), and the members of the Conference Committee on the part of the Senate are: The senator from Sioux, Senator Mulder and the senator from Woodbury, Senator Warnstadt, Co-Chairs: the senator from Tama, Senator Putney; the senator from Story, Senator Quirmbach; the senator from Warren, Senator Shull; and the senator from Webster, Senator Beall.

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 20th day of April, 2006: House Files 2147, 2233, 2398, 2508 and 2624.

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 20, 2006, he approved and transmitted to the Secretary of State the following bills:

House File 590, an Act providing for special senior crossbow deer hunting licenses.

House File 2240, an Act relating to county board of supervisor vacancies.

House File 2492, an Act relating to the costs of services provided to persons with mental retardation whose service costs are a state responsibility.

House File 2588, an Act relating to the criminal and abuse registry checks required of a person employed by a licensed health care facility.

House File 2654, an Act relating to motor vehicles and the powers and duties of the county treasurer in relation to motor vehicles and property taxation and including effective and applicability date provisions.

House File 2672, an Act relating to payment of attorney fees in termination of parental rights proceedings, providing an effective date, and providing for retroactive applicability.

House File 2705, an Act providing for changes relating to specified aspects of the operation of the department of administrative services.

House File 2712, an Act establishing a deferred retirement option plan for members of the statewide fire and police retirement system and including an implementation provision.

Senate File 2341, an Act relating to county processing of orders for observation, evaluation, and treatment of public patients at the state psychiatric hospital at the State University of Iowa.

Senate File 2342, an Act relating to the appointment of district associate judges and magistrates.

Senate File 2368, an Act concerning alcoholic beverage control relating to manufactures providing free cleaning services to retailers.

Senate File 2378, an Act providing for the conversion of cooperative associations, and providing for an effective date.

Senate File 2381, an Act relating to combustion of solid waste with energy recovery.

CERTIFICATE 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

2006\1500 Brandon Stromer, Garner – For being a member of the Winona State Warriors Basketball Team and winning the 2006 NCAA Division II Men's Basketball Championship Tournament.

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 GOVERNMENT OVERSIGHT

Senate File 2393, a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies.

Fiscal Note is not required.

Recommended **Do Pass** April 19, 2006.

AMENDMENTS FILED

H—8563	S.F.	2217	Heaton of Henry
H—8564	S.F.	2364	Kaufmann of Cedar

On motion by Gipp of Winneshiek the House adjourned at 9:03 a.m., until 1:00 p.m., Monday, April 24, 2006.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day - Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 24, 2006

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Royd Chambers, state representative from O'Brien County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, April 20, 2006 was approved.

SPECIAL PRESENTATION

Frevert of Palo Alto introduced to the House the Honorable Janet Adams former state representative from Hamilton County.

SENATE FILE 2402 REREFERRED

The Speaker announced that Senate File 2402, previously referred to committee on **ways and means** was **passed on file**.

The House stood at ease at 1:05 p.m. until the fall of the gavel.

The House resumed session at 4:07 p.m., Roberts of Carroll 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 19, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2686, a bill for an act providing for technical and substantive changes relating to the Iowa communications network.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hunter of Polk and Lensing of Johnson on request of Murphy of Dubuque.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2762.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2762, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-8568 filed by him from the floor and moved its adoption:

H-8568

- 1 Amend House File 2762 as follows:
- 2 1. Page 4, by striking lines 17 through 19 and
- 3 inserting the following:
- 4 "b. A copy of a signed purchase agreement or other
- 5 agreement to purchase soy-based transformer fluid."
- 6 2. By striking page 4, line 21, through page 5,
- 7 line 8, and inserting the following:
- 8 "2. The department shall calculate the amount of
- 9 the tax credit for which the applicant is eligible and
- 10 shall issue the tax credit certificate for that amount
- 11 or notify the applicant in writing of its refusal to
- 12 do so. An applicant whose application is denied may
- 13 file an appeal with the department within sixty days
- 14 from the date of the denial pursuant to the provisions
- 15 of chapter 17A."
- 16 3. Page 5, line 9, by striking the figure "4."
- 17 and inserting the following: "3."
- 18 4. Page 5, line 18, by striking the figure "5."
- 19 and inserting the following: "4."
- 20 5. Page 5, by striking lines 28 and 29.
- 21 6. Title page, line 3, by striking the words
- 22 "effective and".

Amendment H-8568 was adopted.

SENATE FILE 2402 SUBSTITUTED FOR HOUSE FILE 2762

Drake of Pottawattamie asked and received unanimous consent to substitute Senate File 2402 for House File 2762.

Senate File 2402, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2402)

The ayes were, 96:

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	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
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	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
Wilderdryke	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

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

HOUSE FILES 2685 and 2762 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House Files 2685 and 2762 from further consideration by the House.

HOUSE FILES 2497 and 2736 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House Files 2497 and 2736 from further consideration by the House.

Regular Calendar

House File 2765, a bill for an act concerning the military division of the department of public defense, was taken up for consideration.

Alons of Sioux offered the following amendment H-8411 filed by him and moved its adoption:

H-8411

1 Amend House File 2765 as follows:

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

4 "Section 1. Section 29A.57, subsection 3,
5 paragraph d, Code 2005, is amended to read as follows:
6 d. Grant a temporary or permanent easement with or
7 without monetary consideration for utility, or public
8 highway, or other purposes if granting the easement
9 will not adversely affect use of the real estate for
10 military purposes."

11 2. Page 5, by inserting after line 2 the
12 following:

13 "Sec. . Section 29A.102, subsection 1, Code
14 2005, is amended to read as follows:

15 1. The creditor of a service member who, prior to
16 entry into military service, has entered into an
17 installment contract for the purchase or lease of real
18 or personal property, including a motor vehicle, shall
19 not terminate the contract or repossess the property
20 for nonpayment or for any breach occurring during

- 21 military service without an order from a court of
 22 competent jurisdiction."
 23 3. By renumbering as necessary.

Amendment H-8411 was adopted.

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. 2765)

The ayes were, 96:

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	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
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	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	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2765** and **Senate File 2402**.

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 2515

1. Page 2, line 8 – Removed “1.”
2. Page 2, lines 11, 14, 16, 18, 20, 22, 25 and 27 – Changed to subsections instead of lettered paragraphs.

House File 2754

1. Page 20, line 11 – Deleted “a.” at beginning of paragraph.
2. Page 32, line 17 – Changed “(1)” to “a.”
3. Page 32, line 22 – Changed “(2)” to “b.”

MARGARET A. THOMSON
Chief Clerk of the House

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2282)

A conference committee report signed by the following Senate and House members was filed April 24, 2006, on House File 2282, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government:

ON THE PART OF THE SENATE:

DAVE MULDER, Co-Chair
HERMAN QUIRMBACH, Co-Chair
DARYL BEALL
JOHN PUTNEY
DOUG SHULL
STEVE WARNSTADT

ON THE PART OF THE HOUSE

RALPH WATTS, Chair
JACK DRAKE
MARY GASKILL
GERI D. HUSER
DAWN E. PETTENGILL

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 2006, he approved and transmitted to the Secretary of State the following bills:

House File 2506, an Act relating to the issuance of identity theft passports by the attorney general.

House File 2525, an Act relating to policies and duties of the state department of transportation, including placement of official signs on primary highways, inspection of bridges, administrative duties, motor vehicle registration and titling, driver licensing, licensing and regulation of vehicle-related businesses, vehicle braking requirements, vehicle length restrictions, proof of financial responsibility requirements, and persons with disabilities parking permits, and including effective dates.

Also: the Governor announced that on April 21, 2006 he approved and transmitted to the Secretary of State the following bills:

House File 2147, an Act relating to the temporary appointment of a conservator for a dependent adult in an emergency situation.

House File 2233, an Act relating to the time limit on executions of judgments and orders for wage garnishments.

House File 2398, an Act relating to criminal penalties for a driver convicted of failure to stop and render aid at the scene of a motor vehicle accident.

House File 2508, an Act relating to direct deposit of wages and creating an exception to the payday information employers are required to provide each employee under the Iowa Wage Payment Collection law and providing for retroactive applicability.

House File 2624, an Act extending the statute of limitations for the filing of an indictment or information in a felony or aggravated or serious misdemeanor proceeding involving DNA profiling.

Senate Joint Resolution 2001, a Joint Resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Senate File 2219, an Act relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance program, providing penalties, and providing for a study.

Senate File 2262, an Act relating to the prepayment of agricultural loans secured by a real estate mortgage.

Senate File 2290, an Act relating to the payment of costs of reasonable attorney fees and other expenses related to certain adoption proceedings.

Senate File 2292, an Act relating to farm tenancies.

Senate File 2318, an Act relating to an exception from emergency medical care requirements for persons providing care within the scope of their certification.

Senate File 2322, an Act relating to the investigation and control of communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster.

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

- 2006\1501 Lavern and Rosalyn Bergmann, Clarence – For celebrating their 65th wedding anniversary.
- 2006\1502 Naomi Wedhe, Tipton – For celebrating her 89th birthday.
- 2006\1503 Ronald Anderson, Tipton – For celebrating his 90th birthday.
- 2006\1504 Stella Holcomb, Sioux City – For celebrating her 100th birthday.
- 2006\1505 Margaret Soukup, Sioux City – For celebrating her 95th birthday.
- 2006\1506 Kenneth and Clara Storm, Sioux City – For celebrating their 60th wedding anniversary.
- 2006\1507 Anna Rose, Ottumwa – For celebrating her 80th birthday.
- 2006\1508 Arthur Zook, Ottumwa – For celebrating his 95th birthday.
- 2006\1509 Dillan Quigley, Ottumwa – For celebrating his 85th birthday.
- 2006\1510 Densel Shelton, Ottumwa – For celebrating his 80th birthday.
- 2006\1511 Gertrude Pierce, Ottumwa – For celebrating her 85th birthday.
- 2006\1512 Mabel Loy, Ottumwa – For celebrating her 85th birthday.
- 2006\1513 Melvin Mattox, Ottumwa – For celebrating his 80th birthday.
- 2006\1514 Florence Tetmeyer, Ottumwa – For celebrating her 80th birthday.

- 2006\1515 Ethel Jerred, Ottumwa – For celebrating her 85th birthday.
- 2006\1516 Elsie Jackson, Ottumwa – For celebrating her 80th birthday.
- 2006\1517 Ralph Schlotter, Ottumwa – For celebrating his 80th birthday.
- 2006\1518 Ruby Shadduck, Ottumwa – For celebrating her 85th birthday.
- 2006\1519 Virginia Degeus, Ottumwa – For celebrating her 85th birthday.
- 2006\1520 Doris Frost, Ottumwa – For celebrating her 90th birthday.
- 2006\1521 Richard and Bernice Ehlers, Peosta – For celebrating their 50th wedding anniversary.
- 2006\1522 Sister Catherine Dunn, Dubuque – For her 33 years of work at Clarke College, her 22 years as President of Clarke College, her years of service as the Iowa Department of Transportation Commissioner, and her overall commitment to education, the State of Iowa, and the Dubuque community.
- 2006\1523 Lynn Bowers, Le Mars – For celebrating his 90th birthday.
- 2006\1524 Franz Schneider, Le Mars – For celebrating his 90th birthday.
- 2006\1525 Frances Hansen, Alton – For celebrating her 80th birthday.
- 2006\1526 Rose Yates, Hawarden – For celebrating her 105th birthday.
- 2006\1527 Minnie Plueger, Le Mars – For celebrating her 100th birthday.
- 2006\1528 Ray and Joan Loutsch, Le Mars – For celebrating their 60th wedding anniversary.
- 2006\1529 Jim and Alberta Van Gronigen, Le Mars – For celebrating their 50th wedding anniversary.
- 2006\1530 Leslie and Pat Schultz, Schleswig – For celebrating their 50th wedding anniversary.
- 2006\1531 Ron and Jerane Hayworth, Anthon – For celebrating their 50th wedding anniversary.
- 2006\1532 Richard and Delores Heath, Anthon – For celebrating their 50th wedding anniversary.
- 2006\1533 Joe Cunningham, Correctionville – For celebrating his 90th birthday.
- 2006\1534 Edgar Meseck, Schleswig – For celebrating his 80th birthday.
- 2006\1535 Thelma Lyman, Denison – For celebrating her 90th birthday.

- 2006\1536 Sylvia Pearson, Denison – For celebrating her 81st birthday.
- 2006\1537 Tootie Knowles, Denison – For celebrating her 80th birthday.
- 2006\1538 Nicholas Sibenaller, Sloan – For attaining the rank of Eagle Scout, the highest rank in the boy Scouts of America.
- 2006\1539 Don McKale, Toledo – For celebrating his 92nd birthday.
- 2006\1540 Rex and Lorraine Avery, Tama – For celebrating their 60th wedding anniversary.
- 2006\1541 Milo and Irene Dvorak, Clutier – For celebrating their 65th wedding anniversary.

AMENDMENTS FILED

H—8565	S.F.	2272	Carroll of Poweshiek
H—8566	H.F.	2794	J.K. Van Fossen of Scott Kurtenbach of Story
H—8567	H.F.	2686	Senate Amendment
H—8569	H.F.	2794	J.K. Van Fossen of Scott
H—8570	S.F.	2217	Carroll of Poweshiek Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 4:31 p.m., until 8:45 a.m., Tuesday, April 25, 2006.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day - Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 25, 2006

The House met pursuant to adjournment at 8:46 a.m., Speaker Rants 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 Speaker Rants.

The Journal of Monday, April 24, 2006 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 24, 2006, concurred in the House amendment 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, and providing for temporary delays in filling judgeships.

Also: That the Senate has on April 24, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2748, a bill for an act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa department of public health, providing for the nontransferability of specified fees, and providing effective dates.

Also: That the Senate has on April 24, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2312, a bill for an act providing grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision.

Also: That the Senate has on April 24, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2403, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2403, by committee on ways and means, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

Read first time and placed and **passed on file**.

On motion by Gipp of Winneshiek, the House was recessed at 8:48 a.m., until the conclusion of the committee on government oversight.

MORNING SESSION

The House reconvened at 11:06 a.m., Speaker pro tempore Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hunter of Polk and Lensing of Johnson on request of Whitaker of Van Buren.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 2393.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2393, a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll in the chair at 11:12 a.m.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2393 be deferred and that the bill retain its place on the calendar.

House File 2393, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, was taken up for consideration.

Heaton of Henry offered the following amendment H-8387 filed by him and moved its adoption:

H-8387

1 Amend House File 2393 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "c." the following: "(1)".
4 2. Page 1, by inserting after line 10 the
5 following:
6 "(2) In implementing a system under this paragraph
7 "c" for collecting and analyzing state, county, and
8 private contractor data, the department shall
9 establish a client identifier for the individuals
10 receiving services. The client identifier shall be
11 used in lieu of the individual's name or social
12 security number. The client identifier shall consist
13 of the last four digits of an individual's social
14 security number, the first three letters of the
15 individual's last name, the individual's date of
16 birth, and the individual's gender in an order
17 determined by the department."

Amendment H-8387 was adopted.

SENATE FILE 2217 SUBSTITUTED FOR HOUSE FILE 2393

Heaton of Henry asked and received unanimous consent to substitute Senate File 2217 for House File 2393.

Senate File 2217, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, was taken up for consideration.

Heaton of Henry offered the following amendment H-8563 filed by him and moved its adoption:

H-8563

1 Amend Senate File 2217, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "DIVISION I
6 DISABILITY SERVICES DATA"

7 2. Page 1, by inserting after line 20 the
8 following:

9 "Sec.____. EMERGENCY RULES. The mental health,
10 mental retardation, developmental disabilities, and
11 brain injury commission may adopt administrative rules
12 under section 17A.4, subsection 2, and section 17A.5,
13 subsection 2, paragraph "b", to implement the
14 provisions of this division of this Act, and the rules
15 shall become effective immediately upon filing or on a
16 later effective date specified in the rules, unless
17 the effective date is delayed by the administrative
18 rules review committee. Any rules adopted in
19 accordance with this section shall not take effect
20 before the rules are reviewed by the administrative
21 rules review committee. The delay authority provided
22 to the administrative rules review committee under
23 section 17A.4, subsection 5, and section 17A.8,
24 subsection 9, shall be applicable to a delay imposed
25 under this section, notwithstanding a provision in
26 those sections making them inapplicable to section
27 17A.5, subsection 2, paragraph "b". Any rules adopted
28 in accordance with the provisions of this section
29 shall also be published as notice of intended action
30 as provided in section 17A.4.

31 Sec.____. USE OF CLIENT IDENTIFIER. The client
32 identifier established pursuant to section 225C.6A,
33 subsection 2, paragraph "c", subparagraph (2), as
34 enacted by this division of this Act, shall be used

35 beginning with the data for disability services
36 provided in the fiscal year beginning July 1, 2005,
37 that is submitted by counties in December 2006."

38 3. Page 1, by inserting after line 20 the
39 following:

40 "DIVISION II

41 MEDICAID ELIGIBILITY — VEHICLE DISREGARD

42 Sec.____. Section 249A.3, Code Supplement 2005, is
43 amended by adding the following new subsection:

44 **NEW SUBSECTION.** 5B. In determining eligibility
45 for adults under subsection 1, paragraphs "b", "e",
46 "h", "j", "k", "n", "s", and "t"; subsection 2,
47 paragraphs "d", "e", "h", "i", and "j"; and subsection
48 5, paragraph "b", one motor vehicle per household
49 shall be disregarded."

50 4. Page 1, by inserting after line 20 the

Page 2

1 following:

2 "DIVISION III

3 ELECTRONIC HEALTH RECORDS

4 Sec.____. **NEW SECTION.** 217.41A ELECTRONIC HEALTH
5 RECORDS SYSTEM TASK FORCE.

6 1. The department of human services shall
7 establish an electronic health records system task
8 force to provide a structure that enables the state to
9 act in a leadership role in the development of state
10 and federal standards for and in the implementation
11 and use of an electronic health records system.

12 2. The task force shall consist of no more than
13 nine voting members, selected by the director of human
14 services, who represent entities with expertise in
15 developing or implementing electronic health records,
16 including but not limited to the United States
17 veterans administration facilities in the state,
18 multifacility hospital systems in the state, Des
19 Moines university, the university of Iowa hospitals
20 and clinics, and the Iowa healthcare collaborative.
21 In addition, two members of the senate appointed by
22 the president of the senate after consultation with
23 the majority leader and the minority leader of the
24 senate, two members of the house of representatives
25 appointed by the speaker of the house after
26 consultation with the majority leader and the minority
27 leader of the house of representatives, and the
28 commissioner of insurance shall serve as ex officio,
29 nonvoting members of the task force.

30 3. The task force shall do all of the following:

31 a. Develop an electronic health records system
32 that provides linkages between multiple settings that
33 utilize health records and that is consistent with

34 requirements for community health records and
35 electronic prescribing.
36 b. Evaluate the economic model and the anticipated
37 benefits of electronic health records.
38 c. Provide quarterly updates to the governor and
39 the general assembly regarding progress in the
40 development of national standards and the work of the
41 task force."

42 5. Page 1, by inserting after line 20 the
43 following:

44 "DIVISION IV
45 FOSTER PARENT TRAINING.

46 Sec.____. Section 237.5A, unnumbered paragraph 1,
47 Code 2005, is amended to read as follows:

48 As a condition for initial licensure, each
49 individual licensee shall complete thirty hours of
50 foster parent training offered or approved by the

Page 3

1 department. However, if the licensee has completed
2 relevant training or has a combination of completed
3 relevant training and experience, and the department
4 deems such training or combination to be an acceptable
5 equivalent to all or a portion of the initial
6 licensure training requirement, or based upon the
7 circumstances of the child and the licensee the
8 department finds there is other good cause, the
9 department may waive all or a portion of the training
10 requirement. Prior to annual renewal of licensure,
11 each individual licensee shall also complete six hours
12 of foster parent training. The training shall include
13 but is not limited to physical care, education,
14 learning disabilities, referral to and receipt of
15 necessary professional services, behavioral assessment
16 and modification, self-assessment, self-living skills,
17 and biological parent contact. An individual licensee
18 may complete the training as part of an approved
19 training program offered by a public or private agency
20 with expertise in the provision of child foster care
21 or in related subject areas. The department shall
22 adopt rules to implement and enforce this training
23 requirement."

24 6. Page 1, by inserting after line 20 the
25 following:

26 "DIVISION V
27 PREPARATION FOR ADULT LIVING PROGRAM

28 Sec.____. NEW SECTION. 234.46 PREPARATION FOR
29 ADULT LIVING PROGRAM.

30 1. For the purposes of this section, "young adult"
31 means a person who is described by all of the
32 following conditions:

- 33 a. The person is a resident of this state.
- 34 b. The person is age eighteen, nineteen, or
- 35 twenty.
- 36 c. At the time the person became age eighteen, the
- 37 person received foster care services that were paid
- 38 for by the state under section 234.35 and the person
- 39 is no longer receiving such services.
- 40 d. The person enters into and participates in an
- 41 individual self-sufficiency plan that complements the
- 42 person's own efforts for achieving self-sufficiency
- 43 and the plan provides for one or more of the
- 44 following:
 - 45 (1) The person attends an accredited school full-
 - 46 time pursuing a course of study leading to a high
 - 47 school diploma.
 - 48 (2) The person attends an instructional program
 - 49 leading to a high school equivalency diploma.
 - 50 (3) The person is enrolled in or pursuing

Page 4

- 1 enrollment in a postsecondary education or training
- 2 program or work training.
- 3 (4) The person is employed or seeking employment.
- 4 2. The division shall establish a preparation for
- 5 adult living program directed to young adults. The
- 6 purpose of the program is to assist persons who are
- 7 leaving foster care services at age eighteen or older
- 8 in making the transition to self-sufficiency. The
- 9 department shall adopt rules necessary for
- 10 administration of the program, including but not
- 11 limited to eligibility criteria for young adult
- 12 participation and the services and other support
- 13 available under the program. The services and other
- 14 support available under the program may include but
- 15 are not limited to any of the following:
 - 16 a. Support for the young adult continuing to
 - 17 reside with the family that provided family foster
 - 18 care to the young adult.
 - 19 b. Support for a supervised apartment living
 - 20 arrangement.
 - 21 c. Support for participation in education,
 - 22 training, or employment activities.
 - 23 d. Other assistance to enhance the young adult's
 - 24 ability to achieve self-sufficiency.
- 25 3. This section shall not be construed as granting
- 26 an entitlement for any program, services, or other
- 27 support for the persons described in this section.
- 28 Any state obligation to provide a program, services,
- 29 or other support pursuant to this section is limited
- 30 to the extent of the funds appropriated for the
- 31 purposes of the program.

32 Sec. ____ Section 249A.3, subsection 2, Code
 33 Supplement 2005, is amended by adding the following
 34 new paragraph:
 35 **NEW PARAGRAPH.** k. As allowed under 42 U.S.C. §
 36 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-
 37 one years of age who were in foster care under the
 38 responsibility of the state on the individuals'
 39 eighteenth birthday, and whose income is less than two
 40 hundred percent of the most recently revised official
 41 poverty guidelines published by the United States
 42 department of health and human services. Medical
 43 assistance may be provided for an individual described
 44 by this paragraph regardless of the individual's
 45 resources."

46 7. Page 1, by inserting after line 20 the
 47 following:

48 "DIVISION VI
 49 FAMILY SUPPORT SUBSIDY AND COMPREHENSIVE FAMILY
 50 SUPPORT PROGRAMS

Page 5

1 Sec. ____ Section 216E.1, subsection 1, Code 2005,
 2 is amended to read as follows:
 3 1. "Assistive device" means any item, piece of
 4 equipment, or product system which is purchased, or
 5 whose transfer is accepted in this state, and which is
 6 used to increase, maintain, or improve the functional
 7 capabilities of individuals with disabilities
 8 concerning a major life activity as defined in section
 9 225C.46. "Assistive device" does not mean any medical
 10 device, surgical device, or organ implanted or
 11 transplanted into or attached directly to an
 12 individual. "Assistive device" does not mean any
 13 device for which a certificate of title is issued by
 14 the state department of transportation but does mean
 15 any item, piece of equipment, or product system
 16 otherwise meeting the definition of "assistive device"
 17 that is incorporated, attached, or included as a
 18 modification in or to such a certificated device.

19 Sec. ____ Section 216E.1, Code 2005, is amended by
 20 adding the following new subsection:

21 **NEW SUBSECTION.** 9A. "Major life activity"
 22 includes functions such as caring for one's self,
 23 performing manual tasks, walking, seeing, hearing,
 24 speaking, breathing, learning, or working.

25 Sec. ____ Section 225C.37, subsection 2, Code
 26 2005, is amended to read as follows:

27 2. Verification that the family member meets the
 28 definitional requirements of section 225C.35,
 29 subsection 3. Along with the verification, the
 30 application shall identify an age when the family

31 member's eligibility for the family support subsidy
32 under such definitional requirements will end. The
33 age identified is subject to approval by the
34 department.

35 Sec. ____ Section 225C.38, subsection 1,
36 paragraphs b and c, Code Supplement 2005, are amended
37 to read as follows:

38 b. A family support subsidy shall be used to meet
39 the special needs of the family. This subsidy is
40 intended to complement but not supplant public
41 assistance or social service benefits based on
42 economic need, available through governmental programs
43 or other means available to the family.

44 c. Except as provided in section 225C.41, a family
45 support subsidy for a fiscal year shall be in an
46 amount ~~equivalent to the monthly maximum supplemental~~
47 ~~security income payment available in Iowa on July 1 of~~
48 ~~that fiscal year for an adult recipient living in the~~
49 ~~household of another, as formulated under federal~~
50 ~~regulations. In addition, the parent or legal~~

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1 ~~guardian of a family member who is in an out of home~~
2 ~~placement at the time of application may receive a~~
3 ~~one-time lump sum advance payment of twice the monthly~~
4 ~~family support subsidy amount for the purpose of~~
5 ~~meeting the special needs of the family in preparing~~
6 ~~for in-home care determined by the department in~~
7 ~~consultation with the comprehensive family support~~
8 ~~council created in section 225C.48. The parent or~~
9 legal guardian receiving a family support subsidy may
10 elect to receive a payment amount which is less than
11 the amount determined in accordance with this
12 paragraph.

13 Sec. ____ Section 225C.38, subsection 2, Code
14 Supplement 2005, is amended by adding the following
15 new paragraph:

16 NEW PARAGRAPH. c. Unless there are exceptional
17 circumstances and the family requests and receives
18 approval from the department for an exception to
19 policy, a family is not eligible to receive the family
20 support subsidy if any of the following are applicable
21 to the family or the family member for whom the
22 application was submitted:

23 (1) The family member is a special needs child who
24 was adopted by the family and the family is receiving
25 financial assistance under section 600.17.

26 (2) Medical assistance home and community-based
27 waiver services are provided for the family member and
28 the family lives in a county in which comprehensive
29 family support program services are available.

30 (3) Medical assistance home and community-based
31 waiver services are provided for the family member
32 under a consumer choices option.

33 Sec.____. Section 225C.40, subsection 3, Code
34 2005, is amended to read as follows:

35 3. If an application for a family support subsidy
36 is denied, the family member end-of-eligibility age
37 identified in the application is not approved by the
38 department, or a family support subsidy is terminated
39 by the department, the parent or legal guardian of the
40 affected family member may request, in writing, a
41 hearing before an impartial hearing officer.

42 Sec.____. Section 225C.41, unnumbered paragraph 2,
43 Code 2005, is amended to read as follows:

44 Notwithstanding section 8.33, funds remaining
45 unexpended on June 30 of any fiscal year shall not
46 revert to the general fund of the state but shall
47 remain available to provide family support subsidy
48 payments or to expand the comprehensive family support
49 program in the succeeding fiscal year.

50 Sec.____. Section 225C.42, subsection 1, Code

Page 7

1 Supplement 2005, is amended to read as follows:

2 1. The department shall conduct ~~a periodic an~~
3 annual evaluation of the family support subsidy
4 program in conjunction with the comprehensive family
5 support council and shall submit the evaluation report
6 with recommendations to the governor and general
7 assembly. The report shall be submitted on or before
8 October 30 and provide an evaluation of the latest
9 completed fiscal year.

10 Sec.____. Section 225C.47, subsection 4, Code
11 2005, is amended to read as follows:

12 4. A family may apply to the department or to a
13 family support center developed pursuant to this
14 section for assistance under the comprehensive family
15 support program. The department or family support
16 center shall determine eligibility for the program in
17 accordance with the provisions of this section.

18 Sec.____. Section 225C.47, subsection 5,
19 unnumbered paragraph 1, Code 2005, is amended to read
20 as follows:

21 The department shall design the program in
22 consultation with the ~~personal assistance and~~
23 comprehensive family support services council created
24 in section 225C.48. The department shall adopt rules
25 to implement the program which provide for all of the
26 following:

27 Sec.____. Section 225C.47, subsection 5, paragraph
28 e, Code 2005, is amended to read as follows:

29 e. A process is available to appeal the
 30 department's or family support center's decisions
 31 involving families ~~which that~~ apply for the
 32 comprehensive family support program and are denied
 33 services and support under the comprehensive family
 34 support program. The department shall make reasonable
 35 efforts to utilize telecommunications so that a family
 36 initiating an appeal may complete the appeal process
 37 in the family's local geographic area.

38 Sec. __. Section 225C.47, subsection 5, paragraph
 39 i, Code 2005, is amended to read as follows:

40 i. The utilization of a voucher system for payment
 41 provisions for the ~~children-at-home~~ family support
 42 center component of the program developed under
 43 subsection 7.

44 Sec. __. Section 225C.47, subsection 7, Code
 45 2005, is amended to read as follows:

46 7. The comprehensive family support program shall
 47 include a ~~children-at-home~~ family support center
 48 component developed by the department in accordance
 49 with this subsection. ~~A family eligible for the~~
 50 ~~comprehensive family support program may choose the~~

Page 8

1 ~~children-at-home component.~~ Under the ~~children-at-~~
 2 ~~home component,~~ a family member of an individual with
 3 a disability shall be assisted by ~~department staff a~~
 4 family support center in identifying the services and
 5 support to be provided to the family under the family
 6 support subsidy program or the comprehensive family
 7 support program. The identification of services and
 8 support shall be based upon the specific needs of the
 9 individual and the individual's family which are not
 10 met by other service programs available to the
 11 individual and the individual's family. ~~Based upon~~
 12 ~~the services and support identified, the department~~
 13 ~~shall develop a contract for direct payment of the~~
 14 ~~services and support provided to the family.~~

15 Sec. __. Section 225C.48, Code 2005, is amended
 16 to read as follows:

17 225C.48 PERSONAL ASSISTANCE AND COMPREHENSIVE
 18 FAMILY SUPPORT SERVICES COUNCIL.

19 1. a. An eleven-member ~~personal assistance and~~
 20 comprehensive family support ~~services council~~ is
 21 created in the department. The members of the council
 22 shall be appointed by the following officials as
 23 follows: governor, five members; majority leader of
 24 the senate, three members; and speaker of the house,
 25 three members. At least three of the governor's
 26 appointments and one of each legislative chamber's
 27 appointments shall be a family member of an individual

28 with a disability as defined in section 225C.47. At
 29 least five of the members shall be current or former
 30 service consumers of personal services or family
 31 members of such service consumers. Members shall
 32 serve for three-year staggered terms. A vacancy on
 33 the council shall be filled in the same manner as the
 34 original appointment.

35 b. The members of the council shall be are
 36 entitled to reimbursement of actual and necessary
 37 expenses incurred in the performance of their official
 38 duties. In addition, the members who are current or
 39 former service consumers or family members of such
 40 service consumers are entitled to a stipend of fifty
 41 dollars for each council meeting attended, subject to
 42 a limit of one meeting per month. The expenses and
 43 stipend shall be paid from the appropriation made for
 44 purposes of the comprehensive family support program.

45 c. The council shall elect officers from among the
 46 council's members.

47 2. The council shall provide ongoing guidance,
 48 advice, and direction to the department and other
 49 agencies working with the department in the
 50 development and implementation of the personal

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1 ~~assistance services~~ family support subsidy program
 2 created in section ~~225C.46~~ 225C.36 and the
 3 comprehensive family support program created in
 4 section 225C.47. The council shall perform an annual
 5 evaluation of each program, and annually make
 6 recommendations concerning each program to the
 7 governor and general assembly. The evaluation and
 8 recommendations shall be prepared and submitted in
 9 conjunction with the evaluation report submitted by
 10 the department pursuant to section 225C.42. The
 11 department shall provide sufficient staff support to
 12 the council to enable the council to carry out its
 13 responsibilities.

14 3. The council shall perform the following duties
 15 in consultation with the department and any department
 16 staff with duties associated with the personal
 17 ~~assistance services~~ family support subsidy and
 18 comprehensive family support programs:

19 a. Oversee the operations of the programs.

20 b. Coordinate with the department of education and
 21 programs administered by the department of education
 22 to individuals with a disability, in providing
 23 information to individuals and families eligible for
 24 the programs ~~under sections 225C.46 and 225C.47.~~

25 c. Work with the department and counties regarding
 26 managed care provisions utilized by the department and

27 counties for services to individuals with a disability
 28 to advocate the inclusion of ~~personal assistance~~
 29 ~~services~~ family support subsidy and the comprehensive
 30 family support ~~program~~ programs as approved service
 31 provisions under managed care.

32 d. Develop and oversee implementation of
 33 evaluation processes for the programs.

34 e. Oversee statewide training of department and and
 35 family support center staff regarding the ~~two~~
 36 programs.

37 f. Oversee efforts to promote public awareness of
 38 the programs.

39 4. The department shall consider recommendations
 40 from the council in developing and implementing each
 41 program, including the development of administrative
 42 rules. The department shall regularly report to the
 43 council on the status of each program and any actions
 44 planned or taken by the department related to each
 45 program.

46 Sec.____. Section 225C.49, subsection 3, paragraph
 47 b, Code 2005, is amended to read as follows:

48 b. Utilize internal training resources or contract
 49 for additional training of staff concerning the
 50 information under paragraph "a" and training of

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1 families and individuals as necessary to ~~develop plans~~
 2 ~~and contracts~~ implement the family support subsidy and
 3 comprehensive family support programs under sections
 4 ~~225C.46 and 225C.47~~ this chapter.

5 Sec.____. Section 225C.49, subsection 4, Code
 6 2005, is amended to read as follows:

7 4. The department shall designate one individual
 8 whose sole duties are to provide central coordination
 9 of the programs under sections ~~225C.46~~ 225C.36 and
 10 225C.47 and to work with the ~~personal assistance and~~
 11 comprehensive family support services council to
 12 oversee development and implementation of the
 13 programs.

14 Sec.____. Section 422.11E, subsection 4, paragraph
 15 b, Code 2005, is amended to read as follows:

16 b. "Disability" means the same as defined in
 17 section ~~225C.46~~ 15.102 except that it does not include
 18 alcoholism.

19 Sec.____. Section 422.33, subsection 9, paragraph
 20 c, subparagraph (2), Code Supplement 2005, is amended
 21 to read as follows:

22 (2) "Disability" means the same as defined in
 23 section ~~225C.46~~ 15.102, except that it does not
 24 include alcoholism.

25 Sec.____. Section 225C.46, Code 2005, is repealed.

26 Sec.____. CODE EDITOR DIRECTIVE. The Code editor
 27 shall revise the headnote to section 225C.42 to change
 28 the word "periodic" to "annual".

29 Sec.____. TRANSITION PROVISIONS – EFFECTIVE DATE.

30 1. If a family that adopted a special needs child
 31 receives the family support subsidy under section
 32 225C.38 and also receives financial assistance under
 33 section 600.17 for the same child as of July 1, 2006,
 34 the department of human services shall provide notice
 35 to the family that effective January 1, 2007, the
 36 family will no longer be eligible for the family
 37 support subsidy. The department shall notify the
 38 families affected by this subsection on before July 1,
 39 2006. This subsection, being deemed of immediate
 40 importance, takes effect upon enactment.

41 2. If a family that receives the family support
 42 subsidy under section 225C.38 as of July 1, 2006, also
 43 receives medical assistance home and community-based
 44 waiver services and lives in a county in which the
 45 comprehensive family support program services are
 46 available, effective January 1, 2007, the family is
 47 not eligible to receive the family support subsidy.
 48 The department of human services shall notify the
 49 families affected by this subsection on or before July
 50 1, 2006. This subsection, being deemed of immediate

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1 importance, takes effect upon enactment.

2 3. a. The provision of this division of this Act
 3 enacting section 225C.38, subsection 2, paragraph "c",
 4 subparagraph (3), relating to medical assistance home
 5 and community-based waiver services provided under a
 6 consumer choices option, is contingent upon receipt of
 7 federal approval of a waiver authorizing utilization
 8 of the consumer choices option. The department of
 9 human services shall notify the Code editor regarding
 10 the receipt of the federal approval and the
 11 implementation date.

12 b. A family receiving family support services that
 13 also receives medical assistance home and community-
 14 based waiver services and resides in an area in which
 15 the consumer choices option is available under the
 16 waiver is ineligible to receive the family support
 17 subsidy. The department shall notify a family
 18 affected by this subsection six months prior to
 19 terminating the family support subsidy.

20 c. This subsection, being deemed of immediate
 21 importance, takes effect upon enactment.

22 4. Any savings generated by the requirements of
 23 this section and the program changes implemented
 24 pursuant to this Act during the fiscal year beginning

- 25 July 1, 2006, shall be used by the department of human
26 services to provide eligibility for families on the
27 waiting list for the family support subsidy program.
28 If the waiting list is eliminated, any remaining funds
29 shall be used to expand the comprehensive family
30 support program during that fiscal year."
- 31 8. Title page, by striking line 1 and inserting
32 the following: "An Act relating to health and human
33 services programs and procedures involving".
- 34 9. Title page, line 4, by inserting after the
35 word "data" the following: ", medical assistance
36 program eligibility, creation of an electronic health
37 records system task force, foster parent training,
38 young adults transitioning from foster care, and
39 persons with a developmental disability or other
40 special need and the person's families".
- 41 10. By renumbering as necessary.

Amendment H-8563 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8388 filed by him on March 27, 2006.

Carroll of Poweshiek offered the following amendment H-8570 filed by him and Eichhorn of Hamilton and moved its adoption:

H-8570

1 Amend Senate File 2217, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "DIVISION _____

6 INVOLUNTARY HOSPITALIZATION PROCEEDINGS

7 Sec. ____ Section 125.82, subsection 3, Code 2005,
8 as amended by 2006 Iowa Acts, Senate File 2362,
9 section 1, if enacted, is amended to read as follows:

10 3. The person who filed the application and a
11 licensed physician or qualified mental health
12 professional as defined in section 229.1 who has
13 examined the respondent in connection with the
14 commitment hearing shall be present at the hearing,
15 unless ~~prior to the hearing~~ the court for good cause
16 finds that their presence or testimony is not
17 necessary. The applicant, respondent, and the
18 respondent's attorney may waive the presence or
19 telephonic appearance of the licensed physician or
20 qualified mental health professional who examined the
21 respondent and agree to submit as evidence the written
22 report of the licensed physician or qualified mental

23 health professional. The respondent's attorney shall
24 inform the court if the respondent's attorney
25 reasonably believes that the respondent, due to
26 diminished capacity, cannot make an adequately
27 considered waiver decision. "Good cause" for finding
28 that the testimony of the licensed physician or
29 qualified mental health professional who examined the
30 respondent is not necessary may include, but is not
31 limited to, such a waiver. If the court determines
32 that the testimony of the licensed physician or
33 qualified mental health professional is necessary, the
34 court may allow the licensed physician or qualified
35 mental health professional to testify by telephone.
36 The respondent shall be present at the hearing unless
37 prior to the hearing the respondent's attorney
38 stipulates in writing that the attorney has conversed
39 with the respondent, and that in the attorney's
40 judgment the respondent cannot make a meaningful
41 contribution to the hearing, or that the respondent
42 has waived the right to be present, and the basis for
43 the attorney's conclusions. A stipulation to the
44 respondent's absence shall be reviewed by the court
45 before the hearing, and may be rejected if it appears
46 that insufficient grounds are stated or that the
47 respondent's interests would not be served by the
48 respondent's absence.
49 Sec. __. Section 229.12, subsection 3, Code 2005,
50 as amended by 2006 Iowa Acts, Senate File 2362,

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1 section 3, if enacted is amended to read as follows:
2 3. The respondent's welfare shall be paramount and
3 the hearing shall be conducted in as informal a manner
4 as may be consistent with orderly procedure, but
5 consistent therewith the issue shall be tried as a
6 civil matter. Such discovery as is permitted under
7 the Iowa rules of civil procedure shall be available
8 to the respondent. The court shall receive all
9 relevant and material evidence which may be offered
10 and need not be bound by the rules of evidence. There
11 shall be a presumption in favor of the respondent, and
12 the burden of evidence in support of the contentions
13 made in the application shall be upon the applicant.
14 The licensed physician or qualified mental health
15 professional who examined the respondent shall be
16 present at the hearing unless ~~prior to the hearing~~ the
17 court for good cause finds that the licensed
18 physician's or qualified mental health professional's
19 presence or testimony is not necessary. The
20 applicant, respondent, and the respondent's attorney
21 may waive the presence or the telephonic appearance of

22 the licensed physician or qualified mental health
 23 professional who examined the respondent and agree to
 24 submit as evidence the written report of the licensed
 25 physician or qualified mental health professional.
 26 The respondent's attorney shall inform the court if
 27 the respondent's attorney reasonably believes that the
 28 respondent, due to diminished capacity, cannot make an
 29 adequately considered waiver decision. "Good cause"
 30 for finding that the testimony of the licensed
 31 physician or qualified mental health professional who
 32 examined the respondent is not necessary may include,
 33 but is not limited to, such a waiver. If the court
 34 determines that the testimony of the licensed
 35 physician or qualified mental health professional is
 36 necessary, the court may allow the licensed physician
 37 or the qualified mental health professional to testify
 38 by telephone. If upon completion of the hearing the
 39 court finds that the contention that the respondent is
 40 seriously mentally impaired has not been sustained by
 41 clear and convincing evidence, it shall deny the
 42 application and terminate the proceeding."
 43 2. Title page, line 4, by inserting after the
 44 word "data" the following: ", and involuntary
 45 hospitalization proceedings".
 46 3. By renumbering as necessary.

Amendment H-8570 was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2217)

The ayes were, 95:

Alons	Anderson	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
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	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	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	Roberts, Presiding	

The nays were, none.

Absent or not voting, 5:

Ford	Hunter	Jones	Lensing
Zirkelbach			

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

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2282)

Watts of Dallas called up for consideration the report of the conference committee on House File 2282 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2282

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 2282, a bill for an Act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, respectfully make the following report:

1. That the House recedes from its amendment, S-5167.
2. That the Senate recedes from its amendment, H-8422.
3. That House File 2282, as passed by the House, is amended as follows:

1. Page 2, by inserting after line 9 the following:

"Sec. ____ Section 372.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. ~~If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date.~~ The council shall give the county commissioner at least ~~sixty~~ thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least ~~eighty-five~~ sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election, including dates for filing of nomination petitions, shall be calculated with regard to the date for which the special election is called.

If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. ____ NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR AUTHORIZATION OF COUNCIL.

1. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership, the city clerk is authorized to make the following payments without prior approval of the council: a. For fixed charges including but not limited to freight, express, postage, water, light, telephone service, or contractual services, after a bill is filed with the clerk.

b. For salaries and payrolls if the compensation has been fixed or approved by the council. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

2. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership and the office of city clerk is vacant, the county auditor of the county where the city is located shall make the payments described in subsection 1 without prior approval of the council.

3. The bills paid under this section shall be submitted to the city council for review and approval at the next regular meeting following payment in which a quorum of the council is present."

2. Title page, line 1, by inserting after the words "relating to" the following: "city government by providing for".

3. Title page, line 3, by inserting after the word "government" the following: "and by providing for city continuity when concurrent city council vacancies exist".

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

RALPH C. WATTS, Chair
 JACK DRAKE
 MARY GASKILL
 GERI D. HUSER
 DAWN E. PETTENGILL

ON THE PART OF THE SENATE:

DAVE MULDER, Co-Chair
 HERMAN QUIRMBACH, Co-Chair
 DARYL BEALL
 JOHN PUTNEY
 DOUG SHULL
 STEVE WARNSTADT

The motion prevailed and the conference committee report was adopted.

Watts of Dallas 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. 2282)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	Dix	De Boef	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	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	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Ford	Hunter	Jones	Lensing
Zirkelbach			

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

Watts of Dallas called up for consideration **House File 2686**, a bill for an act providing for technical and substantive changes relating to the Iowa communications network, amended by the Senate, and moved that the House concur in the following Senate amendment H-8567:

H-8567

1 Amend House File 2686, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 24, by inserting before the word
 4 "There" the following: "1"
 5 2. Page 2, by inserting after line 5 the
 6 following:
 7 "2. The commission shall be required to repay one
 8 million dollars of start-up funding from the Iowa
 9 communications network fund to the general fund of the
 10 state. For the fiscal year beginning July 1, 2007,
 11 and ending June 30, 2008, the commission shall repay
 12 two hundred fifty thousand dollars of start-up funding
 13 at the end of that fiscal year, and for the fiscal
 14 year beginning July 1, 2008, and ending June 30, 2009,
 15 the commission shall repay two hundred fifty thousand
 16 dollars of start-up funding at the end of that fiscal
 17 year. The remaining five hundred thousand dollars
 18 shall be repaid in a reasonable period of time
 19 thereafter as provided in this subsection. The
 20 commission shall conduct a review of the operation of

21 the fund and the extent to which a continued need for
 22 funding for cash flow support exists, and shall
 23 provide a report summarizing the results of the review
 24 to the general assembly by January 1, 2010. The
 25 report shall also include a plan regarding repayment
 26 of the remaining five hundred thousand dollars in
 27 start-up funding in a manner which will not adversely
 28 affect network operations, and any other
 29 recommendations relating to the fund and the operation
 30 of the network deemed appropriate by the commission."
 31 3. Title page, line 2, by inserting after the
 32 word "network" the following: ", and relating to
 33 funding of the network".

The motion prevailed and the House concurred in the Senate amendment H-8567.

Watts of Dallas 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. 2686)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevrt	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	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	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	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Ford
Zirkelbach

Hunter

Jones

Lensing

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

HOUSE FILE 2393 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 2393 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2282, 2686 and Senate File 2217.**

On motion by Gipp of Winneshiek, the House was recessed at 11:41 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:26 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 25, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2716, a bill for an act relating to civil actions for personal injury or death, including certain evidentiary, reporting, and procedural requirements.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:26 p.m., until the fall of the gavel.

The House resumed session at 6:33 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 April 25, 2006, adopted the conference committee report and passed House File 2282, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

Also: That the Senate has on April 25, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2362, a bill for an act providing for reassignment of a salvage certificate of title for a motor vehicle.

Also: That the Senate has on April 25, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2217, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eichhorn of Hamilton and Sands of Louisa on request of Gipp of Winneshiek.

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 2567**, a bill for an act creating a multidimensional treatment level foster care program, amended by the Senate, and moved that the House concur in the following Senate amendment H-8528:

H-8528

1 Amend House File 2567, as passed by the House, as
2 follows:

3 1. Page 3, line 21, by striking the word

4 "agencies" and inserting the following: "psychiatric

- 5 medical institutions for children licensed under
 6 chapter 135H".
 7 2. Page 3, by striking lines 22 through 27.

The motion prevailed and the House concurred in the Senate amendment H-8528.

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. 2567)

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	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	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	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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Fallon	Ford	Hunter	Jones
Lensing	Sands	Zirkelbach	

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

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2612)

May of Dickinson called up for consideration the report of the conference committee on House File 2612 and moved the adoption of the conference committee report and the amendments contained therein filed on April 25, 2006, as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2612

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 2612, a bill for an Act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, respectfully make the following report filed on April 25, 2006:

1. That the Senate recedes from its amendment, H-8303.

ON THE PART OF THE HOUSE:

MIKE MAY, Chair
CLEL BAUDLER
PAUL A. BELL
MARY LOU FREEMAN
LISA K. HEDDENS

ON THE PART OF THE SENATE:

HUBERT HOUSER, Co-Chair
FRANK B. WOOD, Co-Chair
E. THURMAN GASKILL
DAVID JOHNSON
KEITH KREIMAN

The motion prevailed and the conference committee report was adopted.

May of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2612)

The ayes were, 91:

Alons	Anderson	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	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	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	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 2:

Olson, R. Wessel-Kroeschell

Absent or not voting, 7:

Fallon	Ford	Hunter	Jones
Lensing	Sands	Zirkelbach	

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 2716**, a bill for an act relating to civil actions for personal injury or death, including certain evidentiary, reporting, and procedural requirements, amended by the Senate, and moved that the House concur in the following Senate amendment H-8577:

H-8577

- 1 Amend House File 2716, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 135.40, Code 2005, is amended

6 to read as follows:

7 135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.

8 Any person, hospital, sanatorium, nursing or rest
9 home or other organization may provide information,
10 interviews, reports, statements, memoranda, or other
11 data relating to the condition and treatment of any
12 person to the department, the Iowa medical society or
13 any of its allied medical societies, ~~or the Iowa~~
14 osteopathic medical association, ~~or any in-hospital~~
15 staff committee, or the Iowa healthcare collaborative,
16 to be used in the course of any study for the purpose
17 of reducing morbidity or mortality, and no liability
18 of any kind or character for damages or other relief
19 shall arise or be enforced against any person or
20 organization that has acted reasonably and in good
21 faith, by reason of having provided such information
22 or material, or by reason of having released or
23 published the findings and conclusions of such groups
24 to advance medical research and medical education, or
25 by reason of having released or published generally a
26 summary of such studies.

27 For the purposes of this section, and section
28 135.41, the "Iowa healthcare collaborative" means an
29 organization which is exempt from federal income
30 taxation under section 501(c)(3) of the Internal
31 Revenue Code and which is established to provide
32 direction to promote quality, safety, and value
33 improvement collaborative efforts by hospitals and
34 physicians.

35 Sec. 2. Section 135.41, Code 2005, is amended to
36 read as follows:

37 135.41 PUBLICATION.

38 The department, the Iowa medical society or any of
39 its allied medical societies, ~~or the Iowa osteopathic~~
40 medical association, ~~or any in-hospital staff~~
41 committee, or the Iowa healthcare collaborative shall
42 use or publish said material only for the purpose of
43 advancing medical research or medical education in the
44 interest of reducing morbidity or mortality, except
45 that a summary of such studies may be released by any
46 such group for general publication. In all events the
47 identity of any person whose condition or treatment
48 has been studied shall be confidential and shall not
49 be revealed under any circumstances. A violation of
50 this section shall constitute a simple misdemeanor."

Page 2

1 2. Page 1, line 11, by striking the word "any"
2 and inserting the following: "that".

3 3. Page 1, by striking lines 19 and 20 and
4 inserting the following: "inadmissible as evidence.

5 Any response by the plaintiff, relative of the
6 plaintiff, or decision maker for the plaintiff to such
7 statement, affirmation, gesture, or conduct is
8 similarly inadmissible as evidence.

9 Sec. NEW SECTION. 505.27 MEDICAL
10 MALPRACTICE INSURANCE – REPORTS REQUIRED.

11 1. An insurer providing medical malpractice
12 insurance coverage to Iowa health care providers shall
13 file annually on or before June 1 with the
14 commissioner a report of all medical malpractice
15 insurance claims, both open claims and closed claims
16 filed during the reporting period, against any such
17 Iowa insureds during the preceding calendar year.

18 2. The report shall be in writing and contain all
19 of the following information aggregated by specialty
20 area and paid loss and paid expense categories
21 established by the commissioner:

22 a. The total number of claims in the reporting
23 period and the nature and substance of such claims.

24 b. The total amounts paid within six months after
25 final disposition of the claims.

26 c. The total amount reserved for the payment of
27 claims incurred and reported but not disposed.

28 d. The expenses, as set forth by rule, related to
29 the claims.

30 e. Any other additional information as required by
31 the commissioner by rule.

32 3. The commissioner shall compile annually the
33 data included in reports filed by insurers pursuant to
34 this section into an aggregate form by insurer, except
35 that such data shall not include information that
36 directly or indirectly identifies any individual,
37 including a patient, an insured, or a health care
38 provider. The commissioner shall submit a written
39 report summarizing such data along with any
40 recommendations to the general assembly and the
41 governor by December 1, 2007, with subsequent reports
42 submitted to the general assembly and the governor
43 annually thereafter.

44 4. A report prepared pursuant to subsection 1 or 3
45 shall be open to the public and shall be made
46 available to a requesting party by the commissioner at
47 no charge, except that any identifying information of
48 any individual, including a patient, an insured, or
49 health care provider, shall remain confidential.

50 5. For purposes of this section, "health care

Page 3

1 provider" means the same as defined in section 135.61,
2 a hospital licensed pursuant to chapter 135B, or a
3 health care facility licensed pursuant to chapter

4 135C, and "insurer" means an insurance company
 5 authorized to transact insurance business in this
 6 state. "Insurer" does not include a health care
 7 provider who maintains professional liability
 8 insurance coverage through a self-insurance plan, an
 9 unauthorized insurance company transacting business
 10 with an insured person in this state, or a person not
 11 authorized to transact insurance business in this
 12 state."

13 4. Title page, line 2, by inserting after the
 14 word "evidentiary" the following: ", reporting, and
 15 study information".

16 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8577.

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

On the question "Shall the bill pass?" (H.F. 2716)

The ayes were, 92:

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
Jochum	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	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	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 8:

Anderson	Fallon	Ford	Hunter
Jones	Lensing	Sands	Zirkelbach

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 2567, 2612 and 2716.**

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

- 2006\1542 Bert Van Maanen, Hull – For celebrating his 90th birthday.
- 2006\1543 Beulah Weston, Oelwein – For celebrating her 83rd birthday.
- 2006\1544 Violet Niemeyer, Tripoli – For celebrating her 85th birthday.
- 2006\1545 Kenneth and Alma Schmitz, Denver – For celebrating their 50th wedding anniversary.
- 2006\1546 Alfred and Arlene Schmitt, Waucoma – For celebrating their 50th wedding anniversary.
- 2006\1547 Alice Quint, Harpers Ferry – For celebrating her 80th birthday.
- 2006\1548 Adeline Vogel, Jesup – For celebrating her 90th birthday.
- 2006\1549 Mr. and Mrs. Donald Zingg, Fairbank – For celebrating their 60th wedding anniversary.
- 2006\1550 Russell Stowell, Swaledale – For celebrating his 90th birthday.
- 2006\1551 Agnes Formanek, Garner – For celebrating her 90th birthday.

- 2006\1552 Jake Kroll, Dumont – For celebrating his 85th birthday.
- 2006\1553 Helen Liekweg, Sheffield – For celebrating her 80th birthday.
- 2006\1554 Dawn and Lyle Zeigler, Kanawha – For celebrating their 50th wedding anniversary.
- 2006\1555 Delmar and Margaret Hearn, Hampton – For celebrating their 60th wedding anniversary.
- 2006\1556 LaRue D. Taylor, Garner – For celebrating her 90th birthday.
- 2006\1557 William and Isabel Moses, Monona -- For celebrating their 60th wedding anniversary.
- 2006\1558 Mabel Ruhser, Elkader – For celebrating her 85th birthday.
- 2006\1559 LaNelle Elvers, Elkader – For celebrating her 90th birthday.
- 2006\1560 Dwain and Carol Thompson, Exira – For celebrating their 50th wedding anniversary.
- 2006\1561 Louis Anders, Oskaloosa – For celebrating his 90th birthday.
- 2006\1562 Elmer and Cherry Kinsinger, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2006\1563 Lewis Van Mersbergen, Montezuma – For celebrating his 90th birthday.
- 2006\1564 Hazel Boomershine, Oskaloosa – For celebrating her 85th birthday.
- 2006\1565 Walter Lemke, Grinnell – For celebrating his 80th birthday.
- 2006\1566 Gail and Iona Latcham, Montezuma – For celebrating their 60th wedding anniversary.
- 2006\1567 Chuck and Helen Routier, Grinnell – For celebrating their 50th wedding anniversary.
- 2006\1568 Jon Prottzman, Victor – Upon his retirement, for his 34 years of teaching at HLV.
- 2006\1569 Arlene Zimpleman, Williamsburg – For celebrating her 80th birthday.
- 2006\1570 Helen Hartin, Williamsburg – For celebrating her 80th birthday.
- 2006\1571 Mildred Jones, Williamsburg – For celebrating her 85th birthday.
- 2006\1572 Billy O. Shepherd, Thornberg – For celebrating his 90th birthday.

- 2006\1573 Lorena Teggatz, Amana – For celebrating her 95th birthday.
- 2006\1574 Ronald and Janice Grimm, Deep River – For celebrating their 50th wedding anniversary.
- 2006\1575 Anthony and Betty Schreiber, Williamsburg – For celebrating their 50th wedding anniversary.
- 2006\1576 Mr. and Mrs. Arnold Webert, Williamsburg – For celebrating their 65th wedding anniversary.
- 2006\1577 Gerald A. Grosenbach, Grinnell – For celebrating his 90th birthday.
- 2006\1578 Edward B. Kautzky, Audubon – For celebrating his 80th birthday.
- 2006\1579 Geneva Houghtaling, Sanborn – For celebrating her 90th birthday.
- 2006\1580 Glen and Elaine Waggoner, Sutherland – For celebrating their 50th wedding anniversary.
- 2006\1581 Don and Darlene Johnson, Cosgrove – For celebrating their 50th wedding anniversary.
- 2006\1582 Charles and Ann Owen, Iowa City – For celebrating their 50th wedding anniversary.
- 2006\1583 Travis J. Greve, Donahue – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1584 Rudy Urich, Garner – For celebrating his 90th birthday.
- 2006\1585 Warren and Kay McConahay, Columbus Junction – For celebrating their 50th wedding anniversary.
- 2006\1586 Jim and Ruby Gott, Wapello – For celebrating their 50th wedding anniversary.
- 2006\1587 Virgil and Eloise Klemme, State Center – For celebrating their 50th wedding anniversary.
- 2006\1588 Vernon and Roberta Matsen, New Providence – For celebrating their 65th wedding anniversary.
- 2006\1589 Dewey and Barbara Sue Dennis, State Center – For celebrating their 50th wedding anniversary.
- 2006\1590 Pauline Maisel, Hubbard – For celebrating her 90th birthday.
- 2006\1591 Herbie Lake, Hubbard – For celebrating her 95th birthday.
- 2006\1592 William and Anna Mae Schipper, Ackley – For celebrating their 50th wedding anniversary.

- 2006\1593 Dorothy Roelfs, Ackley – For celebrating her 88th birthday.
- 2006\1594 Margaret Johns, Ackley – For celebrating her 88th birthday.
- 2006\1595 Carl Orgel, Eldora – For celebrating his 82nd birthday.
- 2006\1596 Vera Cutler, Marshalltown – For celebrating her 90th birthday.
- 2006\1597 Happy's Place, Dubuque – For celebrating their 50th anniversary in business.
- 2006\1598 Jesse Ridgeway, What Cheer – For celebrating her 85th birthday.
- 2006\1599 Marjorie Gould, Richland – For celebrating her 95th birthday.
- 2006\1600 Elizabeth Leisure, Richland – For celebrating her 95th birthday.
- 2006\1601 Herman Larson, Stratford – For his 60 years of continuous membership in the American Legion.
- 2006\1602 Carl Berglund, Stratford – For his 50 years of continuous membership in the American Legion.
- 2006\1603 Lynna Smith, Belmont – For celebrating her 90th birthday.
- 2006\1604 Tyler Kunz, Webster City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1605 John and Doris Crosswhite, Greenfield – For celebrating their 50th wedding anniversary.
- 2006\1606 Vera Phinney, New London – For celebrating her 100th birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

HSB 779 Government Oversight

Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

RESOLUTIONS FILED

HR 172, by Petersen, Wise, Oldson, Wendt, Bell, Cohoon, R. Olson, Schueller, Kressig, Winckler, Wessel-Kroeschell, Shoultz, Heddens, McCarthy, Reasoner, Foegen, Berry, Smith, T. Taylor, Swaim, Reichert, Thomas, Mascher, Pettengill, Whitead, Lykam, Whitaker, Murphy, Bukta, Mertz, D. Taylor, Gaskill, Frevert, Hunter, Shomshor, Davitt, Miller, Jacoby, Hogg, Dandekar, Tomenga, May and De Boef, a resolution recognizing the continuing efforts by Iowans in providing disaster relief in response to Hurricanes Katrina and Rita.

Laid over under **Rule 25**.

HR 173, by Eichhorn, Paulsen and Swaim, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court.

Laid over under **Rule 25**.

HR 174, by Arnold and Huser, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8571	H.F.	2794	Mertz of Kossuth
H—8572	S.F.	2393	Wise of Lee
H—8573	H.F.	2794	J.K. Van Fossen of Scott
H—8574	H.F.	2794	Jacobs of Polk
			Boal of Polk
H—8575	S.F.	2377	Dix of Butler
			Reasoner of Union
			Drake of Pottawattamie
			Quirk of Chickasaw
			Granzow of Hardin
			Wilderdyke of Harrison
			Thomas of Clayton
			Pettengill of Benton

H—8576	S.F.	2272	Wilderdyke of Harrison
H—8578	H.F.	2794	Hogg of Linn
H—8579	H.F.	2794	Huser of Polk Kaufmann of Cedar Lalk of Fayette Schueller of Jackson Swaim of Davis
H—8580	H.F.	2362	Senate Amendment
H—8581	H.F.	2794	Paulsen of Linn
H—8582	H.F.	2794	Hogg of Linn
H—8583	S.F.	2364	Anderson of Page Swaim of Davis R. Olson of Polk Huser of Polk

On motion by Gipp of Winneshiek the House adjourned at 6:47 p.m., until 9:00 a.m., Wednesday, April 26, 2006.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day - Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 26, 2006

The House met pursuant to adjournment at 9:01 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Kurt Swaim, state representative from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 25, 2006 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page, Arnold of Lucas, De Boef of Keokuk, Drake of Pottawattamie, Elgin of Linn, Freeman of Buena Vista, Granzow of Hardin, Greiner of Washington, Hoffman of Crawford, Huseman of Cherokee, Jenkins of Black Hawk, Jones of Mills, Kaufmann of Cedar, Kurtenbach of Story, Lalk of Fayette, Lukan of Scott, Maddox of Polk, May of Dickinson, Paulsen of Linn, Rasmussen of Buchanan, Rayhons of Hancock, Sands of Louisa, Schickel of Cerro Gordo, Soderberg of Plymouth, Tjepkes of Webster, Tomenga of Polk, Van Engelenhoven of Marion, JR Van Fossen of Scott, Watts of Dallas and Wilderdyke of Harrison, until their arrival, on request of Gipp of Winneshiek.

S. Olson of Clinton in the chair at 9:27 a.m.

Speaker Rants in the chair at 10:04 a.m.

Gipp of Winneshiek moved that the House adjourn until 9:00 a.m., Thursday, April 27, 2006.

Roll call was requested by Murphy of Dubuque and Bukta of Clinton.

On the question "Shall the motion to adjourn prevail?"

The ayes were, 20:

Alons	Baudler	Boal	Carroll
Chambers	Dolecheck	Eichhorn	Gipp
Heaton	Horbach	Hutter	Jacobs
Olson, S.	Raecker	Roberts	Struyk
Tymeson	Upmeyer	Van Fossen, J.K.	Mr. Speaker Rants

The nays were, 44:

Bell	Berry	Bukta	Dandekar
Davitt	Foege	Ford	Frevert
Gaskill	Heddens	Hogg	Huser
Jacoby	Jochum	Kressig	Kuhn
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

Absent or not voting, 36:

Anderson	Arnold	Cohoon	De Boef
Dix	Drake	Elgin	Fallon
Freeman	Granzow	Greiner	Hoffman
Hunter	Huseman	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lensing
Lukan	Maddox	May	Paulsen
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Tjepkes	Tomenga	Van Engelenhoven
Van Fossen, J.R.	Watts	Wilderdyke	Zirkelbach

The motion to adjourn lost.

The House stood at ease at 10:41 a.m., until the fall of the gavel.

The House resumed session at 12:47 p.m., Speaker Rants in the chair.

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, 2006: House Files 729, 2245, 2330, 2331, 2361, 2463, 2515, 2564, 2565, 2613, 2652, 2663, 2665, 2742 and 2768.

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

- 2006\1607 Joseph and Josephine Heintz, Ames – For celebrating their 60th wedding anniversary.
- 2006\1608 Leo and Nora Kinyon, Ames – For celebrating their 60th wedding anniversary.
- 2006\1609 Irene Wilcox Peterson, Madrid – For celebrating her 80th birthday.
- 2006\1610 Florence Root, Spencer – For celebrating her 90th birthday.
- 2006\1611 Hilda Kuehler, Spencer – For celebrating her 90th birthday.
- 2006\1612 Irene McDonald, Milford – For celebrating her 90th birthday.
- 2006\1613 Bud and Beverly Pearson, Okoboji – For their outstanding support of the Lakes Art Center in Okoboji.
- 2006\1614 Tegan McDonough, Okoboji – For Academic All-American Honors through the National Forensic League.
- 2006\1615 Howard and Evelyn Slife, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2006\1616 Glenn and Dora Wall, Central City – For celebrating their 55th wedding anniversary.
- 2006\1617 Carl and Agnes Bunse, Newton – For celebrating their 60th wedding anniversary.
- 2006\1618 Eleanor Grier, Newton – For celebrating her 96th birthday.

RESOLUTION FILED

HR 175, by Baudler, a resolution requesting the Legislative Council to establish an interim committee to conduct a study of issues related to competition in rural telephone exchanges.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8584 S.F. 2272 Tymeson of Madison

Gipp of Winneshiek moved that the House adjourn until 9:00 a.m., Thursday, April 27, 2006.

Roll call was requested by Speaker Rants and Gipp of Winneshiek.

On the question "Shall the motion to adjourn prevail?"

Rule 75 was invoked.

The ayes were, 64:

Alons	Bell	Berry	Boal
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	Dolecheck	Eichhorn
Foege	Ford	Frevert	Gaskill
Gipp	Heaton	Heddens	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jochum	Kressig
Kuhn	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Schueller	Shomshor	Shoultz
Smith	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tymeson	Upmeyer
Van Fossen, J.K.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 1:

Olson, R.

Absent or not voting, 35:

Anderson	Arnold	Baudler	De Boef
Dix	Drake	Elgin	Fallon
Freeman	Granzow	Greiner	Hoffman
Hunter	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lensing	Lukan
Maddox	May	Paulsen	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Tjepkes	Tomenga	Van Engelenhoven	Van Fossen, J.R.
Watts	Wilderdyke	Zirkelbach	

The motion prevailed and the House was adjourned at 12:52 p.m., until 9:00 a.m., Thursday, April 27, 2006.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day - Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 27, 2006

The House met pursuant to adjournment at 9:37 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 Wednesday, April 26, 2006 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 26, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2540, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees.

Also: That the Senate has on April 26, 2006, adopted the conference committee report and passed House File 2612, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty.

Also: That the Senate has on April 26, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2751, a bill for an act relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions.

Also: That the Senate has on April 26, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2759, a bill for an act providing for the appropriation of moneys to support renewable fuel infrastructure, and providing a contingent effective date.

Also: That the Senate has on April 26, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2764, a bill for an act authorizing a school district to share its portion of incremental property taxes with a contiguous school district.

Also: That the Senate has on April 26, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2774, a bill for an act relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services.

Also: That the Senate has on April 26, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2786, a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees.

Also: That the Senate has on April 26, 2006, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 112, a concurrent resolution designating May 2006 as Motorcycle Safety Awareness Month.

Also: That the Senate has on April 27, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2404, a bill for an act to legalize participation in an instructional support program by the Winterset community school district, and providing an effective date.

Also: That the Senate has on April 27, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2405, a bill for an act to legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date.

Also: That the Senate has on April 27, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act to legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 9:39 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:07 p.m., Speaker Rants in the chair.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 26, 2006, he approved and transmitted to the Secretary of State the following bills:

House File 729, an Act relating to the Iowa Public Employees' Retirement System and the judicial retirement system.

House File 2245, an Act concerning the Iowa Public Employees' Retirement System and the statewide fire and police retirement system, and providing an effective and retroactive applicability date.

House File 2330, an Act relating to the allowed growth factor adjustment funding for county mental health, mental retardation, and developmental disabilities services funds and including effective date and retroactive applicability provisions.

House File 2331, an Act to eliminate certain restrictions on the authority of a physician assistant to prescribe certain Schedule II controlled substances.

House File 2361, an Act relating to energy conservation standards included in the state building code for new single-family or two-family residential construction.

House File 2463, an Act relating to adoption and termination of jurisdiction of a court involving prior child support and custody proceedings.

House File 2515, an Act relating to obstructions in highways and providing penalties.

House File 2564, an Act relating to notification of parents, guardians, or custodians of children receiving child care from an unregistered child care home when it is determined that child abuse involving the home has occurred.

House File 2565, an Act requiring the department of human services to implement an electronic payment system for the state child care assistance program.

House File 2613, an Act concerning programs and reports related to economic development.

House File 2652, an Act relating to civil and criminal procedure including the issuance of and violations of certain civil protective orders and criminal no-contact orders.

House File 2663, an Act relating to jurisdiction of the natural resource commission over certain areas of lakebeds and riverbeds.

House File 2665, an Act concerning the line of duty death benefit payable to public safety providers.

House File 2742, an Act relating to the probate and trust codes and providing applicability date provisions.

House File 2768, an Act authorizing the state medical examiner to collect and retain fees for medical examiner facility expenses and services related to tissue recovery and making an appropriation.

Senate File 2251, an Act directing the Department of Education and the Iowa Department of Public Health to convene a Healthy Children Task Force and providing an effective date.

Senate File 2301, an Act relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions.

Senate File 2319, an Act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations.

Senate File 2369, an Act relating to requirements for open feedlot operations, by providing for nutrient management plans, stockpiling of solids, and operating permits, and providing an effective date and retroactive applicability.

Senate File 2374, an Act containing various provisions relating to business entities, including limited partnerships, corporations, limited liability companies, cooperatives, and nonprofit corporations.

Senate File 2394, an Act relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions.

PROOF OF PUBLICATION

(Senate File 2404)

Published copy of Senate File 2404 and verified proof of publication of said bill in the Winterset Madisonian, a weekly newspaper printed and published in Madison County, Iowa on April 19, 2006, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PROOF OF PUBLICATION

(Senate File 2405)

Published copy of Senate File 2405 and verified proof of publication of said bill in the Waterloo/Cedar Falls Courier, a daily

newspaper printed and published in Black Hawk County, Iowa on April 21, 2006, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PROOF OF PUBLICATION
(Senate File 2406)

Published copy of Senate File 2406 and verified proof of publication of said bill in the Walnut Bureau, a weekly newspaper printed and published in Pottawattamie County, Iowa on April 20, 2006, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

AMENDMENTS FILED

H—8585	H.F.	2786	Senate Amendment
H—8586	H.F.	2759	Senate Amendment
H—8587	H.F.	2540	Senate Amendment
H—8588	S.F.	2364	Swaim of Davis
H—8589	S.F.	2272	Huser of Polk

On motion by Gipp of Winneshiek the House adjourned at 3:09 p.m., until 9:00 a.m., Friday, April 28, 2006.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day - Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 28, 2006

The House met pursuant to adjournment at 8:59 a.m., Speaker Rants in the chair.

The Journal of Thursday, April 27, 2006 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 2716

1. Page 2, lines 7 – 28 – Changed to Sec. 4.
2. Page 2, lines 29 – 35 through page 4, line 7 – Changed to Sec. 3.

MARGARET A. THOMSON
Chief Clerk of the House

On motion by Gipp of Winneshiek the House adjourned at 8:59 a.m., until 10:00 a.m., Monday, May 1, 2006.

JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day - Seventy-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 1, 2006

The House met pursuant to adjournment at 10:01 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 Friday, April 28, 2006 was approved.

SENATE MESSAGES CONSIDERED

Senate File 2404, by committee on rules and administration, a bill for an act to legalize participation in an instructional support program by the Winterset community school district, and providing an effective date.

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

Senate File 2405, by committee on rules and administration, a bill for an act to legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date.

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

Senate File 2406, by committee on rules and administration, a bill for an act to legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date.

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

The House stood at ease at 10:04 a.m., until the fall of the gavel.

AFTERNOON SESSION

The House reconvened at 1:42 p.m., Elgin of Linn in the chair.

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jones of Mills by Gipp of Winneshiek; Lensing of Johnson and Miller of Webster, until their arrival, on request of Bukta of Clinton.

ADOPTION OF HOUSE RESOLUTION 173

Eichhorn of Hamilton called up for consideration **House Resolution 173**, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 174

Huser of Polk called up for consideration **House Resolution 174**, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Schickel of Cerro Gordo called up for consideration **House File 2362**, a bill for an act providing for reassignment of a salvage

certificate of title for a motor vehicle, amended by the Senate, and moved that the House concur in the following Senate amendment H-8580:

H-8580

1 Amend House File 2362, as passed by the House, as
2 follows:

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

5 "DIVISION I

6 MERCURY-FREE RECYCLING ACT

7 Section 1. LEGISLATIVE FINDINGS AND PURPOSES.

8 1. The general assembly finds all of the
9 following:

10 a. That switches containing mercury have been used
11 for convenience lighting in vehicles sold in Iowa.

12 b. That mercury from vehicle light switches may be
13 released into the environment when end-of-life
14 vehicles are flattened, crushed, shredded, melted, or
15 otherwise processed for recycling.

16 c. That removing mercury-added switches from end-
17 of-life vehicles is an effective method to prevent
18 mercury from being released into the environment.

19 d. That it is in the public interest of the
20 residents of this state to reduce the quantity of
21 mercury entering the environment by removing mercury-
22 added switches from end-of-life vehicles.

23 2. The general assembly declares that the purpose
24 of this Act is to reduce the quantity of mercury in
25 the environment by doing all of the following:

26 a. Removing mercury-added switches from end-of-
27 life vehicles in Iowa.

28 b. Creating a collection, recovery, and incentive
29 program for mercury-added switches removed from
30 vehicles in Iowa.

31 Sec. 2. NEW SECTION. 455B.801 SHORT TITLE.

32 This division shall be known and may be cited as
33 the "Mercury-Free Recycling Act".

34 Sec. 3. NEW SECTION. 455B.802 DEFINITIONS.

35 As used in this division, unless the context
36 otherwise requires:

37 1. "Capture rate" means the amount of mercury
38 removed, collected, and recovered from end-of-life
39 vehicles, expressed as a percentage of the mercury
40 available from mercury-added switches in end-of-life
41 vehicles annually.

42 2. "End-of-life vehicle" means any vehicle which
43 is sold, given, or otherwise conveyed to a vehicle
44 recycler or scrap recycling facility for the purpose
45 of recycling and that does not exceed ten thousand

46 pounds gross vehicle weight.
47 3. "Manufacturer" means any person that is the
48 last person to produce or assemble a new vehicle that
49 utilizes mercury-added switches, or in the case of an
50 imported vehicle, the importer or domestic distributor

Page 2

1 of such vehicle. "Manufacturer" does not include a
2 person that has never utilized a mercury-added switch
3 in the production or assembly of a new vehicle.

4 4. "Mercury-added switch" means a light switch
5 that contains mercury which was installed by a
6 manufacturer in a motor vehicle.

7 5. "Scrap recycling facility" means a fixed
8 location where machinery and equipment are utilized
9 for processing and manufacturing scrap metal into
10 prepared grades and whose principal product is scrap
11 iron, scrap steel, or nonferrous metallic scrap for
12 sale for remelting purposes.

13 6. "Vehicle recycler" means any person engaged in
14 the business of acquiring, dismantling, or destroying
15 six or more vehicles in a calendar year for the
16 primary purpose of resale of the vehicles' parts.

17 Sec. 4. **NEW SECTION. 455B.803 PLANS FOR REMOVAL,**
18 **COLLECTION, AND RECOVERY OF VEHICLE MERCURY-ADDED**
19 **SWITCHES.**

20 1. Within ninety days of the effective date of
21 this Act, each manufacturer of vehicles sold in this
22 state shall, individually or as part of a group,
23 develop and publish a plan for a system to remove,
24 collect, and recover mercury-added switches from end-
25 of-life vehicles that were manufactured by the
26 manufacturer. Publication shall be in accordance with
27 section 455B.807, subsection 2.

28 2. a. The manufacturer shall implement a system
29 to remove, collect, and recover mercury-added switches
30 from end-of-life vehicles within ninety days of
31 publication of the plan.

32 b. The system developed and implemented pursuant
33 to this section shall provide, at a minimum, all of
34 the following:

35 (1) Educational materials about the program to
36 inform the public and other stakeholders about the
37 purpose of the collection program and how to
38 participate in the program.

39 (2) A method for implementing, operating,
40 maintaining, and monitoring the system, in accordance
41 with subsection 3. This may include the use of third-
42 party contractors that are qualified and fully insured
43 to perform these tasks.

44 (3) Information about mercury-added switches

- 45 identifying all of the following:
- 46 (a) The make, model, and year of vehicles
 - 47 potentially containing mercury-added switches.
 - 48 (b) A description of the mercury-added switches.
 - 49 (c) The location of the mercury-added switches.
 - 50 (d) The safe, cost-effective, and environmentally

Page 3

- 1 sound methods for the removal of the mercury-added
- 2 switches from end-of-life vehicles.
- 3 (4) A method to arrange and pay for the
- 4 transportation of the collected mercury-added switches
- 5 to permitted facilities.
- 6 (5) A method to arrange and pay for the recycling
- 7 of the mercury-added switches.
- 8 (6) A method to track participation and publish
- 9 the progress of the mercury-added switch collection in
- 10 accordance with section 455B.807, subsection 2.
- 11 (7) A database of participating vehicle recyclers,
- 12 including all of the following:
- 13 (a) Documentation that the vehicle recycler joined
- 14 the program.
- 15 (b) Records of all submissions by a vehicle
- 16 recycler of any information required pursuant to
- 17 subparagraph (6).
- 18 (c) Confirmation that the vehicle recycler has
- 19 submitted switches at least every twelve months since
- 20 joining the program.
- 21 (8) A target mercury-added switch capture rate for
- 22 vehicles manufactured by the manufacturer of ninety
- 23 percent. A description of additional or alternative
- 24 actions that shall be implemented by the manufacturer
- 25 to improve the system and its operation in the event
- 26 that the target capture rate is not met shall be
- 27 published with the required tracking information no
- 28 less than annually.
- 29 (9) The program shall not include inaccessible
- 30 mercury-added switches from end-of-life vehicles with
- 31 significant damage to the vehicle in the area
- 32 surrounding the mercury-added switch location. All
- 33 accessible mercury-added switches are expected to be
- 34 collected under the provisions of this division.
- 35 c. In developing a removal, collection, and
- 36 recovery system for end-of-life vehicles, a
- 37 manufacturer shall, to the extent practicable, utilize
- 38 the existing end-of-life vehicle recycling
- 39 infrastructure.
- 40 d. If the commission determines that the
- 41 manufacturer's plan for a system to remove, collect,
- 42 and recover mercury-added switches from end-of-life
- 43 vehicles does not comply with this section, the

44 commission may require the manufacturer to make any
45 necessary modification to the plan.
46 e. On July 1, 2020, the commission shall cease
47 enforcement of the removal, collection, and recovery
48 plans under this section. On or before July 1, 2020,
49 the commission shall review the mercury-added switch
50 removal, collection, and recovery portion of this

Page 4

1 division and submit a recommendation to the general
2 assembly regarding the necessity of continuing the
3 enforcement of the removal, collection, and recovery
4 plans under this section.

5 3. The total cost of the removal, collection, and
6 recovery system for mercury-added switches shall be
7 paid by the manufacturer. Costs shall include but not
8 be limited to all of the following:

9 a. Labor to remove mercury-added switches. Labor
10 shall be reimbursed at a minimum rate of four dollars
11 per mercury-added switch removed, or if the vehicle
12 identification number of the source vehicle is
13 required for reimbursement, at a minimum rate of five
14 dollars.

15 b. Training.

16 c. Packaging in which to transport mercury-added
17 switches to recycling, storage, or disposal
18 facilities.

19 d. Shipping of mercury-added switches to
20 recycling, storage, or disposal facilities.

21 e. Recycling, storage, or disposal of the mercury-
22 added switches.

23 f. Public education materials and presentations.

24 g. Maintenance of all appropriate systems and
25 procedures to protect the environment from mercury
26 contamination from collected mercury-added switches.

27 4. A vehicle recycler that performs as required
28 under a removal, collection, and recovery plan shall
29 be afforded the protections provided in section
30 613.18.

31 Sec. 5. NEW SECTION. 455B.804 PROHIBITION AND
32 PROPER MANAGEMENT OF MERCURY-ADDED VEHICLE SWITCHES.

33 1. Prior to delivery to a scrap recycling
34 facility, a person who sells, gives, or otherwise
35 conveys ownership of an end-of-life vehicle to the
36 scrap recycling facility for recycling shall remove
37 all mercury-added switches from such end-of-life
38 vehicle unless the mercury-added switch is
39 inaccessible due to significant damage to the end-of-
40 life vehicle in the area where the mercury-added
41 switch is located.

42 2. A person shall not represent that mercury-added

43 switches have been removed from a vehicle or vehicle
44 hulk being sold, given, or otherwise conveyed for
45 recycling if that person has not removed such mercury-
46 added switches or arranged with another person to
47 remove such switches.

48 Sec. 6. NEW SECTION. 455B.805 GENERAL COMPLIANCE
49 WITH OTHER PROVISIONS.

50 Except as expressly provided in this division,

Page 5

1 compliance with this division shall not exempt a
2 person from compliance with any other law.

3 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

4 The commission shall adopt rules pursuant to
5 chapter 17A as necessary to implement the provisions
6 of this division.

7 Sec. 8. NEW SECTION. 455B.807 PUBLIC
8 NOTIFICATION.

9 1. The department shall make available to the
10 general public in an electronic format the plan of a
11 manufacturer for a system to remove, collect, and
12 recover mercury-added switches from end-of-life
13 vehicles and any report required under section
14 455B.808.

15 2. Publication of all required plans, information,
16 reports, and educational materials under this division
17 shall be through no less than two types of media
18 available to the general public. One medium must be
19 available twenty-four hours per day, seven days per
20 week, and maintained with current information.
21 Acceptable types of media include but are not limited
22 to internet websites, periodicals, journals, and other
23 publicly available media in the state.

24 Sec. 9. NEW SECTION. 455B.808 REPORTING.

25 One year after the implementation of a removal,
26 collection, and recovery system, and annually
27 thereafter, a manufacturer subject to section 455B.803
28 shall report to the department concerning the
29 performance under the manufacturer's plan. The report
30 shall include statistical information received under
31 section 455B.803. The report shall also include but
32 not be limited to all of the following:

33 1. The number of mercury-added switches collected.

34 2. An estimate of the amount of mercury contained
35 in the collected switches.

36 3. The capture rate as defined in section
37 455B.802.

38 4. The estimated number of vehicles manufactured
39 by the manufacturer containing mercury-added switches.

40 5. The estimated number of vehicles manufactured
41 by the manufacturer that have been processed for

42 recycling by vehicle recyclers.
43 Sec. 10. NEW SECTION. 455B.809 STATE
44 PROCUREMENT.
45 Notwithstanding other policies and guidelines for
46 the procurement of vehicles, the state shall, within
47 one year of the effective date of this Act, revise its
48 policies, rules, and procedures to give priority and
49 preference to the purchase of vehicles free of
50 mercury-added components taking into consideration

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1 competition, price, availability, and performance.
2 Sec. 11. FUTURE REPEAL OF MERCURY-FREE RECYCLING
3 ACT – IMPLEMENTATION OF NATIONAL PROGRAM.
4 1. If a national mercury switch recovery program
5 is developed and implemented with the cooperation and
6 approval of the United States environmental protection
7 agency, the provisions of this division shall be
8 superseded by the provisions of the national program,
9 and sections 455B.801 through 455B.809, as enacted in
10 this division of this Act, are repealed, provided the
11 following conditions are met:
12 a. The national program includes a target mercury-
13 added switch capture rate for this state that meets or
14 exceeds the target capture rate established in section
15 455B.803, as enacted in this division of this Act.
16 b. The national program includes a funding
17 mechanism that provides for the total costs of the
18 national mercury switch recovery program implemented
19 in this state to be paid for by program participants
20 or with federal moneys.
21 2. The director of the department of natural
22 resources shall notify the Code editor of the date
23 when the national mercury switch recovery program is
24 implemented.
25 DIVISION II
26 SALVAGE VEHICLE TITLES"
27 2. Title page, line 1, by inserting after the
28 word "Act" the following: "relating to end-of-life
29 and salvage vehicles by providing for the removal,
30 replacement, collection, and recovery of mercury-added
31 vehicle components and".
32 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8580.

Schickel of Cerro Gordo 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. 2362)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	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
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	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	Elgin,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Fallon	Jones	Lensing	Miller
Zirkelbach			

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

Kaufmann of Cedar called up for consideration **House File 2786**, a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions,

amended by the Senate, and moved that the House concur in the following Senate amendment H-8585:

H-8585

1 Amend House File 2786, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 17 through 19 and
4 inserting the following: "~~the receiver is or may be~~
5 ~~indebted shall be enforced~~ null and void, all liens
6 shall be extinguished, and no execution shall be
7 issued thereon and no force or vitality given thereto
8 for any purpose other than as a setoff or".

9 2. Page 2, line 34, by striking the word "and".

10 3. Page 2, line 35, by inserting after the word
11 "sale" the following: ", and by mailing a copy of the
12 notice to the debtor at the debtor's last known
13 address by ordinary mail".

14 4. Page 4, by striking line 19 and inserting the
15 following: "junior creditor shall file proof of
16 service of such request for notice."

17 5. Page 5, line 18, by inserting after the word
18 "action" the following: "within thirty days of the
19 service of notice".

20 6. Page 5, line 35, by inserting after the word
21 "sale" the following: ", with the written consent of
22 the mortgagor".

23 7. Page 7, line 11, by inserting after the word
24 "to" the following: "reasonable damages and".

25 8. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8585.

Kaufmann of Cedar 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. 2786)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Foeger	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
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	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	Elgin, Presiding	

The nays were, none.

Absent or not voting, 5:

Fallon	Jones	Lensing	Miller
Zirkelbach			

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 2362 and 2786.**

SENATE AMENDMENT CONSIDERED

De Boef of Keokuk called up for consideration **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, amended by the Senate amendment H-8587:

H-8587

- 1 Amend House File 2540, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. By striking page 2, line 35, through page 3,
4 line 1, and inserting the following: "to be used for
5 the continued testing and monitoring of avian
6 influenza."

7 2. Page 4, by inserting after line 16 the
8 following:

9 "Sec. 101. IOWA SHORTHORN ASSOCIATION. There is
10 appropriated from the general fund of the state to the
11 department of agriculture and land stewardship for the
12 fiscal year beginning July 1, 2005, and ending June
13 30, 2006, the following amount, or so much thereof as
14 is necessary, to be used for the purpose designated:

15 For allocation to the Iowa shorthorn association in
16 connection with the 2006 national junior shorthorn
17 show:

18 \$ 10,000"

19 3. Page 4, line 30, by striking the figure
20 "17,792,579" and inserting the following:
21 "17,967,579".

22 4. Page 6, by striking lines 10 through 19 and
23 inserting the following: "or equipment associated
24 with personal computers. The department shall award
25 the moneys provided in this subsection using a
26 competitive grant process on a statewide basis. The
27 department shall make the award to a person or persons
28 who apply in a manner and according to procedures
29 required by the department."

30 5. Page 7, by inserting after line 10 the
31 following:

32 "Sec. 201. STORMWATER DISCHARGE PERMIT FEES
33 APPROPRIATION – AIR QUALITY MONITORING.

34 Notwithstanding section 8.33, any moneys appropriated
35 to the department of natural resources from stormwater
36 discharge permit fees for the fiscal year beginning
37 July 1, 2005, and ending June 30, 2006, pursuant to
38 2005 Iowa Acts, chapter 178, section 2, that remain
39 unencumbered or unobligated at the close of the fiscal
40 year shall not revert but shall remain available until
41 the close of the succeeding fiscal year for
42 expenditure for full-time personnel to conduct air
43 quality monitoring, which may include but is not
44 limited to staffing required to perform field
45 monitoring and laboratory functions, including
46 salaries, support, maintenance, and for miscellaneous
47 purposes."

48 6. Page 8, line 11, by striking the figure
49 "100,000" and inserting the following: "50,000".

50 7. Page 8, by inserting after line 16 the

Page 2

1 following:

2 "Sec.____. VETERINARY DIAGNOSTIC LABORATORY.

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

9 For purposes of supporting the college of
10 veterinary medicine for the operation of the
11 veterinary diagnostic laboratory:

12 \$ 1,000,000

13 2. Iowa state university of science and technology
14 shall not reduce the amount that it allocates to
15 support the college of veterinary medicine from any
16 other source due to the appropriation made in this
17 section.

18 3. If by the end of the fiscal year, Iowa state
19 university of science and technology fails to allocate
20 the moneys appropriated in this section to the college
21 of veterinary science in accordance with this section,
22 the moneys appropriated in this section for that
23 fiscal year shall revert to the general fund of the
24 state.

25 Sec.____. VETERINARY DIAGNOSTIC LABORATORY --

26 FUTURE YEARS. It is the intent of the general
27 assembly that a future general assembly appropriate
28 moneys to Iowa state university of science and
29 technology for the designated fiscal years, or so much
30 thereof as is necessary, to be used for the purposes
31 designated:

32 For purposes of supporting the college of
33 veterinary medicine for the operation of the
34 veterinary diagnostic laboratory:

35 a. FY 2007-2008..... \$ 2,000,000

36 b. FY 2008-2009..... \$ 3,000,000

37 c. FY 2009-2010..... \$ 4,000,000 "

38 8. Page 8, by striking lines 18 through 35 and
39 inserting the following:

40 "Sec.____. NEW SECTION. 455B.196 NATIONAL
41 POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM
42 -- FEE SCHEDULE.

43 The department may provide for the administration
44 of the national pollutant discharge elimination system
45 permit program pursuant to the federal Water Pollution
46 Control Act, 33 U.S.C. ch. 26, as amended, and 40
47 C.F.R., pt. 124, including but not limited to the
48 issuance of permits under the program and storm water
49 discharge permits under section 455B.103A. The
50 department shall establish a schedule of fees based

Page 3

1 upon the reasonable costs of administering the
2 program. The department may assess and collect the
3 fees. The department shall deposit the fees into the
4 national pollutant discharge elimination system permit
5 program fund created in section 455B.197."

6 9. Page 9, line 1, by striking the figure
7 "455B.196" and inserting the following: "455B.197".

8 10. Page 9, line 2, by inserting after the word
9 "PERMIT" the following: "PROGRAM".

10 11. Page 9, line 4, by inserting after the word
11 "permit" the following: "program".

12 12. Page 9, by striking lines 10 through 18 and
13 inserting the following: "from fees collected by the
14 department pursuant to section 455B.196.

15 2. Moneys deposited into the national pollutant
16 discharge elimination system permit program fund are
17 appropriated to the department to defray the costs
18 associated with administering the national pollutant
19 discharge elimination system permit program as
20 provided in section 455B.196."

21 13. Page 9, line 20, by inserting after the word
22 "permit" the following: "program".

23 14. By striking page 9, line 24, through page 12,
24 line 19.

25 15. Page 12, by inserting before line 20 the
26 following:

27 "Sec. ____ Section 455E.11, subsection 2,
28 paragraph a, subparagraph (2), subparagraph
29 subdivision (d), Code Supplement 2005, is amended to
30 read as follows:

31 (d) For the fiscal year beginning July 1, 2005,
32 nine and one-half percent to the department to
33 establish permanent household hazardous waste
34 collection sites so that both urban and rural
35 populations are served and so that collection services
36 are available to the public on a regular basis.
37 Beginning July 1, 2006, six and one-quarter percent to
38 the department to establish permanent household
39 hazardous waste collection sites so that both urban
40 and rural populations are served and so that
41 collection services are available to the public on a
42 regular basis. Beginning July 1, 2007, three percent
43 to the department to establish permanent household
44 hazardous waste collection sites so that both urban
45 and rural populations are served and so that
46 collection services are available to the public on a
47 regular basis. ~~Any~~ Beginning July 1, 2008, ~~any~~ moneys
48 collected pursuant to this subparagraph subdivision
49 that remain unexpended at the end of a fiscal year for
50 establishment of permanent household hazardous waste

Page 4

- 1 collection sites shall be used for purposes of
- 2 subparagraph subdivision (e).
- 3 16. Page 13, by inserting after line 2 the
- 4 following:
- 5 "Sec. ____ EFFECTIVE DATE. Section 101 of this
- 6 Act, providing for the allocation of moneys to the
- 7 Iowa shorthorn association, and section 201 of this
- 8 Act, relating to a stormwater discharge permit fees
- 9 appropriation, being deemed of immediate importance,
- 10 take effect upon enactment."
- 11 17. Title page, line 3, by striking the words
- 12 "natural resources and providing fees" and inserting
- 13 the following: "natural resources, providing fees,
- 14 and providing an effective date".
- 15 18. By renumbering as necessary.

De Boef of Keokuk offered the following amendment H-8592, to the Senate amendment H-8587, filed by her from the floor and moved its adoption:

H-8592

- 1 Amend the Senate amendment, H-8587, to House File
- 2 2540, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 2, line 38, through page 3,
- 5 line 24.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 40.

Amendment H-8592 was adopted.

On motion by De Boef of Keokuk the House concurred in the Senate amendment H-8587, as amended.

De Boef of Keokuk 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. 2540)

The ayes were, 54:

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

The nays were, 40:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Foege	Ford
Gaskill	Heddens	Hunter	Huser
Jacoby	Jochum	Kressig	Lykam
Mascher	McCarthy	Mertz	Oldson
Olson, D.	Olson, R.	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wise

Absent or not voting, 6:

Fallon	Jenkins	Jones	Lensing
Miller	Zirkelbach		

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 2540** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration **House File 2759**, a bill for an act providing for the appropriation of moneys to support renewable fuel infrastructure, and providing a contingent effective

date, amended by the Senate amendment H-8586 as follows:

H-8586

1 Amend House File 2759, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 22, through page 2,
4 line 13, and inserting the following: "July 1, 2006,
5 and ending June 30, 2009, there is appropriated for
6 each fiscal year from the grow Iowa values fund
7 created in section 15G.108 two million dollars for
8 deposit in the renewable fuel infrastructure fund as
9 provided in section 15G.119.

10 b. This subsection is repealed on July 1, 2009.

11 Sec. Section 15G.114, as enacted by 2006 Iowa
12 Acts, House File 2754, section 28, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 3A. "Infrastructure fund" means
15 the renewable fuel infrastructure fund created in
16 section 15G.119.

17 Sec. Section 15G.116, subsection 3, as
18 enacted by 2006 Iowa Acts, House File 2754, section
19 30, is amended by striking the subsection.

20 Sec. Section 15G.117, subsection 2, as
21 enacted by 2006 Iowa Acts, House File 2754, section
22 31, is amended by striking the subsection.

23 Sec. NEW SECTION. 15G.119 RENEWABLE FUEL
24 INFRASTRUCTURE FUND.

25 1. A renewable fuel infrastructure fund is created
26 in the state treasury under the control of the
27 department. The infrastructure fund is separate from
28 the general fund of the state.

29 2. The renewable fuel infrastructure fund is
30 composed of moneys appropriated by the general
31 assembly and moneys available to and obtained or
32 accepted by the department from the United States
33 government or private sources for placement in the
34 infrastructure fund.

35 3. Moneys in the renewable fuel infrastructure
36 fund are appropriated to the department exclusively to
37 support the renewable fuel infrastructure programs as
38 provided in sections 15G.116 and 15G.117, as enacted
39 by 2006 Iowa Acts, House File 2754, sections 30 and
40 31, as allocated in financial incentives by the
41 renewable fuel infrastructure board as created in
42 section 15G.115, as enacted by 2006 Iowa Acts, House
43 File 2754, section 29. Up to fifty thousand dollars
44 shall be allocated each fiscal year to the department
45 to support the administration of the programs.
46 Otherwise the moneys shall not be transferred, used,
47 obligated, appropriated, or otherwise encumbered

48 except to allocate as financial incentives under the
49 programs.

50 4. a. The recapture of awards or penalties, or

Page 2

1 other repayments of moneys originating from the
2 renewable fuel infrastructure fund shall be deposited
3 into the infrastructure fund.

4 b. Notwithstanding section 12C.7, interest or
5 earnings on moneys in the infrastructure fund shall be
6 credited to the infrastructure fund.

7 c. Notwithstanding section 8.33, unencumbered and
8 unobligated moneys remaining in the infrastructure
9 fund at the close of each fiscal year shall not revert
10 but shall remain available in the infrastructure fund
11 for expenditure for the same purposes in the
12 succeeding fiscal year.

13 Sec. ____ **NEW SECTION. 214A.1A MOTOR FUEL**
14 **QUALITY ASSURANCE SCHEDULE.**

15 1. The department shall adopt a schedule which
16 provides a schedule of departmental improvements
17 required for each fiscal year necessary to assure that
18 motor fuel sold and dispensed from motor fuel pumps in
19 this state meets all applicable standards as provided
20 in section 214A.2. On or before June 1 of each year,
21 and based on the schedule of improvements, the
22 secretary of agriculture shall certify the amount
23 required to implement the improvements required for
24 the next fiscal year to the director of the department
25 of management and the fiscal services division of the
26 legislative services agency. The department of
27 management shall conduct a review of the scheduled
28 improvements for that fiscal year and may reduce the
29 amount certified by the secretary if the department of
30 management determines that a lesser amount is
31 adequate. The director of the department of
32 management and the secretary shall report their
33 findings to the legislative government oversight
34 committees as required by the committees'
35 chairpersons.

36 2. For each fiscal year, of the moneys
37 appropriated to each state agency to support the
38 production or use of ethanol, ethanol blended
39 gasoline, biodiesel, or biodiesel blended fuel as
40 defined in section 214A.1, the department of
41 management shall transfer a prorated share of the
42 state agency's appropriation as is necessary to
43 satisfy the amount required to comply with the
44 schedule of improvements for that fiscal year as
45 directed by the department of management. The
46 department of management shall identify each affected

47 appropriation and notify each head of a department of
 48 the transfer of the prorated share on or before June
 49 15 of each year.
 50 Sec.____. Section 214A.2, subsection 2A, paragraph

Page 3

1 b, subparagraph (4), as enacted by 2006 Iowa Acts,
 2 House File 2754, section 7, is amended by striking the
 3 subparagraph.

4 Sec.____. Section 214A.7, as amended by 2006 Iowa
 5 Acts, House File 2754, section 12, is amended to read
 6 as follows:

7 214A.7 DEPARTMENT INSPECTION – SAMPLES TESTED.

8 The department shall, from time to time, make or
 9 cause to be made tests of any motor vehicle fuel or
 10 ~~oxygenate octane enhancer~~ biofuel which is being sold,
 11 or held or offered for sale within this state. ~~An~~ A
 12 departmental inspector may enter upon the premises of
 13 ~~any wholesale dealer or retail~~ a dealer, and take from
 14 any container a sample of the motor vehicle fuel or
 15 ~~oxygenate octane enhancer~~ biofuel, not to exceed
 16 sixteen fluid ounces. The sample shall be sealed and
 17 appropriately marked or labeled by the inspector and
 18 delivered to the department. The department shall
 19 make, or cause to be made, complete analyses or tests
 20 of the motor vehicle fuel or ~~oxygenate octane enhancer~~
 21 biofuel by the methods specified in section 214A.2.

22 Sec.____. Section 422.11N, subsection 4, paragraph
 23 b, subparagraph (1), subparagraph subdivision (k), as
 24 enacted by 2006 Iowa Acts, House File 2754, section
 25 39, is amended to read as follows:

26 (k) Twenty-five percent for each determination
 27 period in the period beginning on ~~and after~~ January 1,
 28 2019, and ending on December 31, 2020.

29 Sec.____. Section 422.11N, subsection 4, paragraph
 30 b, subparagraph (2), subparagraph subdivisions (l) and
 31 (m), as enacted by 2006 Iowa Acts, House File 2754,
 32 section 39, are amended to read as follows:

33 (l) ~~Twenty-three~~ Twenty-five percent for the
 34 determination period beginning on January 1, 2020, and
 35 ending December 31, 2020.

36 (m) ~~Twenty-five percent for each determination~~
 37 ~~period beginning on and after January 1, 2021.~~

38 Sec.____. Section 422.11N, subsection 4, paragraph
 39 c, as enacted by 2006 Iowa Acts, House File 2754,
 40 section 39, is amended to read as follows:

41 c. The retail dealer's biofuel threshold
 42 percentage disparity which is a positive percentage
 43 difference obtained by taking the minuend which is the
 44 retail dealer's biofuel ~~distribution~~ threshold
 45 percentage and subtracting from it the subtrahend

46 which is the retail dealer's biofuel threshold
47 distribution percentage, in the retail dealer's
48 applicable determination period.
49 Sec.____. Section 422.11N, subsection 5, paragraph
50 b, subparagraphs (1) and (2), as enacted by 2006 Iowa

Page 4

1 Acts, House File 2754, section 39, are amended to read
2 as follows:

3 (1) If a retail dealer has not claimed a tax
4 credit in the retail dealer's previous tax year, the
5 retail dealer may claim the tax credit in the retail
6 dealer's current tax year for that period beginning on
7 January 1 of the retail dealer's previous tax year to
8 the last day of the retail dealer's previous tax year.
9 For that period the retail dealer shall calculate the
10 tax credit in the same manner as a retail dealer who
11 will calculate the tax credit on December 31 of that
12 calendar year as provided in paragraph "a".

13 (2) (a) For the period beginning on the first day
14 of the retail dealer's tax year until December 31, the
15 retail dealer shall calculate the tax credit in the
16 same manner as a retail dealer who calculates the tax
17 credit on that same December 31 as provided in
18 paragraph "a".

19 (2) (b) For the period beginning on January 1 to
20 the end of the retail dealer's tax year, the retail
21 dealer shall calculate the tax credit in the same
22 manner as a retail dealer who will calculate the tax
23 credit on the following December 31 as provided in
24 paragraph "a".

25 Sec.____. Section 422.11N, subsection 9, as
26 enacted by 2006 Iowa Acts, House File 2754, section
27 39, is amended to read as follows:

28 9. This section is repealed on January 1, 2026
29 2021.

30 Sec.____. Section 422.11O, subsection 4,
31 paragraphs a and b, as enacted by 2006 Iowa Acts,
32 House File 2754, section 40, are amended to read as
33 follows:

34 a. If a retail dealer has not claimed a tax credit
35 in the retail dealer's previous tax year, the retail
36 dealer may claim the tax credit in the retail dealer's
37 current tax year for that period beginning on January
38 1 of the retail dealer's previous tax year to the last
39 day of the retail dealer's previous tax year. For
40 that period the retail dealer shall calculate the tax
41 credit in the same manner as a retail dealer who will
42 calculate the tax credit on December 31 of that
43 calendar year as provided in subsection 3.

44 b. (1) For the period beginning on the first day

45 of the retail dealer's tax year until December 31, the
 46 retail dealer shall calculate the tax credit in the
 47 same manner as a retail dealer who calculates the tax
 48 credit on that same December 31 as provided in
 49 subsection 3.

50 ~~b.~~ (2) For the period beginning on January 1 to

Page 5

1 the end of the retail dealer's tax year, the retail
 2 dealer shall calculate the tax credit in the same
 3 manner as a retail dealer who will calculate the tax
 4 credit on the following December 31 as provided in
 5 subsection 3.

6 Sec. _____. Section 422.33, subsection 11A,
 7 paragraph c, as enacted by 2006 Iowa Acts, House File
 8 2754, section 46, is amended to read as follows:

9 c. This subsection is repealed on January 1, ~~2026~~
 10 2021.

11 Sec. _____. 2006 Iowa Acts, House File 2754, section
 12 49, subsection 2, is amended to read as follows:

13 2. For a retail dealer who may claim an ethanol
 14 promotion tax credit under section 422.11N or 422.33,
 15 subsection 11A, as enacted in this Act, in calendar
 16 year ~~2025~~ 2020 and whose tax year ends prior to
 17 December 31, ~~2025~~ 2020, the retail dealer may continue
 18 to claim the tax credit in the retail dealer's
 19 following tax year. In that case, the tax credit
 20 shall be calculated in the same manner as provided in
 21 section 422.11N or 422.33, subsection 11A, as enacted
 22 in this Act, for the remaining period beginning on the
 23 first day of the retail dealer's new tax year until
 24 December 31, ~~2025~~ 2020. For that remaining period,
 25 the tax credit shall be calculated in the same manner
 26 as a retail dealer whose tax year began on the
 27 previous January 1 and who is calculating the tax
 28 credit on December 31, ~~2025~~ 2020.

29 Sec. _____. 2006 Iowa Acts, House File 2754, section
 30 83, subsection 4, is amended to read as follows:

31 4. Sections 214A.1, 214A.4, ~~214A.5, 214A.7,~~
 32 214A.8, and 214A.10, Code 2005, are amended by
 33 striking from the provisions the words "oxygenate
 34 octane enhancer" and inserting the following:
 35 "oxygenate".

36 Sec. _____. NEW SECTION. 455G.3A SPECIAL
 37 APPROPRIATION - RENEWABLE FUEL INFRASTRUCTURE FUND.

38 1. Notwithstanding section 455G.3, for the fiscal
 39 period beginning July 1, 2006, and ending June 30,
 40 2008, there is appropriated each fiscal year from the
 41 Iowa comprehensive petroleum underground storage tank
 42 fund created in section 455G.3, to the renewable fuel
 43 infrastructure fund, created in section 15G.119, three

44 million five hundred thousand dollars.

45 2. This section is repealed on July 1, 2008.

46 Sec.____. Section 15.401, Code Supplement 2005, is
47 repealed.

48 Sec.____. TRANSFER OF MONEYS. Moneys appropriated
49 to the Iowa department of economic development for the
50 purposes provided in section 15.401 shall be

Page 6

1 transferred to the renewable fuel infrastructure fund
2 created in section 15G.119, as enacted by this Act, to
3 be expended as provided in sections 15G.116 and
4 15G.117, as enacted by 2006 Iowa Acts, House File
5 2754, sections 30 and 31.

6 Sec.____. MOTOR FUEL INSPECTION. There is
7 appropriated from the renewable fuel infrastructure
8 fund as created in section 15G.119, as enacted in this
9 Act, to the department of agriculture and land
10 stewardship for each fiscal year of the fiscal period
11 beginning July 1, 2006, and ending June 30, 2008, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purposes designated:

14 For purposes of the inspection of motor fuel,
15 including salaries, support, maintenance,
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18 \$ 300,000
19 FTEs 3.00

20 The department shall establish and administer
21 programs for the auditing of motor fuel including
22 biofuel processing and production plants, for
23 screening and testing motor fuel, including renewable
24 fuel, and for the inspection of motor fuel sold by
25 dealers including retail dealers who sell and dispense
26 motor fuel from motor fuel pumps."

27 2. Page 2, line 14, by striking the words "This
28 Act is" and inserting the following: "The sections of
29 this Act, other than the section of this Act enacting
30 section 214A.1A, are".

31 3. Page 2, by inserting after line 15 the
32 following:

33 "Sec.____. SPECIAL EFFECTIVE DATE. The section of
34 this Act enacting section 214A.1A, being deemed of
35 immediate importance, takes effect upon enactment."

36 4. Title page, line 1, by inserting before the
37 word "providing" the following: "relating to
38 renewable fuel, by".

39 5. Title page, line 2, by inserting after the
40 word "infrastructure," the following: "providing for
41 tax credits,".

42 6. Title page, lines 2 and 3, by striking the

- 43 words "a contingent effective date" and inserting the
44 following: "contingent and other effective dates".
45 7. By renumbering as necessary.

Hogg of Linn offered the following amendment H-8595, to the Senate amendment H-8586, filed by him from the floor and moved its adoption:

H-8595

- 1 Amend the Senate amendment, H-8586, to House File
2 2759, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 43, by inserting before the word
5 "Up" the following: "The renewable fuel
6 infrastructure board may also allocate any amount of
7 moneys appropriated pursuant to section 455G.3A to
8 support the biorefinery technology projects program as
9 provided in section 15G.120."
10 2. Page 2, by inserting after line 12 the
11 following:
12 "Sec. __. NEW SECTION. 15G.120 BIOREFINERY
13 TECHNOLOGY PROJECTS PROGRAM.
14 A biorefinery technology projects program is
15 established in order to assist persons engaged in the
16 research, development, and commercialization of
17 integrated biorefinery technology projects. As
18 determined by the renewable fuel infrastructure board,
19 a project must further the production of liquid
20 renewable fuels and other high-value coproducts that
21 use nonfood agricultural crops as biofuel stock.
22 1. An application for an integrated biorefinery
23 technology project must be filed with the department
24 as required by the department and must at a minimum
25 include all of the following:
26 a. A business plan that demonstrates managerial
27 and technical expertise.
28 b. A fundraising plan that demonstrates private
29 investment contributions and possible federal
30 government contributions.
31 c. The probability of the future creation of new
32 high-quality jobs.
33 d. The probability of improvements to the
34 environment.
35 e. The probability of reductions in fossil fuel
36 use.
37 f. The use of research or technology developed in
38 this state by a college, university, business, or
39 governmental agency.
40 g. The potential for further technological
41 development in this state.

42 h. The feasibility that a proposed biorefinery
 43 will remain a viable enterprise in the state.
 44 i. Any other component that the Iowa economic
 45 development board determines to be reasonable and
 46 necessary to promote the viability of the project and
 47 further the public interest.
 48 2. The renewable fuel infrastructure board may
 49 establish terms and conditions for the allocation of
 50 the moneys."

Page 2

1 3. By renumbering as necessary.

Amendment H-8595 lost.

On motion by Sands of Louisa the House concurred in the Senate amendment H-8586.

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. 2759)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	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
Wise

Whitead
Elgin,
Presiding

Wildurdyke

Winckler

The nays were, none.

Absent or not voting, 6:

Fallon
Miller

Jenkins
Zirkelbach

Jones

Lensing

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2759** be immediately messaged to the Senate.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 3:55 p.m., Roberts of Carroll in the chair.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Soderberg of Plymouth offered the following **House Memorial Resolution 101** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Donald H. Binneboese, of Plymouth County, Iowa, who was a member of the second half of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, and Sixty-ninth Second-Extra General Assemblies, passed away February 28, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Soderberg of Plymouth, Wendt of Woodbury and Huseman of Cherokee.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Schickel of Cerro Gordo offered the following **House Memorial Resolution 102** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Betty Jean "Beje" Clark, of Cerro Gordo County, Iowa, who was a member of the Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra and Seventy-third General Assemblies, passed away April 10, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Schickel of Cerro Gordo, Kuhn of Floyd and Dix of Butler.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Horbach of Tama offered the following **House Memorial Resolution 103** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Thomas Cooper Evans, of Grundy County, Iowa, who was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra and the first half of the Sixty-eighth General Assemblies, passed away December 22, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Horbach of Tama, Smith of Marshall and Granzow of Hardin.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Van Engelenhoven of Marion offered the following **House Memorial Resolution 104** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable Robert J. Grandia, of Marion County, Iowa, who was a member of the Seventieth and Seventy-first General Assemblies, passed away April 24, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Van Engelenhoven of Marion, Arnold of Lucas and Davitt of Warren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Wessel-Kroeschell of Story offered the following **House Memorial Resolution 105** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable Jane Greimann, of Story County, Iowa, who was a member of the second half of the Seventy-eighth, Seventy-ninth, Seventy-ninth Extra, Seventy-ninth Second Extra, Eightieth, Eightieth Extra, and Eightieth Second Extra General Assemblies, passed away February 4, 2006; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Wessel-Kroeschell of Story, Kurtenbach of Story and Heddens of Story.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Gipp of Winneshiek offered the following **House Memorial Resolution 106** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Walter R. Hagen, of Allamakee County, Iowa, who was a member of the Fifty-ninth, Sixtieth, and Sixtieth Extra General Assemblies, passed away August 7, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Gipp of Winneshiek, Thomas of Clayton and Lalk of Fayette.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

Pettengill of Benton offered the following **House Memorial Resolution 107** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable Harley S. Hanson, of Benton County, Iowa, who was a member of the Sixty-second General Assembly, passed away January 2, 2002; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Pettengill of Benton, Horbach of Tama and De Boef of Keokuk.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Lalk of Fayette offered the following **House Memorial Resolution 108** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable Donald L. Kimball, of Fayette County, Iowa, who was a member of the Fifty-seventh and Fifty-eighth General Assemblies, passed away April 4, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Lalk of Fayette, Rasmussen of Buchanan and Thomas of Clayton.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

J.R. Van Fossen of Scott offered the following **House Memorial Resolution 109** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 109

Whereas, The Honorable E. Jean Kiser, of Scott County, Iowa, who was a member of the Sixty-fifth General Assembly, passed away May 9, 2004; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, J.R. Van Fossen of Scott, Hutter of Scott and Lykam of Scott.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 110

D. Olson of Boone offered the following **House Memorial Resolution 110** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 110

Whereas, The Honorable Joyce Lonergan, of Boone County, Iowa, who was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, and Seventy-first General Assemblies, passed away January 17, 2006; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, D. Olson of Boone, Heddens of Story and Kurtenbach of Story.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 111

Pettengill of Benton offered the following **House Memorial Resolution 111** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 111

Whereas, The Honorable Jack N. Milroy, of Benton County, Iowa, who was a member of the Fifty-sixth, Fifty-seventh, and Fifty-eighth General Assemblies, passed away January 4, 2004; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Pettengill of Benton, Paulsen of Linn and De Boef of Keokuk.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 112

Shomshor of Pottawattamie offered the following **House Memorial Resolution 112** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 112

Whereas, The Honorable Emil S. Pavich, of Pottawattamie County, Iowa, who was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, and Seventy-Fourth Second Extra General Assemblies, passed away May 6, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Shomshor of Pottawattamie, Struyk of Pottawattamie and Drake of Pottawattamie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 113

S. Olson of Clinton offered the following **House Memorial Resolution 113** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 113

Whereas, The Honorable John Pelton, of Clinton County, Iowa, who was a member of the Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, and Sixty-ninth Second Extra General Assemblies, passed away March 17, 2006; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, S. Olson of Clinton, Bukta of Clinton and J.R. Van Fossen of Scott.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 114

J.K. Van Fossen of Scott offered the following **House Memorial Resolution 114** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 114

Whereas, The Honorable Don A. Petruccelli, of Scott County, Iowa, who was a member of the Fifty-sixth and Fifty-seventh General Assemblies, passed away January 8, 2003; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, J.K. Van Fossen of Scott, Hutter of Scott and Lykam of Scott.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 115

S. Olson of Clinton offered the following **House Memorial Resolution 115** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 115

Whereas, The Honorable Victor G. Stueland, of Clinton County, Iowa, who was a member of the Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, and Seventy-third General Assemblies, passed away November 1, 2005; Now Therefore,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, S. Olson of Clinton, Bukta of Clinton and J.R. Van Fossen of Scott.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 116

Pettengill of Benton offered the following **House Memorial Resolution 116** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 116

Whereas, The Honorable David E. Weichman, of Benton County, Iowa, who was a member of the Fifty-ninth and Sixty-third General Assemblies, passed away April 11, 2000; Now Therefore,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Pettengill of Benton, Paulsen of Linn and De Boef of Keokuk.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 117

J.R. Van Fossen of Scott offered the following **House Memorial Resolution 117** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 117

Whereas, The Honorable Warren K. Wood, of Scott County, Iowa, who was a member of the Sixty-second General Assembly, passed away December 24, 2000; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, J.R. Van Fossen of Scott, J.K. Van Fossen of Scott and Lykam of Scott.

The House stood at ease at 4:09 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., S. Olson of Clinton in the chair.

INTRODUCTION OF BILLS

House File 2795, by committee on ways and means, a bill for an act relating to individual income tax relief by providing for a senior taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

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

House File 2796, by committee on ways and means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

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

On motion by Gipp of Winneshiek, the House was recessed at 4:56 p.m., until 6:15 p.m.

EVENING SESSION

The House reconvened at 6:35 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 sixty-nine members present, thirty-one 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 May 1, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2398, a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2398, by committee on ways and means, a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

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

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2364, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance

contracts, insurance holding company systems, and cemeteries, previously deferred and found on pages 1205-1208 of the House Journal, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that amendment H-8564 be deferred.

Hoffman of Crawford offered the following amendment H-8597 filed by him, Anderson of Page and Swaim of Davis from the floor and moved its adoption:

H-8597

1 Amend Senate File 2364, as passed by the Senate, as
2 follows:

3 1. Page 5, by inserting after line 28 the
4 following:

5 "Sec. . NEW SECTION. 505.29 SERVICE OF
6 PROCESS - FEE.

7 The commissioner of insurance, pursuant to rules
8 adopted pursuant to chapter 17A, may collect a
9 reasonable fee each time process is served on the
10 commissioner as allowed by law. Fees collected by the
11 commissioner under this section shall be used and are
12 appropriated to the insurance division to offset the
13 costs of receiving such service of process. The party
14 to a proceeding causing service of process is entitled
15 to recover this fee as costs if the party prevails in
16 the proceeding."

17 2. Page 10, by striking lines 18 through 26.

18 3. Page 30, by striking lines 23 and 24.

19 4. Page 31, by striking lines 7 and 8.

20 5. Page 39, line 3, by striking the words "~~or~~
21 ~~process~~" and inserting the following: "or process".

22 6. Page 40, line 1, by striking the words "~~or~~
23 ~~process~~" and inserting the following: "or process".

24 7. Page 41, by striking lines 12 through 27.

25 8. Page 43, by striking lines 11 through 20.

26 9. By striking page 43, line 28, through page 44,
27 line 6.

28 10. By striking page 48, line 9, through page 50,
29 line 2, and inserting the following:

30 "Sec. . Section 516E.3, subsection 1, paragraph
31 a, Code Supplement 2005, is amended to read as
32 follows:

33 a. A service contract shall not be issued, sold,
34 or offered for sale in this state unless a true and
35 correct copy of the service contract, and the service
36 company's reimbursement insurance policy, if

37 applicable, have been filed with the commissioner by
 38 the service company.
 39 Sec. _____. Section 516E.3, subsection 2, paragraph
 40 b, Code Supplement 2005, is amended to read as
 41 follows:
 42 b. A provider shall file a consent to service of
 43 process on the commissioner, a notice with the name
 44 and ownership of the provider, and such other
 45 information as the commissioner requires, annually
 46 with the commissioner no later than August 1. If
 47 August 1 falls on a weekend or a holiday, the date for
 48 filing shall be the next business day. In addition to
 49 the annual filing, the provider shall promptly file
 50 copies of any amended documents if material amendments

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1 have been made in the materials on file with the
 2 commissioner. If an annual filing is made after
 3 August 1 and sales have occurred during the period
 4 when the provider was in noncompliance with this
 5 section, the commissioner shall assess an additional
 6 filing fee that is two times the amount normally
 7 required for an annual filing. A fee shall not be
 8 charged for interim filings made to keep the materials
 9 filed with the division current and accurate. The
 10 annual filing shall be accompanied by a filing fee in
 11 the amount of one hundred dollars."
 12 11. Page 60, by striking lines 31 through 33 and
 13 inserting the following: "the association or upon the
 14 commissioner of insurance on its behalf. The
 15 commissioner shall promptly transmit any notice served
 16 upon the commissioner to the association."
 17 12. By striking page 60, line 34, through page
 18 61, line 33.
 19 13. By striking page 69, line 15, through page
 20 70, line 16.
 21 14. Page 78, by striking lines 2 through 16 and
 22 inserting the following:
 23 "Sec. _____. Sections 509B.4, 521.9, 521.11, and
 24 521.12, Code 2005, are repealed.
 25 Sec. _____. Section 516E.17, Code Supplement 2005,
 26 is repealed."
 27 15. Title page, line 5, by inserting after the
 28 word "procedures" the following: "including fees and
 29 an appropriation".
 30 16. By renumbering as necessary.

Amendment H-8597 was adopted.

Hoffman of Crawford offered the following amendment H-8530 filed by him and moved its adoption:

H-8530

- 1 Amend Senate File 2364, as passed by the Senate, as
- 2 follows:
- 3 1. Page 9, line 7, by striking the word "one-
- 4 third" and inserting the following: "forty-nine
- 5 percent".

Amendment H-8530 was adopted, placing out of order amendment H-8583 filed by Anderson of Page et al., on April 25, 2006 and amendment H-8588 filed by Swaim of Davis on April 27, 2006.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-8564, previously deferred, filed by him on April 20, 2006.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8591 filed by him from the floor.

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?" (S.F. 2364)

The ayes were, 93:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	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
Jochum	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	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
Carroll, Presiding			

The nays were, none.

Absent or not voting, 7:

Baudler	Fallon	Jenkins	Jones
Lensing	Miller	Zirkelbach	

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 2364** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2794, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions, was taken up for consideration.

J.K. Van Fossen of Scott offered amendment H-8566 filed by him and Kurtenbach of Story as follows:

H-8566

- 1 Amend House File 2794 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 TAX ADMINISTRATION AND POLICY
- 6 Section 1. Section 15E.193B, subsection 8,
- 7 unnumbered paragraph 1, Code Supplement 2005, is
- 8 amended to read as follows:

9 The amount of the tax credits determined pursuant
10 to subsection 6, paragraph "a", for each project shall
11 be approved by the department of economic development.
12 The department shall utilize the financial information
13 required to be provided under subsection 5, paragraph
14 "e", to determine the tax credits allowed for each
15 project. In determining the amount of tax credits to
16 be allowed for a project, the department shall not
17 include the portion of the project cost financed
18 through federal, state, and local government tax
19 credits, grants, and forgivable loans. Upon approving
20 the amount of the tax credit, the department of
21 economic development shall issue a tax credit
22 certificate to the eligible housing business except
23 when low-income housing tax credits authorized under
24 section 42 of the Internal Revenue Code are used to
25 assist in the financing of the housing development in
26 which case the tax credit certificate may be issued to
27 a partner if the business is a partnership, a
28 shareholder if the business is an S corporation, or a
29 member if the business is a limited liability company
30 in the amounts designated by the eligible partnership,
31 S corporation, or limited liability company. An
32 eligible housing business or the designated partner if
33 the business is a partnership, designated shareholder
34 if the business is an S corporation, or designated
35 member if the business is a limited liability company,
36 or transferee shall not claim the tax credit unless a
37 tax credit certificate issued by the department of
38 economic development is attached to the taxpayer's
39 return for the tax year for which the tax credit is
40 claimed. The tax credit certificate shall contain the
41 taxpayer's name, address, tax identification number,
42 the amount of the tax credit, and other information
43 required by the department of revenue. The tax credit
44 certificate shall be transferable if the housing
45 development is located in a brownfield site as defined
46 in section 15.291, if the housing development is
47 located in a blighted area as defined in section
48 403.17, or if low-income housing tax credits
49 authorized under section 42 of the Internal Revenue
50 Code are used to assist in the financing of the

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1 housing development. Not more than three million
2 dollars worth of tax credits for housing developments
3 that are located in a brownfield site as defined in
4 section 15.291 or housing developments located in a
5 blighted area as defined in section 403.17 shall be
6 transferred in one calendar year. The three million
7 dollar annual limit does not apply to tax credits

8 awarded to an eligible housing business having low-
9 income housing tax credits authorized under section 42
10 of the Internal Revenue Code to assist in the
11 financing of the housing development. The department
12 may approve an application for tax credit certificates
13 for transfer from an eligible housing business located
14 in a brownfield site as defined in section 15.291 or
15 in a blighted area as defined in section 403.17 that
16 would result in the issuance of more than three
17 million dollars of tax credit certificates for
18 transfer provided the department, through negotiation
19 with the eligible business, allocates those tax credit
20 certificates for transfer over more than one calendar
21 year. The department shall not ~~issue~~ approve more
22 than one million five hundred thousand dollars in tax
23 credit certificates for transfer to any one eligible
24 housing business located in a brownfield site as
25 defined in section 15.291 or in a blighted area as
26 defined in section 403.17 in a calendar year. If
27 three million dollars in tax credit certificates for
28 transfer have not been issued at the end of a calendar
29 year, the remaining tax credit certificates for
30 transfer may be issued in advance to an eligible
31 housing business scheduled to receive a tax credit
32 certificate for transfer in a later calendar year.
33 Any time the department ~~issues~~ approves a tax credit
34 certificate for transfer which has not been allocated
35 at the end of a calendar year, the department may
36 prorate the remaining certificates to more than one
37 eligible applicant. If the entire three million
38 dollars of tax credit certificates for transfer is not
39 issued in a given calendar year, the remaining amount
40 may be carried over to a succeeding calendar year.
41 Tax credit certificates issued under this chapter may
42 be transferred to any person or entity. The
43 department of economic development shall notify the
44 department of revenue of the tax credit certificates
45 which have been approved for transfer. Within ninety
46 days of transfer, the transferee must submit the
47 transferred tax credit certificate to the department
48 of ~~economic development~~ revenue along with a statement
49 containing the transferee's name, tax identification
50 number, and address, and the denomination that each

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1 replacement tax credit certificate is to carry and any
2 other information required by the department of
3 revenue. Within thirty days of receiving the
4 transferred tax credit certificate and the
5 transferee's statement, the department of ~~economic~~
6 ~~development~~ revenue shall issue one or more

7 replacement tax credit certificates to the transferee.
 8 Each replacement certificate must contain the
 9 information required to receive the original
 10 certificate and must have the same expiration date
 11 that appeared in the transferred tax credit
 12 certificate. Tax credit certificate amounts of less
 13 than the minimum amount established by rule of the
 14 department of economic development shall not be
 15 transferable. A tax credit shall not be claimed by a
 16 transferee under subsection 6, paragraph "a", until a
 17 replacement tax credit certificate identifying the
 18 transferee as the proper holder has been issued.

19 Sec. 2. Section 68A.102, subsection 21, Code
 20 Supplement 2005, is amended to read as follows:
 21 21. "State income tax liability" means the state
 22 individual income tax imposed under section 422.5
 23 ~~reduced by the sum of the deductions from the computed~~
 24 ~~tax as provided under section 422.12, less the amounts~~
 25 of nonrefundable credits allowed under chapter 422,
 26 division II.

27 Sec. 3. Section 257.21, unnumbered paragraph 2,
 28 Code 2005, is amended to read as follows:
 29 The instructional support income surtax shall be
 30 imposed on the state individual income tax for the
 31 calendar year during which the school's budget year
 32 begins, or for a taxpayer's fiscal year ending during
 33 the second half of that calendar year and after the
 34 date the board adopts a resolution to participate in
 35 the program or the first half of the succeeding
 36 calendar year, and shall be imposed on all individuals
 37 residing in the school district on the last day of the
 38 applicable tax year. As used in this section, "state
 39 individual income tax" means the taxes computed under
 40 section 422.5, less the amounts of nonrefundable
 41 credits allowed in sections 422.11A, 422.11B, 422.12,
 42 and 422.12B under chapter 422, division II.

43 Sec. 4. Section 331.605B, Code 2005, is amended to
 44 read as follows:

45 331.605B FEES COLLECTED – AUDIT.
 46 1. The recorder shall make available any
 47 information required by the county or state auditor
 48 concerning the fees collected under section 331.605A
 49 for the purposes of determining the amount of fees
 50 collected and the uses for which such fees are

1 expended.
 2 2. A recorder shall collect only statutorily
 3 authorized fees for land records management. A
 4 recorder shall not collect a fee for viewing,
 5 accessing, or printing documents in the county land

6 record information system unless specifically
7 authorized by statute. However, a recorder may
8 collect actual third-party fees associated with
9 accepting and processing statutorily authorized fees
10 including credit card fees, treasury management fees,
11 and other transaction fees required to enable
12 electronic payment. For the purposes of this
13 subsection, the term "third-party" does not include
14 the county land record information system, the Iowa
15 state association of counties, or any of the
16 association's affiliates.

17 Sec. 5. Section 368.7, subsection 5, Code
18 Supplement 2005, is amended to read as follows:

19 5. In the discretion of a city council, the
20 resolution provided for in subsection 1, paragraph
21 "d", or subsection 2 or 3, may include a provision for
22 a transition for the imposition of city taxes against
23 property within the annexation area as provided in
24 section 368.11, subsection 3, paragraph "m". However,
25 the city shall provide for such transition for the
26 imposition of city taxes against that property that is
27 included in the territory to be annexed without the
28 consent of the landowner.

29 Sec. 6. Section 368.11, subsection 3, paragraph m,
30 Code Supplement 2005, is amended to read as follows:

31 m. ~~In the discretion of a city council, a~~ A
32 provision for a transition for the imposition of city
33 taxes against property within an annexation area. The
34 provision shall allow for an exemption from taxation
35 of the following percentages of assessed valuation
36 according to the following schedule:

37 (1) For the first and second years, seventy-five
38 percent.

39 (2) For the third and fourth years, sixty percent.

40 (3) For the fifth and sixth years, forty-five
41 percent.

42 (4) For the seventh and eighth years, thirty
43 percent.

44 (5) For the ninth and tenth years, fifteen
45 percent.

46 An alternative schedule may be adopted by the city
47 council. ~~However, an~~ An alternative schedule shall
48 ~~not allow a greater an exemption that is equivalent to~~
49 or greater than that provided in this paragraph. The
50 exemption shall be applied in the levy and collection

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1 of taxes. The provision may also allow for the
2 partial provision of city services during the time in
3 which the exemption from taxation is in effect.

4 Sec. 7. Section 404A.4, subsection 5, unnumbered

5 paragraph 1, Code Supplement 2005, is amended to read
6 as follows:

7 Tax credit certificates issued under this chapter
8 may be transferred to any person or entity. Within
9 ninety days of transfer, the transferee must submit
10 the transferred tax credit certificate to the ~~state~~
11 ~~historic preservation office~~ department of revenue
12 along with a statement containing the transferee's
13 name, tax identification number, and address, and the
14 denomination that each replacement tax credit
15 certificate is to carry and any other information
16 required by the department of revenue. Within thirty
17 days of receiving the transferred tax credit
18 certificate and the transferee's statement, the ~~office~~
19 department of revenue shall issue one or more
20 replacement tax credit certificates to the transferee.
21 Each replacement certificate must contain the
22 information required under subsection 2 and must have
23 the same expiration date that appeared in the
24 transferred tax credit certificate. Tax credit
25 certificate amounts of less than the minimum amount
26 established by rule of the state historic preservation
27 office shall not be transferable. A tax credit shall
28 not be claimed by a transferee under this chapter
29 until a replacement tax credit certificate identifying
30 the transferee as the proper holder has been issued.
31 Sec. 8. Section 421.17, subsection 14, Code
32 Supplement 2005, is amended by striking the
33 subsection.

34 Sec. 9. Section 422.5, subsection 1, paragraph j,
35 subparagraph (2), unnumbered paragraph 2, Code 2005,
36 is amended to read as follows:

37 This subparagraph shall not affect the amount of
38 the taxpayer's ~~checkoff to the Iowa election campaign~~
39 ~~fund under section 68A.601, the checkoff for the fish~~
40 ~~and game fund in section 456A.16~~ checkoffs under this
41 division, the credits from tax provided in ~~sections~~
42 ~~422.10, 422.11A, and 422.12~~ under this division, and
43 the allocation of these credits between spouses if the
44 taxpayers filed separate returns or separately on
45 combined returns.

46 Sec. 10. Section 422.5, subsection 1, paragraph k,
47 subparagraph (2), subparagraph subdivision (b), Code
48 2005, is amended to read as follows:

49 (b) Twenty-six thousand dollars for a single
50 person or ~~an unmarried~~ a head of household.

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1 Sec. 11. Section 422.5, subsection 2, Code 2005,
2 is amended to read as follows:

3 2. However, the tax shall not be imposed on a

4 resident or nonresident whose net income, as defined
5 in section 422.7, is thirteen thousand five hundred
6 dollars or less in the case of married persons filing
7 jointly or filing separately on a combined return,
8 unmarried heads of household, and surviving spouses or
9 nine thousand dollars or less in the case of all other
10 persons; but in the event that the payment of tax
11 under this division would reduce the net income to
12 less than thirteen thousand five hundred dollars or
13 nine thousand dollars as applicable, then the tax
14 shall be reduced to that amount which would result in
15 allowing the taxpayer to retain a net income of
16 thirteen thousand five hundred dollars or nine
17 thousand dollars as applicable. The preceding
18 sentence does not apply to estates or trusts. For the
19 purpose of this subsection, the entire net income,
20 including any part of the net income not allocated to
21 Iowa, shall be taken into account. For purposes of
22 this subsection, net income includes all amounts of
23 pensions or other retirement income received from any
24 source which is not taxable under this division as a
25 result of the government pension exclusions in section
26 422.7, or any other state law. If the combined net
27 income of a husband and wife exceeds thirteen thousand
28 five hundred dollars, neither of them shall receive
29 the benefit of this subsection, and it is immaterial
30 whether they file a joint return or separate returns.
31 However, if a husband and wife file separate returns
32 and have a combined net income of thirteen thousand
33 five hundred dollars or less, neither spouse shall
34 receive the benefit of this paragraph, if one spouse
35 has a net operating loss and elects to carry back or
36 carry forward the loss as provided in section 422.9,
37 subsection 3. A person who is claimed as a dependent
38 by another person as defined in section 422.12 shall
39 not receive the benefit of this subsection if the
40 person claiming the dependent has net income exceeding
41 thirteen thousand five hundred dollars or nine
42 thousand dollars as applicable or the person claiming
43 the dependent and the person's spouse have combined
44 net income exceeding thirteen thousand five hundred
45 dollars or nine thousand dollars as applicable.
46 In addition, if the married persons', filing
47 jointly or filing separately on a combined return,
48 unmarried head of household's, or surviving spouse's
49 net income exceeds thirteen thousand five hundred
50 dollars, the regular tax imposed under this division

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1 shall be the lesser of the maximum state individual
2 income tax rate times the portion of the net income in

3 excess of thirteen thousand five hundred dollars or
4 the regular tax liability computed without regard to
5 this sentence. Taxpayers electing to file separately
6 shall compute the alternate tax described in this
7 paragraph using the total net income of the husband
8 and wife. The alternate tax described in this
9 paragraph does not apply if one spouse elects to carry
10 back or carry forward the loss as provided in section
11 422.9, subsection 3.

12 Sec. 12. Section 422.6, unnumbered paragraph 1,
13 Code 2005, is amended to read as follows:

14 The tax imposed by section 422.5 less the amounts
15 of nonrefundable credits allowed under sections
16 ~~15.333, 15.335, 422.10, 422.11, 422.11A, and 422.11B,~~
17 ~~and the personal exemption credit allowed under~~
18 ~~section 422.12~~ this division apply to and are a charge
19 against estates and trusts with respect to their
20 taxable income, and the rates are the same as those
21 applicable to individuals. The fiduciary shall make
22 the return of income for the estate or trust for which
23 the fiduciary acts, whether the income is taxable to
24 the estate or trust or to the beneficiaries. However,
25 for tax years ending after August 5, 1997, if the
26 trust is a qualified preneed funeral trust as set
27 forth in section 685 of the Internal Revenue Code and
28 the trustee has elected the special tax treatment
29 under section 685 of the Internal Revenue Code,
30 neither the trust nor the beneficiary is subject to
31 Iowa income tax on income accruing to the trust.

32 Sec. 13. Section 422.7, subsection 21, paragraph
33 a, subparagraph (1), unnumbered paragraph 1, Code
34 Supplement 2005, is amended to read as follows:

35 Net capital gain from the sale of real property
36 used in a business, in which the taxpayer materially
37 participated for ten years, as defined in section
38 469(h) of the Internal Revenue Code, and which has
39 been held for a minimum of ten years, or from the sale
40 of a business, as defined in section 423.1, ~~in which~~
41 ~~the taxpayer was employed or~~ in which the taxpayer
42 materially participated for ten years, as defined in
43 section 469(h) of the Internal Revenue Code, and which
44 has been held for a minimum of ten years. The sale of
45 a business means the sale of all or substantially all
46 of the tangible personal property or service of the
47 business.

48 Sec. 14. Section 422.9, subsection 1, Code
49 Supplement 2005, is amended to read as follows:

50 1. An optional standard deduction, after deduction

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1 of federal income tax, equal to one thousand two
2 hundred thirty dollars for a married person who files
3 separately or a single person or equal to three
4 thousand thirty dollars for a husband and wife who
5 file a joint return, a surviving spouse, or ~~an~~
6 ~~unmarried~~ a head of household. The optional standard
7 deduction shall not exceed the amount remaining after
8 deduction of the federal income tax. The amount of
9 federal income tax deducted shall be computed as
10 provided in subsection 2, paragraph "b".

11 Sec. 15. Section 422.10, subsection 4, Code
12 Supplement 2005, is amended to read as follows:

13 4. Any credit in excess of the tax liability
14 imposed by section 422.5 less the amounts of
15 nonrefundable credits allowed under sections 422.11A,
16 422.12, and 422.12B this division for the taxable year
17 shall be refunded with interest computed under section
18 422.25. In lieu of claiming a refund, a taxpayer may
19 elect to have the overpayment shown on the taxpayer's
20 final, completed return credited to the tax liability
21 for the following taxable year.

22 Sec. 16. Section 422.10, Code Supplement 2005, is
23 amended by adding the following new subsection:

24 NEW SUBSECTION. 5. An individual may claim an
25 additional research activities credit authorized
26 pursuant to section 15.335 if the eligible business is
27 a partnership, S corporation, limited liability
28 company, or estate or trust which elects to have the
29 income taxed directly to the individual. The amount
30 of the credit shall be as provided in section 15.335.

31 Sec. 17. Section 422.11, Code 2005, is amended to
32 read as follows:

33 422.11 FRANCHISE TAX CREDIT.

34 The taxes imposed under this division, less the
35 credits allowed under ~~section~~ sections 422.12 and
36 422.12B, shall be reduced by a franchise tax credit.
37 A taxpayer who is a shareholder in a financial
38 institution, as defined in section 581 of the Internal
39 Revenue Code, which has in effect for the tax year an
40 election under subchapter S of the Internal Revenue
41 Code, or is a member of a financial institution
42 organized as a limited liability company under chapter
43 524 that is taxed as a partnership for federal income
44 tax purposes, shall compute the amount of the tax
45 credit by recomputing the amount of tax under this
46 division by reducing the taxable income of the
47 taxpayer by the taxpayer's pro rata share of the items
48 of income and expense of the financial institution and
49 subtracting the credits allowed under ~~section~~ sections
50 422.12 and 422.12B. This recomputed tax shall be

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1 subtracted from the amount of tax computed under this
2 division after the deduction for credits allowed under
3 ~~section sections~~ 422.12 and 422.12B. The resultg
4 amount, which shall not exceed the taxpayer's pro rata
5 share of the franchise tax paid by the financial
6 institution, is the amount of the franchise tax credit
7 allowed.

8 Sec. 18. Section 422.11B, subsection 1, unnumbered
9 paragraph 2, Code 2005, is amended to read as follows:

10 The minimum tax credit for a tax year is the
11 excess, if any, of the ~~adjusted~~ net minimum tax
12 imposed for all prior tax years beginning on or after
13 January 1, 1987, over the amount allowable as a credit
14 under this section for those prior tax years.

15 Sec. 19. Section 422.11B, subsection 2, unnumbered
16 paragraph 3, Code 2005, is amended to read as follows:

17 ~~The adjusted net minimum tax for a tax year is the~~
18 ~~net minimum tax for the tax year reduced by the amount~~
19 ~~which would be the net minimum tax if the only item of~~
20 ~~tax preference taken into account was that described~~
21 ~~in paragraph (6) of section 57(a) of the Internal~~
22 ~~Revenue Code.~~

23 Sec. 20. Section 422.11F, Code 2005, is amended to
24 read as follows:

25 422.11F INVESTMENT TAX CREDITS.

26 1. The taxes imposed under this division, less the
27 credits allowed under sections 422.12 and 422.12B,
28 shall be reduced by an investment tax credit
29 authorized pursuant to section 15E.43 for an
30 investment in a qualifying business or a community-
31 based seed capital fund.

32 2. The taxes imposed under this division, less the
33 credits allowed under sections 422.12 and 422.12B,
34 shall be reduced by investment tax credits authorized
35 pursuant to sections 15.333 and 15E.193B, subsection
36 6.

37 Sec. 21. NEW SECTION. 422.11M IOWA FUND OF FUNDS
38 TAX CREDIT.

39 The taxes imposed under this division, less the
40 credits allowed under sections 422.12 and 422.12B,
41 shall be reduced by a tax credit authorized pursuant
42 to section 15E.66, if redeemed, for investments in the
43 Iowa fund of funds.

44 Sec. 22. Section 422.12, subsection 3, Code 2005,
45 is amended to read as follows:

46 3. For the purpose of this section, the
47 determination of whether an individual is married
48 shall be made ~~as of the close of the individual's tax~~
49 ~~year unless the individual's spouse dies during the~~
50 ~~individual's tax year, in which case the determination~~

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1 ~~shall be made as of the date of the spouse's death in~~
2 ~~accordance with section 7703 of the Internal Revenue~~
3 ~~Code. An individual legally separated from the~~
4 ~~individual's spouse under a decree of divorce or of~~
5 ~~separate maintenance shall not be considered married.~~

6 Sec. 23. Section 422.12A, subsection 2, Code 2005,
7 is amended to read as follows:

8 2. The director of revenue shall draft the income
9 tax form to allow the designation of contributions to
10 the keep Iowa beautiful fund on the tax return. The
11 department of revenue, on or before January 31, shall
12 transfer the total amount designated on the tax return
13 forms due in the preceding calendar year to the keep
14 Iowa beautiful fund. However, before a checkoff
15 pursuant to this section shall be permitted, all
16 liabilities on the books of the department of ~~revenue~~
17 administrative services and accounts identified as
18 owing under section ~~421-17 8A.504~~ and the political
19 contribution allowed under section 68A.601 shall be
20 satisfied.

21 Sec. 24. Section 422.12C, subsection 1, unnumbered
22 paragraph 1, Code Supplement 2005, is amended to read
23 as follows:

24 The taxes imposed under this division, less the
25 amounts of nonrefundable credits allowed under
26 ~~sections 422.11A, 422.11B, 422.12, and 422.12B~~ this
27 division, shall be reduced by a child and dependent
28 care credit equal to the following percentages of the
29 federal child and dependent care credit provided in
30 section 21 of the Internal Revenue Code:

31 Sec. 25. Section 422.12C, subsection 2, paragraph
32 a, unnumbered paragraph 1, Code Supplement 2005, is
33 amended to read as follows:

34 ~~In lieu of the child and dependent care credit~~
35 ~~authorized in subsection 1, a taxpayer may claim~~ The
36 taxes imposed under this division, less the amounts of
37 nonrefundable credits allowed under this division, may
38 be reduced by an early childhood development tax
39 credit equal to twenty-five percent of the first one
40 thousand dollars which the taxpayer has paid to others
41 for each dependent, as defined in the Internal Revenue
42 Code, ages three through five for early childhood
43 development expenses. In determining the amount of
44 early childhood development expenses, such expenses
45 paid during November and December of the previous tax
46 year shall be considered paid in the tax year for
47 which the tax credit is claimed. This credit is
48 available to a taxpayer whose net income is less than
49 forty-five thousand dollars. If the early childhood
50 development tax credit is claimed for a tax year, the

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1 taxpayer and the taxpayer's spouse shall not claim the
2 child and dependent care credit under subsection 1.
3 As used in this subsection, "early childhood
4 development expenses" means services provided to the
5 dependent by a preschool, as defined in section
6 237A.1, materials, and other activities as follows:

7 Sec. 26. Section 422.12F, subsection 2, Code 2005,
8 is amended to read as follows:

9 2. The director of revenue shall draft the income
10 tax form to allow the designation of contributions to
11 the volunteer fire fighter preparedness fund on the
12 tax return. The department of revenue, on or before
13 January 31, shall certify the total amount designated
14 on the tax return forms due in the preceding calendar
15 year and shall report the amount to the treasurer of
16 state. The treasurer of state shall credit the amount
17 to the volunteer fire fighter preparedness fund.
18 However, before a checkoff pursuant to this section
19 shall be permitted, all liabilities on the books of
20 the department of ~~revenue~~ administrative services and
21 accounts identified as owing under section ~~421.17~~
22 8A.504 and the political contribution allowed under
23 section 68A.601 shall be satisfied.

24 Sec. 27. NEW SECTION. 422.12G INCOME TAX
25 CHECKOFF FOR IOWA ELECTION CAMPAIGN FUND.

26 A person who files an individual or a joint income
27 tax return with the department of revenue under
28 section 422.13 may designate a contribution to the
29 Iowa election campaign fund authorized pursuant to
30 section 68A.601.

31 Sec. 28. NEW SECTION. 422.12H INCOME TAX
32 CHECKOFF FOR FISH AND GAME PROTECTION FUND.

33 A person who files an individual or a joint income
34 tax return with the department of revenue under
35 section 422.13 may designate a contribution to the
36 state fish and game protection fund authorized
37 pursuant to section 456A.16.

38 Sec. 29. Section 422.33, subsection 5, Code
39 Supplement 2005, is amended by adding the following
40 new paragraphs:

41 NEW PARAGRAPH. f. A corporation which is a
42 primary business or a supporting business in a quality
43 jobs enterprise zone may claim the research activities
44 credit authorized pursuant to section 15A.9,
45 subsection 8, in lieu of the credit computed in
46 paragraph "a" or "b".

47 NEW PARAGRAPH. g. A corporation which is an
48 eligible business may claim an additional research
49 activities credit authorized pursuant to section
50 15.335.

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1 Sec. 30. Section 422.33, subsection 7, paragraph
2 a, unnumbered paragraph 2, Code Supplement 2005, is
3 amended to read as follows:

4 The minimum tax credit for a tax year is the
5 excess, if any, of the ~~adjusted~~ net minimum tax
6 imposed for all prior tax years beginning on or after
7 January 1, 1987, over the amount allowable as a credit
8 under this subsection for those prior tax years.

9 Sec. 31. Section 422.33, subsection 7, paragraph
10 b, unnumbered paragraph 3, Code Supplement 2005, is
11 amended to read as follows:

12 ~~The adjusted net minimum tax for a tax year is the~~
13 ~~net minimum tax for the tax year reduced by the amount~~
14 ~~which would be the net minimum tax if the only item of~~
15 ~~tax preference taken into account was that described~~
16 ~~in paragraph (6) of section 57(a) of the Internal~~
17 ~~Revenue Code.~~

18 Sec. 32. Section 422.33, subsection 12, Code
19 Supplement 2005, is amended to read as follows:

20 12. a. The taxes imposed under this division
21 shall be reduced by an investment tax credit
22 authorized pursuant to section 15E.43 for an
23 investment in a qualifying business or a community-
24 based seed capital fund.

25 b. The taxes imposed under this division shall be
26 reduced by investment tax credits authorized pursuant
27 to sections 15.333, 15A.9, subsection 4, and 15E.193B,
28 subsection 6.

29 Sec. 33. Section 422.33, Code Supplement 2005, is
30 amended by adding the following new subsections:

31 NEW SUBSECTION. 20. The taxes imposed under this
32 division shall be reduced by a corporate tax credit
33 authorized pursuant to section 15.331C for certain
34 sales taxes paid by a third-party developer.

35 NEW SUBSECTION. 21. The taxes imposed under this
36 division shall be reduced by a tax credit authorized
37 pursuant to section 15E.66, if redeemed, for
38 investments in the Iowa fund of funds.

39 Sec. 34. Section 422.60, subsection 2, paragraphs
40 a and b, Code Supplement 2005, are amended to read as
41 follows:

42 a. Add items of tax preference included in federal
43 alternative minimum taxable income under section 57,
44 except subsections (a)(1) and (a)(5), of the Internal
45 Revenue Code, make the adjustments included in federal
46 alternative minimum taxable income under section 56,
47 except subsections (a)(4), (c)(1), (d), (f), and (g),
48 of the Internal Revenue Code, and add losses as
49 required by section 58 of the Internal Revenue Code.

50 b. Make the adjustments provided in section

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1 56(c)(1) of the Internal Revenue Code, except that in
2 making the calculation under ~~sections 56(f)(1) and~~
3 section 56(g)(1) of the Internal Revenue Code the
4 state alternative minimum taxable income, computed
5 without regard to the adjustments made by this
6 paragraph, the exemption provided for in paragraph
7 "d", and the state alternative tax net operating loss
8 described in paragraph "e", shall be substituted for
9 the items described in ~~sections 56(f)(1)(B) and~~
10 section 56(g)(1)(B) of the Internal Revenue Code.

11 Sec. 35. Section 422.60, subsection 3, paragraph
12 a, unnumbered paragraph 2, Code Supplement 2005, is
13 amended to read as follows:

14 The minimum tax credit for a tax year is the
15 excess, if any, of the ~~adjusted~~ net minimum tax
16 imposed for all prior tax years beginning on or after
17 January 1, 1987, over the amount allowable as a credit
18 under this subsection for those prior tax years.

19 Sec. 36. Section 422.60, subsection 3, paragraph
20 b, unnumbered paragraph 3, Code Supplement 2005, is
21 amended to read as follows:

22 ~~The adjusted net minimum tax for a tax year is the~~
23 ~~net minimum tax for the tax year reduced by the amount~~
24 ~~which would be the net minimum tax if the only item of~~
25 ~~tax preference taken into account was that described~~
26 ~~in paragraph (6) of section 57(a) of the Internal~~
27 ~~Revenue Code.~~

28 Sec. 37. Section 422.60, subsection 5, Code
29 Supplement 2005, is amended to read as follows:

30 5. a. The taxes imposed under this division shall
31 be reduced by an investment tax credit authorized
32 pursuant to section 15E.43 for an investment in a
33 qualifying business or a community-based seed capital
34 fund.

35 b. The taxes imposed under this division shall be
36 reduced by investment tax credits authorized pursuant
37 to sections 15.333 and 15E.193B, subsection 6.

38 Sec. 38. Section 422.60, Code Supplement 2005, is
39 amended by adding the following new subsections:

40 NEW SUBSECTION. 11. The taxes imposed under this
41 division shall be reduced by a corporate tax credit
42 authorized pursuant to section 15.331C for certain
43 sales taxes paid by a third-party developer.

44 NEW SUBSECTION. 12. The taxes imposed under this
45 division shall be reduced by a tax credit authorized
46 pursuant to section 15E.66, if redeemed, for
47 investments in the Iowa fund of funds.

48 Sec. 39. Section 422D.2, Code 2005, is amended to
49 read as follows:

50 422D.2 LOCAL INCOME SURTAX.

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1 A county may impose by ordinance a local income
2 surtax as provided in section 422D.1 at the rate set
3 by the board of supervisors, of up to one percent, on
4 the state individual income tax of each individual
5 residing in the county at the end of the individual's
6 applicable tax year. However, the cumulative total of
7 the percents of income surtax imposed on any taxpayer
8 in the county shall not exceed twenty percent. The
9 reason for imposing the surtax and the amount needed
10 shall be set out in the ordinance. The surtax rate
11 shall be set to raise only the amount needed. For
12 purposes of this section, "state individual income
13 tax" means the tax computed under section 422.5, less
14 the amounts of nonrefundable credits allowed in
15 sections 422.11A, 422.11B, 422.12, and 422.12B under
16 chapter 422, division II.

17 Sec. 40. Section 423.3, subsection 18, Code
18 Supplement 2005, is amended by adding the following
19 new paragraph:

20 NEW PARAGRAPH. f. Home and community based
21 services providers certified to offer Medicaid waiver
22 services by the department of human services that are
23 any of the following:

- 24 (1) Ill and handicapped waiver service providers,
25 described in 441 IAC 77.30.
- 26 (2) Hospice providers, described in 441 IAC 77.32.
- 27 (3) Elderly waiver service providers, described in
28 441 IAC 77.33.
- 29 (4) AIDS/HIV waiver service providers, described
30 in 441 IAC 77.34.
- 31 (5) Federally qualified health centers, described
32 in 441 IAC 77.35.
- 33 (6) MR waiver service providers, described in 441
34 IAC 77.37.
- 35 (7) Brain injury waiver service providers,
36 described in 441 IAC 77.39.

37 Sec. 41. Section 423.3, subsection 39, Code
38 Supplement 2005, is amended by adding the following
39 new paragraph:

40 NEW PARAGRAPH. c. Notwithstanding paragraph "a",
41 the sale, furnishing, or performance of a service that
42 is of a recurring nature by the owner if, at the time
43 of the sale, all of the following apply:

- 44 (1) The seller is not engaged for profit in the
45 business of the selling, furnishing, or performance of
46 services taxed under section 423.2. For purposes of
47 this subparagraph, the fact of the recurring nature of
48 selling, furnishing, or performance of services does
49 not constitute by itself engaging for profit in the
50 business of selling, furnishing, or performance of

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1 services.

2 (2) The owner of the business is the only person
3 performing the service.

4 (3) The owner of the business is a full-time
5 student.

6 (4) The total gross receipts from the sales,
7 furnishing, or performance of services during the
8 calendar year does not exceed five thousand dollars.

9 Sec. 42. Section 423.3, subsection 50, Code
10 Supplement 2005, is amended to read as follows:

11 50. The sales price of sales of electricity,
12 steam, or any taxable service when purchased and used
13 in the processing of tangible personal property
14 intended to be sold ultimately at retail or of any
15 fuel which is consumed in creating power, heat, or
16 steam for processing or for generating electric
17 current.

18 Sec. 43. Section 423.3, subsection 86, Code
19 Supplement 2005, is amended to read as follows:

20 86. The sales price from services performed on a
21 vessel if all of the following apply:

22 a. The vessel is a licensed vessel under the laws
23 of the United States coast guard.

24 ~~b. The vessel is not moored or tied to a physical~~
25 ~~location in this state.~~

26 e. b. The service is used to repair or restore a
27 defect in the vessel.

28 ~~d. c.~~ The vessel is engaged in interstate
29 commerce and will continue in interstate commerce once
30 the repairs or restoration is completed.

31 e. d. The vessel is in navigable water that
32 borders the eastern a boundary of this state.

33 For purposes of this exemption, "vessel" includes a
34 ship, barge, or other waterborne vessel.

35 Sec. 44. Section 423.3, Code Supplement 2005, is
36 amended by adding the following new subsection:

37 NEW SUBSECTION. 89. a. The sales price from the
38 sale of coins, currency, or bullion.

39 b. For purposes of this subsection:

40 (1) "Bullion" means bars, ingots, or commemorative
41 medallions of gold, silver, platinum, palladium, or a
42 combination of these where the value of the metal
43 depends on its content and not the form.

44 (2) "Coins" or "currency" means a coin or currency
45 made of gold, silver, or other metal or paper which is
46 or has been used as legal tender.

47 Sec. 45. Section 423.6, subsection 10, Code 2005,
48 is amended by adding the following new unnumbered
49 paragraph:

50 NEW UNNUMBERED PARAGRAPH. This exemption applies

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1 to corporations that have been in existence for not
2 longer than twenty-four months.

3 Sec. 46. Section 423.6, Code 2005, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 25. Exempted from the purchase
6 price of a replacement motor vehicle owned by a motor
7 vehicle dealer licensed under chapter 322 which is
8 being registered by that dealer and is not otherwise
9 exempt from tax is the fair market value of a replaced
10 motor vehicle if all of the following conditions are
11 met:

12 a. The motor vehicle being registered is being
13 placed in service as a replacement motor vehicle for a
14 motor vehicle registered by the motor vehicle dealer.

15 b. The motor vehicle being registered is taken
16 from the motor vehicle dealer's inventory.

17 c. Use tax on the motor vehicle being replaced was
18 paid by the motor vehicle dealer when that motor
19 vehicle was registered.

20 d. The replaced motor vehicle is returned to the
21 motor vehicle dealer's inventory for sale.

22 e. The application for registration and title of
23 the motor vehicle being registered is filed with the
24 county treasurer within two weeks of the date the
25 replaced motor vehicle is returned to the motor
26 vehicle dealer's inventory.

27 f. The motor vehicle being registered is placed in
28 the same or substantially similar service as the
29 replaced motor vehicle.

30 Sec. 47. Section 423.8, Code 2005, is amended to
31 read as follows:

32 423.8 LEGISLATIVE FINDING AND INTENT.

33 The general assembly finds that Iowa should enter
34 into an agreement with one or more states to simplify
35 and modernize sales and use tax administration in
36 order to substantially reduce the burden of tax
37 compliance for all sellers and for all types of
38 commerce. It is the intent of the general assembly
39 that entering into this agreement will lead to
40 simplification and modernization of the sales and use
41 tax law and not to the imposition of new taxes or an
42 increase or decrease in the existing number of
43 exemptions, unless such a result is unavoidable under
44 the terms of the agreement. Entering into this
45 agreement should not cause businesses to sustain
46 additional administrative burden.

47 It is the intent of the general assembly to provide
48 Iowa sellers, impacted by the agreement, with the
49 assistance necessary to alleviate administrative
50 burdens that result in participation in the agreement.

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1 The director and the Iowa streamlined sales tax
2 advisory council shall provide recommendations to
3 address the new administrative burden identified in
4 the Iowa streamlined sales tax advisory council 2005
5 report submitted to the Iowa general assembly. The
6 recommendations must be submitted to the general
7 assembly by January 1, 2007, and shall include the
8 expenses associated and all relevant data including
9 but not limited to the number of intrastate sellers
10 impacted by the agreement.

11 Sec. 48. Section 423.9, Code 2005, is amended to
12 read as follows:

13 423.9 AUTHORITY TO ENTER AGREEMENT AND TO
14 REPRESENT THE STATE.

15 1. The director is authorized and directed to
16 enter into the streamlined sales and use tax agreement
17 with one or more states to simplify and modernize
18 sales and use tax administration in order to
19 substantially reduce the burden of tax compliance for
20 all sellers and for all types of commerce.

21 2. The director is further authorized to take
22 other actions reasonably required to implement the
23 provisions set forth in this chapter. Other actions
24 authorized by this section include, but are not
25 limited to, the adoption of rules and the joint
26 procurement, with other member states, of goods and
27 services in furtherance of the cooperative agreement.

28 ~~The director or the director's designee is~~
29 ~~authorized to be a member of the governing board~~
30 ~~established pursuant to the agreement and to represent~~
31 ~~Iowa before that body.~~

32 3. Four representatives are authorized to be
33 members of the governing board established pursuant to
34 the agreement and to represent Iowa before that body
35 as one vote. The representatives shall be appointed
36 as follows:

37 a. One representative shall be a member of the
38 house of representatives who is appointed by the
39 speaker of the house of representatives or the
40 delegate's designee who shall also be a member of the
41 house of representatives.

42 b. One representative shall be a member of the
43 senate who is appointed by the majority leader of the
44 senate or the delegate's designee who shall also be a
45 member of the senate.

46 c. Two representatives from the executive branch
47 shall be appointed by the governor, one of whom shall
48 be the director, or each delegate's designee who shall
49 also be employed by the executive branch.

50 Sec. 49. NEW SECTION. 423.9A IOWA STREAMLINED

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1 SALES TAX ADVISORY COUNCIL.

- 2 1. An Iowa streamlined sales tax advisory council
3 is created. The advisory council shall review, study,
4 and submit recommendations to the Iowa streamlined
5 sales and use tax representatives appointed pursuant
6 to section 423.9, subsection 3, regarding the
7 streamlined sales and use tax agreement formalized by
8 the project's member states on November 12, 2002,
9 agreement amendments, proposed language conforming
10 Iowa's sales and use tax to the national agreement,
11 and the following issues:
12 a. Uniform definitions proposed in the current
13 agreement and future proposals.
14 b. Effects upon taxability of items newly defined
15 in Iowa.
16 c. Impacts upon business as a result of the
17 agreement.
18 d. Technology implementation issues.
19 e. Any other issues that are brought before the
20 streamlined sales and use tax member state or the
21 streamlined sales and use tax governing board.
22 2. The department shall provide administrative
23 support to the Iowa streamlined sales tax advisory
24 council. The advisory council shall be representative
25 of Iowa's business community and economy when
26 reviewing and recommending solutions to streamlined
27 sales and use tax issues. The advisory council shall
28 provide the general assembly and the governor with
29 final recommendations made to the Iowa streamlined
30 sales and use tax representatives upon the conclusion
31 of each calendar year.
32 3. The director, in consultation with the Iowa
33 taxpayers association and the Iowa association of
34 business and industry, shall appoint members to the
35 Iowa streamlined sales tax advisory council, which
36 shall consist of the following members:
37 a. One member from the department.
38 b. Three members representing small Iowa
39 businesses, at least one of whom must be a retailer,
40 and at least one of whom shall be a supplier.
41 c. Three members representing medium Iowa
42 businesses, at least one of whom shall be a retailer,
43 and at least one of whom shall be a supplier.
44 d. Three members representing large Iowa
45 businesses, at least one of whom shall be a retailer,
46 and at least one of whom shall be a supplier.
47 e. One member representing taxpayers as a whole.
48 f. One member representing the retail community as
49 a whole.
50 g. Any other member representative of business the

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1 director deems appropriate.

2 Sec. 50. Section 423.33, subsection 3, Code

3 Supplement 2005, is amended to read as follows:

4 3. EVENT SPONSOR'S LIABILITY FOR SALES TAX. A

5 person sponsoring a flea market or a craft, antique,
6 coin, or stamp show or similar event shall obtain from

7 every retailer selling tangible personal property or

8 taxable services at the event proof that the retailer

9 possesses a valid sales tax permit or secure from the

10 retailer a statement, taken in good faith, that

11 property or services offered for sale are not subject

12 to sales tax. Failure to do so renders a sponsor of

13 the event liable for payment of any sales tax,

14 interest, and penalty due and owing from any retailer

15 selling property or services at the event. Sections

16 423.31, 423.32, 423.37, 423.38, 423.39, 423.40,

17 423.41, and 423.42 apply to the sponsors. For

18 purposes of this subsection, a person sponsoring a

19 flea market or a craft, antique, coin, or stamp show

20 or similar event does not include an organization

21 which sponsors an event ~~less than three times a year~~

22 determined to qualify as an event involving casual

23 sales pursuant to section 423.3, subsection 39, or the

24 state fair or a fair as defined in section 174.1.

25 Sec. 51. Section 423.37, subsection 2, Code 2005,

26 is amended to read as follows:

27 2. If a return required by this subchapter is not

28 filed, or if a return when filed is incorrect or

29 insufficient and the maker fails to file a corrected

30 or sufficient return within twenty days after the same

31 is required by notice from the department, the

32 department shall determine the amount of tax due from

33 information as the department may be able to obtain

34 and, if necessary, may estimate the tax on the basis

35 of external indices, such as number of employees of

36 the person concerned, rentals paid by the person,

37 stock on hand, or other factors. The determination

38 may be made using any generally recognized valid and

39 reliable sampling technique, whether or not the person

40 being audited has complete records, as mutually agreed

41 upon by the department and the taxpayer. The

42 department shall give notice of the determination to

43 the person liable for the tax. The determination

44 shall fix the tax unless the person against whom it is

45 assessed shall, within sixty days after the giving of

46 notice of the determination, apply to the director for

47 a hearing or unless the taxpayer contests the

48 determination by paying the tax, interest, and penalty

49 and timely filing a claim for refund. At the hearing,

50 evidence may be offered to support the determination

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1 or to prove that it is incorrect. After the hearing
2 the director shall give notice of the decision to the
3 person liable for the tax.
4 Sec. 52. Section 425.11, subsection 4, Code
5 Supplement 2005, is amended to read as follows:
6 4. The word "owner" shall mean the person who
7 holds the fee simple title to the homestead, and in
8 addition shall mean the person occupying as a
9 surviving spouse or the person occupying under a
10 contract of purchase which contract has been recorded
11 in the office of the county recorder of the county in
12 which the property is located; or the person
13 occupying the homestead under devise or by operation
14 of the inheritance laws where the whole interest
15 passes or where the divided interest is shared only by
16 persons related or formerly related to each other by
17 blood, marriage or adoption; or the person occupying
18 the homestead is a shareholder of a family farm
19 corporation that owns the property; or the person
20 occupying the homestead under a deed which conveys a
21 divided interest where the divided interest is shared
22 only by persons related or formerly related to each
23 other by blood, marriage or adoption; or where the
24 person occupying the homestead holds a life estate
25 with the reversion interest held by a nonprofit
26 corporation organized under chapter 504, provided that
27 the holder of the life estate is liable for and pays
28 property tax on the homestead; or where the person
29 occupying the homestead holds an interest in a
30 horizontal property regime under chapter 499B,
31 regardless of whether the underlying land committed to
32 the horizontal property regime is in fee or as a
33 leasehold interest, provided that the holder of the
34 interest in the horizontal property regime is liable
35 for and pays property tax on the homestead; or where
36 the person occupying the homestead is a member of a
37 community land trust as defined in 42 U.S.C. § 12773,
38 regardless of whether the underlying land is in fee or
39 as a leasehold interest, provided that the member of
40 the community land trust is occupying the homestead
41 and is liable for and pays property tax on the
42 homestead. For the purpose of this chapter the word
43 "owner" shall be construed to mean a bona fide owner
44 and not one for the purpose only of availing the
45 person of the benefits of this chapter. In order to
46 qualify for the homestead tax credit, evidence of
47 ownership shall be on file in the office of the clerk
48 of the district court or recorded in the office of the
49 county recorder at the time the owner files with the
50 assessor a verified statement of the homestead claimed

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1 by the owner as provided in section 425.2.

2 Sec. 53. Section 427.1, subsection 2, Code

3 Supplement 2005, is amended to read as follows:

4 2. MUNICIPAL AND MILITARY PROPERTY. The property

5 of a county, township, city, school corporation, levee

6 district, drainage district, or the Iowa national

7 guard, when devoted to public use and not held for

8 pecuniary profit, except property of a municipally

9 owned electric utility held under joint ownership and

10 property of an electric power facility financed under

11 chapter 28F or 476A that shall be subject to taxation

12 under chapter 437A and facilities of a municipal

13 utility that are used for the provision of local

14 exchange services pursuant to chapter 476, but only to

15 the extent such facilities are used to provide such

16 services, which shall be subject to taxation under

17 chapter 433, except that section 433.11 shall not

18 apply. The exemption for property owned by a city or

19 county also applies to property which is operated by a

20 city or county as a library, art gallery or museum,

21 conservatory, botanical garden or display, observatory

22 or science museum, or as a location for holding

23 athletic contests, sports or entertainment events,

24 expositions, meetings or conventions, or leased from

25 the city or county for any such purposes, or leased

26 from the city or county by the Iowa national guard or

27 by a federal agency for the benefit of the Iowa

28 national guard when devoted for public use and not for

29 pecuniary profit. Food and beverages may be served at

30 the events or locations without affecting the

31 exemptions, provided the city has approved the serving

32 of food and beverages on the property if the property

33 is owned by the city or the county has approved the

34 serving of food and beverages on the property if the

35 property is owned by the county. The exemption for

36 property owned by a city or county also applies to

37 property which is located at an airport and leased to

38 a fixed base operator providing aeronautical services

39 to the public.

40 Sec. 54. Section 427.1, subsection 21A, Code

41 Supplement 2005, is amended to read as follows:

42 21A. DWELLING UNIT PROPERTY OWNED BY NONPROFIT

43 ORGANIZATIONS. Dwelling unit property owned and

44 managed by a nonprofit organization if the nonprofit

45 organization owns and manages more than forty dwelling

46 units that are located in a city with a population of

47 more than one hundred ten thousand which has a public

48 housing authority that does not own or manage housing

49 stock for the purpose of low-rent housing. For the

50 2005 and 2006 assessment years, an application is not

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1 required to be filed to receive the exemption. For
2 the 2007 and subsequent assessment years, an
3 application for exemption must be filed with the
4 assessing authority not later than February 1 of the
5 assessment year for which the exemption is sought.
6 Upon the filing and allowance of the claim, the claim
7 shall be allowed on the property for successive years
8 without further filing as long as the property
9 continues to qualify for the exemption.

10 Sec. 55. Section 427A.1, Code 2005, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 5A. Notwithstanding the other
13 provisions of this section, property that is equipment
14 used for the washing, waxing, drying, or vacuuming of
15 motor vehicles and point-of-sale equipment necessary
16 for the purchase of car wash services shall not be
17 assessed and taxed as real property.

18 Sec. 56. Section 432.12C, Code 2005, is amended to
19 read as follows:

20 432.12C INVESTMENT TAX CREDITS.

21 1. The tax imposed under this chapter shall be
22 reduced by an investment tax credit authorized
23 pursuant to section 15E.43 for an investment in a
24 qualifying business or a community-based seed capital
25 fund.

26 2. The taxes imposed under this division shall be
27 reduced by investment tax credits authorized pursuant
28 to sections 15.333A and 15E.193B, subsection 6.

29 Sec. 57. NEW SECTION. 432.12H TAX CREDIT FOR
30 CERTAIN SALES TAXES PAID BY THIRD-PARTY DEVELOPERS.

31 The taxes imposed under this chapter shall be
32 reduced by a tax credit authorized pursuant to section
33 15.331C for certain sales taxes paid by a third-party
34 developer.

35 Sec. 58. NEW SECTION. 432.12I IOWA FUND OF FUNDS
36 TAX CREDIT.

37 The taxes imposed under this chapter shall be
38 reduced by a tax credit authorized pursuant to section
39 15E.66, if redeemed, for investments in the Iowa fund
40 of funds.

41 Sec. 59. Section 441.38, subsection 2, Code
42 Supplement 2005, is amended to read as follows:

43 2. Notice If the appeal to district court is taken
44 from the action of the local board of review, notice
45 of appeal shall be served as an original notice on the
46 chairperson, presiding officer, or clerk of the board
47 of review within twenty days after its adjournment or
48 May 31, whichever is later, and after the filing of
49 notice under subsection 1 with the clerk of district
50 court. If the appeal to district court is taken from

1 the action of the property assessment appeal board,
 2 notice of appeal shall be served as an original notice
 3 on the secretary of the property assessment appeal
 4 board, if applicable after the filing of notice under
 5 subsection 1 with the clerk of district court.

6 Sec. 60. Section 533.24, Code Supplement 2005, is
 7 amended by adding the following new subsections:

8 NEW SUBSECTION. 8. The moneys and credits tax
 9 imposed under this section shall be reduced by an
 10 investment tax credit authorized pursuant to section
 11 15.333.

12 NEW SUBSECTION. 9. The moneys and credits tax
 13 imposed under this section shall be reduced by a tax
 14 credit authorized pursuant to section 15.331C for
 15 certain sales taxes paid by a third-party developer.

16 NEW SUBSECTION. 10. The moneys and credits tax
 17 imposed under this section shall be reduced by a tax
 18 credit authorized pursuant to section 15E.66, if
 19 redeemed, for investments in the Iowa fund of funds.

20 Sec. 61. 2005 Iowa Acts, chapter 140, section 72,
 21 is amended to read as follows:

22 SEC. 72. REFUNDS. Refunds of taxes, interest, or
 23 penalties which arise from claims resulting from the
 24 amendment to section 423.3, subsection 5, in this
 25 division of this Act, for the sale of agricultural
 26 drain tile materials occurring between January 1,
 27 1998, and the effective date of the section amending
 28 section 423.3, subsection 5, in this division of this
 29 Act, shall be limited to ~~twenty-five~~ fifty thousand
 30 dollars in the aggregate and shall not be allowed
 31 unless refund claims are filed prior to October 1,
 32 2005, notwithstanding any other provision of law. If
 33 the amount of claims totals more than ~~twenty-five~~
 34 fifty thousand dollars in the aggregate, the
 35 department of revenue shall prorate the ~~twenty-five~~
 36 fifty thousand dollars among all claimants in relation
 37 to the amounts of the claimants' valid claims.

38 Sec. 62. 2005 Iowa Acts, chapter 179, section 100,
 39 is amended to read as follows:

40 SEC. 100. COUNTY REAL ESTATE ELECTRONIC GOVERNMENT
 41 ADVISORY COMMITTEE.

42 1. A county real estate electronic government
 43 advisory committee is created. ~~Staffing services for~~
 44 ~~the advisory committee shall be provided by the~~
 45 ~~auditor of state.~~ The advisory committee membership
 46 shall consist of the following:

- 47 a. Two members selected by the Iowa state
- 48 association of county auditors.
- 49 b. Two members selected by the Iowa state county
- 50 treasurers association.

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- 1 c. Two members selected by the Iowa county
- 2 recorders association.
- 3 d. Two members selected by the Iowa state
- 4 association of assessors.
- 5 e. One member selected by each of the following
- 6 organizations:

- 7 (1) Iowa state association of counties.
- 8 (2) Iowa land title association.
- 9 (3) Iowa bankers association.
- 10 (4) Iowa credit union league.
- 11 (5) Iowa state bar association.
- 12 (6) Iowa association of realtors.

13 2. The county real estate electronic government
 14 advisory committee shall facilitate discussion to
 15 integrate the county land record information system
 16 ~~created pursuant to section 331.605C~~ with the
 17 electronic government internet applications of county
 18 treasurers, county recorders, county auditors, and
 19 county assessors. The advisory committee shall file
 20 an updated integration plan with the governor and the
 21 general assembly on or before November 1, ~~2005~~ 2006.

22 Sec. 63. 2005 Iowa Acts, chapter 179, section 101,
 23 subsection 3, is repealed.

24 Sec. 64. EFFECTIVE AND APPLICABILITY DATES.

25 1. The sections of this division of this Act
 26 amending sections 368.7 and 368.11, being deemed of
 27 immediate importance, take effect upon enactment and
 28 apply to annexation applications submitted to a city
 29 council and petitions for involuntary annexation filed
 30 with the city development board on or after the date
 31 of enactment.

32 2. The section of this division of this Act
 33 amending section 425.11, being deemed of immediate
 34 importance, takes effect upon enactment and applies to
 35 taxes due and payable in fiscal years beginning on or
 36 after July 1, 2006.

37 3. The section of this division of this Act
 38 enacting section 427A.1, subsection 5A, being deemed
 39 of immediate importance, takes effect upon enactment
 40 and applies retroactively to January 1, 2006, for
 41 assessment years beginning on or after that date.

42 4. The section of this division of this Act
 43 amending 2005 Iowa Acts, chapter 140, section 72,
 44 being deemed of immediate importance, takes effect
 45 upon enactment and applies retroactively to June 30,
 46 2005.

47 DIVISION II

48 STREAMLINED SALES AND USE TAX UPDATES

49 Sec. 65. Section 423.2, subsection 8, Code
 50 Supplement 2005, is amended by striking the subsection

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1 and inserting in lieu thereof the following:

2 8. a. A tax of five percent is imposed on the
3 sales price from sales of bundled transactions. For
4 the purposes of this subsection, a "bundled
5 transaction" is the retail sale of two or more
6 distinct and identifiable products, except real
7 property and services to real property, which are sold
8 for one nonitemized price. A "bundled transaction"
9 does not include the sale of any products in which the
10 sales price varies, or is negotiable, based on the
11 selection by the purchaser of the products included in
12 the transaction.

13 b. "Distinct and identifiable products" does not
14 include any of the following:

15 (1) Packaging or other materials that accompany
16 the retail sale of the products and are incidental or
17 immaterial to the retail sale of the products.

18 (2) A product provided free of charge with the
19 required purchase of another product. A product is
20 "provided free of charge" if the sales price of the
21 product purchased does not vary depending on the
22 inclusion of the product which is provided free of
23 charge.

24 (3) Items included in the definition of "sales
25 price" pursuant to section 423.1.

26 c. "One nonitemized price" does not include a
27 price that is separately identified by product on
28 binding sales or other supporting sales-related
29 documentation made available to the customer in paper
30 or electronic form.

31 Sec. 66. Section 423.18, Code Supplement 2005, is
32 amended by striking the section and inserting in lieu
33 thereof the following:

34 423.18 MULTIPLE POINTS OF USE.

35 1. Notwithstanding the provisions of section
36 423.15, a business purchaser that is not a holder of a
37 direct pay permit that knows at the time of purchase
38 of a digital good, computer software, or a service
39 that the digital good, computer software, or service
40 will be concurrently available for use in more than
41 one jurisdiction shall deliver to the seller in
42 conjunction with its purchase an exemption certificate
43 claiming multiple points of use or meet the
44 requirements of subsection 2 or 3. For the purpose of
45 this section only, "computer software" includes but is
46 not limited to computer software delivered
47 electronically, by load and leave, or in tangible
48 form. "Computer software" does not include computer
49 software received in person by a business purchaser at
50 a business location of the seller.

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1 a. Upon receipt of an exemption certificate
2 claiming multiple points of use, the seller is
3 relieved of all obligation to collect, pay, or remit
4 the applicable tax, and the purchaser shall be
5 obligated to collect, pay, or remit the applicable tax
6 on a direct pay basis.

7 b. A purchaser delivering an exemption certificate
8 claiming multiple points of use may use any
9 reasonable, but consistent and uniform, method of
10 apportionment that is supported by the purchaser's
11 business books and records as they exist at the time
12 the transaction is reported for sales or use tax
13 purposes.

14 c. A purchaser delivering an exemption certificate
15 claiming multiple points of use shall report and pay
16 the appropriate tax to each jurisdiction where
17 concurrent use occurs. The tax due shall be
18 calculated as if the apportioned amount of the digital
19 good, computer software, or service had been delivered
20 to each jurisdiction to which the sale is apportioned
21 pursuant to paragraph "b".

22 d. The exemption certificate claiming multiple
23 points of use shall remain in effect for all future
24 sales by the seller to the purchaser, except as to the
25 subsequent sale's specific apportionment that is
26 governed by the principles of paragraphs "b" and "c",
27 until the exemption certificate is revoked in writing.

28 2. Notwithstanding subsection 1, when the seller
29 knows that the product will be concurrently available
30 for use in more than one jurisdiction, but the
31 purchaser does not provide an exemption certificate
32 claiming multiple points of use as required in
33 subsection 1, the seller may work with the purchaser
34 to produce the correct apportionment. The purchaser
35 and seller may use any reasonable, but consistent and
36 uniform, method of apportionment that is supported by
37 the seller's and purchaser's business books and
38 records as they exist at the time the transaction is
39 reported for sales or use tax purposes. If the
40 purchaser certifies the accuracy of the apportionment
41 and the seller accepts the certification, the seller
42 shall collect and remit the tax pursuant to subsection
43 1, paragraph "c". In the absence of bad faith, the
44 seller is relieved of any further obligation to
45 collect tax on any transaction where the seller has
46 collected tax pursuant to the information certified by
47 the purchaser.

48 3. When the seller knows that the product will be
49 concurrently available for use in more than one
50 jurisdiction and the purchaser does not have a direct

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1 pay permit and does not provide the seller with an
2 exemption certificate claiming a multiple points of
3 use exemption as required in subsection 1, or
4 certification pursuant to subsection 2, the seller
5 shall collect and remit the tax based on the
6 provisions of section 423.15.

7 4. A holder of a direct pay permit shall not be
8 required to deliver an exemption certificate claiming
9 multiple points of use to the seller. A direct pay
10 permit holder shall follow the provisions of
11 subsection 1, paragraphs "b" and "c", in apportioning
12 the tax due on a digital good, computer software, or a
13 service that will be concurrently available for use in
14 more than one jurisdiction.

15 5. Nothing in this section shall limit a person's
16 obligation for sales or use tax to this state in which
17 the qualifying purchases are concurrently available
18 for use, or limit a person's ability under local,
19 state, federal, or constitutional law, to claim a
20 credit for sales or use taxes legally due and paid to
21 other jurisdictions.

22 Sec. 67. Section 423.20, subsection 1, paragraph
23 j, Code 2005, is amended to read as follows:

24 j. "Postpaid calling service" means the
25 telecommunications service obtained by making a
26 payment on a call-by-call basis either through the use
27 of a credit card or payment mechanism such as a bank
28 card, travel card, credit card, or debit card, or by
29 charge made to a telephone number which is not
30 associated with the origination or termination of the
31 telecommunications service. A "postpaid calling
32 service" includes a telecommunications service, except
33 a prepaid wireless calling service, that would be a
34 prepaid calling service except it is not exclusively a
35 telecommunications service.

36 Sec. 68. Section 423.20, subsection 1, Code 2005,
37 is amended by adding the following new paragraph after
38 paragraph k, and relettering the remaining paragraphs:

39 NEW PARAGRAPH. 1. "Prepaid wireless calling
40 service" means a telecommunications service that
41 provides the right to utilize mobile wireless service
42 as well as other nontelecommunications services,
43 including the download of digital products delivered
44 electronically, content and ancillary services, which
45 must be paid for in advance and that is sold in
46 predetermined units or dollars of which the amount
47 declines with use in a known amount.

48 Sec. 69. Section 423.20, subsection 2, paragraph
49 c, subparagraphs (1) and (3), Code 2005, are amended
50 to read as follows:

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1 (1) A sale of mobile telecommunications services
2 other than air-to-ground radiotelephone service, ~~or~~
3 prepaid calling service, or prepaid wireless calling
4 service is sourced to the customer's place of primary
5 use as required by the federal Mobile
6 Telecommunications Sourcing Act.

7 (3) A sale of prepaid calling service ~~or a sale of~~
8 prepaid wireless calling service is sourced in
9 accordance with section 423.15. However, in the case
10 of a sale of ~~mobile telecommunications services that~~
11 ~~is a prepaid telecommunications a prepaid wireless~~
12 calling service, the rule provided in section 423.15,
13 subsection 1, paragraph "e", shall include as an
14 option the location associated with the mobile
15 telephone number.

16 Sec. 70. Section 423.45, subsection 4, paragraph
17 b, Code 2005, is amended to read as follows:

18 b. The sales tax liability for all sales of
19 tangible personal property and all sales of services
20 is upon the seller and the purchaser unless the seller
21 takes ~~in good faith~~ from the purchaser a valid
22 exemption certificate stating under penalty of perjury
23 that the purchase is for a nontaxable purpose and is
24 not a retail sale as defined in section 423.1, or the
25 seller is not obligated to collect tax due, or unless
26 the seller takes a fuel exemption certificate pursuant
27 to subsection 5. If the tangible personal property or
28 services are purchased tax free pursuant to a valid
29 exemption certificate ~~which is taken in good faith by~~
30 ~~the seller~~, and the tangible personal property or
31 services are used or disposed of by the purchaser in a
32 nonexempt manner, the purchaser is solely liable for
33 the taxes and shall remit the taxes directly to the
34 department and sections 423.31, 423.32, 423.37,
35 423.38, 423.39, 423.40, 423.41, and 423.42 shall apply
36 to the purchaser.

37 Sec. 71. Section 423.45, subsection 4, paragraph
38 d, Code 2005, is amended by striking the paragraph and
39 inserting in lieu thereof the following:

40 d. The protection afforded a seller by paragraph
41 "b" does not apply to a seller who fraudulently fails
42 to collect tax or to a seller who solicits purchasers
43 to participate in the unlawful claim of an exemption.

44 Sec. 72. Section 423.51, subsection 2, Code 2005,
45 is amended to read as follows:

46 2. Sellers that follow the requirements of this
47 section are relieved from any tax otherwise applicable
48 if it is determined that the purchaser improperly
49 claimed an exemption and that the purchaser is liable
50 for the nonpayment of tax. This relief from liability

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1 does not apply to a seller who ~~fraudulently does any~~
2 ~~of the following:~~

3 a. Fraudulently fails to collect the tax or
4 solicits tax.

5 b. Solicits purchasers to participate in the
6 unlawful claim of an exemption.

7 c. Accepts an exemption certificate when the
8 purchaser claims an entity-based exemption when the
9 following conditions are met:

10 (1) The subject of the transaction sought to be
11 covered by the exemption certificate is actually
12 received by the purchaser at a location operated by
13 the seller.

14 (2) The state provides an exemption certificate
15 that clearly and affirmatively indicates that the
16 claimed exemption is not available in the state.

17 d. Accepts an exemption certificate claiming
18 multiple points of use for tangible personal property
19 other than computer software for which an exemption
20 claiming multiple points of use is acceptable under
21 section 423.18.

22 Sec. 73. Section 423.51, Code 2005, is amended by
23 adding the following new subsections:

24 NEW SUBSECTION. 3. a. A seller otherwise
25 obligated to collect tax from a purchaser is relieved
26 of that obligation if the seller obtains a fully
27 completed exemption certificate or secures the
28 relevant data elements of a fully completed exemption
29 certificate within ninety days after the date of sale.

30 b. If the seller has not obtained an exemption
31 certificate or all relevant data elements as provided
32 in paragraph "a", the seller may, within one hundred
33 twenty days after a request for substantiation by the
34 department, either prove that the transaction was not
35 subject to tax by other means or obtain a fully
36 completed exemption certificate from the purchaser,
37 taken in good faith.

38 c. Nothing in this subsection shall affect the
39 ability of the state to require purchasers to update
40 exemption certificate information or to reapply with
41 the state to claim certain exemptions.

42 d. Notwithstanding paragraphs "a", "b", and "c", a
43 seller is relieved of its obligation to collect tax
44 from a purchaser if the seller obtains a blanket
45 exemption certificate from the purchaser, and the
46 seller and purchaser have a recurring business
47 relationship. For the purposes of this paragraph, a
48 recurring business relationship exists when a period
49 of no more than twelve months elapses between sales
50 transactions. The department may not request from the

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1 seller renewal of blanket certificates or updates of
2 exemption certificate information or data elements
3 when there is a recurring business relationship
4 between the purchaser and seller.

5 NEW SUBSECTION. 4. All relief that this section
6 provides to sellers is also provided to certified
7 service providers under this chapter.

8 Sec. 74. Section 423.52, Code 2005, is amended to
9 read as follows:

10 423.52 RELIEF FROM LIABILITY FOR SELLERS AND
11 CERTIFIED SERVICE PROVIDERS.

12 1. Sellers and certified service providers using
13 databases derived from zip codes or state or vendor
14 provided address-based databases are relieved from
15 liability to this state or its local taxing
16 jurisdictions for having charged and collected the
17 incorrect amount of sales or use tax resulting from
18 the seller or certified service provider relying on
19 erroneous data provided by this state on tax rates,
20 boundaries, or taxing jurisdiction assignments. If
21 this state provides an address-based system for
22 assigning taxing jurisdictions whether or not pursuant
23 to the federal Mobile Telecommunications Sourcing Act,
24 the director is not required to provide liability
25 relief for errors resulting from reliance on the
26 information provided by this state if the director has
27 given adequate notice, as determined by the governing
28 board, to affected parties of the decision to end this
29 relief.

30 2. a. Model 2 sellers and certified service
31 providers are relieved of liability to Iowa for any
32 failure to charge and collect the correct amount of
33 sales or use tax if this failure results from the
34 model 2 seller's or the certified service provider's
35 reliance upon this state's certification to the
36 governing board that Iowa has accepted the governing
37 board's certification of a piece of software as a
38 certified automated system. The relief provided by
39 this paragraph to a model 2 seller or certified
40 service provider does not extend to a seller or
41 provider who has incorrectly classified an item or
42 transaction into the product-based exemptions portion
43 of a certified automated system. However, any model 2
44 seller or certified service provider who has relied
45 upon an individual listing of items or transactions
46 within a product definition approved by the governing
47 board or Iowa may claim the relief allowed by this
48 paragraph.

49 b. If the department determines that an item or
50 transaction is incorrectly classified as to its

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1 taxability, the department shall notify the model 2
 2 seller or certified service provider of the incorrect
 3 classification. The model 2 seller or certified
 4 service provider shall have ten days to revise the
 5 classification after receipt of notice of the
 6 determination. Upon expiration of the ten days, the
 7 model 2 seller or certified service provider shall be
 8 liable for the failure to collect the correct amount
 9 of sales or use taxes due and owing to the member
 10 state.

11 Sec. 75. EFFECTIVE DATES.

12 1. Except as provided in subsection 2, this
 13 division of this Act takes effect January 1, 2008.

14 2. The sections of this division of this Act
 15 amending section 423.45, subsection 4, being deemed of
 16 immediate importance, take effect upon enactment."

17 2. Title page, line 4, by striking the words
 18 "local option sales,".

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-8594 filed by her from the floor.

Paulsen of Linn offered the following amendment H-8581, to amendment H-8566, filed by him and moved its adoption:

H-8581

1 Amend the amendment, H-8566, to House File 2794 as
 2 follows:

3 1. By striking page 4, line 17, through page 5,
 4 line 3, and inserting the following:

5 "Sec. __. Section 368.11, subsection 3, paragraph
 6 m, Code Supplement 2005, is amended to read as
 7 follows:

8 m. In the discretion of a city council, a
 9 provision for a transition for the imposition of city
 10 taxes against property within an annexation area. The
 11 provision shall allow for an exemption from taxation
 12 of the following percentages of assessed valuation
 13 according to the following schedule:

14 (1) For the first and second years, seventy-five
 15 percent.

16 (2) For the third and fourth years, sixty percent.

17 (3) For the fifth and sixth years, forty-five
 18 percent.

19 (4) For the seventh and eighth years, thirty

20 percent.

21 (5) For the ninth and tenth years, fifteen

22 percent.

23 An alternative schedule may be adopted by the city
 24 council. However, an alternative schedule shall not
 25 allow a greater exemption than that provided in this
 26 paragraph. The exemption shall be applied in the levy
 27 and collection of taxes. The provision may also allow
 28 for the partial provision of city services during the
 29 time in which the exemption from taxation is in
 30 effect. If the city council provides for a transition
 31 for the imposition of city taxes against property in
 32 an annexation area, all property owners included in
 33 the annexation area must receive the transition upon
 34 completion of the annexation."

35 2. Page 24, by striking lines 25 through 31.

Amendment H-8581 was adopted.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8578 to amendment H-8566 filed by him on April 25, 2006.

Hogg of Linn offered the following amendment H-8582, to amendment H-8566, filed by him and moved its adoption:

H-8582

1 Amend the amendment, H-8566, to House File 2794, as
 2 follows:

3 1. Page 10, line 44, by inserting after the words
 4 "development expenses" the following: "for the tax
 5 year beginning in the 2006 calendar year only".

6 2. Page 11, by inserting after line 6 the
 7 following:

8 "Sec. ___. Section 422.12C, subsection 2,
 9 paragraph b, Code Supplement 2005, is amended by
 10 striking the paragraph."

11 3. Page 24, by inserting after line 31 the
 12 following:

13 " ___. The sections of this division of this Act
 14 amending section 422.12C, subsection 2, apply
 15 retroactively to January 1, 2006, for tax years
 16 beginning on or after that date."

Amendment H-8582 was adopted.

J.K. Van Fossen of Scott offered the following amendment H-8573, to amendment H-8566, filed by him and moved its adoption:

H-8573

1 Amend the amendment, H-8566, to House File 2794, as
2 follows:
3 1. Page 18, line 33, by inserting after the words
4 "taxpayers association" the following: ", Iowa retail
5 federation,".

Amendment H-8573 was adopted.

Jacobs of Polk offered the following amendment H-8574, to amendment H-8566, filed by her and Boal of Polk and moved its adoption:

H-8574

1 Amend the amendment, H-8566, to House File 2794 as
2 follows:
3 1. Page 20, by inserting after line 3 the
4 following:
5 "Sec. ____ Section 423B.1, subsection 3, Code
6 2005, is amended to read as follows:
7 3. A local option tax shall be imposed only after
8 an election at which a majority of those voting on the
9 question favors imposition and shall then be imposed
10 until repealed as provided in subsection 6, paragraph
11 "a". If the tax is a local vehicle tax imposed by a
12 county, it shall apply to all incorporated and
13 unincorporated areas of the county. If the tax is a
14 local sales and services tax imposed by a county, it
15 shall only apply to those incorporated areas and the
16 unincorporated area of that county in which a majority
17 of those voting in the area on the tax favors its
18 imposition. For purposes of the local sales and
19 services tax, all cities contiguous to each other
20 shall be treated as part of one incorporated area and
21 the tax would be imposed in each of those contiguous
22 cities only if the majority of those voting in the
23 total area covered by the contiguous cities favors its
24 imposition. In the case of a local sales and services
25 tax submitted to the registered voters of two or more
26 contiguous counties as provided in subsection 4,
27 paragraph "c", all cities contiguous to each other
28 shall be treated as part of one incorporated area,
29 even if the corporate boundaries of one or more of the
30 cities include areas of more than one county, and the

31 tax shall be imposed in each of those contiguous
32 cities only if a majority of those voting on the tax
33 in the total area covered by the contiguous cities
34 avored its imposition. For purposes of the local
35 sales and services tax, a city is not contiguous to
36 another city if the only road access between the two
37 cities is through another state.
38 Sec.____. Section 423B.1, subsection 4, Code 2005,
39 is amended by adding the following new paragraph:
40 NEW PARAGRAPH. c. Upon receipt of petitions or
41 motions calling for the submission of the question of
42 the imposition of a local sales and services tax as
43 described in paragraph "a" or "b", the boards of
44 supervisors of two or more contiguous counties in
45 which the question is to be submitted may enter into a
46 joint agreement providing that for purposes of this
47 chapter, a city whose corporate boundaries include
48 areas of more than one county shall be treated as part
49 of the county in which a majority of the residents of
50 the city reside. In such event, the county

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1 commissioners of elections from each such county shall
2 cooperate in the selection of a single date upon which
3 the election shall be held, and for all purposes of
4 this chapter relating to the imposition, repeal,
5 change of use, or collection of the tax, such a city
6 shall be deemed to be part of the county in which a
7 majority of the residents of the city reside. A copy
8 of the joint agreement shall be provided promptly to
9 the director of revenue.
10 Sec.____. Section 423B.1, subsection 6, paragraph
11 a, Code 2005, is amended to read as follows:
12 a. If a majority of those voting on the question
13 of imposition of a local option tax favors imposition
14 of a local option tax, the governing body of that
15 county shall impose the tax at the rate specified for
16 an unlimited period. However, in the case of a local
17 sales and services tax, the county shall not impose
18 the tax in any incorporated area or the unincorporated
19 area if the majority of those voting on the tax in
20 that area did not favor its imposition. For purposes
21 of the local sales and services tax, all cities
22 contiguous to each other shall be treated as part of
23 one incorporated area and the tax shall be imposed in
24 each of those contiguous cities only if the majority
25 of those voting on the tax in the total area covered
26 by the contiguous cities favored its imposition. In
27 the case of a local sales and services tax submitted
28 to the registered voters of two or more contiguous
29 counties as provided in subsection 4, paragraph "c",

30 all cities contiguous to each other shall be treated
31 as part of one incorporated area, even if the
32 corporate boundaries of one or more of the cities
33 include areas of more than one county, and the tax
34 shall be imposed in each of those contiguous cities
35 only if a majority of those voting on the tax in the
36 total area covered by the contiguous cities favored
37 its imposition.

38 PARAGRAPH DIVIDED. The local option tax may be
39 repealed or the rate increased or decreased or the use
40 thereof changed after an election at which a majority
41 of those voting on the question of repeal or rate or
42 use change favored the repeal or rate or use change.
43 The date on which the repeal, rate, or use change is
44 to take effect shall not be earlier than ninety days
45 following the election. The election at which the
46 question of repeal or rate or use change is offered
47 shall be called and held in the same manner and under
48 the same conditions as provided in subsections 4 and 5
49 for the election on the imposition of the local option
50 tax. However, in the case of a local sales and

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1 services tax where the tax has not been imposed
2 countywide, the question of repeal or imposition or
3 rate or use change shall be voted on only by the
4 registered voters of the areas of the county where the
5 tax has been imposed or has not been imposed, as
6 appropriate. However, the governing body of the
7 incorporated area or unincorporated area where the
8 local sales and services tax is imposed may, upon its
9 own motion, request the county commissioner of
10 elections to hold an election in the incorporated or
11 unincorporated area, as appropriate, on the question
12 of the change in use of local sales and services tax
13 revenues. The election may be held at any time but
14 not sooner than sixty days following publication of
15 the ballot proposition. If a majority of those voting
16 in the incorporated or unincorporated area on the
17 change in use favors the change, the governing body of
18 that area shall change the use to which the revenues
19 shall be used. The ballot proposition shall list the
20 present use of the revenues, the proposed use, and the
21 date after which revenues received will be used for
22 the new use.

23 When submitting the question of the imposition of a
24 local sales and services tax, the county board of
25 supervisors may direct that the question contain a
26 provision for the repeal, without election, of the
27 local sales and services tax on a specific date, which
28 date shall be as provided in section 423B.6,

29 subsection 1.

30 Sec. _____. Section 423B.5, unnumbered paragraph 1,
31 Code Supplement 2005, is amended to read as follows:

32 A local sales and services tax at the rate of not
33 more than one percent may be imposed by a county on
34 the sales price taxed by the state under chapter 423,
35 subchapter II. A local sales and services tax shall
36 be imposed on the same basis as the state sales and
37 services tax or in the case of the use of natural gas,
38 natural gas service, electricity, or electric service
39 on the same basis as the state use tax and shall not
40 be imposed on the sale of any property or on any
41 service not taxed by the state, except the tax shall
42 not be imposed on the sales price from the sale of
43 motor fuel or special fuel as defined in chapter 452A
44 which is consumed for highway use or in watercraft or
45 aircraft if the fuel tax is paid on the transaction
46 and a refund has not or will not be allowed, on the
47 sales price from the sale of equipment by the state
48 department of transportation, and except the tax shall
49 not be imposed on the sales price from the sale or use
50 of natural gas, natural gas service, electricity, or

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1 electric service in a city or county where the sales
2 price from the sale of natural gas or electric energy
3 is subject to a franchise fee or user fee during the
4 period the franchise or user fee is imposed. A local
5 sales and services tax is applicable to transactions
6 within those incorporated and unincorporated areas of
7 the county where it is imposed and shall be collected
8 by all persons required to collect state sales taxes.
9 All cities contiguous to each other shall be treated
10 as part of one incorporated area and the tax would be
11 imposed in each of those contiguous cities only if the
12 majority of those voting in the total area covered by
13 the contiguous cities favors its imposition. In the
14 case of a local sales and services tax submitted to
15 the registered voters of two or more contiguous
16 counties as provided in section 423B.1, subsection 4,
17 paragraph "c", all cities contiguous to each other
18 shall be treated as part of one incorporated area,
19 even if the corporate boundaries of one or more of the
20 cities include areas of more than one county, and the
21 tax shall be imposed in each of those contiguous
22 cities only if a majority of those voting on the tax
23 in the total area covered by the contiguous cities
24 avored its imposition."

25 2. Page 31, by striking lines 17 and 18.

A non-record roll call was requested.

The ayes were 45, nays 21.

Amendment H-8574 was adopted.

Mertz of Kossuth offered the following amendment H-8571, to amendment H-8566, filed by her and moved its adoption:

H-8571

1 Amend the amendment, H-8566, to House File 2794 as
2 follows:
3 1. Page 23, by inserting after line 5 the
4 following:
5 "Sec.____. Section 468.55, Code 2005, is amended
6 to read as follows:
7 468.55 ASSESSMENTS – MATURITY AND COLLECTION.
8 If a landowner selects an option provided in
9 section 468.57, all drainage or levee tax assessments
10 become due and payable with the first half of ordinary
11 taxes, and shall be collected in the same manner with
12 the same interest for delinquency and the same manner
13 of enforcing collection by tax sales. As an
14 alternative, ~~the certifying authority may request that~~
15 landowner may pay the annual installment ~~be payable~~ in
16 two equal payments, one-half with the September
17 payment of ordinary taxes and one-half payable with
18 the March payment of ordinary taxes. All drainage or
19 levee tax assessments not optioned for installment
20 payments by the landowner shall become due and payable
21 within thirty days after the levy of assessments."

Amendment H-8571 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8579 filed by her et al., on April 25, 2006.

J.K. Van Fossen of Scott offered the following amendment H-8569, to amendment H-8566, filed by him and moved its adoption:

H-8569

1 Amend the amendment, H-8566, to House File 2794 as
2 follows:
3 1. Page 31, line 15, by inserting after the
4 figure "4," the following: "and section 423.52,".

Amendment H-8569 was adopted.

On motion by Kurtenbach of Story, amendment H-8566, as amended, was adopted, placing out of order the following amendments:

Amendment H-8534 filed by Kurtenbach of Story on April 12, 2006.

Amendment H-8543 filed by Kurtenbach of Story on April 12, 2006.

Amendment H-8548 filed by Watts of Dallas on April 13, 2006.

Amendment H-8549 filed by Watts of Dallas on April 13, 2006.

Amendment H-8551 filed by Mertz of Kossuth on April 17, 2006.

Amendment H-8553 filed by Watts of Dallas on April 17, 2006.

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. 2794)

The ayes were, 89:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jochum
Kaufmann	Kressig	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
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	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, 5:

Frevert	Gaskill	Kuhn	Schickel
Shoultz			

Absent or not voting, 6:

Fallon	Jenkins	Jones	Lensing
Miller	Zirkelbach		

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 2794** be immediately messaged to the Senate.

SPONSOR ADDED (House Resolution 174)

Davitt of Warren requested to be added as a sponsor of House Resolution 174.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

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

2006\1619 Wilbur Hof, Sioux City – For celebrating his 90th birthday.

2006\1620 Jennie Den Boer, Rock Valley – For celebrating her 90th birthday.

- 2006\1621 Gregory Lammers, Assumption High School, Davenport – For being nominated to the Des Moines Register’s Academic All-State Team.
- 2006\1622 Brianna Beminio, Des Moines – For donating 14 inches of her hair to Locks of Love.
- 2006\1623 Ron and Joan Baird, Columbus Junction – For celebrating their 50th wedding anniversary.
- 2006\1624 Grace Van Voorhis, Iowa City – For being selected as a nominee to the Des Moines Register’s Academic All-State Team.
- 2006\1625 Allison Smith, Iowa City – For being selected as a nominee to the Des Moines Register’s Academic All-State Team.
- 2006\1626 Maxine Wessels, Le Mars – For celebrating her 80th birthday.
- 2006\1627 Beverly and Alfred Kosse, Marcus – For celebrating their 50th wedding anniversary.
- 2006\1628 Dr. Robert Niles, D.C., Le Mars – For receiving the ICS Service Award from the Iowa Chiropractic Society.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 780 Ways and Means

Relating to individual income tax relief by providing for a senior taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

H.S.B. 781 Ways and Means

Allowing individual income tax credit for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly LSB 6681YC), relating to state and local finances by providing for tax exemptions, credits, and other tax-related matters, by making, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees, penalties, and providing for properly related matters and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 1, 2006.

COMMITTEE ON WAYS AND MEANS

Senate File 2399, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8596** May 1, 2006.

Committee Bill (Formerly House Study Bill 781), allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 2006.

AMENDMENTS FILED

H—8590	H.F.	2769	Ford of Polk
H—8593	S.F.	2272	Boal of Polk
H—8596	S.F.	2399	Committee on Ways and Means

On motion by Gipp of Winneshiek the House adjourned at 7:19 p.m., until 8:45 a.m., Tuesday, May 2, 2006.

JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day - Seventy-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 2, 2006

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Reginald H. Merrill, pastor of Our Savior United Methodist Church, Manson. He was the guest of Representative Dave Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, May 1, 2006 was approved.

ADOPTION OF HOUSE RESOLUTION 131

Smith of Marshall called up for consideration **House Resolution 131**, a resolution to designate the month of June 2006 as Prostate Cancer Awareness Month and to encourage all health benefit plan providers to include annual screening for prostate cancer as part of their coverage, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 136

Upmeyer of Hancock called up for consideration **House Resolution 136**, a resolution recognizing the month of May 2006 as Iowa Heart Health Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:02 a.m., until the fall of the gavel.

The House resumed session at 10:35 a.m., Speaker pro tempore Carroll 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 May 2, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2095, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lensing of Johnson and Miller of Webster, on request of Murphy of Dubuque.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

INTRODUCTION OF BILL

House File 2797, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

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

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2272, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and

applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Kaufmann of Cedar offered the following amendment H-8379 filed by the committee on education and moved its adoption:

H-8379

1 Amend Senate File 2272, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 21 and 22 and
4 inserting the following: "services, available to
5 children attending nonpublic schools in the same
6 manner and to the same extent that they".

7 2. Page 6, line 7, by inserting before the word
8 "The" the following: "1".

9 3. Page 6, by inserting after line 25 the
10 following:

11 "2. Beginning January 15, 2007, the department
12 shall submit an annual report to the chairpersons and
13 ranking members of the senate and house education
14 committees that includes the ways school districts in
15 the previous school year used modified allowable
16 growth approved under subsection 1; identifies, by
17 grade level, age, and district size, the students in
18 the dropout and dropout prevention programs for which
19 the department approves a request; describes school
20 district progress toward increasing student
21 achievement and attendance for the students in the
22 programs; and describes how the school districts are
23 using the revenues from the modified allowable growth
24 to improve student achievement among minority
25 subgroups."

26 4. Page 7, by striking lines 4 through 30.

27 5. By striking page 15, line 12 through page 16,
28 line 23.

29 6. Page 17, by striking lines 7 through 14 and
30 inserting the following: "receiving district is not
31 subject to appeal."

32 7. Page 17, by striking line 16 and inserting the
33 following: "Supplement 2005, is amended by striking
34 the paragraph and inserting in lieu thereof the
35 following:

36 c. If a resident district believes that a
37 receiving district is violating this subsection, the
38 resident district may, within fifteen days after board
39 action by the receiving district, submit an appeal to
40 the director of the department of education.

41 The director, or the director's designee, shall
42 attempt to mediate the dispute to reach approval by

43 both boards as provided in section 282.18, subsection
44 16. If approval is not reached under mediation, the
45 director or the director's designee shall conduct a
46 hearing and shall hear testimony from both boards.
47 Within ten days following the hearing, the director
48 shall render a decision upholding or reversing the
49 decision by the board of the receiving district.
50 Within five days of the director's decision, the board

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1 may appeal the decision of the director to the state
2 board of education under the procedures set forth in
3 chapter 290."

4 8. Page 17, by inserting before line 17 the
5 following:

6 "Sec. ___. Section 282.18, subsection 9,
7 unnumbered paragraph 2, Code Supplement 2005, is
8 amended to read as follows:

9 If a request to transfer is due to a change in
10 family residence, change in the state in which the
11 family residence is located, a change in a child's
12 parents' marital status, a guardianship proceeding,
13 placement in foster care, adoption, participation in a
14 foreign exchange program, or participation in a
15 substance abuse or mental health treatment program,
16 and the child, who is the subject of the request, is
17 enrolled in any grade from kindergarten through grade
18 twelve at the time of the request and is not currently
19 using any provision of open enrollment, the parent or
20 guardian of the child shall have the option to have
21 the child remain in the child's original district of
22 residence under open enrollment with no interruption
23 in the child's kindergarten through grade twelve
24 educational program. If a parent or guardian
25 exercises this option, the child's new district of
26 residence is not required to pay the amount calculated
27 in subsection 7, until the start of the first full
28 year of enrollment of the child."

29 9. Page 19, by inserting after line 2 the
30 following:

31 "Sec. ___. NEW SECTION. 299A.11 STUDENT RECORDS
32 CONFIDENTIAL.

33 Notwithstanding any provision of law or rule to the
34 contrary, personal information in records regarding a
35 child receiving competent private instruction pursuant
36 to this chapter, which are maintained, created,
37 collected, or assembled by or for a state agency,
38 shall be kept confidential in the same manner as
39 personal information in student records maintained,
40 created, collected, or assembled by or for a school
41 corporation or educational institution in accordance

- 42 with section 22.7, subsection 1."
 43 10. By renumbering as necessary.

The committee amendment H-8379 was adopted.

Speaker Rants in the chair at 10:43 a.m.

Tymeson of Madison offered amendment H-8584 filed by her as follows:

H-8584

1 Amend Senate File 2272, as amended, passed, and
 2 reprinted by the Senate, as follows:

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

5 "DIVISION I
 6 PRACTITIONER, STUDENT, AND SCHOOL-RELATED MATTERS

7 Section 1. Section 235A.15, subsection 2,
 8 paragraph e, subparagraph (9), Code Supplement 2005,
 9 is amended to read as follows:

10 (9) To the board of educational examiners created
 11 under chapter 272 for purposes of determining whether
 12 a ~~practitioner's license, certificate, or~~
 13 ~~authorization~~ should be ~~issued~~, denied, or revoked.

14 Sec. 2. Section 235B.6, subsection 2, paragraph e,
 15 Code Supplement 2005, is amended by adding the
 16 following new subparagraph:

17 **NEW SUBPARAGRAPH.** (12) To the board of
 18 educational examiners created under chapter 272 for
 19 purposes of determining whether a license,
 20 certificate, or authorization should be issued,
 21 denied, or revoked.

22 Sec. 3. Section 256.7, subsection 21, paragraph c,
 23 Code Supplement 2005, is amended to read as follows:

24 c. A requirement that all school districts and
 25 accredited nonpublic schools annually report to the
 26 department and the local community the district-wide
 27 progress made in attaining student achievement goals
 28 on the academic and other core indicators and the
 29 district-wide progress made in attaining locally
 30 established student learning goals. The school
 31 districts and accredited nonpublic schools shall
 32 demonstrate the use of multiple assessment measures in
 33 determining student achievement levels. The school
 34 districts and accredited nonpublic schools shall also
 35 report the number of students who ~~enter ninth grade~~
 36 ~~but do not graduate from the school or school~~
 37 ~~district, utilizing the definition of graduation rate~~
 38 ~~specified by the national governors association; the~~

39 number of students who drop out of school; the number
40 of students pursuing a high school equivalency diploma
41 pursuant to chapter 259A; the number of students who
42 were enrolled in the district within the past five
43 years and who received a high school equivalency
44 diploma; the percentage of students who receive a high
45 school diploma and who were not proficient in reading,
46 mathematics, and science in grade eleven; the number
47 of students in the prior year who were enrolled as
48 high school juniors who are within four units or
49 credits of meeting the district's graduation
50 requirements; the number of students who are tested

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1 and the percentage of students who are so tested
2 annually; and the percentage of students who graduated
3 during the prior school year and who completed a core
4 curriculum. The board shall develop and adopt uniform
5 definitions consistent with the federal No Child Left
6 Behind Act of 2001, Pub. L. No. 107-110 and any
7 federal regulations adopted pursuant to the federal
8 Act. The school districts and accredited nonpublic
9 schools may report on other locally determined factors
10 influencing student achievement. The school districts
11 and accredited nonpublic schools shall also report to
12 the local community their results by individual
13 attendance center.

14 Sec. 4. Section 256.7, subsection 26, Code
15 Supplement 2005, is amended to read as follows:
16 ~~26. Develop a model core curriculum, taking into~~
17 ~~consideration the recommendations of the Adopt rules~~
18 ~~requiring at a minimum that at least eighty percent of~~
19 ~~all students enrolled in each school district~~
20 ~~complete, as a condition of graduation from high~~
21 ~~school, the core curriculum recommended by American~~
22 ~~college testing program, inc., beginning with students~~
23 ~~in the 2010-2011 school year graduating class. The~~
24 ~~state board shall set a goal of increasing the number~~
25 ~~of students graduating from secondary school who have~~
26 ~~successfully completed a core curriculum, by July 1,~~
27 ~~2009, to eighty percent of all students graduating~~
28 ~~from secondary schools in this state, except that the~~
29 ~~goal shall be exclusive of students Students who have~~
30 ~~special or alternative means for satisfying graduation~~
31 ~~requirements under individualized educational plans~~
32 ~~developed for the students are exempt from the~~
33 ~~graduation requirements set forth in this subsection.~~
34 ~~For purposes of this section, "core curriculum" means~~
35 ~~the minimum number of specific high school courses~~
36 ~~that a student needs to take in preparation for~~
37 ~~advanced career and vocational purposes.~~

38 Sec. 5. Section 256D.1, subsection 1, paragraph b,
39 subparagraph (1), Code 2005, is amended to read as
40 follows:

41 (1) A school district shall at a minimum
42 biannually inform parents of their individual child's
43 performance on the diagnostic assessments in
44 kindergarten through grade three. If intervention is
45 appropriate, the school district shall inform the
46 parents of the actions the school district intends to
47 take to improve the child's reading skills and provide
48 the parents with strategies to enable the parents to
49 improve their child's skills. If the diagnostic
50 assessments administered in accordance with this

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1 subsection indicate that a child is reading below
2 grade level, the school district shall submit a report
3 of the assessment results to the parent, which the
4 parent shall sign and return to the school district.
5 If the parent does not sign or return the report, the
6 school district shall note in the student's record the
7 inaction on the part of the parent. The board of
8 directors of each school district shall adopt a policy
9 indicating the methods the school district will use to
10 inform parents of their individual child's
11 performance.

12 Sec. 6. Section 256D.9, Code Supplement 2005, is
13 amended to read as follows:

14 256D.9 FUTURE REPEAL.

15 This chapter is repealed effective July 1, 2006
16 2007.

17 Sec. 7. Section 256F.1, subsection 2, Code 2005,
18 is amended to read as follows:

19 2. A charter school may be established by creating
20 a new school within an existing public school or
21 converting an existing public school to charter status
22 under section 256F.3, subsections 2 through 6, or by
23 creating a charter magnet school under section 256F.3,
24 subsection 6A.

25 Sec. 8. Section 256F.2, subsection 3, Code 2005,
26 is amended to read as follows:

27 3. "Charter school" means a state public charter
28 school operated as a pilot program. "Charter school"
29 also means a charter magnet school as described in
30 section 256F.3, subsection 6A.

31 Sec. 9. Section 256F.2, Code 2005, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 4B. "Public postsecondary
34 institution" means a community college established
35 under chapter 260C or an institution of higher
36 education governed by the state board of regents.

37 Sec. 10. Section 256F.3, subsection 1, Code 2005,
38 is amended to read as follows:

39 1. The state board of education shall apply for a
40 federal grant under Pub. L. No. 107-110, cited as the
41 federal No Child Left Behind Act of 2001 (Title V,
42 Part B, Subpart 1), for purposes of providing
43 financial assistance for the planning, program design,
44 and initial implementation of public charter schools.
45 However, if federal funds are no longer available for
46 purposes of this chapter, the state board may continue
47 to approve charter school applications. The
48 department shall initiate a pilot program to test the
49 effectiveness of charter schools and shall implement
50 the applicable provisions of this chapter. The state

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1 board shall monitor and review charter school progress
2 on the comprehensive school improvement plan and
3 student achievement goals established by a charter
4 school pursuant to section 256F.4 and on the
5 performance goals and objectives described pursuant to
6 section 256F.5.

7 Sec. 11. Section 256F.3, subsection 6, Code 2005,
8 is amended to read as follows:

9 6. Upon approval of an application for the
10 proposed establishment of a charter school, the school
11 board shall submit an application for approval to
12 establish the charter school to the state board in
13 accordance with section 256F.5. The

14 6A. A public postsecondary institution may apply
15 to the state board for approval to establish a junior-
16 senior high or a senior high charter magnet school.
17 The application submitted by a public postsecondary
18 institution shall meet the requirements of subsection

19 6B. In addition to the purposes set forth in section
20 256F.1, subsection 3, a charter magnet school shall
21 provide students who are enrolled in the charter
22 magnet school with a rigorous educational program with
23 a specialized focus that will prepare students to
24 attain a postsecondary degree. The specialized focus
25 of the educational program shall include at least one
26 or more of the following subject areas:

27 a. Science.

28 b. Mathematics.

29 c. Engineering.

30 d. Computer science.

31 e. Biotechnology.

32 f. International studies, emphasizing foreign
33 languages, social sciences, and communications.

34 6B. An application submitted to the state board
35 pursuant to this section shall set forth the manner in

36 which the charter school will provide special
37 instruction, in accordance with section 280.4, to
38 students who are limited English proficient. The
39 application shall set forth the manner in which the
40 charter school will comply with federal and state laws
41 and regulations relating to the federal National
42 School Lunch Act and the federal Child Nutrition Act
43 of 1966, 42 U.S.C. §1751-1785, and chapter 283A. The
44 state board shall approve only those applications that
45 meet the requirements specified in section 256F.1,
46 subsection 3, and sections 256F.4 and 256F.5. The
47 state board may deny an application if the state board
48 deems that approval of the application is not in the
49 best interest of the affected students. The state
50 board shall approve not more than ~~ten~~ twenty charter

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1 school applications. The state board shall approve
2 not more than one charter school application per
3 school district. ~~However, if the state board receives~~
4 ~~ten or fewer applications as of June 30, 2003, and two~~
5 ~~or more of the applications received by the state~~
6 ~~board by that date are submitted by one school~~
7 ~~district, the state board may approve any or all of~~
8 ~~the applications submitted by the school district.~~

9 The state board shall adopt rules in accordance with
10 chapter 17A for the implementation of this chapter.

11 Sec. 12. Section 256F.4, subsection 4, Code 2005,
12 is amended to read as follows:

13 4. A charter school shall enroll an eligible
14 resident student who submits a timely application
15 unless the number of applications exceeds the capacity
16 of a program, class, grade level, or building. In
17 this case, students must be accepted by lot. A
18 charter school may enroll an eligible nonresident
19 student who submits a timely application in accordance
20 with the student admission policy established pursuant
21 to section 256F.5, subsection 1.

22 a. If the charter school enrolls an eligible
23 nonresident student, the charter school shall notify
24 the school district and, if applicable, the sending
25 district not later than March 1 of the preceding
26 school year. Transportation for the student shall be
27 in accordance with section 282.18, subsection 10,
28 except as provided in paragraph "b". The sending
29 district shall make payments to the charter school in
30 the manner required under section 282.18, subsection
31 7.

32 b. Transportation to and from a charter magnet
33 school for a student attending the charter magnet
34 school shall be provided by the parent or guardian

35 without reimbursement. However, if the student meets
36 the economic eligibility requirements established by
37 the department and state board of education, the
38 charter magnet school is responsible for providing
39 transportation or paying the pro rata cost of the
40 transportation to a parent or guardian for
41 transporting the pupil to and from the charter magnet
42 school.

43 Sec. 13. Section 256F.4, subsection 7, Code 2005,
44 is amended to read as follows:

45 7. A charter school shall be considered a part of
46 the school district in which it is located for
47 purposes of state school foundation aid pursuant to
48 chapter 257. However, a student enrolled in a charter
49 school established pursuant to section 256F.3,
50 subsection 6A, shall be counted, for state school

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1 foundation aid purposes, in the pupil's district of
2 residence. A pupil's residence, for purposes of this
3 section, means a residence under section 282.1. The
4 board of directors of the district of residence shall
5 pay to the charter magnet school established pursuant
6 to section 256F.3, subsection 6A, the state cost per
7 pupil for the previous school year, plus any moneys
8 received for the pupil as a result of the non-English
9 speaking weighting under section 280.4, subsection 3,
10 for the previous school year multiplied by the state
11 cost per pupil for the previous year. If the student
12 enrolled in the charter magnet school is also an
13 eligible pupil under chapter 261C, the receiving
14 district shall pay the tuition reimbursement amount to
15 an eligible postsecondary institution as provided in
16 section 261C.6.

17 Sec. 14. Section 256F.4, Code 2005, is amended by
18 adding the following new subsection:

19 **NEW SUBSECTION.** 9. A charter magnet school
20 established pursuant to section 256F.3, subsection 6A,
21 shall establish graduation requirements and may award
22 diplomas to students who meet the graduation
23 requirements established.

24 Sec. 15. Section 256F.5, subsection 4, Code 2005,
25 is amended to read as follows:

26 4. The method for appointing or forming an
27 advisory council for the charter school. The
28 membership of an advisory council appointed or formed
29 in accordance with this chapter shall not include more
30 than one member of the school board if the charter
31 school is established pursuant to section 256F.3,
32 subsections 2 through 6.

33 Sec. 16. Section 256F.6, subsections 1 and 3, Code

34 2005, are amended to read as follows:

35 1. An approved charter school application shall
36 constitute an agreement, the terms of which shall, at
37 a minimum, be the terms of a four-year enforceable,
38 renewable contract between the school board or a
39 public postsecondary institution and the state board.
40 The contract shall include an operating agreement for
41 the operation of the charter school. The terms of the
42 contract may be revised at any time with the approval
43 of both the state board and the school board or the
44 public postsecondary institution, whether or not the
45 stated provisions of the contract are being fulfilled.
46 The charter school shall provide parents and guardians
47 of students enrolled in the charter school with a copy
48 of the charter school application approved pursuant to
49 section 256F.5.

50 3. The state board of education shall provide by

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1 rule for the ongoing review of a school board's or
2 public postsecondary institution's compliance with a
3 contract entered into in accordance with this chapter.

4 Sec. 17. Section 256F.7, subsections 2 and 3, Code
5 2005, are amended to read as follows:

6 2. The school board, or the public postsecondary
7 institution if the charter school is established
8 pursuant to section 256F.3, subsection 6A, in
9 consultation with the advisory council, shall decide
10 matters related to the operation of the school,
11 including budgeting, curriculum, and operating
12 procedures.

13 3. Employees of a charter school shall be
14 considered employees of the school district, or if the
15 charter school is established pursuant to section
16 256F.3, subsection 6A, the public postsecondary
17 institution. However, sections 279.12 through 279.19
18 and section 279.27 shall apply to employees of a
19 charter school if the employees are licensed by the
20 board of educational examiners under chapter 272 and
21 the charter school is established pursuant to section
22 256F.3, subsection 6A. In applying those sections in
23 chapter 279, references to the board of directors of a
24 school district shall be interpreted to apply to the
25 public postsecondary institution.

26 Sec. 18. Section 256F.8, subsection 1, unnumbered
27 paragraph 1, Code 2005, is amended to read as follows:

28 A contract for the establishment of a charter
29 school may be revoked by the state board or the school
30 board or public postsecondary institution that
31 established the charter school if the appropriate
32 board determines that one or more of the following

33 occurred:

34 Sec. 19. Section 256F.8, subsections 2, 3, 4, 6,
35 and 7, Code 2005, are amended to read as follows:

36 2. The decision by a school board or public
37 postsecondary institution to revoke or to fail to take
38 action to renew a charter school contract is subject
39 to appeal under procedures set forth in chapter 290.

40 3. A school board or public postsecondary
41 institution considering revocation or nonrenewal of a
42 charter school contract shall notify the advisory
43 council, the parents or guardians of the students
44 enrolled in the charter school, and the teachers and
45 administrators employed by the charter school, sixty
46 days prior to revoking or the date by which the
47 contract must be renewed, but not later than the last
48 day of classes in the school year.

49 4. If the state board determines that a charter
50 school is in substantial violation of the terms of the

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1 contract, the state board shall notify the school
2 board or the public postsecondary institution and the
3 advisory council of its intention to revoke the
4 contract at least sixty days prior to revoking a
5 contract and the school board or the public
6 postsecondary institution shall assume oversight
7 authority, operational authority, or both oversight
8 and operational authority. The notice shall state the
9 grounds for the proposed action in writing and in
10 reasonable detail. The school board or the public
11 postsecondary institution may request in writing an
12 informal hearing before the state board within
13 fourteen days of receiving notice of revocation of the
14 contract. Upon receiving a timely written request for
15 a hearing, the state board shall give reasonable
16 notice to the school board or the public postsecondary
17 institution of the hearing date. The state board
18 shall conduct an informal hearing before taking final
19 action. Final action to revoke a contract shall be
20 taken in a manner least disruptive to students
21 enrolled in the charter school. The state board shall
22 take final action to revoke or approve continuation of
23 a contract by the last day of classes in the school
24 year. If the final action to revoke a contract under
25 this section occurs prior to the last day of classes
26 in the school year, a charter school student may
27 enroll in the resident district.

28 6. A school board or public postsecondary
29 institution revoking a contract or a school board or
30 public postsecondary institution or advisory council
31 that fails to renew a contract under this chapter is

32 not liable for that action to the charter school, a
33 student enrolled in the charter school or the
34 student's parent or guardian, or any other person.
35 7. In the case of a revocation or a nonrenewal of
36 the charter, the school board or public postsecondary
37 institution is exempt from the state board's "Barker
38 guidelines", as provided in 1 D.P.I. App. Dec. 145
39 (1977).
40 Sec. 20. Section 256F.10, subsection 1, Code 2005,
41 is amended to read as follows:
42 1. A charter school shall report at least annually
43 to the school board or the public postsecondary
44 institution, as applicable, advisory council, and the
45 state board the information required by the school
46 board or the public postsecondary institution, as
47 applicable, advisory council, or the state board. The
48 reports are public records subject to chapter 22.
49 Sec. 21. Section 260C.14, Code 2005, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 21. Request that a student
2 pursuing or receiving a high school equivalency
3 diploma provide to the community college the student's
4 school district of residence and the last year the
5 student was enrolled in the school district of
6 residence. The community college shall annually
7 report the information available to the community
8 college pursuant to this subsection to the school
9 district of residence.
10 Sec. 22. Section 272.2, Code 2005, is amended by
11 adding the following new subsection:
12 NEW SUBSECTION. 17. Adopt rules to require that a
13 background investigation be conducted by the division
14 of criminal investigation of the department of public
15 safety on all initial applicants for licensure. The
16 board shall also require all initial applicants to
17 submit a completed fingerprint packet and shall use
18 the packet to facilitate a national criminal history
19 background check. The board shall have access to, and
20 shall review the sex offender registry information
21 under section 692A.13, the central registry for child
22 abuse information established under chapter 235A, and
23 the dependent adult abuse records maintained under
24 chapter 235B for information regarding applicants for
25 license renewal.
26 Sec. 23. Section 272.3, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:
28 The board of educational examiners consists of
29 eleven members. Two must be members of the general
30 public and the remaining nine must be licensed

31 practitioners. One of the public members shall also
 32 ~~be the director of the department of education, or the~~
 33 ~~director's designee have served on a school board.~~
 34 The other public member members shall be a person who
 35 ~~does not hold never have held~~ a practitioner's
 36 license, but ~~has~~ shall have a demonstrated interest in
 37 education. One of the licensed practitioners shall be
 38 the director of the department of education or the
 39 director's designee. The nine remaining eight
 40 practitioners shall be selected from the following
 41 areas and specialties of the teaching profession:
 42 Sec. 24. Section 272.3, unnumbered paragraph 2,
 43 Code 2005, is amended to read as follows:
 44 A majority of the licensed practitioner members
 45 shall be nonadministrative practitioners. Four of the
 46 members shall be administrators. Membership of the
 47 board shall comply with the requirements of sections
 48 69.16 and 69.16A. A quorum of the board shall consist
 49 of six members. ~~The director of the department of~~
 50 ~~education~~ Members shall serve as the elect a

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1 chairperson of the board. Members, except for the
 2 director of the department of education, shall be
 3 appointed by the governor ~~and the appointments are~~
 4 subject to confirmation by the senate.
 5 Sec. 25. Section 272.29, Code Supplement 2005, is
 6 amended to read as follows:
 7 272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.
 8 The executive director shall annually review the
 9 administrative rules adopted pursuant to this chapter
 10 and related state laws. The executive director shall
 11 ~~annually~~ submit the executive director's findings and
 12 recommendations in a report every three years to the
 13 board and the chairpersons and ranking members of the
 14 senate and house standing committees on education and
 15 the joint appropriations subcommittee on education by
 16 January 15.
 17 Sec. 26. Section 279.61, Code Supplement 2005, is
 18 amended to read as follows:
 19 279.61 STUDENT PLAN FOR ~~PROGRESS TOWARD UNIVERSITY~~
 20 ~~ADMISSIONS~~ CORE CURRICULUM COMPLETION – REPORT.
 21 1. For the school year beginning July 1, 2006, and
 22 each succeeding school year, the board of directors of
 23 each school district shall cooperate with each student
 24 enrolled in grade eight to develop for the student a
 25 core curriculum plan to guide the student toward the
 26 goal of successfully completing, at a minimum, the
 27 ~~model core curriculum developed by the state board of~~
 28 ~~education pursuant to referred to in~~ section 256.7,
 29 subsection 26, by the time the student graduates from

30 high school.

31 2. For the school year beginning July 1, 2006, and
 32 each succeeding school year, the board of directors of
 33 each school district shall report annually to each
 34 student enrolled in grades nine through twelve in the
 35 school district, and to each student's parent or
 36 guardian, the student's progress toward meeting the
 37 goal of successfully completing the model core
 38 curriculum ~~developed by the state board of education~~
 39 ~~pursuant to referred to in~~ section 256.7, subsection
 40 26.

41 Sec. 27. NEW SECTION. 279.63 FINANCIAL REPORT.

42 1. The board of directors of each public school
 43 district shall develop, maintain, and distribute a
 44 financial report on an annual basis. The objective of
 45 the financial report shall be to facilitate public
 46 access to a variety of information and statistics
 47 relating to the education funding received by the
 48 school district, enrollment and employment figures,
 49 and additional information.

50 2. The financial report shall contain, at a

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1 minimum, information relating to the following:

2 a. All property tax levies, income surtaxes, and
 3 local option sales taxes in place in the school
 4 district, listed by type of levy, rate, amount,
 5 duration, and notification of the maximum rate and
 6 amount limitations permitted by statute.

7 b. The amount of funding received on a per pupil
 8 basis through the operation of the school finance
 9 formula, and from any other state appropriation or
 10 state funding source.

11 c. Federal funding received per student or teacher
 12 population targeted to receive the funds, and any
 13 other federal grants or funding received by the
 14 district.

15 d. Teacher and administrator minimum, maximum, and
 16 average salary paid by the district, and the
 17 percentage and dollar increase under teacher and
 18 administrator salary and benefits settlement
 19 agreements.

20 e. Teacher and administrator health insurance and
 21 other alternative health benefit information,
 22 including the monthly premium, the percentage of the
 23 premium paid by the district, and the percentage of
 24 the premium paid by a teacher or administrator for
 25 single and family insurance.

26 f. Teacher and administrator employment
 27 statistics, including the annual number of licensed
 28 full-time and part-time teachers and administrators

29 employed by the school district during the preceding
30 five years, and including the number of teachers and
31 administrators no longer employed by the district, and
32 new hires.

33 g. Student enrollment levels during the preceding
34 five years, including regular enrollment, special
35 education enrollment, and enrollment adjustments made
36 pursuant to supplementary weighting.

37 h. Such additional information as the school
38 district may determine.

39 3. Copies of a school district's financial report
40 for the previous school year shall be posted on an
41 internet website maintained by the school district at
42 the beginning of the school year. If the school
43 district does not maintain or develop a website, the
44 school district shall either distribute or post
45 written copies of the financial report at specified
46 locations throughout the school district.

47 Sec. 28. NEW SECTION. 298.6 PUBLIC DISCLOSURE OF
48 OUTSTANDING LEVIES.

49 The board of directors of a school district shall,
50 prior to certifying any levy by board approval, or

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1 submitting a levy for voter approval, facilitate
2 public access to a complete listing of all outstanding
3 levies within the school district by rate, amount,
4 duration, and the applicable maximum levy limitations.
5 The information relating to outstanding levies shall
6 be posted on an internet website maintained by the
7 school district at the beginning of the school year,
8 and updated prior to board approval or submission for
9 voter approval of any levy during the school year. If
10 the school district does not maintain or develop a
11 website, the school district shall either distribute
12 or post written copies of the listing at specified
13 locations throughout the school district.

14 Sec. 29. TRANSITIONAL PROVISION -- MEMBERS' TERMS
15 ON THE BOARD OF EDUCATIONAL EXAMINERS. The two public
16 members serving on the board of educational examiners
17 on the effective date of this Act shall continue to
18 serve as public members of the board until April 30,
19 2007. On May 1, 2007, the director of the department
20 of education shall commence service on the board as a
21 licensed practitioner.

22 Sec. 30. EFFECTIVE DATE. The sections of this
23 division of this Act amending sections 256F.1 through
24 256F.8 and 256F.10, being deemed of immediate
25 importance, take effect upon enactment.

26 DIVISION II
27 EDUCATION ADMINISTRATION"

- 28 2. Page 22, line 10, by inserting after the word
29 "sections" the following: "of this division".
30 3. Title page, line 2, by inserting before the
31 word "and" the following: "the board of educational
32 examiners,".
33 4. By renumbering as necessary.

Tymeson of Madison offered the following amendment H-8598, to amendment H-8584, filed by her and Wendt of Woodbury from the floor and moved its adoption:

H-8598

- 1 Amend the amendment, H-8584, to Senate File 2272,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, lines 48 and 49, by striking the words
5 "or credits".
6 2. By striking page 2, line 14, through page 2,
7 line 37, and inserting the following:
8 "Sec.____. Section 256.7, subsection 26, Code
9 Supplement 2005, is amended by striking the subsection
10 and inserting in lieu thereof the following:
11 26. Set a goal of increasing to eighty percent the
12 number of students graduating from all secondary
13 schools in school districts in this state who have
14 successfully completed the core curriculum recommended
15 by the college testing service whose college entrance
16 examination is taken by the majority of Iowa's high
17 school students. The state goal shall be exclusive of
18 students who have special or alternative means for
19 satisfying graduation requirements under
20 individualized educational plans developed for the
21 students. The state board shall require each school
22 district to annually report, beginning with the
23 2006-2007 school year, the percentage of students
24 graduating from high school in the school district who
25 complete the core curriculum. The school district
26 shall report, in the comprehensive school improvement
27 plan submitted in accordance with subsection 21, how
28 the district plans to increase the number of students
29 completing the recommended core curriculum. Taking
30 into consideration the recommendations of the college
31 testing service whose college entrance examination is
32 taken by the majority of Iowa's high school students,
33 beginning with the students in the 2010-2011 school
34 year graduating class, the requirements for high
35 school graduation for all students in school districts
36 shall be four years of English and language arts,
37 three years of mathematics, three years of science,
38 and three years of social studies."

39 3. Page 10, by striking lines 19 through 40 and
40 inserting the following:
41 "279.61 STUDENT PLAN FOR PROGRESS TOWARD
42 UNIVERSITY ADMISSIONS – REPORT.
43 1. For the school year beginning July 1, 2006, and
44 each succeeding school year, the board of directors of
45 each school district shall cooperate with each student
46 enrolled in grade eight to develop for the student a
47 core curriculum plan to guide the student toward the
48 goal of successfully completing, at a minimum, the
49 model core curriculum developed by the state board of
50 education pursuant to section 256.7, subsection 26, by

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1 the time the student graduates from high school. The
2 plan shall include career options and shall identify
3 the coursework needed in grades nine through twelve to
4 support the student's postsecondary education and
5 career options. If the pupil is under eighteen years
6 of age, the pupil's parent or guardian shall sign the
7 core curriculum plan developed with the student and
8 the signed plan shall be included in the student's
9 records.
10 2. For the school year beginning July 1, 2006, and
11 each succeeding school year, the board of directors of
12 each school district shall report annually to each
13 student enrolled in grades nine through twelve in the
14 school district, and, if the student is under the age
15 of eighteen, to each student's parent or guardian, the
16 student's progress toward meeting the goal of
17 successfully completing the model core curriculum
18 developed by the state board of education pursuant to
19 section 256.7, subsection 26."
20 4. By renumbering as necessary.

Amendment H-8598 was adopted.

On motion by Tymeson of Madison, amendment H-8584, as amended, was adopted, placing out of order amendment H-8604 filed by Ford of Polk from the floor.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-8380 filed by Petersen of Polk et al., on March 23, 2006.

Boal of Polk offered the following amendment H-8414 filed by Boal of Polk et al., and moved its adoption:

H-8414

- 1 Amend Senate File 2272, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 4 through 17.
- 4 2. By striking page 10, line 29, through page 11,
- 5 line 22.
- 6 3. Page 22, by striking lines 10 through 12.
- 7 4. Title page, by striking line 3 and inserting
- 8 the following: "boards."
- 9 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 51, nays 38.

Amendment H-8414 was adopted placing out of order the following amendments:

Amendment H-8565 filed by Carroll of Poweshiek on April 24, 2006.

Amendment H-8576 filed by Wilderdyke of Harrison on April 25, 2006.

Amendment H-8408 filed by Raecker of Polk on March 28, 2006.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2272 be deferred and that the bill retain its place on the calendar.

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 2, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2332, a bill for an act relating to income withholding under the child support recovery program.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 11:57 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:35 p.m., Speaker Rants in the chair.

The House resumed consideration of **Senate File 2272**, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions, previously deferred.

Huser of Polk offered the following amendment H-8589 filed by her and moved its adoption:

H-8589

1 Amend Senate File 2272, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 21, by inserting after line 28 the
4 following:
5 "Sec. ____ Section 423E.1, subsection 3, Code
6 2005, is amended to read as follows:
7 3. Local sales and services tax moneys received by
8 a county for school infrastructure purposes pursuant
9 to this chapter shall be utilized for school
10 infrastructure needs or property tax relief. For
11 purposes of this chapter, "school infrastructure"
12 means those activities for which a school district is
13 authorized to contract indebtedness and issue general
14 obligation bonds under section 296.1, except those
15 activities related to a teacher's or superintendent's
16 home or homes. These activities include the
17 construction, reconstruction, repair, demolition work,
18 purchasing, or remodeling of schoolhouses, stadiums,
19 gyms, fieldhouses, and bus garages and the procurement
20 of schoolhouse construction sites and the making of
21 site improvements and those activities for which
22 revenues under section 298.3 or 300.2 may be spent. A
23 school district that uses local sales and services tax
24 moneys for school infrastructure shall comply with the
25 state building code in the absence of a local building
26 code. Additionally, "school infrastructure" includes
27 the payment or retirement of outstanding bonds
28 previously issued for school infrastructure purposes
29 as defined in this subsection, and the payment or
30 retirement of bonds issued under section 423E.5."
31 2. By renumbering as necessary.

Amendment H-8589 was adopted.

Boal of Polk offered the following amendment H-8593 filed by her and moved its adoption:

H-8593

- 1 Amend Senate File 2272, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 22, by inserting after line 6 the
 4 following:
 5 "Sec.____. 2005 Iowa Acts, chapter 179, section
 6 82, is amended to read as follows:
 7 SEC. 82. 2005 Iowa Acts, House File 739, if
 8 enacted, is amended by adding the following new
 9 section:
 10 NEW SECTION. Sec.____. EFFECTIVE DATE. The
 11 section of this Act amending section 262.9 to
 12 establish a research triangle and clearinghouse takes
 13 effect July 1, ~~2006~~ 2007."
 14 2. Page 22, by inserting after line 9 the
 15 following:
 16 "Sec.____. EFFECTIVE DATE. The section of this
 17 Act amending 2005 Iowa Acts, chapter 179, section 82,
 18 being deemed of immediate importance, takes effect
 19 upon enactment."
 20 3. By renumbering as necessary.

Amendment H-8593 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?" (S.F. 2272)

The ayes were, 91:

Alons	Anderson	Arnold	Baudler
Bell	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
Lukan	Lykam	Maddox	May
McCarthy	Mertz	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	Whitaker	Whitead
Wilderdyke	Wise	Mr. Speaker	
		Rants	

The nays were, 3:

Mascher	Wessel-Kroeschell	Winckler
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Absent or not voting, 6:

Berry	Fallon	Jones	Lensing
Miller	Zirkelbach		

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 2272** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 2399.

Ways and Means Calendar

Senate File 2399, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Kurtenbach of Story offered amendment H-8596 filed by the committee on ways and means as follows:

H-8596

- 1 Amend Senate File 2399, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 24 the
4 following:
5 "Sec. ___. Section 476B.6, subsection 5, Code
6 Supplement 2005, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 5. A tax credit certificate may be filed pursuant
9 to any of the following, to the extent applicable:
10 a. If the tax credit application is filed by a
11 partnership, limited liability company, S corporation,
12 estate, trust, or other reporting entity all of the
13 income of which is taxed directly to its equity
14 holders or beneficiaries, for the taxes imposed under
15 chapter 422, division II or III, the tax credit
16 certificate shall be issued directly to equity holders
17 or beneficiaries of the applicant in proportion to
18 their pro rata share of the income of such entity.
19 The applicant shall, in the application made under
20 this section, identify its equity holders or
21 beneficiaries, and the percentage of such entity's
22 income that is allocable to each equity holder or
23 beneficiary.
24 b. If the tax credit applicant under this section
25 is eligible to receive renewable electricity
26 production credits authorized under section 45 of the
27 Internal Revenue Code, as amended, and the tax credit
28 applicant is a partnership, limited liability company,
29 S corporation, estate, trust, or other reporting
30 entity all of the income of which is taxed directly to
31 its equity holders or beneficiaries, for the taxes
32 imposed under chapter 422, division II or III, the tax
33 credit certificate may be issued to 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 in the amounts
37 designated by the eligible partnership, S corporation,
38 or limited liability company. In absence of such
39 designation, the credits under this section shall flow
40 through to the partners, shareholders, or members in
41 accordance with their pro rata share of the income of
42 the entity.
43 The applicant shall, in the application made under
44 this section, identify the holders or beneficiaries
45 that are to receive the tax credit certificates and
46 the percentage of the tax credit that is allocable to
47 each holder or beneficiary.
48 c. If an applicant under this section is eligible
49 to receive renewable electricity production credits
50 authorized under section 45 of the Internal Revenue

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 certificates and all future rights to the tax credit
8 in this section may be distributed to an equity holder
9 or beneficiary as a liquidating distribution or
10 portion thereof, of a holder or beneficiary's interest
11 in the applicant entity.

12 The applicant shall, in the application made under
13 this section, designate the percentage of the tax
14 credit allocable to the liquidating equity holder or
15 beneficiary that is to receive the current and future
16 tax credit certificates under this section.

17 d. If the tax credit application is filed by a
18 partnership, limited liability company, S corporation,
19 estate, trust, or other reporting entity, all of whose
20 income is taxed directly to its equity holders or
21 beneficiaries for the taxes imposed under chapter 422,
22 division V, or under chapter 432, the tax credit
23 certificate shall be issued directly to the
24 partnership, limited liability company, S corporation,
25 estate, trust, or other reporting entity."

Kurtenbach of Story offered the following amendment H-8599, to the committee amendment H-8596, filed by J.K. Van Fossen of Scott from the floor and moved its adoption:

H-8599

1 Amend the amendment, H-8596, to Senate File 2399,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 25 the
5 following:

6 "____. Page 4, by inserting after line 8 the
7 following:

8 "Sec.____. Section 476C.4, subsection 4, Code
9 Supplement 2005, is amended by striking the subsection
10 and inserting in lieu thereof the following:

11 4. A tax credit certificate may be filed pursuant
12 to any of the following, to the extent applicable:

13 a. If the tax credit application is filed by a
14 partnership, limited liability company, S corporation,
15 estate, trust, or other reporting entity all of the
16 income of which is taxed directly to its equity
17 holders or beneficiaries, for the taxes imposed under
18 chapter 422, division II or III, the tax credit
19 certificate shall be issued directly to equity holders
20 or beneficiaries of the applicant in proportion to

21 their pro rata share of the income of such entity.
22 The applicant shall, in the application made under
23 this section, identify its equity holders or
24 beneficiaries, and the percentage of such entity's
25 income that is allocable to each equity holder or
26 beneficiary.

27 b. If the tax credit applicant under this section
28 is eligible to receive renewable electricity
29 production credits authorized under section 45 of the
30 Internal Revenue Code, as amended, and the tax credit
31 applicant is a partnership, limited liability company,
32 S corporation, estate, trust, or other reporting
33 entity all of the income of which is taxed directly to
34 its equity holders or beneficiaries, for the taxes
35 imposed under chapter 422, division II or III, the tax
36 credit certificate may be issued to a partner if the
37 business is a partnership, a shareholder if the
38 business is an S corporation, or a member if the
39 business is a limited liability company in the amounts
40 designated by the eligible partnership, S corporation,
41 or limited liability company. In absence of such
42 designation, the credits under this section shall flow
43 through to the partners, shareholders, or members in
44 accordance with their pro rata share of the income of
45 the entity.

46 The applicant shall, in the application made under
47 this section, identify the holders or beneficiaries
48 that are to receive the tax credit certificates and
49 the percentage of the tax credit that is allocable to
50 each holder or beneficiary.

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1 c. If an applicant under this section is eligible
2 to receive renewable electricity production credits
3 authorized under section 45 of the Internal Revenue
4 Code, as amended, and the tax credit applicant is a
5 partnership, limited liability company, S corporation,
6 estate, trust, or other reporting entity all of the
7 income of which is taxed directly to its equity
8 holders or beneficiaries, for the taxes imposed under
9 chapter 422, division II or III, the tax credit
10 certificates and all future rights to the tax credit
11 in this section may be distributed to an equity holder
12 or beneficiary as a liquidating distribution or
13 portion thereof, of a holder or beneficiary's interest
14 in the applicant entity.

15 The applicant shall, in the application made under
16 this section, designate the percentage of the tax
17 credit allocable to the liquidating equity holder or
18 beneficiary that is to receive the current and future
19 tax credit certificates under this section.

20 d. 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 whose
 23 income is taxed directly to its equity holders or
 24 beneficiaries for the taxes imposed under chapter 422,
 25 division V, or under chapter 423, 432, or 437A, the
 26 tax credit certificate shall be issued directly to the
 27 partnership, limited liability company, S corporation,
 28 estate, trust, or other reporting entity."

29 _____. Page 4, by striking lines 23 through 25 and
 30 inserting the following:

31 "Sec.____. EFFECTIVE DATES.

32 1. The sections of this Act amending section
 33 476B.6, subsection 5, and section 476C.4, subsection
 34 4, being deemed of immediate importance, take effect
 35 upon enactment.

36 2. The section of this Act relating to a proposal
 37 for a study on the transmission of electricity takes
 38 effect July 1, 2006.

39 3. Except as otherwise provided in this section,
 40 this Act takes effect January 1, 2007."

41 _____. Title page, line 3, by striking the words
 42 "an effective date" and inserting the following:
 43 "effective dates".

44 2. By renumbering as necessary.

Amendment H-8599 was adopted.

On motion by Kurtenbach of Story the committee amendment
 H-8596, as amended, 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?" (S.F. 2399)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	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
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	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	Wilderdyeke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Berry	Fallon	Jones	Lensing
Miller	Zirkelbach		

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

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2797.

Appropriations Calendar

House File 2797, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions, was taken up for consideration.

Wise of Lee asked and received unanimous consent that amendment H-8605 be deferred.

Huser of Polk asked and received unanimous consent that amendment H-8601 be deferred.

Wise of Lee offered amendment H-8603 filed by him from the floor as follows:

H-8603

1 Amend House File 2797 as follows:

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

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

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

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

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

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

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

39 3. If, after a reasonable period of time for
40 correction of the violation or breach reported
41 pursuant to subsection 2 an employee continues to
42 observe the particular practice that was the subject
43 of the report occurring in the workplace, the employee
44 may disclose information relating to the violation or
45 breach, and the fact that a correction of the
46 violation or breach has not been made, to the office

47 of citizens' aide, a licensing board, if applicable, a
48 member or employee of the general assembly, the office
49 of the attorney general, any other public official or
50 law enforcement agency, a federal government agency or

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

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

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

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

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

45 6. A person who violates this section commits a

46 simple misdemeanor and is subject to civil action, as
47 follows:
48 a. An employer who violates this section is liable
49 to an aggrieved employee for affirmative relief,
50 including reinstatement with or without pay, or any

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

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

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

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

23 2. By renumbering as necessary.

Upmeyer of Hancock rose on a point of order that amendment H-8603 was not germane.

The Speaker ruled the point well taken and amendment H-8603 not germane.

Wise of Lee moved to suspend the rules to consider amendment H-8603.

Roll call was requested by Murphy of Dubuque and Hunter of Polk.

On the question "Shall the rules be suspended to consider amendment H-8603?" (H.F. 2797)

The ayes were, 43:

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

The nays were, 49:

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

Absent or not voting, 8:

Berry	Hoffman	Jones	Lensing
Miller	Tymeson	Winckler	Zirkelbach

The motion to suspend the rules lost.

Raecker of Polk offered the following amendment H-8610 filed by him and Kuhn of Floyd from the floor and moved its adoption:

H-8610

- 1 Amend House File 2797 as follows:
- 2 1. Page 39, by inserting after line 14 the
- 3 following:
- 4 "Sec.____. Section 135H.3, Code 2005, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. A child who is diagnosed
- 7 with a biologically based mental illness, as defined
- 8 in section 514C.22, and meets the medical assistance

- 9 program criteria for admission to a psychiatric
10 medical institution for children, shall be deemed to
11 meet the acuity criteria for inpatient benefits under
12 a group policy, contract, or plan providing for third-
13 party payment or prepayment of health, medical, and
14 surgical coverage benefits issued by a carrier, as
15 defined in section 513B.2, or by an organized delivery
16 system authorized under 1993 Iowa Acts, ch. 158, that
17 is subject to section 514C.22. The treatment and
18 other care provided in a psychiatric institution shall
19 not be considered to be care that is substantially
20 custodial in nature for purposes of section 514C.22."
- 21 2. Page 43, line 24, by striking the word
22 "requirements" and inserting the following: "contract
23 letting procedures".
- 24 3. By striking page 57, line 32, through page 59,
25 line 20.
- 26 4. Page 62, by striking lines 26 through 30.

Amendment H-8610 was adopted.

Hunter of Polk offered amendment H-8602 filed by him from the floor as follows:

H-8602

- 1 Amend House File 2797 as follows:
2 1. Page 42, by inserting before line 32 the
3 following:
4 "Sec. . NEW SECTION. 303.91 IOWA ZOO FUND.
5 1. An Iowa zoo fund is created in the office of
6 the treasurer of state. The fund is composed of
7 moneys appropriated or available to and obtained or
8 accepted by the treasurer of state for deposit in the
9 fund. The fund shall include moneys transferred to
10 the fund as provided in section 422.12G. All interest
11 earned on moneys in the fund shall be credited to and
12 remain in the fund. Section 8.33 does not apply to
13 moneys in the fund.
14 2. Moneys in the fund that are authorized by the
15 department of cultural affairs for expenditure are
16 appropriated, and shall be used, to provide grants to
17 qualified zoos located in the state. To be qualified
18 to receive a grant from the Iowa zoo fund, a zoo must
19 not be used primarily as a research institution and
20 must be accredited by the American zoo and aquarium
21 association.
22 3. The department may authorize payment of moneys
23 from the fund upon approval of an application from a
24 private or public organization that maintains and

25 operates a zoo in the state. The applicant shall show
26 proof of accreditation by the American zoo and
27 aquarium association. The applicant shall also
28 indicate the annual attendance at the zoo in the
29 calendar year preceding the calendar year in which the
30 application is filed with the department.

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

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

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

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

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

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

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

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

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

24 3. Page 47, by inserting after line 5 the
25 following:
26 "____. The sections of this division of this Act
27 enacting sections 303.91 and 422.12G apply
28 retroactively to January 1, 2006, for tax years
29 beginning on or after that date."
30 4. By renumbering, redesignating, and correcting
31 internal references as necessary.

Raecker of Polk rose on a point of order that amendment H-8602 was not germane.

The Speaker ruled the point well taken and amendment H-8602 not germane.

Reichert of Muscatine offered amendment H-8609 filed by him from the floor as follows:

H-8609

1 Amend House File 2797 as follows:
2 1. Page 45, by inserting after line 31 the
3 following:
4 "Sec.____. Section 483A.8, subsection 1, Code
5 Supplement 2005, is amended to read as follows:
6 1. A resident hunting deer who is required to have
7 a hunting license must have a resident hunting license
8 in addition to the deer hunting license and must pay
9 the wildlife habitat fee. In addition, a resident who
10 purchases a deer hunting license shall pay a one
11 dollar fee that shall be used and is appropriated for
12 the purpose of deer herd population management,
13 including assisting with the cost of processing deer
14 donated to the help us stop hunger program
15 administered by the commission. The deer herd
16 population management fees collected pursuant to this
17 subsection shall not be used to assist with the cost
18 of processing deer for use by the department of
19 corrections.
20 Sec.____. Section 483A.8, subsection 3, paragraph
21 a, Code Supplement 2005, is amended to read as
22 follows:
23 a. A nonresident hunting deer is required to have
24 a nonresident hunting license and a nonresident deer
25 license and must pay the wildlife habitat fee. In
26 addition, a nonresident who purchases a deer hunting
27 license shall pay a one dollar fee that shall be used
28 and is appropriated for the purpose of deer herd
29 population management, including assisting with the
30 cost of processing deer donated to the help us stop

31 hunger program administered by the commission. The
32 deer herd population management fees collected
33 pursuant to this paragraph shall not be used to assist
34 with the cost of processing deer for use by the
35 department of corrections.

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

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

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

18 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment H-8609 was not germane.

The Speaker ruled the point well taken and amendment H-8609 not germane.

Huser of Polk asked and received unanimous consent that amendment H-8613 be deferred.

D. Olson of Boone offered the following amendment H-8614 filed by him from the floor and moved its adoption:

H-8614

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

Amendment H-8614 lost.

Wise of Lee offered amendment H-8605, previously deferred, filed by him from the floor as follows:

H-8605

- 1 Amend House File 2797 as follows:
- 2 1. Page 35, by inserting after line 12 the
- 3 following:
- 4 "Sec. . NEW SECTION. 68A.407 DISCLOSURES
- 5 RELATED TO POLITICAL TELEPHONE CALLS.
- 6 1. A candidate, an authorized representative of a
- 7 candidate, a candidate's committee, a political
- 8 committee, or an individual who is acting on behalf of
- 9 any of the above and who engages in a telephone
- 10 communication that identifies by name a candidate
- 11 shall disclose all of the following by the end of the
- 12 telephone call:
- 13 a. The identity of the individual who is calling
- 14 and the entity with which the individual is
- 15 affiliated, if any.
- 16 b. The individual or entity that paid for the
- 17 telephone communication. If a candidate's committee
- 18 or political committee has paid for or authorized the
- 19 telephone communication, the name of the candidate's
- 20 committee or political committee shall be disclosed.
- 21 If any person other than a candidate's committee or
- 22 political committee has paid for or authorized the
- 23 telephone communication, the communication shall also
- 24 disclose whether or not the communication has been
- 25 authorized by any candidate and shall disclose whether
- 26 the communication is an independent expenditure.
- 27 c. The name, telephone number, and address of an
- 28 individual whom the call recipient can contact for
- 29 further information regarding the telephone
- 30 communication.
- 31 2. The board shall adopt rules pursuant to chapter
- 32 17A establishing procedures to administer this
- 33 section."
- 34 2. Title page, line 6, by inserting after the

35 word "matters," the following: "including provisions
36 relating to the campaign finance and disclosure law,"
37 3. By renumbering as necessary.

Wise of Lee offered the following amendment H-8615, to amendment H-8605, filed by him from the floor and moved its adoption:

H-8615

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

Amendment H-8615 was adopted.

Raecker of Polk rose on a point of order that amendment H-8605, as amended was not germane.

The Speaker ruled the point well taken and amendment H-8605, as amended not germane.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8605, as amended.

Murphy of Dubuque asked and received unanimous consent that amendment H-8601 be deferred.

Raecker of Polk offered the following amendment H-8616 filed by him from the floor and moved its adoption:

H-8616

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

Amendment H-8616 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8601, previously deferred, filed by her from the floor.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8613 filed by her from the floor.

Raecker of Polk asked and received unanimous consent to reconsider the vote by which amendment H-8610 passed the House.

Division was requested as follows:

Lines 2 through 20, Division A.

Lines 21 through 26, Division B.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8610A.

On motion by Raecker of Polk, amendment H-8610B was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 2797 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2743, 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 May 2, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2789, a bill for an act relating to assessing court costs and modifying speeding fines, providing for indigent defense, and making appropriations to the judicial branch and department of inspections and appeals.

Also: That the Senate has on May 2, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2364, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation,

merger and reinsurance contracts, insurance holding company systems, and cemeteries.

Also: That the Senate has on May 2, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2408, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

Also: That the Senate has on May 2, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2409, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2408, by committee on ways and means, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

Read first time and **passed on file**.

The House resumed consideration of House File 2797, previously deferred.

Raecker of Polk offered the following amendment H-8621 filed by him and Kuhn of Floyd from the floor and moved its adoption:

H-8621

- 1 Amend House File 2797 as follows:
- 2 1. Page 7, by striking lines 11 through 15 and
- 3 inserting the following: "salaries provided for in
- 4 this section shall be paid from funds appropriated or
- 5 otherwise made available to the judicial branch
- 6 pursuant to other Acts of the general assembly."
- 7 2. Page 8, by inserting after line 11 the
- 8 following:
- 9 "4. The collective bargaining agreements
- 10 negotiated pursuant to chapter 20 for employees in the
- 11 judicial branch of government bargaining units and the
- 12 annual pay adjustments, related benefits, and expense
- 13 reimbursements of judicial branch employees not
- 14 covered by a collective bargaining agreement shall be

- 15 paid from funds appropriated or made available to the
16 judicial branch as provided in subsection 1."
17 3. Page 11, line 31, by inserting after the word
18 "regents" the following: "and the judicial branch".
19 4. Page 12, by striking lines 19 through 21.
20 5. Page 14, line 28, by inserting after the word
21 "regents" the following: "and the judicial branch".
22 6. By renumbering as necessary.

Amendment H-8621 was adopted.

Raecker of Polk offered the following amendment H-8622 filed by him from the floor and moved its adoption:

H-8622

- 1 Amend House File 2797 as follows:
2 1. Page 41, by striking line 6 and inserting the
3 following:
4 "(2) The child's counsel or guardian ad litem."
5 2. Page 41, by inserting after line 14 the
6 following:
7 "(7) The division of criminal and juvenile justice
8 planning of the department of human rights."

Amendment H-8622 was adopted.

Winckler of Scott offered amendment H-8624 filed by her and Jochum of Dubuque from the floor as follows:

H-8624

- 1 Amend House File 2797 as follows:
2 1. Page 41, by inserting after line 18 the
3 following:
4 "Sec. . NEW SECTION. 256.24 VOCATIONAL
5 REHABILITATION APPROPRIATION.
6 There is annually appropriated to the division of
7 vocational rehabilitation services for each fiscal
8 year an amount sufficient to provide the maximum funds
9 needed to match the total federal vocational
10 rehabilitation allocation available to the state as
11 certified by the department of education."
12 2. Page 43, by striking lines 25 through 35.
13 3. Page 44, by striking lines 21 through 28.

Raecker of Polk rose on a point of order that amendment H-8624 was not germane.

The Speaker ruled the point well taken and amendment H-8624 not germane.

Winckler of Scott asked and received unanimous consent to withdraw amendment H-8624 filed by her and Jochum of Dubuque.

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. 2797)

The ayes were, 91:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dolecheck	Drake	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	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
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	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 3:

Dix	Eichhorn	Sands
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Absent or not voting, 6:

Berry	Fallon	Jones	Lensing
Miller	Zirkelbach		

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 2797** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 5:15 p.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:20 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-five members present, fifteen absent.

SENATE MESSAGE CONSIDERED

Senate File 2409, by committee on ways and means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

Read first time and **passed on file**.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2795.

Ways and Means Calendar

House File 2795, a bill for an act relating to individual income tax relief by providing for a senior taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-8626 filed by her from the floor and moved its adoption:

H-8626

- 1 Amend House File 2795 as follows:
- 2 1. Title page, by striking lines 1 through 4 and
- 3 inserting the following: "An Act relating to elderly
- 4 income tax relief by providing for an elderly taxpayer
- 5 income tax exclusion and the phasing out of the income
- 6 tax on social security benefits and including
- 7 effective and applicability date provisions."

Amendment H-8626 was adopted.

SENATE FILE 2408 SUBSTITUTED FOR HOUSE FILE 2795

Upmeyer of Hancock asked and received unanimous consent to substitute Senate File 2408 for House File 2795.

Senate File 2408, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions, was taken up for consideration.

Jenkins of Black Hawk in the chair at 6:47 p.m.

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. 2408)

The ayes were, 89:

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

Lalk	Lukan	Lykam	Maddox
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, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Jenkins, Presiding			

The nays were, 6:

Heddens	Hunter	Mascher	Olson, R.
Taylor, D.	Wessel-Kroeschell		

Absent or not voting and 5:

Berry	Fallon	Jones	Lensing
Zirkelbach			

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 2408** be immediately messaged to the Senate.

HOUSE FILE 2795 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw House File 2795 from further consideration by the House.

Appropriations Calendar

House File 2769, a bill for an act relating to the community empowerment initiative and making an appropriation, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 7:41 p.m.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8600 filed by Tymeson, Foegen of Linn, Upmeyer of Hancock and Heaton of Henry from the floor.

Tymeson of Madison offered the following amendment H-8623 filed by her, Foege of Linn, Upmeyer of Hancock, and Heaton of Henry from the floor and moved its adoption:

H-8623

1 Amend House File 2769 as follows:

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

4 "DIVISION I
5 CODE CHANGES"

6 2. Page 3, by striking lines 13 through 17 and
7 inserting the following: "shall include but are not
8 limited to home visitation. After a community
9 empowerment area board has committed the portion of
10 school ready grant funding that is designated or
11 authorized by law to be used or set aside for a
12 particular purpose, the community board shall commit
13 approximately sixty percent of the remainder to family
14 support services and parent education programs
15 targeted to families with children who are newborn
16 through age five."

17 3. Page 5, by inserting after line 30 the
18 following:

19 "DIVISION II
20 APPROPRIATIONS – EARLY CARE, HEALTH, AND
21 EDUCATION PROGRAMS

22 Sec. ____ FAMILY SUPPORT AND PARENT EDUCATION –
23 FY 2006–2007 THROUGH FY 2008–2009. There is
24 appropriated from the general fund of the state to the
25 department of education for deposit in the school
26 ready children grants account of the Iowa empowerment
27 fund for each fiscal year of the period beginning July
28 1, 2006, and ending June 30, 2009, the following
29 amount, or so much thereof as is necessary, to be used
30 for the purposes designated:

31 For family support services and parent education
32 programs targeted to families expecting a child or
33 with newborn and infant children through age three, in
34 accordance with this section:

35 \$ 5,000,000

36 The amount appropriated in this section shall be
37 distributed in each of the fiscal years as part of the
38 school ready children grant program funding using the
39 distribution formula approved by the Iowa empowerment
40 board and shall be used by a community empowerment
41 area only for family support services and parent
42 education programs targeted to families expecting a
43 child or with newborn and infant children through age
44 three.

45 Sec. ____ EARLY CARE, HEALTH, AND EDUCATION

46 PROGRAMS – FY 2006–2007.

47 1. There is appropriated from the general fund of
48 the state to the school ready children grants account
49 of the Iowa empowerment fund for the fiscal year
50 beginning July 1, 2006, and ending June 30, 2007, the

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1 following amount, or so much thereof as is necessary,
2 to be used for the purposes designated:

3 For early care, health, and education programs, in
4 accordance with this section:

5 \$ 10,000,00

6 2. Of the amount appropriated in subsection 1,
7 \$5,500,000 is allocated to increase the funding
8 designated for distribution to community empowerment
9 areas to assist low-income parents with tuition for
10 preschool for children ages four and five who are not
11 attending kindergarten in order to increase the basic
12 family income eligibility requirement to not more than
13 200 percent of the federal poverty level. In
14 addition, if sufficient funding is available after
15 addressing the needs of those who meet the basic
16 income eligibility requirement, a community
17 empowerment area board may provide for eligibility for
18 those with a family income in excess of the basic
19 income eligibility requirement through use of a
20 sliding scale or other copayment provision.

21 3. Of the amount appropriated in subsection 1,
22 \$3,500,000 is allocated for efforts to improve the
23 quality of early care, health, and education programs.
24 The Iowa empowerment board may reserve a portion of
25 the allocation, not to exceed \$100,000 for the
26 technical assistance expenses of the Iowa empowerment
27 office and shall distribute the remainder to community
28 empowerment areas for local quality improvement
29 efforts through a methodology identified by the board
30 to make the most productive use of the funding, which
31 may include use of the distribution formula, grants,
32 or other means.

33 4. a. Of the amount appropriated in subsection 1,
34 \$1,000,000 shall be credited to the community
35 empowerment gifts and grants account created in this
36 Act within the Iowa empowerment fund. The amount
37 credited shall be reserved for distribution to
38 implement those recommendations of the business
39 community investment advisory council created in this
40 subsection that are approved for implementation by the
41 Iowa empowerment board. Not more than 3 percent of
42 the amount allocated in this subsection shall be used
43 for the expenses of the advisory council created in
44 this subsection.

45 b. A business community investment advisory
46 council is created to advise the Iowa empowerment
47 board. The membership of the advisory council shall
48 be appointed by the governor in a manner to ensure
49 there is representation for rural and urban interests,
50 various geographic areas of the state, and different

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1 sizes of businesses. The membership shall be
2 appointed as follows:

3 (1) Two members from nominees provided by the Iowa
4 business council.

5 (2) Two members from nominees provided by the Iowa
6 association of business and industry.

7 (3) One member from nominees provided by the Iowa
8 chamber alliance.

9 (4) One member from nominees provided by the
10 professional developers of Iowa.

11 (5) Three members representing early care, health,
12 and education services providers from nominees
13 provided by the state child care advisory council so
14 that representation is provided for for-profit child
15 development home providers, for-profit child care
16 center providers, and nonprofit child care center
17 providers.

18 (6) One member representing school administrators
19 who have responsibilities involving a public preschool
20 program from nominees provided by the school
21 administrators of Iowa.

22 (7) One member representing kindergarten teachers
23 from nominees provided by the Iowa state education
24 association, professional educators of Iowa, and
25 nonpublic schools.

26 (8) One parent of a child from birth through age
27 five who is not attending kindergarten from nominees
28 submitted by community empowerment area boards.

29 (9) The directors of the state agencies
30 represented on the Iowa empowerment board may serve as
31 nonvoting, ex officio members of the advisory council.

32 c. The advisory council shall advise the Iowa
33 empowerment board on the best means to leverage
34 private investment in early care, health, and
35 education services and provide options for creating
36 model projects for public-private partnerships to
37 support quality early care, health, and education
38 programming in communities. The advisory council
39 shall complete its deliberations by submitting a
40 report with recommendations and findings to the Iowa
41 empowerment board on or before December 31, 2006. The
42 report shall address all of the following in addition
43 to other items identified by the advisory council:

44 (1) A strategy for blending funding for early
 45 care, health, and education services from the public
 46 sector and the private sector, including but not
 47 limited to the funding provided by businesses and
 48 individual families. The advisory council shall
 49 consider an approach based on that used for the vision
 50 Iowa program, the grow Iowa values fund, and other

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1 economic models.

2 (2) A strategy for community empowerment area
 3 boards to develop and implement local public-private
 4 partnership networks and apply for state and private
 5 funding to implement innovative early care, health,
 6 and education programming, or to be able to apply for
 7 competitive grants to enhance such partnership
 8 networks. The advisory council shall give
 9 consideration to similar approaches that have been
 10 successful in other states.

11 (3) A strategy for requiring local match funding
 12 for a community empowerment area to access the funding
 13 allocated in this subsection.

14 (4) Accountability and evaluation measures.

15 (5) Provisions to ensure efficiency.

16 Sec. ____ EARLY CARE, HEALTH, AND EDUCATION
 17 PROGRAMS – FY 2007–2008 AND 2008–2009.

18 1. There is appropriated from the general fund of
 19 the state to the department of education for deposit
 20 in the school ready children grants account of the
 21 Iowa empowerment fund for each fiscal year of the
 22 fiscal period beginning July 1, 2007, and ending June
 23 30, 2009, the following amount, or so much thereof as
 24 is necessary, to be used for the purposes designated:

25 For early care, health, and education and preschool
 26 programs, to continue programs and initiatives
 27 developed pursuant to the appropriation made in this
 28 division of this Act for this purpose for the fiscal
 29 year beginning July 1, 2006:
 30 \$ 15,000,000

31 2. Expenditure of the amounts appropriated in this
 32 section is subject to enactment of law specifying how
 33 the amounts are to be distributed. It is the intent
 34 of the general assembly that the increase in funding
 35 provided by this section of \$5,000,000 over the amount
 36 appropriated in this division of this Act for the same
 37 purpose for the fiscal year beginning July 1, 2006,
 38 will be designated for the expansion of the
 39 initiatives implemented pursuant to the business
 40 community investment advisory council recommendations
 41 adopted pursuant to this Act."

42 4. Title page, line 2, by striking the words "an

- 43 appropriation" and inserting the following:
44 "appropriations".
45 5. By renumbering as necessary.

Amendment H-8623 was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-8558 filed by her on April 19, 2006, placing out of order amendment H-8590 filed by Ford of Polk on May 1, 2006.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8437 filed by him on March 29, 2006.

Foege of Linn asked and received unanimous consent to withdraw amendment H-8552 filed by Foege of Linn et al., on April 17, 2006, placing out of order amendment H-8559 filed by Tymeson of Madison on April 19, 2006.

Heaton of Henry offered the following amendment H-8608 filed by him, Foege of Linn and Tymeson of Madison from the floor and moved its adoption:

H-8608

- 1 Amend House File 2769 as follows:
2 1. Page 5, by inserting before line 31 the
3 following:
4 "Sec. _____. PROFESSIONAL DEVELOPMENT AND TRAINING
5 ACTIVITIES. The amounts credited to the Iowa
6 empowerment fund for purposes of professional
7 development and training activities for the fiscal
8 year beginning July 1, 2006, in 2006 Iowa Acts, House
9 File 2527 and House File 2734, if enacted, are
10 appropriated to be used as provided in this section.
11 For the fiscal year beginning July 1, 2006, the Iowa
12 empowerment board shall phase out the professional
13 development activities that began in the previous
14 fiscal year through community empowerment area boards.
15 The designated amounts shall be used for support of
16 professional development and training activities for
17 persons working in early care, health, and education
18 by the Iowa empowerment board in collaboration with
19 representation from Iowa state university of science
20 and technology cooperative extension service in
21 agriculture and home economics, area education
22 agencies, community colleges, child care resource and
23 referral services, and community empowerment area

24 boards. Expenditures shall be limited to professional
 25 development and training activities agreed upon by the
 26 parties participating in the collaboration."
 27 2. By renumbering as necessary.

Amendment H-8608 was adopted.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2769)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	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	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	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Berry	Fallon	Jones	Lensing
Zirkelbach			

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

HOUSE FILE 2320 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House File 2320 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2769** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2796.

House File 2796, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions, was taken up for consideration.

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8611 filed by him from the floor.

Boal of Polk offered the following amendment H-8625 filed by her from the floor and moved its adoption:

H-8625

1 Amend House File 2796 as follows:

- 2 1. Page 2, by striking lines 7 through 11 and
- 3 inserting the following: "this section does not
- 4 exceed an amount equal to three times the most
- 5 recently published federal poverty guidelines in the
- 6 federal register by the United States department of
- 7 health and human services."
- 8 2. Page 3, line 9, by inserting after the figure
- 9 "7." the following: "However, a school tuition
- 10 organization shall not be authorized to issue tax
- 11 credit certificates unless the organization is
- 12 controlled by a board of directors consisting of seven
- 13 members. The names and addresses of the members shall
- 14 be provided to the department and shall be made
- 15 available by the department to the public,
- 16 notwithstanding any state confidentiality

17 restrictions."

18 3. Page 4, line 6, by inserting after the word
19 "year." the following: "For the tax year beginning in
20 the 2006 calendar year only, each school served by a
21 school tuition organization shall submit a
22 participation form to the department by August 1,
23 2006, providing the certified enrollment as of the
24 third Friday of September 2005, along with the school
25 tuition organization that represents the school."

26 4. Page 4, by striking line 22 and inserting the
27 following:

28 "a. The name and address of the members and the
29 chairperson of the governing board of the school".

Amendment H-8625 was adopted, placing out of order amendment H-8612 filed by Jochum of Dubuque from the floor.

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw amendment H-8619 filed by her from the floor.

SENATE FILE 2409 SUBSTITUTED FOR HOUSE FILE 2796

Boal of Polk asked and received unanimous consent to substitute Senate File 2409 for House File 2796.

Senate File 2409, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-8629 filed by him from the floor and moved its adoption:

H-8629

1 Amend Senate File 2409, as passed by the Senate, as
2 follows:

3 1. Page 1, line 5, by striking the word
4 "sixty-five" and inserting the following:
5 "thirty-five".

Amendment H-8629 lost.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2409 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 2006, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2540, A bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees.

Also: That the Senate has on May 2, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2731, A bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

De Boef of Keokuk called up for consideration **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 2540)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2540: De Boef of Keokuk, Chair; Raecker of Polk, Drake of Pottawattamie, D. Olson of Boone and Mertz of Kossuth.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2540** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Horbach of Tama called up for consideration **House File 2789**, a bill for an act relating to assessing court costs and modifying speeding fines, providing for indigent defense, and making appropriations to the judicial branch and department of inspections and appeals, amended by the Senate, and moved that the House concur in the following Senate amendment H-8618:

H-8618

1 Amend House File 2789, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321J.2, subsection 2,
6 paragraph a, subparagraph (2), Code 2005, is amended
7 to read as follows:

8 (2) Assessment of a fine of one thousand two
9 hundred fifty dollars. However, in the discretion of
10 the court, if no personal or property injury has
11 resulted from the defendant's actions, the court may
12 waive up to five six hundred twenty-five dollars of
13 the fine when the defendant presents to the court at
14 the end of the minimum period of ineligibility, a
15 temporary restricted license issued pursuant to
16 section 321J.20. As an alternative to a portion or
17 all of the fine, the court may order the person to
18 perform unpaid community service.

19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
20 Code 2005, is amended to read as follows:

21 b. An aggravated misdemeanor for a second offense,
22 and shall be imprisoned in the county jail or
23 community-based correctional facility not less than
24 seven days, and assessed a fine of not less than one
25 thousand five eight hundred seventy-five dollars nor
26 more than five six thousand two hundred fifty dollars.

27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A class "D" felony for a third offense and each
31 subsequent offense, and shall be committed to the
32 custody of the director of the department of
33 corrections for an indeterminate term not to exceed
34 five years, shall be confined for a mandatory minimum
35 term of thirty days, and shall be assessed a fine of
36 not less than two three thousand five one hundred
37 twenty-five dollars nor more than seven nine thousand
38 five three hundred seventy-five dollars."

39 2. Page 1, line 18, by inserting after the figure

40 "8A." the following: "the office of attorney general
 41 pursuant to section 602.8108, subsection 8B, the
 42 department of corrections pursuant to section
 43 602.8108, subsection 8C.".

44 3. Page 1, line 31, by inserting after the figure
 45 "8A." the following: "the office of attorney general
 46 pursuant to section 602.8108, subsection 8B, and the
 47 department of corrections pursuant to section
 48 602.8108, subsection 8C.".

49 4. Page 3, line 14, by inserting after the figure
 50 "8A." the following: "8B, 8C.".

Page 2

1 5. Page 3, line 26, by striking the word
 2 "thirteen" and inserting the following: "fourteen".

3 6. Page 4, line 6, by striking the word
 4 "subsection" and inserting the following:
 5 "subsections".

6 7. Page 4, line 11, by striking the words "two
 7 million eight hundred thousand" and inserting the
 8 following: "three million".

9 8. Page 4, by inserting after line 14 the
 10 following:

11 "NEW SUBSECTION. 8B. The state court
 12 administrator shall allocate to the office of attorney
 13 general for the fiscal year beginning July 1, 2006,
 14 and for each fiscal year thereafter, three hundred
 15 thousand dollars of the moneys received annually under
 16 subsection 2, to be used for legal services for
 17 persons in poverty grants as provided in section
 18 13.34.

19 NEW SUBSECTION. 8C. The state court administrator
 20 shall allocate to the department of corrections for
 21 the fiscal year beginning July 1, 2006, and for each
 22 fiscal year thereafter, five hundred sixty thousand
 23 dollars of the moneys received annually under
 24 subsection 2, to be used for offenders transferred to
 25 the department pursuant to section 229A.5, subsection
 26 5."

27 9. By striking page 4, line 35, through page 5,
 28 line 1, and inserting the following: "class "A"
 29 felonies, sixty dollars per hour for all other
 30 felonies, sixty dollars per hour for misdemeanors, and
 31 fifty-five dollars per hour for all other cases."

32 10. Page 5, by inserting after line 11 the
 33 following:

34 "Sec. ____ Section 903.1, subsection 1, paragraphs
 35 a and b, Code 2005, are amended to read as follows:

36 a. For a simple misdemeanor, there shall be a fine
 37 of at least fifty sixty-five dollars but not to exceed
 38 five six hundred twenty-five dollars. The court may

39 order imprisonment not to exceed thirty days in lieu
 40 of a fine or in addition to a fine.
 41 b. For a serious misdemeanor, there shall be a
 42 fine of at least ~~two~~ three hundred ~~fifty~~ fifteen
 43 dollars but not to exceed one thousand ~~five~~ eight
 44 hundred ~~seventy-five~~ dollars. In addition, the court
 45 may also order imprisonment not to exceed one year.
 46 Sec. _____. Section 903.1, subsection 2, Code 2005,
 47 is amended to read as follows:
 48 2. When a person is convicted of an aggravated
 49 misdemeanor, and a specific penalty is not provided
 50 for, the maximum penalty shall be imprisonment not to

Page 3

1 exceed two years. There shall be a fine of at least
 2 ~~five~~ six hundred ~~twenty-five~~ dollars but not to exceed
 3 ~~five~~ six thousand ~~two hundred~~ fifty dollars. Whe a
 4 judgment of conviction of an aggravated misdemeanor is
 5 entered against any person and the court imposes a
 6 sentence of confinement for a period of more than one
 7 year the term shall be an indeterminate term."
 8 11. Title page, line 1, by inserting after the
 9 word "costs" the following: "and modifying fines".
 10 12. Title page, line 2, by inserting after the
 11 word "branch" the following: ", attorney general,
 12 department of corrections".
 13 13. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8618.

Horbach of Tama 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. 2789)

The ayes were, 92:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Davitt	De Boef
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	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
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
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, 4:

Dandekar	Dix	Paulsen	Sands
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Absent or not voting, 4:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2789** be immediately messaged to the Senate.

The House resumed consideration of Senate File 2409, previously deferred and found on pages 1542-1543 of the House Journal.

Wessel-Kroeschell of Story offered amendment H-8631 filed by her from the floor as follows:

H-8631

- 1 Amend Senate File 2409, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 11, by inserting after the word
- 4 "means" the following: "a public elementary or
- 5 secondary school in this state or".

Amendment H-8631 lost.

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. 2409)

The ayes were, 75:

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

The nays were, 19:

Bukta	Cohoon	Davitt	Granzow
Heddens	Hunter	Jacoby	Mascher
Oldson	Olson, R.	Petersen	Reichert
Shoultz	Taylor, D.	Taylor, T.	Wessel-Kroeschell
Whitaker	Winckler	Wise	

Absent or not voting and 6:

Fallon	Foege	Jones	Lensing
Miller	Zirkelbach		

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

HOUSE FILE 2796 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 2796 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2409** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 2743**, 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 amendment H-8617 as follows:

H-8617

- 1 Amend House File 2743, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 29, by striking the figure
- 4 "50,000" and inserting the following: "250,000".
- 5 2. Page 2, line 16, by striking the figure
- 6 "5,011,565" and inserting the following: "5,928,465".
- 7 3. Page 4, lines 5 and 6, by striking the words
- 8 "existing substance abuse treatment programs." and
- 9 inserting the following: "the maintenance and
- 10 enhancement of substance abuse treatment programs
- 11 currently funded by the department."
- 12 4. Page 4, line 33, by striking the figure
- 13 "250,000" and inserting the following: "350,000".
- 14 5. By striking page 4, line 34, through page 5,
- 15 line 5.
- 16 6. Page 5, line 11, by striking the figure
- 17 "850,000" and inserting the following: "1,050,000".
- 18 7. Page 5, line 13, by striking the figure
- 19 "400,000" and inserting the following: "500,000".
- 20 8. Page 5, line 15, by inserting after the word
- 21 "mentors." the following: "Of the amount specified in
- 22 this subparagraph (1), \$25,000 shall be utilized to
- 23 provide grants to small community-based organizations
- 24 that meet the requirements of this subparagraph (1)."
- 25 9. Page 5, line 21, by striking the figure
- 26 "400,000" and inserting the following: "500,000".
- 27 10. Page 5, line 24, by inserting after the word
- 28 "leadership." the following: "Of the amount specified
- 29 in this subparagraph (2), \$25,000 shall be utilized to
- 30 provide grants to small community-based organizations
- 31 that meet the requirements of this subparagraph (2)."
- 32 11. Page 5, line 35, by inserting after the word
- 33 "prevention" the following: "grants and for".
- 34 12. Page 6, line 5, by striking the figure
- 35 "60,000" and inserting the following: "100,000".

36 13. Page 6, line 11, by striking the figure
37 "3,782,999" and inserting the following: "4,046,474".

38 14. Page 6, line 12, by striking the figure
39 "164,741" and inserting the following: "228,216".

40 15. Page 6, line 15, by striking the figure
41 "64,741" and inserting the following: "128,216".

42 16. Page 6, line 21, by striking the figure
43 "296,217" and inserting the following: "306,217".

44 17. Page 7, line 20, by striking the figure
45 "100,000" and inserting the following: "300,000".

46 18. Page 7, by striking line 22 and inserting the
47 following: "correctional services. Of the funds
48 allocated, \$100,000 shall be used for community-based
49 corrections, and \$200,000 shall be used to implement
50 an adult drug court program."

Page 2

1 19. Page 8, by striking lines 3 through 18.

2 20. By striking page 9, line 17, through page 10,
3 line 15, and inserting the following:

4 "Sec.____. DEPARTMENT OF EDUCATION. There is
5 appropriated from the healthy Iowans tobacco trust
6 created in section 12.65, to the department of
7 education for the fiscal year beginning July 1, 2006,
8 and ending June 30, 2007, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purpose designated:

11 To establish a competitive grants program to expand
12 the availability of before and after school programs:

13 \$ 150,000

14 School districts and other public and private
15 organizations shall be eligible to apply for a grant
16 from the program. Grant applications shall be
17 assessed by the department based on the targeted
18 student population and whether the application
19 demonstrates partnerships and collaboration with
20 not-for-profit community organizations, if
21 appropriate; indicates that the school district or
22 organization has access to training for the program;
23 provides for a safe and engaging environment; combines
24 academic, enrichment, cultural, and recreational
25 activities; provides for no less than a 20 percent
26 match; and demonstrates that the school district or
27 organization is able to sustain the program after the
28 grant is exhausted. The types of activities supported
29 by an applicant may include but are not limited to
30 tutoring and supplementing instruction in basic
31 skills, such as reading, math, and science; drug and
32 violence prevention curricula and counseling; youth
33 leadership activities; volunteer and service learning
34 opportunities; career and vocational awareness

35 preparation; courses and enrichment in arts and
 36 culture; computer instruction; character development
 37 and civic participation; language instruction,
 38 including English as a second language; mentoring;
 39 positive interaction with law enforcement; supervised
 40 recreation programs; or health and nutrition programs.
 41 The department shall make every attempt to leverage
 42 additional funding from other public and private
 43 sources to support the program provided under this
 44 section."

45 21. Page 10, by inserting after line 15 the
 46 following:

47 "Sec.____. FARMERS WITH DISABILITIES – FEDERAL
 48 REPLACEMENT FUNDS. There is appropriated from the
 49 general fund of the state to the division of
 50 vocational rehabilitation services of the department

Page 3

1 of education for the fiscal year beginning July 1,
 2 2006, and ending June 30, 2007, the following amount,
 3 or so much thereof as is necessary, to be used for the
 4 purpose designated:

5 For a grant to a national nonprofit organization
 6 with over 80 years of experience in assisting children
 7 and adults with disabilities and special needs and
 8 their families through services that include medical
 9 rehabilitation, job training and employment services,
 10 child care, adult day services, and camping and
 11 recreation, in order to replace expired federal
 12 funding for a nationally recognized program that has
 13 been replicated in 30 other states but which is not
 14 available through any other entity in this state that
 15 provides assistance to farmers with disabilities in
 16 all 99 counties to allow the farmers to remain in
 17 their own homes and be gainfully engaged in farming
 18 through provision of agricultural worksite and home
 19 modification consultations, peer support services,
 20 services to families, information and referral, and
 21 equipment loan services:

22 \$ 130,000

23 Sec.____. Section 135.26, Code Supplement 2005, is
 24 amended to read as follows:

25 135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT
 26 PROGRAM.

27 The department shall establish and implement an
 28 automated external defibrillator grant program which
 29 provides matching funds to local boards of health,
 30 community organizations, or cities for the program
 31 after standards and requirements for the utilization
 32 of automated external defibrillator equipment, and
 33 training on the use of such equipment, are developed

34 at the local level. The objective of the program
35 shall be to enhance the emergency response system in
36 rural areas of the state where access to health care
37 providers is often limited by providing increased
38 access to automated external defibrillator equipment
39 by rural emergency and community personnel. A local
40 board of health, community organization, or city may
41 submit an application to the department for review.
42 The department shall establish criteria for the review
43 and approval of grant applications by rule, and may
44 accept gifts, grants, bequests, and other private
45 contributions, as well as state or federal funds, for
46 purposes of the program. The amount of a grant shall
47 not exceed fifty percent of the cost of the automated
48 external defibrillator equipment to be distributed to
49 the applicant and the training program to be
50 administered by the applicant at the local level.

Page 4

1 Each application shall include information
2 demonstrating that the applicant will provide matching
3 funds of fifty percent of the cost of the program.
4 Grant recipients shall submit an annual report to the
5 department indicating automated external defibrillator
6 equipment usage levels, patient outcomes, and number
7 of individuals trained. For the purposes of this
8 section, "rural" means a geographic area outside an
9 urban or suburban setting with a population of less
10 than fifty thousand persons.
11 Sec. ____. 2005 Iowa Acts, chapter 176, section 1,
12 subsection 1, paragraph a, unnumbered paragraph 2, is
13 amended to read as follows:
14 Of the amount appropriated in this paragraph,
15 ~~\$50,000~~ \$150,000 shall be used to continue the efforts
16 of the Iowa chronic care consortium pursuant to 2003
17 Iowa Acts, chapter 112, section 12, as amended by 2003
18 Iowa Acts, chapter 179, sections 166 and 167."
19 22. Page 10, line 19, by striking the figure
20 "13,750,000" and inserting the following:
21 "10,925,000".
22 23. Page 10, by inserting after line 23 the
23 following:
24 "Sec. ____. EFFECTIVE DATE. The section of this
25 Act amending 2005 Iowa Acts, chapter 176, section 1,
26 being deemed of immediate importance, takes effect
27 upon enactment."
28 24. Title page, line 2, by inserting after the
29 word "fund" the following: ", and providing an
30 effective date".
31 25. By renumbering as necessary.

Heaton of Henry offered the following amendment H-8628, to the Senate amendment H-8617, filed by him from the floor and moved its adoption:

H-8628

- 1 Amend the Senate amendment, H-8617, to House File
- 2 2743, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 11, the
- 5 following:
- 6 "____. Page 4, by striking line 32, and inserting
- 7 the following: "established pursuant to section
- 8 135.26 and for not more than the following full-time
- 9 equivalent position:""
- 10 2. Page 1, line 15, by inserting after the figure
- 11 "5" the following: "and inserting the following:
- 12 FTEs 1.00"
- 13 3. Page 2, by striking line 1, and inserting the
- 14 following:
- 15 "____. Page 8, by striking line 16."
- 16 4. Page 4, line 21, by striking the figure
- 17 "10,925,000" and inserting the following:
- 18 "13,975,375".
- 19 5. By renumbering as necessary.

Amendment H-8628 was adopted.

On motion by Heaton of Henry the House concurred in the Senate amendment H-8617, 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. 2743)

The ayes were, 95:

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

Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	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	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Urmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Carroll, Presiding	

The nays were, none.

Absent or not voting, 5:

Fallon	Hunter	Jones	Lensing
Zirkelbach			

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 2743** be immediately messaged to the Senate.

The House stood at ease at 8:41 p.m., until the fall of the gavel.

The House resumed session at 10:10 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 2, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2527, 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 including effective and retroactive applicability dates.

Also: That the Senate has on May 2, 2006, appointed the conference committee to House File 2540, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees. (Formerly HSB 705), and the members of the Conference Committee on the part of the Senate are: the senator from Union, Senator Angelo, and the senator from Scott, Senator Seng, Co-Chairs; the senator from Jasper, Senator Black; the senator from Johnson, Senator Dvorsky; the senator from Hancock, Senator Gaskill; the senator from Osceola, Senator Johnson.

Also: That the Senate has on May 2, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2780, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, and providing effective and applicability dates.

Also: That the Senate has on May 2, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2794, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Chambers of O'Brien called up for consideration **House File 2527**, 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 including effective and retroactive applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8632:

H-8632

- 1 Amend House File 2527, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 13, by striking the figure

4 "400,000" and inserting the following: "285,000".

5 2. Page 2, by striking lines 14 through 20.

6 3. Page 4, line 29, by striking the figure

7 "200,000" and inserting the following: "300,000".

8 4. Page 5, by striking lines 11 and 12 and

9 inserting the following:

10 "..... \$ 5,643,607

11 FTEs 75.37

12 From the funds appropriated in this subsection,
13 \$225,000 shall be allocated for purposes of
14 conducting, supporting, and managing the accreditation
15 of school districts and for purposes of various other
16 duties such as conducting reorganization feasibility
17 studies."

18 5. Page 6, line 2, by striking the figure
19 "4,779,655" and inserting the following: "5,034,655".

20 6. Page 7, line 17, by striking the figure
21 "7,856,113" and inserting the following: "7,966,113".

22 7. Page 10, by striking lines 3 through 7 and
23 inserting the following: "Iowa empowerment fund,
24 \$1,000,000 shall be used for professional development
25 for the system of early care, health, and education.

26 f. Of the amount appropriated in this subsection
27 for deposit in the school ready children grants
28 account of the Iowa empowerment fund, \$100,000 shall
29 be allocated to the public broadcasting division of
30 the department of education for support of community
31 empowerment as a ready-to-learn-coordinator."

32 8. Page 10, by striking lines 15 through 19.

33 9. Page 10, line 25, by striking the figure
34 "400,000" and inserting the following: "600,000".

35 10. Page 10, by inserting after line 35 the
36 following:

37 "___ READING INSTRUCTION PILOT PROJECT GRANT
38 PROGRAM

39 For the implementation of the reading instruction
40 pilot project grant program, if enacted by this Act:

41 \$ 250,000

42 _ PARENT LIAISON PROGRAM

43 For the establishment of a parent liaison program:

44 \$ 44,000

45 The department of education shall develop and
46 implement a pilot parental involvement liaison
47 project. The department shall study successful state
48 and national programs and use this information to
49 develop a parental involvement liaison pilot project
50 in which school districts and schools throughout the

1 state may apply to participate. The department shall
2 determine a timeline for the implementation of a

3 parental involvement liaison pilot project and other
 4 mechanisms as identified, the necessary resources,
 5 measures to publicize the project and other
 6 mechanisms, and shall submit its findings and
 7 recommendations in a report to the chairpersons and
 8 ranking members of the senate and house of
 9 representatives standing committees on education by
 10 January 15, 2008.

11 . CORE CURRICULUM REQUIREMENTS

12 To implement core curriculum requirements
 13 established pursuant to section 256.7, subsection 26,
 14 as amended by 2006 Iowa Acts, Senate File 2272, if
 15 enacted:

16 \$ 270,000"

17 11. Page 11, by striking lines 4 through 22 and
 18 inserting the following:

19 "..... \$159,579,244

20 Notwithstanding the allocation formula in section
 21 260C.18C, the funds appropriated in this subsection
 22 shall be allocated as follows:

- 23 a. Merged Area I \$ 7,786,416
- 24 b. Merged Area II \$ 8,746,545
- 25 c. Merged Area III \$ 8,076,172
- 26 d. Merged Area IV \$ 3,965,756
- 27 e. Merged Area V \$ 8,716,683
- 28 f. Merged Area VI \$ 7,697,799
- 29 g. Merged Area VII \$11,295,091
- 30 h. Merged Area IX \$13,968,730
- 31 i. Merged Area X \$ 23,342,242
- 32 j. Merged Area XI \$ 23,626,432
- 33 k. Merged Area XII \$ 9,256,058
- 34 l. Merged Area XIII \$ 9,349,224
- 35 m. Merged Area XIV \$4,015,573
- 36 n. Merged Area XV \$12,611,064
- 37 o. Merged Area XVI \$ 7,125,459"

38 12. Page 11, line 24, by striking the words "each
 39 community college shall" and inserting the following:
 40 "the department of education shall compile and".

41 13. Page 11, line 27, by inserting after the word
 42 "year" the following: ", which each community college
 43 shall submit to the department by a date specified by
 44 the department".

45 14. Page 16, line 15, by striking the word
 46 "institutions" and inserting the following:
 47 "universities".

48 15. Page 16, line 17, by striking the figure
 49 "6,000,000" and inserting the following:
 50 "11,000,000".

Page 3

1 16. Page 16, line 28, by striking the word
2 "institutions" and inserting the following:
3 "universities".

4 17. Page 16, line 30, by striking the word
5 "institutions" and inserting the following:
6 "universities".

7 18. Page 16, line 31, by striking the word
8 "institution-wide" and inserting the following:
9 "university-wide".

10 19. Page 17, line 8, by striking the word
11 "institution" and inserting the following:
12 "university".

13 20. Page 17, line 18, by striking the words
14 "institution. The institutions" and inserting the
15 following: "university. The universities".

16 21. Page 17, line 32, by striking the word
17 "institution" and inserting the following:
18 "university".

19 22. Page 18, line 3, by striking the words "an
20 institutional" and inserting the following: "a
21 university".

22 23. Page 18, line 5, by striking the word
23 "institutional" and inserting the following:
24 "university".

25 24. Page 18, line 10, by striking the word
26 "institutions" and inserting the following:
27 "universities".

28 25. Page 18, by striking lines 12 through 21.

29 26. Page 18, by inserting before line 22 the
30 following:

31 "(7) Consider Iowa pilot program

32 From the moneys allocated pursuant to this lettered
33 paragraph, an amount equal to \$250,000 shall be used
34 for the development and implementation of a consider
35 Iowa pilot program at the state university of Iowa to
36 retain Iowa's college graduates. The pilot program
37 shall be developed with the intent of expanding the
38 program in future years to the Iowa state university
39 of science and technology and to the university of
40 northern Iowa. The pilot program shall be developed
41 in cooperation with representatives from the state's
42 community colleges and businesses, shall focus on
43 transitional students, current students, and alumni,
44 and shall provide for the following:

45 (a) An interactive internet web presence tying in
46 all aspects of the program.

47 (b) Career development opportunities for target
48 markets.

49 (c) A consulting service for alumni of Iowa's
50 community colleges and the institutions of higher

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- 1 education governed by the state board of regents.
2 (d) Virtual career fairs for Iowa's businesses.
3 (e) Organization and sponsorship of Iowa employer
4 immersion programs, which may include but are not
5 limited to opportunities for students to tour Iowa
6 businesses and visit with employers and employees in
7 the workplace.
8 (f) Employer strategy forums that encourage
9 recruitment in Iowa, assist community college students
10 with career development issues, and emphasize the
11 benefits of working within the state.
12 (g) Funding for research on why graduates leave
13 Iowa and which defines and implements methods to
14 retain Iowa's graduates and encourage those who have
15 migrated to return.
16 (h) Work with the leadership Iowa program to
17 expand the program at the collegiate level.
18 The university shall submit a progress report to
19 the general assembly by January 15, 2007, and shall
20 submit its findings and recommendations in a report to
21 the general assembly by January 14, 2008."
22 27. By striking page 18, line 33, through page
23 19, line 3.
24 28. Page 21, by striking lines 18 through 20.
25 29. Page 22, by striking lines 16 through 19.
26 30. Page 22, line 29, by striking the figure
27 "8,810,471" and inserting the following: "9,162,890".
28 31. Page 22, line 35, by striking the figure
29 "4,930,295" and inserting the following: "5,127,507".
30 32. Page 24, by inserting after line 6 the
31 following:
32 "Sec. . NEW SECTION. 256.25 READING
33 INSTRUCTION PILOT PROJECT GRANT PROGRAM.
34 1. Subject to an appropriation of sufficient funds
35 by the general assembly, the department shall
36 establish a reading instruction pilot project grant
37 program that provides for conducting at least two
38 direct reading instruction pilot projects and at least
39 two comprehensive reading instruction pilot projects
40 to demonstrate the ability of both approaches to
41 positively affect student learning for any or all
42 grades from kindergarten through grade three in
43 selected school district attendance centers.
44 2. Each pilot project shall be conducted for a
45 minimum of one year, subject to an appropriation by
46 the general assembly to the department for that
47 purpose. The department, in consultation with experts
48 in the delivery of direct reading and comprehensive
49 reading instruction, shall establish a pilot project
50 grant application process that specifies the design

Page 5

1 and implementation expectations of each grantee,
2 criteria for the selection of pilot project
3 participant school districts, and a system of
4 assessments which all grantees will use to assist
5 teachers and the department in measuring student
6 growth in reading accuracy, fluency, phonemic
7 awareness, oral reading ability, and comprehension
8 skills, including but not limited to the dynamic
9 indicator of basic early literacy. Grantees shall be
10 evenly distributed between urban and rural school
11 districts.

12 3. The department and the experts consulted in
13 accordance with subsection 2 shall jointly develop and
14 agree upon the evaluation criteria and the system of
15 assessments used to evaluate effectiveness of the
16 instruction methods to achieve reading success. The
17 evaluation criteria and the system of assessments
18 shall employ specifically designed evaluation models
19 employing objective, valid, and reliable assessments.

20 4. Grant moneys shall be distributed to qualifying
21 school districts by the department no later than
22 September 1, 2006. Grantees shall use moneys received
23 pursuant to this section to provide for ongoing
24 support and training of the teachers implementing the
25 pilot projects. Grant amounts shall be distributed as
26 determined by the department.

27 5. The department shall retain one hundred
28 thousand dollars annually from the amount appropriated
29 for the pilot project grant program for the
30 administration of the program and one hundred thousand
31 dollars annually for the development and
32 implementation of an independent, external program and
33 results evaluation.

34 6. The department, in collaboration with an
35 independent, external evaluator, shall submit a final
36 report summarizing the results of the pilot projects,
37 including student achievement results, to the
38 chairpersons and ranking members of the senate and
39 house of representatives standing committees on
40 education by January 15, 2008.

41 7. Notwithstanding section 8.33, unencumbered or
42 unobligated funds remaining on June 30 of the fiscal
43 year for which the funds were appropriated for the
44 pilot project grant program shall not revert but shall
45 be available for expenditure for the following fiscal
46 year for purposes of this section.

47 8. This section is repealed effective June 30,
48 2008."

49 33. By striking page 29, line 31, through page
50 35, line 35.

Page 6

- 1 34. Page 36, by inserting after line 5 the
 2 following:
 3 "Sec. ____ ALLOCATION TRANSFER. Notwithstanding
 4 section 284.13, subsection 1, paragraphs "a" and "b",
 5 Code Supplement 2005, the director of the department
 6 of education may transfer, for the fiscal year
 7 beginning July 1, 2005, and ending June 30, 2006,
 8 without the prior written consent and approval of the
 9 governor and the director of the department of
 10 management, up to \$200,000 allocated under section
 11 284.13, subsection 1, paragraph "a", for purposes of
 12 the issuance of national board certification awards,
 13 to supplement moneys allocated pursuant to section
 14 284.13, subsection 1, paragraph "b", for purposes of
 15 the beginning teacher mentoring and induction
 16 programs."
 17 35. Page 36, by striking lines 16 and 17 and
 18 inserting the following: "This division of this
 19 Act,".
 20 36. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8632.

Chambers of O'Brien 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. 2527)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	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
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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Fallon	Hunter	Jones	Lensing
Zirkelbach			

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

Appropriations Calendar

House File 2792, a bill for an act providing for a statewide core curriculum and standards study, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment H-8627 filed by him, Kaufmann of Cedar, Wendt of Woodbury and Oldson of Polk from the floor and moved its adoption:

H-8627

1 Amend House File 2792 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 257.31, subsection 5,
 5 paragraph j, Code 2005, is amended to read as follows:
 6 j. Unusual need to continue providing a program or
 7 other special assistance to non-English speaking
 8 pupils after the expiration of the ~~three-year~~
 9 four-year period specified in section 280.4.
 10 Sec. ____ Section 280.4, subsection 3, Code 2005,
 11 is amended to read as follows:
 12 3. In order to provide funds for the excess costs
 13 of instruction of limited English proficient students
 14 above the costs of instruction of pupils in a regular
 15 curriculum, students identified as limited English
 16 proficient shall be assigned an additional weighting

17 of twenty-two hundredths, and that weighting shall be
 18 included in the weighted enrollment of the school
 19 district of residence for a period not exceeding ~~three~~
 20 four years. However, the school budget review
 21 committee may grant supplemental aid or modified
 22 allowable growth to a school district to continue
 23 funding a program for students after the expiration of
 24 the ~~three-year~~ four-year period."

25 2. Page 1, by inserting after line 24 the
 26 following:

27 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES. The
 28 sections of this Act amending sections 257.31 and
 29 280.4, being deemed of immediate importance, take
 30 effect upon enactment and are applicable for the
 31 school budget year beginning July 1, 2006, and
 32 succeeding budget years."

33 3. Title page, line 1, by inserting after the
 34 word "Act" the following: "relating to education
 35 standards and services by".

36 4. Title page, line 2, by inserting after the
 37 word "study" the following: ", providing for an
 38 increase in the number of years for which
 39 supplementary weighting for limited English proficient
 40 students may be obtained, and providing effective and
 41 applicability dates".

Amendment H-8627 was adopted.

Tymeson of Madison offered the following amendment H-8630
 filed by her, Speaker Rants, Wendt of Woodbury and Whitead of
 Woodbury from the floor and moved its adoption:

H-8630

1 Amend House File 2792 as follows:

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

4 "Section 1. Section 257.4, subsection 1, Code
 5 2005, is amended to read as follows:

6 1. COMPUTATION OF TAX.

7 a. A school district shall cause an additional
 8 property tax to be levied each year. The rate of the
 9 additional property tax levy in a school district
 10 shall be determined by the department of management
 11 and shall be calculated to raise the difference
 12 between the combined district cost for the budget year
 13 and the sum of the products of the regular program
 14 foundation base per pupil times the weighted
 15 enrollment in the district and the special education
 16 support services foundation base per pupil times the

17 special education support services weighted enrollment
18 in the district.

19 b. For the budget year beginning July 1, 2006, and
20 succeeding budget years, the department of management
21 shall determine an adjusted additional property tax
22 levy and a statewide maximum adjusted additional
23 property tax levy rate. For purposes of this
24 paragraph, the adjusted additional property tax levy
25 shall be that portion of the additional property tax
26 levy corresponding to the state cost per pupil
27 multiplied by a school district's weighted enrollment,
28 and then multiplied by one hundred percent less the
29 regular program foundation base per pupil percentage
30 pursuant to section 257.1. The district shall receive
31 adjusted additional property tax levy aid in an amount
32 equal to the difference between the adjusted
33 additional property tax levy rate and the statewide
34 maximum adjusted additional property tax levy rate, as
35 applied per thousand dollars of assessed valuation on
36 all taxable property in the district. The statewide
37 maximum adjusted additional property tax levy rate
38 shall be annually determined by the department taking
39 into account amounts allocated pursuant to section
40 257.15, subsection 4.

41 Sec. 2. Section 257.15, Code 2005, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 4. The department of management
44 shall allocate from amounts appropriated pursuant to
45 section 257.16, subsection 1, for the purpose of
46 calculating the statewide maximum adjusted additional
47 property tax levy rate and providing adjusted
48 additional property tax levy aid as provided in
49 section 257.4, subsection 1, paragraph "b", an amount
50 not to exceed the following:

Page 2

1 a. For the budget year beginning July 1, 2006, six
2 million dollars.

3 b. For the budget year beginning July 1, 2007,
4 twelve million dollars.

5 c. For the budget year beginning July 1, 2008,
6 eighteen million dollars.

7 d. For the budget year beginning July 1, 2009, and
8 succeeding budget years, twenty-four million dollars.

9 Sec. 3. Section 257.16, subsection 1, Code 2005,
10 is amended to read as follows:

11 1. There is appropriated each year from the
12 general fund of the state an amount necessary to pay
13 the foundation aid, and supplementary aid under
14 section 257.4, subsection 2, and adjusted additional
15 property tax levy aid under section 257.15, subsection

16 4.

17 Sec. 4. Section 423B.7, subsection 6, Code 2005,
18 is amended to read as follows:

19 6. Local sales and services tax moneys received by
20 a city or county may be expended for any lawful
21 purpose of the city or county.

22 a. Notwithstanding the provisions of this
23 subsection, sales and services tax moneys received
24 from a tax imposed by a county pursuant to this
25 chapter shall not be expended by or for the benefit of
26 a school district located in whole or in part in the
27 county unless the county is imposing a local option
28 sales and services tax for school infrastructure
29 purposes pursuant to chapter 423E.

30 b. Paragraph "a" of this subsection is repealed
31 December 31, 2022.

32 Sec. 5. Section 423E.4, Code Supplement 2005, is
33 amended by adding the following new subsection:

34 NEW SUBSECTION. 7. Notwithstanding subsection 2
35 of this section or any other provision to the
36 contrary, a school district that is located in whole
37 or in part in a county that has not previously imposed
38 the local sales and services tax for school
39 infrastructure, and which votes on and approves the
40 tax at a rate of one percent on or before July 1,
41 2008, shall receive an amount equal to its pro rata
42 share of the local sales and services tax receipts as
43 provided in section 423E.3, subsection 5, paragraph
44 "d", for a period corresponding to one-half the
45 duration of the tax authorized by the voters. For the
46 second half of the duration of the tax authorized by
47 the voters, local sales and services tax receipts
48 shall be distributed as otherwise applicable pursuant
49 to subsection 2 of this section.

50 Sec. 6. EQUITY IN PROPERTY TAXATION INTERIM STUDY

Page 3

1 COMMITTEE.

2 1. The legislative council is requested to
3 establish an equity in property taxation interim study
4 committee to review the provisions of chapter 257 and
5 develop one or more proposals that will equalize
6 property tax rates applicable pursuant to the basic
7 school foundation aid formula. The review shall
8 include but not be limited to finance formulas that
9 specifically address equalizing property tax rates,
10 and shall be authorized for and conducted over a two-
11 year period during the 2006 and 2007 legislative
12 interims.

13 2. The membership of the committee shall include
14 the following:

- 15 a. Two members of the senate standing committee on
16 education.
- 17 b. Two members of the house standing committee on
18 education.
- 19 c. Two members of the senate standing committee on
20 ways and means.
- 21 d. Two members of the house standing committee on
22 ways and means.
- 23 e. Persons representing education associations and
24 stakeholders, urban and rural property tax interests,
25 and other associations, groups, or interested parties
26 as may be identified by the council, or added by the
27 chairperson or co-chairpersons of the study committee
28 designated by the council.
- 29 3. Staffing assistance shall be provided by the
30 department of education, with the assistance of the
31 department of management and the department of
32 revenue. The committee shall report its findings and
33 recommendations, including proposed legislation, to
34 the general assembly no later than January 1, 2008."
- 35 2. Page 1, by inserting after line 24 the
36 following:
37 "Sec. 6. EFFECTIVE DATE. The sections of this Act
38 amending section 257.4, subsection 1, relating to the
39 calculation of an adjusted additional property tax
40 levy and a statewide maximum adjusted additional
41 property tax levy rate, enacting section 257.15,
42 subsection 4, relating to allocating funds for
43 calculation of the statewide maximum adjusted
44 additional property tax levy rate and providing
45 adjusted additional property tax levy aid, amending
46 section 257.16, subsection 1, relating to conforming
47 changes, amending section 423B.7, relating to
48 prohibiting expenditure of sales and services tax
49 moneys under specified circumstances, and enacting
50 section 423E.4, subsection 7, relating to the

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- 1 distribution of local option sales and services tax
2 revenue under specified circumstances, take effect
3 upon enactment."
- 4 3. Title page, line 2, by inserting after the
5 word "study" the following: ", providing for adjusted
6 additional property tax levy aid for school districts,
7 allocating and restricting utilization of local option
8 sales and services tax moneys under specified
9 circumstances, providing for an equity in property
10 taxation interim study, making an appropriation, and
11 providing an effective date".
- 12 4. By renumbering as necessary.

Amendment H-8630 was adopted.

Chambers of O'Brien offered the following amendment H-8636 filed by him from the floor and moved its adoption:

H-8636

- 1 Amend House File 2792 as follows:
- 2 1. Page 1, line 1, by striking the words "CORE
- 3 CURRICULUM AND STANDARDS STUDY" and inserting the
- 4 following: "GRADUATION REQUIREMENTS".
- 5 2. Page 1, by striking lines 2 through 13 and
- 6 inserting the following:
- 7 "The department of education shall use funds
- 8 appropriated for graduation requirements under
- 9 division II of this Act to assist school districts
- 10 with the implementation of graduation requirements
- 11 established pursuant to section 256.7, subsection 26,
- 12 as amended by 2006 Iowa Acts, Senate File 2272, if
- 13 enacted. The department shall survey school districts
- 14 as to their readiness for implementation of the
- 15 requirements. The department shall review Iowa law
- 16 and administrative rules and policies to determine if
- 17 changes are necessary or beneficial to implement the
- 18 graduation requirements. The department".
- 19 3. Page 1, line 14, by striking the words "a
- 20 progress" and inserting the following: "its findings
- 21 and recommendations in a".
- 22 4. Page 1, by striking lines 18 through 23 and
- 23 inserting the following: "by January 1,".

Amendment H-8636 was adopted.

Tymeson of Madison offered the following amendment H-8634 filed by her from the floor and moved its adoption:

H-8634

- 1 Amend House File 2792 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "Sec. 101. PARTICIPATION IN AN INSTRUCTIONAL
- 5 SUPPORT PROGRAM BY SCHOOL DISTRICTS – SUSPENSION OF
- 6 REQUIREMENTS. Notwithstanding any contrary provision
- 7 in chapter 257, including sections 257.18 through
- 8 257.21, a school district that has participated in a
- 9 board-approved instructional support program during
- 10 the fiscal year beginning July 1, 2005, and ending
- 11 June 30, 2006, may continue to participate in the

- 12 board-approved instructional support program for the
13 fiscal year beginning July 1, 2006, and ending June
14 30, 2007, to the extent established by the board's
15 resolution, as if it had complied with those sections,
16 if all of the following apply:
- 17 1. The board of directors of the school district
18 has adopted or adopts a resolution not later than May
19 15, 2006, to participate in the board-approved
20 instructional support program as otherwise provided in
21 section 257.18. If the board of directors has adopted
22 a budget which did not account for the board-approved
23 instructional support program, the board of directors
24 may adjust its budget to account for the
25 board-approved instructional support program as
26 approved by the department of management.
- 27 2. The secretary of the board of directors does
28 not receive a petition as authorized in section
29 257.18, subsection 2, within twenty-eight days
30 following the adoption of the resolution by the board
31 of directors of the school district to participate in
32 the board-approved instructional support program as
33 provided in subsection 1, which asks that an election
34 be called to approve or disapprove the action of the
35 board of directors in adopting the resolution.
- 36 Sec.____. EFFECTIVE DATE. Section 101 of this
37 division of this Act, being deemed of immediate
38 importance, takes effect upon enactment."
- 39 2. Title page, line 1, by inserting before the
40 word "providing" the following: "providing for
41 participation in an instructional support program by
42 school districts, and".
- 43 3. By renumbering as necessary.

Amendment H-8634 was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 2792 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2780**, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services, changing the name of a departmental

division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8633:

H-8633

1 Amend House File 2780, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 125.82, subsection 3, Code
6 2005, as amended by 2006 Iowa Acts, Senate File 2362,
7 section 1, if enacted, and 2006 Iowa Acts, Senate File
8 2217, section 30, if enacted, is amended to read as
9 follows:

10 3. The person who filed the application and a
11 licensed physician, ~~or qualified mental health~~
12 professional as defined in section ~~229.1~~ 228.1, or
13 certified alcohol and drug counselor certified by the
14 nongovernmental Iowa board of substance abuse
15 certification who has examined the respondent in
16 connection with the commitment hearing shall be
17 present at the hearing, unless the court for good
18 cause finds that their presence or testimony is not
19 necessary. The applicant, respondent, and the
20 respondent's attorney may waive the presence or
21 telephonic appearance of the licensed physician, ~~or~~
22 qualified mental health professional, or certified
23 alcohol and drug counselor who examined the respondent
24 and agree to submit as evidence the written report of
25 the licensed physician, ~~or qualified mental health~~
26 professional, or certified alcohol and drug counselor.
27 The respondent's attorney shall inform the court if
28 the respondent's attorney reasonably believes that the
29 respondent, due to diminished capacity, cannot make an
30 adequately considered waiver decision. "Good cause"
31 for finding that the testimony of the licensed
32 physician, ~~or qualified mental health professional, or~~
33 certified alcohol and drug counselor who examined the
34 respondent is not necessary may include, but is not
35 limited to, such a waiver. If the court determines
36 that the testimony of the licensed physician, ~~or~~
37 qualified mental health professional, or certified
38 alcohol and drug counselor is necessary, the court may
39 allow the licensed physician, ~~or qualified mental~~
40 health professional, or certified alcohol and drug
41 counselor to testify by telephone. The respondent
42 shall be present at the hearing unless prior to the
43 hearing the respondent's attorney stipulates in
44 writing that the attorney has conversed with the

45 respondent, and that in the attorney's judgment the
46 respondent cannot make a meaningful contribution to
47 the hearing, or that the respondent has waived the
48 right to be present, and the basis for the attorney's
49 conclusions. A stipulation to the respondent's
50 absence shall be reviewed by the court before the

Page 2

1 hearing, and may be rejected if it appears that
2 insufficient grounds are stated or that the
3 respondent's interests would not be served by the
4 respondent's absence."

5 2. Page 8, by striking line 4 and inserting the
6 following: "funding to counties and other public
7 funding for the services. The purposes of the review
8 include but are not limited to examining the public
9 sources of the funding and programming for the
10 services and to".

11 3. Page 8, line 13, by inserting after the word
12 "representatives." the following: "In addition, the
13 membership shall include four ex officio, nonvoting
14 members with two representing the Iowa state
15 association of counties, one representing the
16 department of human services, and one representing the
17 mental health, mental retardation, developmental
18 disabilities, and brain injury commission. It is the
19 intent of the general assembly that the study
20 committee submit a report with findings and
21 recommendations to the governor, the general assembly,
22 and the commission on or before January 1, 2007."

23 4. Page 8, by inserting after line 16 the
24 following:

25 "Sec. ____ Section 249A.12, subsection 8, as
26 enacted by 2006 Iowa Acts, House File 2492, section 1,
27 is amended by striking the subsection and inserting in
28 lieu thereof the following:

29 8. If a person with mental retardation has no
30 legal settlement or the legal settlement is unknown so
31 that the person is deemed to be a state case and
32 services associated with the mental retardation can be
33 covered under a medical assistance home and
34 community-based waiver or other medical assistance
35 program provision, the nonfederal share of the medical
36 assistance program costs for such coverage shall be
37 paid from the appropriation made for the medical
38 assistance program."

39 5. Page 9, line 1, by striking the word and
40 figures "July 1, 2007" and inserting the following:
41 "October 1, 2006".

42 6. Page 9, line 35, by striking the word and
43 figures "July 1, 2007" and inserting the following:

44 "October 1, 2006".

45 7. Page 10, by striking lines 16 through 30 and
46 inserting the following:

47 "1. a. The section of this division of this Act
48 that amends section 331.440, subsection 3, takes
49 effect July 1, 2007.

50 b. This section, being deemed of immediate

Page 3

1 importance, takes effect upon enactment, and the
2 department shall begin implementation upon enactment.

3 2. a. The department of human services and
4 counties, in consultation with the legislative
5 services agency, shall develop a methodology for
6 distributing the funding appropriated for the fiscal
7 year beginning July 1, 2006, for state case services
8 and other support, as defined in this division of this
9 Act, to counties for county residents who receive
10 state case services and other support, on and after
11 October 1, 2006. The methodology shall be based upon
12 historical usage, projected usage, and significant
13 increases anticipated in county costs. The department
14 and counties shall share with one another names and
15 necessary information concerning the individuals who
16 have been identified by the department or counties.
17 The methodology shall provide for quarterly
18 distributions.

19 b. The base funding amount used for the
20 distribution methodology to counties shall be 75
21 percent of the amount appropriated for state case
22 services and other support plus any reversions from
23 the previous fiscal year's appropriation, the amount
24 transferred from block grant funding, and any other
25 source designated by law: The base funding amount may
26 be adjusted for relevant purposes that may include but
27 are not limited to an adjustment to reflect the
28 expenditure savings realized from renegotiation of the
29 contract with the contractor providing managed care
30 for mental health services made pursuant to this
31 division of this Act.

32 c. Prior to September 1, 2006, the department
33 shall meet with each county to analyze the actual
34 numbers of individuals who are eligible for state case
35 services and other support and who as county residents
36 will be the financial and management responsibility of
37 the county effective October 1, 2006, the historical
38 costs of state case services and other support
39 provided to such individuals by the department, the
40 projected increase in cost of providing state case
41 services and other support to such individuals in
42 accordance with the county management plan, and the

43 projected cost to provide state case services and
44 other support at county reimbursement rates in lieu of
45 the capped reimbursement rates paid by the state. The
46 purpose of the analysis is for the department, in
47 consultation with each county, to determine by
48 September 1, 2006, an amount needed for the county to
49 fund state case services and other support for county
50 residents for the period beginning October 1, 2006,

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1 and ending June 30, 2007. If a county disputes the
2 department's determination of the amount needed by the
3 county, the county may appeal the determination to the
4 director of human services. The county shall file the
5 appeal within 30 days of the issuance date of the
6 determination. The director's decision shall be
7 considered to be a final agency decision and may be
8 appealed as provided in chapter 17A. While an appeal
9 is pending, the department shall provide funding to
10 the county for state cases in the amount determined by
11 the department, subject to later adjustment based upon
12 the outcome of the appeal.

13 d. If the aggregate of the amounts determined for
14 each county, as provided in paragraph "c", exceeds the
15 base funding amount determined under paragraph "b",
16 notwithstanding section 331.440, subsection 3A, as
17 enacted by this division of this Act, the department
18 of human services shall retain responsibility for the
19 costs of state case services and other support for
20 persons deemed to be a state case through June 30,
21 2007. The department shall report to the governor and
22 general assembly on or before December 1, 2006,
23 recommendations to address the funding shortfall.

24 e. If the aggregate of the amounts determined for
25 each county, as provided in paragraph "c", is less
26 than the base funding amount determined under
27 paragraph "b", the amounts determined shall be
28 distributed to the counties and the excess amount
29 shall be reserved for distribution as provided in
30 paragraph "f".

31 f. (1) If a county becomes responsible for a new
32 individual state case whose costs were not included in
33 the amounts determined under paragraph "c", the county
34 shall supply the individual's application and service
35 and other support needs to the department for an
36 eligibility determination and identification of
37 funding availability. If the county disputes the
38 department's determination, the appeal provisions
39 under paragraph "c" shall apply.

40 (2) If an existing state case has a change in
41 condition that results in significant additional costs

42 that cannot be offset by savings from other state
43 cases or other means, the county may apply to the
44 department for relief to address the additional costs.
45 Relief payments approved by the department shall be
46 paid from the excess amount reserved under paragraph
47 "e" and are limited to that amount. In addition, if a
48 county has such additional costs and either did not
49 apply for relief or the application was denied in
50 whole or in part because at the time of the

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1 application the excess amount reserved under paragraph
2 "e" was projected to be insufficient, the county may
3 apply for any funds from any excess amount available
4 under paragraph "e" that would otherwise remain
5 unexpended or unobligated at the close of the fiscal
6 year. Otherwise, the state liability for the cost of
7 the state case services and other support authorized
8 by a county of residence is limited to the amount
9 distributed to the county.

10 g. The state's liability for state case services
11 and other support for the fiscal year beginning July
12 1, 2006, is limited to the amount appropriated.

13 h. The provisions of this subsection shall be
14 adopted in rule as necessary to implement the
15 provisions. The mental health, mental retardation,
16 developmental disabilities, and brain injury
17 commission may adopt administrative rules under
18 section 17A.4, subsection 2, and section 17A.5,
19 subsection 2, paragraph "b", to implement the
20 provisions and the rules shall become effective
21 immediately upon filing or on a later effective date
22 specified in the rules, unless the effective date is
23 delayed by the administrative rules review committee.
24 Any rules adopted in accordance with this subsection
25 shall not take effect before the rules are reviewed by
26 the administrative rules review committee. The delay
27 authority provided to the administrative rules review
28 committee under section 17A.4, subsection 5, and
29 section 17A.8, subsection 9, shall be applicable to a
30 delay imposed under this subsection, notwithstanding a
31 provision in those sections making them inapplicable
32 to section 17A.5, subsection 2, paragraph "b". Any
33 rules adopted in accordance with the provisions of
34 this subsection shall also be published as notice of
35 intended action as provided in section 17A.4."

36 8. Page 10, line 33, by inserting after the word
37 "Act" the following: "amending section 331.440,
38 subsection 3, to take effect".

39 9. Page 11, by striking lines 10 through 24 and
40 inserting the following:

41 "4. The department of human services shall
 42 renegotiate the department's contract with the
 43 contractor providing managed care for mental health
 44 services under the medical assistance program so that
 45 any responsibility for the contractor to manage state
 46 case services and other support, as defined by this
 47 division of this Act, will end on or before September
 48 30, 2006. The expenditure savings realized from
 49 making this change shall remain with the state case
 50 appropriation for distribution to counties of

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1 residence.

2 5. The department of human services and counties
 3 shall work with the department's consultant to develop
 4 a proposal for a case rate system that may be used in
 5 subsequent fiscal years for distributing funding to
 6 counties for the state case services and other support
 7 provided to county residents. The case rate system
 8 proposal developed is subject to approval by the
 9 mental health, mental retardation, developmental
 10 disabilities, and brain injury commission, shall be
 11 submitted to the governor and general assembly in
 12 January 2007, and shall not be implemented unless a
 13 statute specifically authorizing implementation of the
 14 system is enacted."

15 10. Page 18, line 9, by inserting after the word
 16 "centers" the following: "and providers of mental
 17 health services to county residents pursuant to a
 18 waiver approved under section 225C.7, subsection 3,".

19 11. By renumbering, relettering, or redesignating
 20 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8633.

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. 2780)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	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
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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Fallon	Hunter	Jones	Lensing
Zirkelbach			

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 2780** be immediately messaged to the Senate.

The House resumed consideration of House File 2792, previously deferred and found on pages 1561–1567 of the House Journal.

Chambers of O'Brien offered amendment H-8635 filed by him from the floor as follows:

H-8635

- 1 Amend House File 2792 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 "DIVISION I

5 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

6 Section 1. DEPARTMENT OF EDUCATION. There is
7 appropriated from the general fund of the state to the
8 department of education for the designated fiscal
9 years of the fiscal period beginning July 1, 2006, and
10 ending June 30, 2009, the following amounts, or so
11 much thereof as is necessary, to be used for the
12 purposes designated:

13 For purposes, as provided in law, of the student
14 achievement and teacher quality program established
15 pursuant to chapter 284:

16 FY 2006-2007	\$104,593,894
17 FY 2007-2008	\$139,593,894
18 FY 2008-2009	\$174,593,894

19 Sec. 2. Section 256.11, Code Supplement 2005, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 9. Beginning July 1, 2006, each
22 school district shall have a qualified teacher
23 librarian who shall be licensed by the board of
24 educational examiners under chapter 272. The state
25 board shall establish in rule a definition of and
26 standards for an articulated sequential kindergarten
27 through grade twelve media program. A school district
28 that has entered into a contract with an individual
29 for employment as a media specialist or librarian
30 during the 2005-2006 school year shall be considered
31 to be in compliance with this subsection until the
32 individual leaves the employ of the school district.

33 Sec. 3. Section 256.11A, Code 2005, is amended to
34 read as follows:

35 256.11A GUIDANCE PROGRAM TEACHER LIBRARIAN --
36 MEDIA SERVICES PROGRAM-- WAIVER.

37 ~~1. Schools and school districts unable to meet the~~
38 ~~standard adopted by the state board requiring each~~
39 ~~school or school district operating a kindergarten~~
40 ~~through grade twelve program to provide an articulated~~
41 ~~sequential elementary-secondary guidance program The~~
42 ~~board of directors of a school district may, not later~~
43 ~~than August 1, 1995 2006, for the school year~~
44 ~~beginning July 1, 1995 2006, file a written request to~~
45 ~~the department of education that the department waive~~
46 ~~the requirement for adopted by the state board~~
47 ~~pursuant to section 256.11, subsection 9, that school~~
48 ~~or the school district have a qualified teacher~~
49 ~~librarian. The procedures specified in subsection 3~~
50 ~~apply to the request. Not later than August 1, 1996~~

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1 ~~2007~~, for the school year beginning July 1, ~~1996~~ 207,
2 the board of directors of a school district ~~or the~~
3 ~~authorities in charge of a nonpublic school~~ may
4 request a one-year extension of the waiver.

5 ~~2. Not later than August 1, 1995, for the school~~
6 ~~year beginning July 1, 1995, the board of directors of~~
7 ~~a school district, or authorities in charge of a~~
8 ~~nonpublic school, may file a written request with the~~
9 ~~department of education that the department waive the~~
10 ~~rule adopted by the state board to establish and~~
11 ~~operate a media services program to support the total~~
12 ~~curriculum for that district or school. The~~
13 ~~procedures specified in subsection 3 apply to the~~
14 ~~request. Not later than August 1, 1996, for the~~
15 ~~school year beginning July 1, 1996, the board of~~
16 ~~directors of a school district or the authorities in~~
17 ~~charge of a nonpublic school may request an additional~~
18 ~~one-year extension of the waiver.~~

19 ~~3. 2.~~ A request for a waiver filed by the board
20 of directors of a school district ~~or authorities in~~
21 ~~charge of a nonpublic school~~ shall describe actions
22 being taken by the district ~~or school~~ to meet the
23 requirement for which the district ~~or school~~ has
24 requested a waiver.

25 Sec. 4. Section 256.44, subsection 1, paragraph a,
26 Code Supplement 2005, is amended to read as follows:

27 a. If a teacher registers for national board for
28 professional teaching standards certification prior to
29 June 30, ~~2006~~ 2007, a one-time initial reimbursement
30 award in the amount of up to one-half of the
31 registration fee paid by the teacher for registration
32 for certification by the national board for
33 professional teaching standards. The teacher shall
34 apply to the department of education within one year
35 of registration, submitting to the department any
36 documentation the department requires. A teacher who
37 receives an initial reimbursement award shall receive
38 a one-time final registration award in the amount of
39 the remaining national board registration fee paid by
40 the teacher if the teacher notifies the department of
41 the teacher's certification achievement and submits
42 any documentation requested by the department.

43 Sec. 5. Section 284.1, unnumbered paragraph 1,
44 Code 2005, is amended to read as follows:

45 A student achievement and teacher quality program
46 is established to promote high student achievement.
47 The program shall consist of the following ~~four~~ five
48 major elements:

49 Sec. 6. Section 284.1, Code 2005, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 5. Evaluation of teachers against
2 the Iowa teaching standards.

3 Sec. 7. Section 284.2, subsection 1, Code 2005, is
4 amended to read as follows:

5 1. "Beginning teacher" means an individual serving
6 under an initial or intern license, issued by the
7 board of educational examiners under chapter 272, who
8 is assuming a position as a ~~classroom~~ teacher. For
9 purposes of the beginning teacher mentoring and
10 induction program created pursuant to section 284.5,
11 "beginning teacher" also includes preschool teachers
12 who are licensed by the board of educational examiners
13 under chapter 272 and are employed by a school
14 district or area education agency.

15 Sec. 8. Section 284.2, subsection 2, Code 2005, is
16 amended by striking the subsection.

17 Sec. 9. Section 284.2, subsection 8, Code 2005, is
18 amended to read as follows:

19 8. "Mentor" means an individual employed by a
20 school district or area education agency as a
21 ~~classroom~~ teacher or a retired teacher who holds a
22 valid license issued under chapter 272. The
23 individual must have a record of four years of
24 successful teaching practice, must be employed on a
25 nonprobationary basis, and must demonstrate
26 professional commitment to both the improvement of
27 teaching and learning and the development of beginning
28 teachers.

29 Sec. 10. Section 284.2, subsection 12, Code 2005,
30 is amended to read as follows:

31 12. "Teacher" means an individual holding a
32 practitioner's license issued under chapter 272, who
33 is employed in a nonadministrative position as a
34 teacher, teacher librarian, ~~media specialist~~,
35 preschool teacher, or counselor by a school district
36 or area education agency pursuant to a contract issued
37 by a board of directors under section 279.13.
38 However, an individual who is employed by an area
39 education agency shall only be considered a teacher
40 for purposes of this chapter if the individual
41 directly delivers instruction to school or school
42 district students for fifty percent or more of the
43 individual's contracted time. A teacher may be
44 employed in both an administrative and a
45 nonadministrative position by a board of directors and
46 shall be considered a part-time teacher for the
47 portion of time that the teacher is employed in a
48 nonadministrative position. "Teacher" includes a
49 licensed individual employed on a less than full-time
50 basis by a school district through a contract between

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1 the school district and an institution of higher
2 education with a practitioner preparation program in
3 which the licensed teacher is enrolled.

4 Sec. 11. Section 284.4, subsection 1, paragraph e,
5 Code Supplement 2005, is amended to read as follows:

6 e. Adopt a teacher evaluation plan that, at
7 minimum, requires a performance review of teachers in
8 the ~~participating~~ district at least once every three
9 years based upon the Iowa teaching standards and
10 individual career development plans, and requires
11 administrators to complete evaluator training in
12 accordance with section 284.10.

13 Sec. 12. Section 284.5, subsections 1, 3, 4, and
14 7, Code Supplement 2005, are amended to read as
15 follows:

16 1. A beginning teacher mentoring and induction
17 program is created to promote excellence in teaching,
18 enhance student achievement, build a supportive
19 environment within school districts and area education
20 agencies, increase the retention of promising
21 beginning teachers, and promote the personal and
22 professional well-being of ~~classroom~~ teachers.

23 3. Each school district and area education agency
24 shall provide a beginning teacher mentoring and
25 induction program for all ~~classroom~~ teachers who are
26 beginning teachers, and notwithstanding section 284.4,
27 subsection 1, a school district and an area education
28 agency shall be eligible to receive moneys under
29 section 284.13, subsection 1, paragraph "b", for
30 purposes of implementing a beginning teacher mentoring
31 and induction program in accordance with this section.

32 4. Each ~~participating~~ school district and area
33 education agency shall develop an initial beginning
34 teacher mentoring and induction plan. A school
35 district shall include its plan in the school
36 district's comprehensive school improvement plan
37 submitted pursuant to section 256.7, subsection 21.
38 The beginning teacher mentoring and induction plan
39 shall, at a minimum, provide for a two-year sequence
40 of induction program content and activities to support
41 the Iowa teaching standards and beginning teacher
42 professional and personal needs; mentor training that
43 includes, at a minimum, skills of classroom
44 demonstration and coaching, and district expectations
45 for beginning teacher competence on Iowa teaching
46 standards; placement of mentors and beginning
47 teachers; the process for dissolving mentor and
48 beginning teacher partnerships; district
49 organizational support for release time for mentors
50 and beginning teachers to plan, provide demonstration

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1 of classroom practices, observe teaching, and provide
2 feedback; structure for mentor selection and
3 assignment of mentors to beginning teachers; a
4 district facilitator; and program evaluation.

5 7. If a beginning teacher who is participating in
6 a mentoring and induction program leaves the employ of
7 a participating school district or area education
8 agency prior to completion of the program, the
9 participating school district or area education agency
10 subsequently hiring the beginning teacher shall credit
11 the beginning teacher with the time earned in the
12 program prior to the subsequent hiring.

13 Sec. 13. Section 284.6, subsection 1, unnumbered
14 paragraph 1, Code 2005, is amended to read as follows:
15 The department shall coordinate a statewide network
16 of career development for Iowa teachers. A
17 participating school district or career development
18 provider that offers a career development program in
19 accordance with section 256.9, subsection 50, shall
20 demonstrate that the program contains the following:

21 Sec. 14. Section 284.6, subsections 3 and 4, Code
22 2005, are amended to read as follows:

23 3. A participating school district shall
24 incorporate a district career development plan into
25 the district's comprehensive school improvement plan
26 submitted to the department in accordance with section
27 256.7, subsection 21. The district career development
28 plan shall include a description of the means by which
29 the school district will provide access to all
30 teachers in the district to career development
31 programs or offerings that meet the requirements of
32 subsection 1. The plan shall align all career
33 development with the school district's long-range
34 student learning goals and the Iowa teaching
35 standards. The plan shall indicate the school
36 district's approved career development provider or
37 providers.

38 4. In cooperation with the teacher's evaluator,
39 the career teacher employed by a participating school
40 district shall develop an individual teacher career
41 development plan. The evaluator shall consult with
42 the teacher's supervisor on the development of the
43 individual teacher career development plan. The
44 purpose of the plan is to promote individual and group
45 career development. The individual plan shall be
46 based, at minimum, on the needs of the teacher, the
47 Iowa teaching standards, and the student achievement
48 goals of the attendance center and the school district
49 as outlined in the comprehensive school improvement
50 plan.

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1 Sec. 15. Section 284.7, unnumbered paragraph 1,
2 Code Supplement 2005, is amended to read as follows:

3 To promote continuous improvement in Iowa's quality
4 teaching workforce and to give Iowa teachers the
5 opportunity for career recognition that reflects the
6 various roles teachers play as educational leaders, an
7 Iowa teacher career path is established for teachers
8 employed by ~~participating~~ school districts. A
9 ~~participating~~ school district shall use funding
10 allocated under section 284.13, subsection 1,
11 paragraph "d" "h", to raise teacher salaries to meet
12 the requirements of this section. The Iowa teacher
13 career path and salary minimums are as follows:

14 Sec. 16. Section 284.7, subsection 1, unnumbered
15 paragraph 1, Code Supplement 2005, is amended to read
16 as follows:

17 ~~Effective July 1, 2001, the~~ The following career
18 path levels are established and shall be implemented
19 in accordance with this chapter:

20 Sec. 17. Section 284.7, subsection 1, paragraph a,
21 subparagraph (1), subparagraph subdivisions (a) and
22 (b), Code 2005, are amended to read as follows:

23 (a) Has successfully completed an approved
24 practitioner preparation program as defined in section
25 272.1 ~~or holds an intern teacher license issued by the~~
26 board of educational examiners under chapter 272.

27 (b) Holds an initial ~~or intern~~ teacher license
28 issued by the board of educational examiners.

29 Sec. 18. Section 284.7, subsection 1, paragraph a,
30 subparagraph (2), Code Supplement 2005, is amended by
31 striking the subparagraph and inserting in lieu
32 thereof the following:

33 (2) Beginning July 1, 2006, the minimum salary for
34 a beginning teacher shall be twenty-five thousand five
35 hundred dollars.

36 Sec. 19. Section 284.7, subsection 1, paragraph b,
37 subparagraph (2), Code Supplement 2005, is amended by
38 striking the subparagraph and inserting in lieu
39 thereof the following:

40 (2) Beginning July 1, 2006, the minimum salary for
41 a first-year career teacher shall be twenty-six
42 thousand five hundred dollars and the minimum salary
43 for all other career teachers shall be twenty-seven
44 thousand five hundred dollars.

45 Sec. 20. Section 284.7, subsection 5, Code
46 Supplement 2005, is amended to read as follows:

47 5. A teacher employed in a ~~participating~~ district
48 shall not receive less compensation in that
49 ~~participating~~ district than the teacher received in
50 the school year preceding participation, as set forth

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1 in section 284.4 due to implementation of this
2 chapter. A teacher who achieves national board for
3 professional teaching standards certification and
4 meets the requirements of section 256.44 shall
5 continue to receive the award as specified in section
6 256.44 in addition to the compensation set forth in
7 this section.

8 Sec. 21. Section 284.7, subsection 6, paragraphs a
9 and b, Code Supplement 2005, are amended to read as
10 follows:

11 a. If the licensed employees of a school district
12 or area education agency receiving funds pursuant to
13 section 284.13, subsection 1, paragraph "d" "h" or "e"
14 "i", for purposes of this section, are organized under
15 chapter 20 for collective bargaining purposes, the
16 board of directors and the certified bargaining
17 representative for the licensed employees shall
18 mutually agree upon a formula for distributing the
19 funds among the teachers employed by the school
20 district or area education agency. However, the
21 school district must comply with the salary minimums
22 provided for in this section. The parties shall
23 follow the negotiation and bargaining procedures
24 specified in chapter 20 except that if the parties
25 reach an impasse, neither impasse procedures agreed to
26 by the parties nor sections 20.20 through 20.22 shall
27 apply and the funds shall be paid as provided in
28 paragraph "b". Negotiations under this section are
29 subject to the scope of negotiations specified in
30 section 20.9. If a board of directors and the
31 certified bargaining representative for licensed
32 employees have not reached mutual agreement for the
33 distribution of funds received pursuant to section
34 284.13, subsection 1, paragraph "d" "h" or "e" "i", by
35 July 15 of the fiscal year for which the funds are
36 distributed, paragraph "b" of this subsection shall
37 apply.

38 b. If, once the minimum salary requirements of
39 this section have been met by the school district or
40 area education agency, and the school district or area
41 education agency receiving funds pursuant to section
42 284.13, subsection 1, paragraph "d" "h" or "e" "i",
43 for purposes of this section, and the certified
44 bargaining representative for the licensed employees
45 have not reached an agreement for distribution of the
46 funds remaining, in accordance with paragraph "a", the
47 board of directors shall divide the funds remaining
48 among full-time teachers employed by the district or
49 area education agency whose regular compensation is
50 equal to or greater than the minimum career teacher

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1 salary specified in this section. The payment amount
2 for teachers employed on less than a full-time basis
3 shall be prorated.

4 Sec. 22. Section 284.8, subsection 1, Code 2005,
5 is amended to read as follows:

6 1. A ~~participating~~ school district shall review a
7 teacher's performance at least once every three years
8 for purposes of assisting teachers in making
9 continuous improvement, documenting continued
10 competence in the Iowa teaching standards, identifying
11 teachers in need of improvement, or to determine
12 whether the teacher's practice meets school district
13 expectations for career advancement in accordance with
14 section 284.7. The review shall include, at minimum,
15 classroom observation of the teacher, the teacher's
16 progress, and implementation of the teacher's
17 individual career development plan; shall include
18 supporting documentation from other evaluators,
19 teachers, parents, and students; and may include video
20 portfolios as evidence of teaching practices.

21 Sec. 23. Section 284.10, subsection 5, Code 2005,
22 is amended to read as follows:

23 5. By July 1, ~~2005~~ 2007, the director shall
24 develop and implement an evaluator training
25 certification renewal program for administrators and
26 other practitioners who need to renew a certificate
27 issued pursuant to this section.

28 Sec. 24. Section 284.11, Code 2005, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 **284.11 MARKET FACTOR TEACHER SALARIES.**

32 1. The general assembly finds that Iowa school
33 districts need to be more competitive in recruiting
34 and retaining talented professionals into the teaching
35 profession. To ensure that school districts in all
36 areas of the state have the ability to attract highly
37 qualified teachers, it is the intent of the general
38 assembly to encourage school districts to establish
39 teacher compensation opportunities that recognize the
40 need for geographic or other locally determined wage
41 differentials and provide incentives for traditionally
42 hard-to-staff schools and subject-area shortages.
43 This section provides for state assistance to allow
44 school districts to add a market factor to teacher
45 salaries paid by the school districts.

46 2. A school district shall be paid annually, from
47 moneys allocated for market factor salaries pursuant
48 to section 284.13, subsection 1, paragraph "f", an
49 amount of state assistance to create market factor
50 incentives for classroom teachers in the school

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1 district. Market factor incentives may include but
2 are not limited to improving salaries due to
3 geographic differences, recruitment and retention
4 needs of the school district in such areas as hard-
5 to-staff schools, subject-area shortages, or improving
6 the racial or ethnic diversity on local teaching
7 staffs. The school district shall have the sole
8 discretion to award funds received by the school
9 district in accordance with section 284.13, subsection
10 1, paragraph "f", to classroom teachers on an annual
11 basis. The funds shall supplement, but not supplant,
12 wages and salaries paid as a result of a collective
13 bargaining agreement reached pursuant to chapter 20 or
14 as a result of funds appropriated elsewhere in this
15 chapter, in chapter 256D, or in chapter 294A.

16 3. The allocations to each school district shall
17 be made in one payment on or about October 15 of the
18 fiscal year for which the appropriation is made,
19 taking into consideration the relative budget and cash
20 position of the state resources. Moneys received
21 under this section shall not be commingled with state
22 aid payments made under section 257.16 to a school
23 district and shall be accounted for by the local
24 school district separately from state aid payments.
25 Payments made to school districts under this section
26 are miscellaneous income for purposes of chapter 257.
27 A school district shall maintain a separate listing
28 within its budget for payments received and
29 expenditures made pursuant to this section. A school
30 district shall certify to the department of education
31 how the school district allocated the funds and that
32 moneys received under this section were used to
33 supplement, not supplant, the salary the school
34 district would otherwise pay the teacher.

35 4. The department shall include market factor
36 salaries when reporting teacher salaries in the annual
37 condition of education report.

38 Sec. 25. Section 284.13, subsection 1, Code
39 Supplement 2005, is amended to read as follows:

40 1. For each fiscal year in which moneys are
41 appropriated by the general assembly for purposes of
42 the student achievement and teacher quality program,
43 the moneys shall be allocated as follows in the
44 following priority order:

45 a. For each fiscal year of the fiscal year period
46 beginning July 1, 2005 2006, and ending June 30, 2006
47 2009, to the department of education, the amount of
48 two million two hundred fifty thousand dollars for the
49 issuance of national board certification awards in
50 accordance with section 256.44. Of the amount

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1 allocated under this paragraph, up to two hundred
2 fifty thousand dollars may be used to support the
3 implementation of a national board certification
4 support program, and not less than eighty-five
5 thousand dollars shall be used to administer the
6 ambassador to education position in accordance with
7 section 256.45.

8 b. For the fiscal year beginning July 1, 2005
9 2006, and succeeding fiscal years, an amount up to
10 four million ~~two~~ six hundred fifty thousand dollars
11 for first-year and second-year beginning teachers, to
12 the department of education for distribution to school
13 districts and area education agencies for purposes of
14 the beginning teacher mentoring and induction
15 programs. A school district or area education agency
16 shall receive one thousand three hundred dollars per
17 beginning teacher participating in the program. If
18 the funds appropriated for the program are
19 insufficient to pay mentors, and school districts, and
20 area education agencies as provided in this paragraph,
21 the department shall prorate the amount distributed to
22 school districts and area education agencies based
23 upon the amount appropriated. Moneys received by a
24 school district or area education agency pursuant to
25 this paragraph shall be expended to provide each
26 mentor with an award of five hundred dollars per
27 semester, at a minimum, for participation in the
28 school district's or area education agency's beginning
29 teacher mentoring and induction program; to implement
30 the plan; and to pay any applicable costs of the
31 employer's share of contributions to federal social
32 security and the Iowa public employees' retirement
33 system or a pension and annuity retirement system
34 established under chapter 294, for such amounts paid
35 by the district or area education agency.

36 c. For each fiscal year of the fiscal year period
37 beginning July 1, 2005 2006, and ending June 30, 2006
38 2009, up to ~~four~~ six hundred eighty-five ninety-five
39 thousand dollars to the department of education for
40 purposes of implementing the career development
41 panel requirements of section 284.6, the review
42 panel requirements of section 284.9, and the evaluator
43 training program in section 284.10. ~~From the moneys~~
44 ~~allocated to the department pursuant to this~~
45 ~~paragraph, not less than ten thousand dollars shall be~~
46 ~~distributed to the board of educational examiners for~~
47 ~~purposes of convening an educator licensing review~~
48 ~~working group. From the moneys allocated to the~~
49 ~~department pursuant to this paragraph, not less than~~
50 ~~eighty-five thousand dollars shall be used to~~

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1 administer the ambassador to education position in
2 accordance with section 256.45. A portion of the
3 funds allocated to the department for purposes of this
4 paragraph may be used by the department for
5 administrative purposes. Notwithstanding section
6 8.33, moneys allocated for purposes of this paragraph
7 prior to July 1, 2004, which remain unobligated or
8 unexpended at the end of the fiscal year for which the
9 moneys were appropriated, shall remain available for
10 expenditure for the purposes for which they were
11 allocated, for the fiscal year beginning July 1, 2004,
12 and ending June 30, 2005.

13 d. For each fiscal year in which funds are
14 appropriated for purposes of this chapter, the moneys
15 remaining after distribution as provided in paragraphs
16 "a" through "c" and "e" shall be allocated to school
17 districts for salaries and career development in
18 accordance with the following formula:

19 (1) Fifty percent of the allocation shall be in
20 the proportion that the basic enrollment of a school
21 district bears to the sum of the basic enrollments of
22 all school districts in the state for the budget year.

23 (2) Fifty percent of the allocation shall be based
24 upon the proportion that the number of full time
25 equivalent teachers employed by a school district
26 bears to the sum of the number of full-time equivalent
27 teachers who are employed by all school districts in
28 the state for the base year.

29 e. From moneys available under paragraph "d", the
30 department shall allocate to area education agencies
31 an amount per classroom teacher employed by an area
32 education agency that is approximately equivalent to
33 the average per teacher amount allocated to the
34 districts. The average per teacher amount shall be
35 calculated by dividing the total number of classroom
36 teachers employed by school districts and the
37 classroom teachers employed by area education agencies
38 into the total amount of moneys available under
39 paragraph "d".

40 f. d. For the fiscal year beginning July 1, 2005
41 2006, and ending June 30, 2006 2007, up to ten million
42 dollars to the department of education for use by
43 school districts to add one additional teacher
44 contract day to the school calendar. The department
45 shall distribute funds allocated for the purpose of
46 this paragraph based on the average per diem contract
47 salary for each district as reported to the department
48 for the school year beginning July 1, 2004 2005,
49 multiplied by the total number of full-time equivalent
50 teachers in the base year. The department shall

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1 adjust each district's average per diem salary by the
2 allowable growth rate established under section 257.8
3 for the fiscal year beginning July 1, ~~2005~~ 2006. The
4 contract salary amount shall be the amount paid for
5 their regular responsibilities but shall not include
6 pay for extracurricular activities. School districts
7 shall distribute funds to teachers based on individual
8 teacher per diem amounts. These funds shall not
9 supplant existing funding for professional development
10 activities. Notwithstanding any provision to the
11 contrary, moneys received by a school district under
12 this paragraph shall not revert but shall remain
13 available for the same purpose in the succeeding
14 fiscal year. A school district shall submit a report
15 to the department in a manner determined by the
16 department describing its use of the funds received
17 under this paragraph. The department shall submit a
18 report on school district use of the moneys
19 distributed pursuant to this paragraph to the
20 chairpersons and ranking members of the house and
21 senate standing committees on education, the joint
22 appropriations subcommittee on education, and the
23 legislative services agency not later than January 15,
24 ~~2006~~ 2007.

25 ~~g. e.~~ For the fiscal year beginning July 1, ~~2005~~
26 2006, and ending June 30, ~~2006~~ 2007, up to six million
27 six hundred twenty-five thousand dollars to the
28 ~~department of education~~ for use by school districts
29 for either salaries or professional development, or
30 both, as determined by the school district. Funds
31 received by a school district for purposes of this
32 paragraph shall be distributed using the formula
33 provided in paragraph "d" "h" and are subject to the
34 provisions of section 284.7, subsection 6. A school
35 district shall submit a report to the department in a
36 manner determined by the department describing its use
37 of the funds received under this paragraph. The
38 department shall submit a report on school district
39 use of the funds distributed pursuant to this
40 paragraph to the chairpersons and ranking members of
41 the house and senate standing committees on education,
42 the joint appropriations subcommittee on education,
43 and the legislative services agency not later than
44 ~~January 15, 2006~~ annually.

45 f. For purposes of market factor teacher salaries
46 pursuant to section 284.11, the following amounts are
47 allocated to the department for the following fiscal
48 years:

49 (1) For the fiscal year beginning July 1, 2006,
50 and ending June 30, 2007, the sum of three million

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1 three hundred ninety thousand dollars.

2 (2) For the fiscal year beginning July 1, 2007,
3 and ending June 30, 2008, the sum of seven million
4 five hundred thousand dollars.

5 (3) For the fiscal year beginning July 1, 2008,
6 and ending June 30, 2009, the sum of ten million
7 dollars.

8 The department shall use the formula set forth in
9 paragraph "h" to distribute moneys allocated under
10 this paragraph.

11 g. For purposes of the pay-for-performance program
12 established pursuant to section 284.14, the following
13 amounts are allocated to the department of management
14 for the following fiscal years:

15 (1) For the fiscal year beginning July 1, 2006,
16 and ending June 30, 2007, the sum of one million
17 dollars. Of the amount allocated under this
18 subparagraph, an amount equal to one hundred fifty
19 thousand dollars shall be distributed to the institute
20 for tomorrow's workforce created pursuant to section
21 7K.1 for the activities of the institute.

22 (2) For the fiscal year beginning July 1, 2007,
23 and ending June 30, 2008, the sum of two million five
24 hundred thousand dollars.

25 (3) For the fiscal year beginning July 1, 2008,
26 and ending June 30, 2009, the sum of five million
27 dollars.

28 h. For each fiscal year in which funds are
29 appropriated for purposes of this chapter, the moneys
30 remaining after distribution as provided in paragraphs
31 "a" through "g" shall be allocated to school districts
32 for salaries and career development in accordance with
33 the following formula:

34 (1) Fifty percent of the allocation shall be in
35 the proportion that the basic enrollment of a school
36 district bears to the sum of the basic enrollments of
37 all school districts in the state for the budget year.

38 (2) Fifty percent of the allocation shall be based
39 upon the proportion that the number of full-time
40 equivalent teachers employed by a school district
41 bears to the sum of the number of full-time equivalent
42 teachers who are employed by all school districts in
43 the state for the base year.

44 i. From moneys available under paragraph "h", the
45 department shall allocate to area education agencies
46 an amount per classroom teacher employed by an area
47 education agency that is approximately equivalent to
48 the average per teacher amount allocated to the
49 districts. The average per teacher amount shall be
50 calculated by dividing the total number of classroom

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1 teachers employed by school districts and the
2 classroom teachers employed by area education agencies
3 into the total amount of moneys available under
4 paragraph "h".

5 ~~h.~~ i. Notwithstanding section 8.33, any moneys
6 remaining unencumbered or unobligated from the moneys
7 allocated for purposes of paragraph "a", ~~or~~ "b", or
8 "c" shall not revert but shall remain available in the
9 succeeding fiscal year for expenditure for the
10 purposes designated. The provisions of section 8.39
11 shall not apply to the funds appropriated pursuant to
12 this subsection.

13 Sec. 26. Section 284.13, subsection 2, Code
14 Supplement 2005, is amended to read as follows:

15 2. A school district that is unable to meet the
16 provisions of section 284.7, subsection 1, with funds
17 allocated pursuant to subsection 1, paragraph "d" "h",
18 may request a waiver from the department to use funds
19 appropriated under chapter 256D to meet the provisions
20 of section 284.7, subsection 1, if the difference
21 between the funds allocated to the school district
22 pursuant to subsection 1, paragraph "d" "h", and the
23 amount required to comply with section 284.7,
24 subsection 1, is not less than ten thousand dollars.
25 The department shall consider the average class size
26 of the school district, the school district's actual
27 unspent balance from the preceding year, and the
28 school district's current financial position.

29 Sec. 27. NEW SECTION. 284.14 PAY-FOR-PERFORMANCE
30 PROGRAM.

31 1. COMMISSION.

32 a. A pay-for-performance commission is established
33 to design and implement a pay-for-performance program
34 and provide a study relating to teacher and staff
35 compensation containing a pay-for-performance
36 component. The study shall measure the cost and
37 effectiveness in raising student achievement of a
38 compensation system that provides financial incentives
39 based on student performance. The commission is part
40 of the executive branch of government. The
41 legislative services agency shall, upon request,
42 provide technical and administrative support to the
43 commission.

44 The commission shall select its own chairperson and
45 establish its own rules of procedure. A majority of
46 the voting members of the commission shall constitute
47 a quorum.

48 b. Any vacancy on the commission shall be filled
49 by the appropriate appointing authority. Members
50 shall receive a per diem. Membership of the

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1 commission shall be as follows:

2 (1) One classroom teacher selected jointly by the
3 Iowa state educational association and the
4 professional educators of Iowa.

5 (2) One principal selected by the school
6 administrators of Iowa.

7 (3) One private sector representative selected by
8 the Iowa business council. This representative must
9 meet all of the following qualifications:

10 (a) Possess a degree in education and have
11 teaching experience.

12 (b) Be employed in a business employing at least
13 two hundred persons that has an employee performance
14 pay program.

15 (c) Have served as a school board member.

16 (4) One industrial engineer appointed by the
17 American society of engineers, who has technical
18 knowledge and experience in the design and
19 implementation of individual and group
20 pay-for-performance incentive programs.

21 (5) One small business private sector employer,
22 who employs at least fifty people in a targeted
23 industry, selected by the governor, who has general
24 management experience and top line and bottom line
25 responsibilities.

26 (6) One professional economist with a doctoral
27 degree with experience and knowledge in student
28 achievement using test scores to measure student
29 progress, selected by the voting members of the
30 commission, after they convene.

31 (7) One representative from the department of
32 education who shall serve as a nonvoting member.

33 (8) Two members of the senate and two members of
34 the house of representatives who shall serve as
35 nonvoting members for two-year terms coinciding with
36 the legislative biennium.

37 c. Voting members shall serve three-year terms
38 except for the terms of the initial members, which
39 shall be staggered so that two members' terms expire
40 each calendar year. A vacancy in the membership of
41 the board shall be filled by appointment by the
42 initial appointing authority.

43 d. The pay-for-performance commission is not
44 subject to the provisions of section 69.16 or 69.16A.

45 2. DEVELOPMENT OF PROGRAM. Beginning July 1,
46 2006, the commission shall gather sufficient
47 information to identify a pay-for-performance program
48 based upon student achievement gains and global
49 content standards where student achievement gains
50 cannot be easily measured. The commission shall

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1 review pay-for-performance programs in both the public
2 and private sector. Based on this information, the
3 commission shall design a program utilizing both
4 individual and group incentive components. At least
5 half of any available funding identified by the
6 commission shall be designated for individual
7 incentives.

8 a. Commencing with the school year beginning July
9 1, 2007, the commission shall initiate demonstration
10 projects, in selected kindergarten through grade
11 twelve schools, to test the effectiveness of the
12 pay-for-performance program. The purpose of the
13 demonstration projects is to identify the strengths
14 and weaknesses of the pay-for-performance program
15 design, evaluate cost effectiveness, analyze student
16 achievement gains, test assessments, allow thorough
17 review of data, and make necessary adjustments before
18 implementing the pay-for-performance program
19 statewide.

20 b. The commission shall select ten school
21 districts as demonstration projects. To the extent
22 practicable, participants shall represent
23 geographically distinct rural, urban, and suburban
24 areas of the state. Participants shall provide
25 reports or other information as required by the
26 commission.

27 c. Commencing with the school year beginning July
28 1, 2008, the commission shall select twenty additional
29 school districts as demonstration projects.

30 3. REPORTS AND FINAL STUDY. Based on the
31 information generated by the demonstration projects,
32 the commission shall prepare an interim report by
33 January 15, 2007, followed by interim progress reports
34 annually, followed by a final study report analyzing
35 the effectiveness of pay-for-performance in raising
36 student achievement levels. The final study report
37 shall be completed no later than six months after the
38 completion of the demonstration projects. The
39 commission shall provide copies of the final study
40 report to the department of education and to the
41 chairpersons and ranking members of the senate and
42 house standing committees on education.

44 4. STATEWIDE IMPLEMENTATION - REMEDIATION.

45 Commencing with the school year beginning July 1,
46 2009, the pay-for-performance program shall be
47 implemented statewide, notwithstanding the provisions
48 of chapters 20 and 279 to the contrary.

49 a. The commission, in consultation with the
50 department of education, shall develop a system which
will provide for valid, reliable tracking and

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1 measuring of enhanced student achievement under the
2 pay-for-performance program. Where possible, student
3 performance shall be based solely on student
4 achievement, objectively measured by academic gains
5 made by individual students using valid, reliable, and
6 nonsubjective assessment tools such as the dynamic
7 indicators of basic early literacy skills (DIBELS),
8 the Iowa test of basic skills, or the Iowa test of
9 educational development.

10 b. The commission shall develop a
11 pay-for-performance pay plan for teacher compensation.
12 The plan shall establish salary adjustments which vary
13 directly with the enhancement of student achievement.
14 The plan shall include teacher performance standards
15 which identify the following five levels of teacher
16 performance with standards to measure each level:

- 17 (1) Superior performance.
- 18 (2) Exceeds expectations.
- 19 (3) Satisfactory.
- 20 (4) Emerging.
- 21 (5) In need of remediation.

22 No individual salary adjustments under an
23 individual incentive component of a
24 pay-for-performance program shall be provided to
25 teachers whose students do not demonstrate at least a
26 satisfactory level of performance.

27 c. The department of education, in conjunction
28 with the commission, shall create a teacher
29 remediation program to provide counseling and
30 assistance for teachers whose students do not
31 demonstrate adequate increases in achievement.

32 5. STAFFING. The legislative services agency may
33 annually use up to fifty thousand dollars of the
34 moneys appropriated for the pay-for-performance
35 program to provide technical and administrative
36 assistance to the commission and monitoring of the
37 program. The commission may annually use up to two
38 hundred thousand dollars of the moneys appropriated
39 for consultation services in coordination with the
40 legislative services agency.

41 6. IOWA EXCELLENCE FUND. An Iowa excellence fund
42 is created within the office of the treasurer of
43 state, to be administered by the commission.
44 Notwithstanding section 8.33, moneys in the fund that
45 remain unencumbered or unobligated at the close of the
46 fiscal year shall not revert but shall remain in the
47 fund.

48 The commission may provide grants from this fund,
49 according to criteria developed by the commission, for
50 implementation of the pay-for-performance program.

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1 Sec. 28. NEW SECTION. 284A.1 DEFINITIONS.

2 As used in this chapter, unless the context
3 otherwise requires:

4 1. "Administrator" means an individual holding a
5 professional administrator license issued under
6 chapter 272, who is employed in a school district
7 administrative position by a school district or area
8 education agency pursuant to a contract issued by a
9 board of directors under section 279.23. An
10 administrator may be employed in both an
11 administrative and a nonadministrative position by a
12 board of directors and shall be considered a part-time
13 administrator for the portion of time that the
14 individual is employed in an administrative position.

15 2. "Beginning administrator" means an individual
16 serving under an initial administrator license, issued
17 by the board of educational examiners under chapter
18 272, who is assuming a position as a school district
19 administrator for the first time.

20 3. "Department" means the department of education.

21 4. "Mentor" means an individual employed by a
22 school district or area education agency as a school
23 district administrator or a retired administrator who
24 holds a valid license issued under chapter 272. The
25 individual must have a record of four years of
26 successful administrative experience and must
27 demonstrate professional commitment to both the
28 improvement of teaching and learning and the
29 development of beginning administrators.

30 5. "School board" means the board of directors of
31 a school district or a collaboration of boards of
32 directors of school districts.

33 6. "State board" means the state board of
34 education.

35 Sec. 29. NEW SECTION. 284A.2 BEGINNING
36 ADMINISTRATOR MENTORING AND INDUCTION PROGRAM.

37 1. A beginning administrator mentoring and
38 induction program is created to promote excellence in
39 school leadership, improve classroom instruction,
40 enhance student achievement, build a supportive
41 environment within school districts, increase the
42 retention of promising school leaders, and promote the
43 personal and professional well-being of
44 administrators.

45 2. The department, in collaboration with other
46 educational partners, shall develop a model beginning
47 administrator mentoring and induction program for all
48 beginning administrators.

49 3. Each school board shall establish an
50 administrator mentoring program for all beginning

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1 administrators. The school board may adopt the model
2 program developed by the department pursuant to
3 subsection 2. Each school board's beginning
4 administrator mentoring and induction program shall,
5 at a minimum, provide for one year of programming.
6 Each school board shall develop an initial beginning
7 administrator mentoring and induction plan. The plan
8 shall describe the mentor selection process, describe
9 supports for beginning administrators, describe
10 program organizational and collaborative structures,
11 provide a budget, provide for sustainability of the
12 program, and provide for program evaluation. The
13 school board employing an administrator shall
14 determine the conditions and requirements of an
15 administrator participating in a program established
16 pursuant to this section. A school board shall
17 include its plan in the school district's
18 comprehensive school improvement plan submitted
19 pursuant to section 256.7, subsection 21.

20 4. By the end of a beginning administrator's
21 second year of employment, the beginning administrator
22 may be comprehensively evaluated at the discretion of
23 the school board.

24 Sec. 30. NEW SECTION. 284A.3 PROGRAM
25 APPROPRIATION.

26 1. For each fiscal year in which moneys are
27 appropriated by the general assembly for purposes of
28 the administrator quality program, an amount up to two
29 hundred fifty thousand dollars shall be allocated to
30 the department for purposes of the beginning
31 administrator mentoring and induction program.

32 2. For the fiscal year beginning July 1, 2006, and
33 each succeeding fiscal year, there is appropriated
34 from the general fund of the state to the department
35 of education the sum of two hundred fifty thousand
36 dollars for purposes of administering the beginning
37 administrator mentoring and induction program
38 established pursuant to this chapter.

39 3. A school district shall receive one thousand
40 three hundred dollars per beginning administrator
41 participating in the program. If the funds
42 appropriated for the program are insufficient to pay
43 mentors and school districts as provided in this
44 subsection, the department shall prorate the amount
45 distributed to school districts based upon the amount
46 appropriated. Moneys received by a school district
47 pursuant to this subsection shall be expended to
48 provide each mentor with an award of five hundred
49 dollars per semester, at a minimum, for participation
50 in the school district's beginning administrator

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1 mentoring and induction program; to implement the
2 plan; and to pay any applicable costs of the
3 employer's share of contributions to federal social
4 security and the Iowa public employees' retirement
5 system or a pension and annuity retirement system
6 established under chapter 294, for such amounts paid
7 by the district.

8 4. Notwithstanding section 8.33, any moneys
9 remaining unobligated or unexpended from the moneys
10 appropriated under subsection 1 shall not revert, but
11 shall remain available in the succeeding fiscal year
12 for expenditure for the purposes designated. The
13 provisions of section 8.39 shall not apply to the
14 funds appropriated pursuant to this section.

15 Sec. 31. INSTITUTE FOR TOMORROW'S WORKFORCE –
16 IOWA EDUCATION EFFICIENCY AND IMPROVEMENT PLAN. The
17 institute for tomorrow's workforce shall develop an
18 Iowa education efficiency and improvement plan, the
19 goal of which is to establish a new educational
20 delivery system. In developing the plan, the
21 institute shall address issues concerning the
22 alignment of school districts, area education
23 agencies, public postsecondary institutions, and the
24 department of education, focusing on specific
25 quantitative and qualitative indicators, management,
26 governance, services, boundaries, infrastructure and
27 efficiencies, and administrative efficiencies. The
28 institute shall submit the plan and any
29 recommendations for changes to state law and
30 administrative rules to the general assembly, the
31 governor, and the department of education by January
32 15, 2007. The plan shall be implemented by the
33 general assembly and the governor unless rejected by
34 the general assembly and the governor by June 30,
35 2007.

36 Sec. 32. STATE MANDATE FUNDING SPECIFIED. In
37 accordance with section 25B.2, subsection 3, the state
38 cost of requiring compliance with any state mandate
39 included in this Act shall be paid by a school
40 district from state school foundation aid received by
41 the school district under section 257.16. This
42 specification of the payment of the state cost shall
43 be deemed to meet all the state funding-related
44 requirements of section 25B.2, subsection 3, and no
45 additional state funding shall be necessary for the
46 full implementation of this Act by and enforcement of
47 this Act against all affected school districts.

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1 DEPARTMENT OF EDUCATION
2 Sec. 33. There is appropriated from the general
3 fund of the state to the department of education for
4 the fiscal year beginning July 1, 2006, and ending
5 June 30, 2007, the following amount, or so much
6 thereof as is necessary, to be used for the purpose
7 designated:
8 To assist school districts with the implementation
9 of statewide graduation requirements as provided in
10 division III of this Act:
11 \$ 130,000
12 DIVISION III
13 MISCELLANEOUS EDUCATION PROVISIONS".
14 2. Title page, line 1, by inserting after the
15 word "Act" the following: "relating to education
16 finances, including the funding of, operation of, and
17 appropriation of moneys to the department of
18 education, the department of management, and the state
19 board of regents, and".
20 3. By renumbering as necessary.

The House stood at ease at 10:59 p.m., until the fall of the gavel.

The House resumed session at 11:24 p.m., Speaker Rants in the chair.

Chambers of O'Brien offered the following amendment H-8637, to amendment H-8635, filed by him from the floor and moved its adoption:

H-8637

1 Amend the amendment, H-8635, to House File 2792 as
2 follows:
3 1. Page 1, line 28, by striking the word "has".
4 2. Page 1, by striking line 30 and inserting the
5 following: "prior to June 1, 2006, shall be
6 considered".
7 3. Page 19, by striking lines 26 through 31.
8 4. By renumbering as necessary.

Amendment H-8637 was adopted.

Chambers of O'Brien offered the following amendment H-8639, to amendment H-8635, filed by him and Oldson of Polk from the floor and moved its adoption:

H-8639

- 1 Amend the amendment, H-8635, to House File 2792, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 21, by inserting after line 13 the
 5 following:
 6 "____. Section 261.25, subsection 1A, as enacted by
 7 2006 Iowa Acts, House File 2527, if enacted, is
 8 amended to read as follows:
 9 1A. There is appropriated from the general fund of
 10 the state to the commission for each fiscal year the
 11 sum of five million one hundred sixty-seven thousand
 12 three hundred fifty-eight dollars for ~~proprietary~~
 13 tuition grants for students attending for-profit
 14 accredited private institutions."
 15 2. By renumbering as necessary.

Amendment H-8639 was adopted.

On motion by Chambers of O'Brien, amendment H-8635, as amended, was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8638 filed by him from the floor.

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. 2792)

The ayes were, 95:

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
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	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
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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Fallon	Hunter	Jones	Lensing
Zirkelbach			

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 2792** be immediately messaged to the Senate.

MOTION TO RECONSIDER (House File 2527)

I move to reconsider the vote by which House File 2527 passed the House on May 2, 2006.

GIPP of Winneshiek

MOTION TO RECONSIDER (Senate File 2399)

I move to reconsider the vote by which Senate File 2399 passed the House on May 2, 2006.

WATTS of Dallas

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

- 2006\1629 Elmer and Evelyn Kinsinger, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2006\1630 Gilbert and Sandra Herrick, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2006\1631 Lola Baltzley, Oskaloosa – For celebrating her 94th birthday.
- 2006\1632 Jason Gnann, Donnellson – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1633 Cora Leighton, Shenandoah – For being recognized as one of “Iowa’s 100 Great Nurses.”
- 2006\1634 Charles R. May, Iowa Great Lakes – For celebrating his 90th birthday.
- 2006\1635 Grace Triggs, Arnolds Park – For celebrating her 89th birthday.
- 2006\1636 Irene Wilcox, Madrid – For celebrating her 80th birthday.
- 2006\1637 David Palton, Eagle Grove – For earning a perfect score in violin at the State Solo Ensemble competition and also being named Best of Center.
- 2006\1638 Mable Warwick, Webster City – For celebrating her 89th birthday.
- 2006\1639 Marguerite Coursey, Webster City – For celebrating her 100th birthday.
- 2006\1640 Dwight and Marjorie Groom, Rowan – For celebrating their 50th wedding anniversary.
- 2006\1641 Marlene and Kenneth Vorland, Sr., Hardy – For celebrating their 50th wedding anniversary.
- 2006\1642 Virgil and Mary Scott, Webster City – For celebrating their 60th wedding anniversary.
- 2006\1643 Don and Elaine Elkin, Webster City – For celebrating their 65th wedding anniversary.

- 2006\1644 Raymond Wille, Hampton – For celebrating his 85th birthday.
- 2006\1645 Verna Hallman, Hampton – For celebrating her 90th birthday.
- 2006\1646 Jane Stokesbary, Clear Lake – For celebrating her 90th birthday.
- 2006\1647 Anne Held, Dumont – For celebrating her 100th birthday.
- 2006\1648 Gilbert and Maurine Mills, Clear Lake – For celebrating their 70th wedding anniversary.
- 2006\1649 Donald and Dorothy Nichols, Clear Lake – For celebrating their 50th wedding anniversary.
- 2006\1650 Ernie and Charlene Willms, Hampton – For celebrating their 50th wedding anniversary.
- 2006\1651 Floyd and Bonnie Semmons, Farragut – For celebrating their 70th wedding anniversary.
- 2006\1652 Irene Krause, Clarinda – For celebrating her 102nd birthday.
- 2006\1653 Velva Kunce, Yale – For celebrating her 95th birthday.
- 2006\1654 Dick Godwin, Yale – For celebrating his 88th birthday.
- 2006\1655 Kevin Orfield, Jefferson–Scranton High School, Jefferson – For being nominated to the Des Moines Register's Academic All–State Team.
- 2006\1656 Paul Hunt, Clarinda – For celebrating his 90th birthday.
- 2006\1657 Adeline Vogel, Jesup – For celebrating her 90th birthday.
- 2006\1658 Austin Brandt, La Porte City – For celebrating his 80th birthday.
- 2006\1659 Mr. and Mrs. Bob Schmitz, Jesup – For celebrating their 50th wedding anniversary.
- 2006\1660 Donald and Bette Chesmore, Independence – For celebrating their 50th wedding anniversary.
- 2006\1661 Zachary Schultz, Sioux City – For being selected as a Regional Team member of the Des Moines Register's Academic All–State Team.
- 2006\1662 Jeremy P. Rhodes, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1663 Andrew J. Schmitz, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2006\1664 Devin P. Christoffel, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1665 Nicholas H. Swalve, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1666 Ralph and Twylia Fay Norris, Newton – For celebrating their 60th wedding anniversary.
- 2006\1667 Edna Drewis, Tripoli – For celebrating her 90th birthday.
- 2006\1668 Lodean and Lois Korner, Ida Grove – For celebrating their 50th wedding anniversary.
- 2006\1669 Duane and Shirley Druivenga, Battle Creek – For celebrating their 50th wedding anniversary.
- 2006\1670 Lucy Curnyn, Denison – For celebrating her 80th birthday.
- 2006\1671 Arlene Teut, Mapleton – For celebrating her 85th birthday.
- 2006\1672 Johnny Steckelberg, Denison – For celebrating his 90th birthday.
- 2006\1673 Marge Goodman, Battle Creek – For celebrating her 83rd birthday.
- 2006\1674 Verna Pithan, Charter Oak – For celebrating her 85th birthday.
- 2006\1675 Vernon Bielow, Charter Oak – For celebrating his 85th birthday.
- 2006\1676 Pete and Dorothy Johnston, Albia – For celebrating their 63rd wedding anniversary, and for celebrating their 84th birthdays.
- 2006\1677 Earl and Blanche Rowley, Albia – For celebrating their 65th wedding anniversary.
- 2006\1678 Joseph Dale and Josephine Heintz, Nevada – For celebrating their 60th wedding anniversary.
- 2006\1679 Neal Vellema, Harris–Lake Park High School – For being named to the North Central Division of the American Choir Directors Association’s Men’s Honor Choir.
- 2006\1680 Tyler Coleman, Okoboji – For being named to the Class 1A/2A All–State Jazz Band.
- 2006\1681 Abby Doorn, Spencer – For being selected to attend the Iowa American Legion Auxiliary Girls State.
- 2006\1682 Emilie Oviatt, Spencer – For being selected to attend the Iowa American Legion Auxiliary Girls State.

- 2006\1683 Amber Spears, Spencer – For being selected to attend the Iowa American Legion Auxiliary Girls State.
- 2006\1684 Donald and Rosella Rosacker, Spencer – For celebrating their 50th wedding anniversary.
- 2006\1685 Bob and Donnus Hansen, Okoboji – For celebrating their 55th wedding anniversary.
- 2006\1686 Ken Rubel, Sr., Ruthven – For celebrating his 80th birthday.
- 2006\1687 Latitia Lawson, Milford – For celebrating her 110th birthday.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 779

Government Oversight: Alons, Chair; Baudler, Eichhorn, Hutter, Lensing, Thomas, J.K. Van Fossen, Whitead and Winckler.

AMENDMENTS FILED

H—8606	S.F.	2377	Drake of Pottawattamie Mertz of Kossuth
H—8607	H.F.	2332	Senate Amendment
H—8620	S.F.	2393	Wise of Lee

On motion by Gipp of Winneshiek the House adjourned at 11:41 p.m., until 9:00 a.m., Wednesday, May 3, 2006.

JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 3, 2006

The House met pursuant to adjournment at 9:25 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Williams, pastor of Nevada Methodist Church, Nevada. He was the guest of Representative Jim Kurtenbach of Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, May 2, 2006 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

R. Olson of Polk on request of Bukta of Clinton; Raecker of Polk, until his arrival, on request of Gipp of Winneshiek.

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 11:35 a.m., Speaker Rants in the chair.

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting with the committee on ways and means upon recess.

On motion by Gipp of Winneshiek, the House was recessed at 11:36 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:22 p.m., Roberts of Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hunter of Polk and Lensing of Johnson on request of Whitaker of Van Buren; Jones of Mills on request of Gipp of Winneshiek.

INTRODUCTION OF BILL

House File 2798, by committee on government oversight, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

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 eighty-eight members present, twelve absent.

Speaker Rants in the chair at 1:36 p.m.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 2377.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2377, a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the

department of natural resources, with report of committee recommending passage, was taken up for consideration.

Dix of Butler offered the following amendment H-8575 filed by Dix et al., and moved its adoption:

H-8575

1 Amend Senate File 2377, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 17 the
4 following:
5 "Sec. ____ Section 459.312, subsection 4A, as
6 enacted in 2006 Iowa Acts, Senate File 2076, section
7 1, is amended to read as follows:
8 4A. The department shall provide for the receipt
9 and processing of manure management plans, including
10 updates to manure management plans, in an electronic
11 format pursuant to section 459.302, not later than
12 July 1, ~~2008~~ 2009. After that time, a person required
13 to submit a manure management plan under this section
14 ~~may~~ shall submit the manure management plan to the
15 department and to the county board of supervisors in
16 an electronic format."
17 2. By renumbering as necessary.

Amendment H-8575 was adopted.

Drake of Pottawattamie offered the following amendment H-8606 filed by him and Mertz of Kossuth and moved its adoption:

H-8606

1 Amend Senate File 2377, as passed by the Senate, as
2 follows:
3 1. Page 2, line 12, by inserting after the word
4 "met." the following: "However, the department may
5 send a letter of concern by certified mail to the
6 owner of the confinement feeding operation that
7 explicitly states the department's concern that a
8 condition on the site where the confinement feeding
9 operation is or may be constructed, if not addressed,
10 may result in the pollution of the waters of the
11 state. The department's letter shall provide the
12 reasons for its concern and a possible remedy to the
13 condition which could be implemented by the owner.
14 The letter shall also inform the owner of likely
15 administrative or judicial action if the condition
16 exists, is not remedied, and results in the pollution

17 of the waters of the state when the confinement
 18 feeding operation commences operations."
 19 2. Page, 3, line 5, by inserting after the word
 20 "met." the following: "However, the department may
 21 send a letter of concern by certified mail to the
 22 owner of the open feedlot operation that explicitly
 23 states the department's concern that a condition on
 24 the site where the open feedlot operation is or may be
 25 constructed, if not addressed, may result in the
 26 pollution of the waters of the state. The
 27 department's letter shall provide the reasons for its
 28 concern and a possible remedy to the condition which
 29 could be implemented by the owner. The letter shall
 30 also inform the owner of likely administrative or
 31 judicial action if the condition exists, is not
 32 remedied, and results in the pollution of the waters
 33 of the state when the open feedlot operation commences
 34 operations."
 35 3. By renumbering as necessary.

Amendment H-8606 was adopted.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2377)

The ayes were, 66:

Alons	Anderson	Baudler	Bell
Boal	Carroll	Chambers	Cohoon
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foegel
Ford	Freeman	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Kaufmann	Kurtenbach	Lalk
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Miller	Murphy
Olson, S.	Paulsen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Shomshor	Soderberg	Struyk
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Whitead	Wilderdyeke
Wise	Mr. Speaker		
	Rants		

The nays were, 25:

Berry	Bukta	Davitt	Frevert
Gaskill	Gipp	Heddens	Jacoby
Jochum	Kressig	Kuhn	Mascher
Oldson	Olson, D.	Petersen	Schickel
Schueller	Shoultz	Smith	Swaim
Taylor, D.	Wendt	Wessel-Kroeschell	Whitaker
Winckler			

Absent or not voting, 9:

Arnold	Fallon	Hunter	Jones
Lensing	Olson, R.	Raecker	Rasmussen
Zirkelbach			

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 2377** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 2398.

Ways and Means Calendar

Senate File 2398, a bill for an act providing a sales tax exemption for purchases of solar energy equipment, with report of committee recommending passage, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-8641 filed by him from the floor and moved its adoption:

H-8641

1 Amend Senate File 2398, as passed by the Senate, as
2 follows:

3 1. Page 1, lines 5 and 6, by striking the words
4 "capable of collecting and converting" and inserting
5 the following: "that is primarily used to collect and
6 convert".

7 2. Page 1, line 7, by striking the word
8 "transforms" and inserting the following: "is
9 primarily used to transform".

A non-record roll call was requested.

The ayes were 68, nays 4.

Amendment H-8641 was adopted.

Hogg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2398)

The ayes were, 91:

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
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
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	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 3:

Taylor, D.	Taylor, T.	Watts
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Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 2398** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **House File 2332**, a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, amended by the Senate amendment H-8607 as follows:

H-8607

- 1 Amend House File 2332, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 5, by striking the word
- 4 "knowingly" and inserting the following: "knowingly,
- 5 with actual knowledge and intent to avoid legal
- 6 obligation.".
- 7 2. Page 3, by inserting after line 11 the
- 8 following:
- 9 "Sec. ____ Section 726.5, Code 2005, is amended to
- 10 read as follows:
- 11 726.5 NONSUPPORT.
- 12 A person, who being able to do so, fails or refuses
- 13 to provide support for the person's child or ward
- 14 under the age of eighteen years for a period longer
- 15 than one year or in an amount greater than five
- 16 thousand dollars commits nonsupport; provided that no
- 17 person shall be held to have violated this section who
- 18 fails to support any child or ward under the age of
- 19 eighteen who has left the home of the parent or other
- 20 person having legal custody of the child or ward
- 21 without the consent of that parent or person having
- 22 legal custody of the child or ward. Support, for the
- 23 purposes of this section, means any support which has
- 24 been fixed by court order, or, in the absence of any
- 25 such order or decree, the minimal requirements of
- 26 food, clothing or shelter. Nonsupport is a class "D"
- 27 felony."
- 28 3. Title page, line 5, by inserting after the
- 29 word "program" the following: ", nonsupport of a
- 30 child or ward, providing for and making criminal
- 31 penalties applicable,".

- 32 4. Title page, line 5, by inserting after the
33 word "program" the following: ", providing
34 penalties,".
35 5. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

Lukan of Dubuque offered the following amendment H-8640, to the Senate amendment H-8607, filed by him from the floor and moved its adoption:

H-8640

- 1 Amend the Senate amendment, H-8607, to House File
2 2332, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 27 the
5 following:
6 "Sec.____. CHILD SUPPORT RECOVERY UNIT REPORT ON
7 EFFECTS OF NONSUPPORT PROVISION. The child support
8 recovery unit shall submit a report to the governor
9 and the general assembly by January 15, 2007,
10 regarding the effects of section 726.5, as amended in
11 this Act. The report shall include, for the period of
12 July 1, 2006, through January 1, 2007, the total
13 number of individuals who met the elements of
14 nonsupport under section 726.5 and could have been
15 charged with nonsupport, the number of individuals
16 actually charged and prosecuted under section 726.5,
17 and any increase in compliance with payment of support
18 attributable to section 726.5, as amended in this
19 Act."
20 2. By renumbering as necessary.

Amendment H-8640 was adopted.

On motion by Lukan of Dubuque the House concurred in the Senate amendment H-8607, 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. 2332)

The ayes were, 94:

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
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
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	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 2332** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 2:49 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:29 p.m., Hogg of Linn 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 3, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2002, a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2332, a bill for an act relating to income withholding under the child support recovery program.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2546, a bill for an act relating to public and private landowners' immunity from premises liability during urban deer control hunts authorized by municipal ordinances.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2706, a bill for an act providing for the confidentiality of certain records relating to charitable donations for the benefit of a government body.

Also: That the Senate has on May 3, 2006, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2743, 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 May 3, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2765, a bill for an act concerning the military division of the department of public defense.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2769, a bill for an act relating to the community empowerment initiative and making an appropriation.

Also: That the Senate has on May 2, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2791, a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date.

Also: That the Senate has on May 3, 2006, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2398, a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Kurtenbach of Story called up for consideration **House File 2706**, a bill for an act providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body, amended by the Senate, and moved that the House concur in the following Senate amendment H-8643:

H-8643

- 1 Amend House File 2706, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the words
- 4 "information about".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "a" the following: "donor or".
- 7 3. Page 1, by inserting after line 29, the
- 8 following:
- 9 "f. The confidential records described in
- 10 paragraphs "a" through "e" shall not be construed to
- 11 make confidential those portions of records disclosing
- 12 any of the following:
- 13 (1) The amount and date of the donation.

- 14 (2) Any donor-designated use or purpose of the
 15 donation.
 16 (3) Any other donor-imposed restrictions on the
 17 use of the donation.
 18 (4) When a pledge or donation is made expressly
 19 conditioned on receipt by the donor, or any person
 20 related to the donor by blood or marriage within the
 21 third degree of consanguinity, of any privilege,
 22 benefit, employment, program admission, or other
 23 special consideration from the government body, a
 24 description of any and all such consideration offered
 25 or given in exchange for the pledge or donation.
 26 g. Except as provided in paragraphs "a" through
 27 "f", portions of records relating to the receipt,
 28 holding, and disbursement of gifts made for the
 29 benefit of regents institutions and made through
 30 foundations established for support of regents
 31 institutions, including but not limited to written
 32 fund-raising policies and documents evidencing
 33 fund-raising practices, shall be subject to this
 34 chapter."
 35 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8643.

Kurtenbach 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. 2706)

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
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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 2706** be immediately messaged to the Senate.

HOUSE RECEDES

Heaton of Henry called up for consideration **House File 2743**, 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 House and moved that the House recede from its amendment.

The motion prevailed and the House recesses.

Heaton of Henry 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. 2743)

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
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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

SENATE AMENDMENT CONSIDERED

Kaufmann of Cedar called up for consideration **Senate File 2272**, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8645 to the House amendment:

H-8645

- 1 Amend the House amendment, S-5257, to Senate File
- 2 2272, as amended, passed, and reprinted by the Senate,
- 3 as follows:

- 4 1. By striking page 3, line 24, through page 4,
 5 line 42, and inserting the following:
 6 "Sec. ____ Section 256F.3, subsection 6, Code
 7 2005, is amended to read as follows:
 8 6. Upon approval of an application for the
 9 proposed establishment of a charter school, the school
 10 board shall submit an application for approval to
 11 establish the charter school to the state board in
 12 accordance with section 256F.5. The application shall
 13 set forth the manner in".
 14 2. By striking page 5, line 18, through page 9,
 15 line 5.
 16 3. Page 12, by striking lines 36 through 39 and
 17 inserting the following:
 18 "Sec. ____ EFFECTIVE DATE. The section of this
 19 division of this Act amending section 256F.3,
 20 subsection 6, being deemed of immediate importance,
 21 takes effect upon enactment."
 22 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8645, to the House amendment.

Kaufmann of Cedar 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. 2272)

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
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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 2546**, a bill for an act relating to public and private landowners' immunity from premises liability during urban deer control hunts authorized by municipal ordinances, amended by the Senate, and moved that the House concur in the following Senate amendment H-8644:

H-8644

1 Amend House File 2546, 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 461C.1, Code 2005, is amended
 6 to read as follows:
 7 461C.1 PURPOSE.
 8 The purpose of this chapter is to encourage private
 9 owners of land to make land and water areas available
 10 to the public for recreational purposes and for urban
 11 deer control by limiting their liability toward
 12 persons entering thereon for such purposes.
 13 Sec. 2. Section 461C.2, subsection 3, Code 2005,
 14 is amended to read as follows:
 15 3. "Land" means private land located in a
 16 municipality including abandoned or inactive surface
 17 mines, caves, and land used for agricultural purposes,
 18 including marshlands, timber, grasslands and the
 19 privately owned roads, water, water courses, private

20 ways and buildings, structures and machinery or
21 equipment appurtenant thereto.

22 Sec. 3. Section 461C.2, Code 2005, is amended by
23 adding the following new subsections:

24 NEW SUBSECTION. 3A. "Municipality" means any city
25 or county in the state.

26 NEW SUBSECTION. 5. "Urban deer control" means
27 deer hunting with a bow and arrow on private land in a
28 municipality, without charge, as authorized by a
29 municipal ordinance, for the purpose of reducing or
30 stabilizing an urban deer population in the
31 municipality.

32 Sec. 4. Section 461C.3, Code 2005, is amended to
33 read as follows:

34 461C.3 LIABILITY OF OWNER LIMITED.

35 Except as specifically recognized by or provided in
36 section 461C.6, an owner of land owes no duty of care
37 to keep the premises safe for entry or use by others
38 for recreational purposes or urban deer control, or to
39 give any warning of a dangerous condition, use,
40 structure, or activity on such premises to persons
41 entering for such purposes.

42 Sec. 5. Section 461C.4, unnumbered paragraph 1,
43 Code 2005, is amended to read as follows:

44 Except as specifically recognized by or provided in
45 section 461C.6, a holder of land who either directly
46 or indirectly invites or permits without charge any
47 person to use such property for recreational purposes
48 or urban deer control does not thereby:

49 Sec. 6. Section 461C.5, Code 2005, is amended to
50 read as follows:

Page 2

1 461C.5 DUTIES AND ABILITIES OF OWNER OF LEASED
2 LAND.

3 Unless otherwise agreed in writing, the provisions
4 of sections 461C.3 and 461C.4 shall be deemed
5 applicable to the duties and liability of an owner of
6 land leased, or any interest or right therein
7 transferred to, or the subject of any agreement with,
8 the United States or any agency thereof, or the state
9 or any agency or subdivision thereof, for recreational
10 purposes or urban deer control.

11 Sec. 7. Section 461C.6, subsection 2, Code 2005,
12 is amended to read as follows:

13 2. For injury suffered in any case where the owner
14 of land charges the person or persons who enter or go
15 on the land for the recreational use thereof or for
16 deer hunting, except that in the case of land or any
17 interest or right therein, leased or transferred to,
18 or the subject of any agreement with, the United

19 States or any agency thereof or the state or any
20 agency thereof or subdivision thereof, any
21 consideration received by the holder for such lease,
22 interest, right or agreement, shall not be deemed a
23 charge within the meaning of this section.

24 Sec. 8. Section 461C.7, subsection 2, Code 2005,
25 is amended to read as follows:

26 2. Relieve any person using the land of another
27 for recreational purposes or urban deer control from
28 any obligation which the person may have in the
29 absence of this chapter to exercise care in the use of
30 such land and in the person's activities thereon, or
31 from the legal consequences of failure to employ such
32 care.

33 Sec. 9. NEW SECTION. 461C.8 URBAN DEER CONTROL
34 – MUNICIPAL ORDINANCE.

35 1. A municipality may adopt an ordinance
36 authorizing trained, volunteer hunters to hunt deer
37 with a bow and arrow on private land within the
38 municipality, without charge, for the purpose of urban
39 deer control.

40 2. The ordinance shall specify all of the
41 following:

42 a. How a person qualifies to participate in urban
43 deer control.

44 b. Where urban deer control can occur.

45 c. Conditions under which urban deer control can
46 be conducted, which are intended to minimize the risk
47 of injury to persons and property.

48 3. A hunter who participates in urban deer control
49 pursuant to this section shall be otherwise qualified
50 to hunt deer in this state, have a hunting license and

Page 3

1 pay the wildlife habitat fee, and obtain a special
2 deer hunting license valid only for the dates,
3 locations, and type of deer specified on the license.
4 Special deer hunting licenses issued pursuant to this
5 section shall be available only to residents and shall
6 cost the same as deer hunting licenses issued during
7 general deer seasons. The commission may establish
8 procedures for issuing more than one license per
9 person as necessary to achieve the purposes of urban
10 deer control, and the cost of each additional license
11 shall be ten dollars.

12 4. An urban deer control ordinance is not
13 effective until it has been approved by the department
14 of natural resources.

15 5. The department of natural resources shall adopt
16 rules in accordance with chapter 17A necessary for the
17 administration of this section."

18 2. Title page, by striking lines 1 through 3 and
 19 inserting the following: "An Act allowing private
 20 landowners limited immunity from premises liability
 21 during urban deer control hunts."

The motion prevailed and the House concurred in the Senate amendment H-8644.

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. 2546)

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
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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 2546, 2743 and Senate File 2272.**

SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration **House File 2769**, a bill for an act relating to the community empowerment initiative and making an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment H-8646:

H-8646

- 1 Amend House File 2769, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 24, by inserting after the word
- 4 "three." the following: "The programs funded under
- 5 this section shall have a home visitation component."

The motion prevailed and the House concurred in the Senate amendment H-8646.

Tymeson of Madison 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. 2769)

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
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman

Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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 5:00 p.m., until 6:00 p.m.

EVENING SESSION

The House reconvened at 6:38 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.

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 12, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2351, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, essential county purposes, and other properly related matters, and including effective and applicability provisions.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2377, a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources.

MICHAEL E. MARSHALL, Secretary

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2399)

Watts of Dallas asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2399**, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date, filed by him on May 2, 2006.

SENATE AMENDMENT CONSIDERED

Kaufmann of Cedar called up for consideration **House File 2351**, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8647:

H-8647

- 1 Amend House File 2351, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 4 and 5, by striking the words
- 4 "utilities or persons" and inserting the following:
- 5 "utilities, or persons, companies, or corporations."
- 6 2. Page 2, line 29, by inserting after the word
- 7 "property" the following: "for redevelopment purposes
- 8 and to eliminate slum or blighted conditions".
- 9 3. Page 2, line 35, by striking the words "city
- 10 or county" and inserting the following:
- 11 "municipality".
- 12 4. Page 3, by striking lines 1 through 3 and
- 13 inserting the following: "public input, if seventy-
- 14 five percent or more of the area included in the plan

15 consists of property in a slum or blighted".

16 5. Page 3, line 6, by inserting after the word
17 "municipality." the following: "The project or
18 acquisition plan area shall only include the adjacent
19 and contiguous parcels necessary for the completion of
20 planned activities for a specific business or housing
21 project. Before a municipality exercises its eminent
22 domain authority to acquire properties in a project or
23 acquisition plan area that are not in a slum or
24 blighted condition, the municipality shall be required
25 to adopt a resolution by a two-thirds majority to
26 authorize the acquisition of such property by eminent
27 domain. The resolution shall make a finding that
28 includes at a minimum all of the following:

29 (a) The taking of such property is necessary to
30 achieve the project or acquisition plan objectives.

31 (b) The taking of property for the project or
32 acquisition plan will eliminate or rehabilitate the
33 slum and blighted conditions in the area.

34 (c) If the specific project is for a business, the
35 proposed project or acquisition plan will confer
36 economic benefits upon the municipality."

37 6. Page 3, by striking lines 7 through 10.

38 7. Page 3, by striking lines 11 through 14 and
39 inserting the following:

40 "For purposes of this subparagraph (5):

41 (a) "Blighted condition" means the presence of a
42 substantial number of slum or deteriorated structures;
43 insanitary or unsafe".

44 8. Page 3, by striking line 24 and inserting the
45 following:

46 "(b) "Slum condition"."

47 9. Page 3, by striking line 32 and inserting the
48 following: "sanitation; by reason".

49 10. Page 4, by striking line 2 and inserting the
50 following:

Page 2

1 "(c) In no case shall".

2 11. Page 4, by inserting after line 4 the
3 following:

4 "(d) "Project or acquisition plan" means the
5 planned activities of a municipality to rehabilitate
6 or redevelop specific property in that portion of an
7 urban renewal area designated as a slum or blighted
8 area pursuant to chapter 403. The planned activities
9 may include the sale and acquisition of property;
10 demolition and removal of buildings and improvements;
11 construction, repair, and rehabilitation of buildings
12 or other improvements; and installation, construction,
13 or reconstruction of streets and utilities.

14 (e) "Economic benefits" means the creation of new
15 employment opportunities or the retention of
16 employment opportunities."

17 12. Page 4, line 11, by striking the words
18 "development or," and inserting the following:
19 "development, or".

20 13. Page 4, by striking lines 14 through 19 and
21 inserting the following:

22 "(1) If private property is to be condemned for
23 development or creation of a lake, only that number of
24 acres justified as necessary for a surface drinking
25 water source, and not otherwise acquired, may be
26 condemned. In addition, the acquiring agency shall
27 conduct a review of prudent and feasible alternatives
28 to provision of a drinking water source prior to
29 making a determination that such lake development or
30 creation is reasonable and necessary. Development or
31 creation of a lake as a surface drinking water source
32 includes all of the following:

33 (a) Construction of the dam, including sites for
34 suitable borrow material and the auxiliary spillway.

35 (b) The water supply pool.

36 (c) The sediment pool.

37 (d) The flood control pool.

38 (e) The floodwater retarding pool.

39 (f) The surrounding area upstream of the dam no
40 higher in elevation than the top of the dam's
41 elevation.

42 (g) The appropriate setback distance required by
43 state or federal laws and regulations to protect
44 drinking water supply.

45 For purposes of this subparagraph (1), "number of
46 acres justified as necessary for a surface drinking
47 water source" means according to guidelines of the
48 United States natural resource conservation service
49 and according to analyses of surface drinking water
50 capacity needs conducted by one or more registered

Page 3

1 professional engineers."

2 14. Page 4, by striking lines 20 through 24.

3 15. Page 4, by striking lines 25 through 27.

4 16. Page 5, line 6, by inserting after the word
5 "action." the following: "This subparagraph does not
6 apply if any of the following conditions is met:

7 (a) The property to be condemned is for an
8 improvement to an existing airport, airport system, or
9 aviation facilities if such improvement is required by
10 federal law, regulation, or order or if such
11 improvement is included in an airport layout plan
12 approved by the federal aviation administration for

13 the existing site of the airport, airport system, or
14 aviation facilities.

15 (b) The property to be condemned has been zoned by
16 a city or county for use as an airport, airport
17 system, or aviation facilities.

18 (c) The property to be condemned is for a proposed
19 airport, airport system, or aviation facilities that
20 as of July 1, 2006, was designated in the federal
21 aviation administration national plan for integrated
22 airport services, and the property to be condemned is
23 located within the county where at least one of the
24 cities that will participate in operation of the
25 proposed airport, airport system, or aviation
26 facilities is located."

27 17. By striking page 5, line 7, through page 7,
28 line 13.

29 18. Page 7, by inserting before line 14 the
30 following:

31 "Sec. . NEW SECTION. 6A.22A EXCEPTION FOR
32 CERTAIN URBAN RENEWAL AREAS.

33 1. The requirement in section 6A.22, subsection 2,
34 paragraph "a", subparagraph (5), that eminent domain
35 authority be exercised on a parcel-by-parcel basis and
36 the exception in that subparagraph (5) for project or
37 acquisition plans with seventy-five percent or more of
38 the area consisting of property in a slum or blighted
39 condition, take effect October 1, 2006. However, if
40 an acquiring agency adopts a resolution after the date
41 of enactment of this Act but before October 1, 2006,
42 approving acquisition of property by eminent domain in
43 that portion of an urban renewal area designated as a
44 slum or blighted area, such requirement or exception
45 shall not apply to any condemnation application
46 seeking to condemn that property if the application is
47 filed before October 1, 2007, with the chief judge of
48 the judicial district of the county in which the
49 property is located.

50 2. This section is repealed December 31, 2007."

Page 4

1 19. Page 7, by inserting before line 14 the
2 following:

3 "Sec. . NEW SECTION. 6A.23 JUDICIAL REVIEW OF
4 EMINENT DOMAIN AUTHORITY.

5 1. An owner of property described in an
6 application for condemnation may bring an action
7 challenging the exercise of eminent domain authority
8 or the condemnation proceedings. Such action shall be
9 commenced within thirty days after service of notice
10 of assessment pursuant to section 6B.8 by the filing
11 of a petition in district court. Service of the

12 original notice upon the acquiring agency shall be as
13 required in the rules of civil procedure. In addition
14 to the owner of the property, a contract purchaser of
15 record of the property or a tenant occupying the
16 property under a recorded lease shall also have
17 standing to bring such action.

18 2. An acquiring agency that proposes to acquire
19 property by eminent domain may file a petition in
20 district court seeking a determination and declaration
21 that its finding of public use, public purpose, or
22 public improvement necessary to support the taking
23 meets the definition of those terms. The action shall
24 be commenced by the filing of a petition identifying
25 all property owners whose property is proposed to be
26 acquired, any contract purchaser of record of the
27 property, and any tenant known to be occupying the
28 property, and including a description of the
29 properties proposed to be acquired and a statement of
30 the public use, public purpose, or public improvement
31 supporting the acquisition of the property by eminent
32 domain. The original notice shall be served as
33 required by the rules of civil procedure on each
34 property owner named in the petition and on any
35 contract purchaser of record of the property and on
36 any tenant occupying the property under a recorded
37 lease. Such action may be commenced by an acquiring
38 agency at any time prior to the filing of an
39 application for condemnation pursuant to section 6B.3.
40 3. For any action brought under this section, the
41 burden of proof shall be on the acquiring agency to
42 prove by a preponderance of the evidence that the
43 finding of public use, public purpose, or public
44 improvement meets the definition of those terms. If a
45 property owner or a contract purchaser of record or a
46 tenant occupying the property under a recorded lease
47 prevails in an action brought under this section, the
48 acquiring agency shall be required to pay the costs,
49 including reasonable attorney fees, of the adverse
50 party."

Page 5

1 20. Page 7, line 34, by striking the words "may
2 offer" and inserting the following: "may make".
3 21. Page 8, line 1, by striking the word "twenty-
4 five" and inserting the following: "thirty".
5 22. Page 8, line 11, by inserting after the
6 figure "6B.54:" the following: "The option to make an '
7 Ualternative purchase offer does not apply when
8 property is being acquired for street and highway
9 projects undertaken by the state, a county, or a
10 city."

11 23. Page 8, by inserting after line 11 the
12 following:
13 "Sec. ___. **NEW SECTION. 6B.2D NOTICE OF INTENT**
14 **TO APPROVE ACQUISITION OF PROPERTY BY EMINENT DOMAIN.**
15 1. The acquiring agency shall send notice of a
16 proposed resolution, motion, or other document
17 authorizing acquisition of property by eminent domain
18 to each property owner whose property is proposed to
19 be acquired by eminent domain, to any contract
20 purchaser of record of the property, and to any tenant
21 known to be occupying the property at least fourteen
22 days prior to the date of the meeting at which such
23 proposed authorization will be considered for adoption
24 by the acquiring agency. The notice shall include the
25 date, time, and place of the meeting and a statement
26 that the persons receiving the notice have a right to
27 attend the meeting and to voice objection to the
28 proposed acquisition of the property. The notice
29 shall include a copy of the proposed resolution,
30 motion, or other document authorizing acquisition by
31 eminent domain. The notice shall also include the
32 same statement of individual rights that is required
33 by section 6B.2A.
34 2. This section shall not apply to the following:
35 a. Street and highway projects undertaken by the
36 state, a county, or a city.
37 b. Projects undertaken by a municipal utility.
38 c. Projects undertaken by a city enterprise
39 providing services of sewer systems, storm water
40 drainage systems, sewage treatment, solid waste
41 collection, or solid waste disposal.
42 d. Projects undertaken by a county enterprise
43 providing services described in section 331.461,
44 subsection 2, paragraphs "b" and "f."
45 24. By striking page 8, line 22, through page 9,
46 line 1.
47 25. Page 9, by inserting before line 2 the
48 following:
49 "Sec. ___. Section 6B.3, subsection 2, Code 2005,
50 is amended to read as follows:

Page 6

1 2. The applicant shall mail a copy of the
2 application by certified mail to the owner at the
3 owner's last known address, to any contract purchaser
4 of record of the property, to any tenant known to be
5 occupying the property, and to any record lienholder
6 or encumbrancer of the property at the lienholder's or
7 encumbrancer's last known address. The applicant
8 shall also cause the application to be published once
9 in a newspaper of general circulation in the county,

10 not less than four nor more than twenty days before
11 the meeting of the compensation commission to assess
12 the damages. Service of the application by
13 publication shall be deemed complete on the day of
14 publication.

15 In lieu of mailing and publishing the application,
16 the applicant may cause the application to be served
17 upon the owner, contract purchaser of record, tenant
18 known to be occupying the property, record
19 lienholders, and record encumbrancers of the property
20 in the manner provided by the Iowa rules of civil
21 procedure for the personal service of original notice.
22 The application shall be mailed and published or
23 served, as above provided, prior to or
24 contemporaneously with the mailing and publication or
25 service of the list of compensation commissioners as
26 provided in section 6B.4."

27 26. Page 9, by striking lines 22 through 25 and
28 inserting the following: "is situated as provided in
29 section 6A.23."

30 27. Page 10, by striking lines 17 through 24 and
31 inserting the following: "may deliberate in closed
32 session. When deliberating in closed session, the
33 meeting is closed to all persons who are not
34 commissioners except for personnel from the sheriff's
35 office if such personnel is requested by the
36 commission. After deliberations commence, the
37 commission and each commissioner is prohibited from
38 communicating with any party to the proceeding, ~~unless~~
39 ~~such communication occurs in the presence of or with~~
40 ~~the consent of the property owner and the other~~
41 ~~parties who appeared before the commission. However,~~
42 if the commission is deliberating in closed session,
43 and after deliberations commence the commission
44 requires further information from a party or a
45 witness, the commission shall notify the property
46 owner and the acquiring agency that they are allowed
47 to attend the meeting at which such additional
48 information shall be provided but only for that period
49 of time during which the additional information is
50 being provided. The property owner and the acquiring

Page 7

1 agency shall be given a reasonable opportunity to
2 attend the meeting. The".

3 28. Page 11, by inserting before line 4 the
4 following:

5 "Sec. __. Section 6B.33, Code 2005, is amended to
6 read as follows:

7 6B.33 COSTS AND ATTORNEY FEES.

8 The applicant acquiring agency shall pay all costs

9 of the assessment made by the commissioners and
10 reasonable attorney fees and costs, including the
11 reasonable cost of one appraisal, incurred by the
12 condemnee as determined by the commissioners if the
13 award of the commissioners exceeds one hundred ten
14 percent of the final offer of the applicant prior to
15 condemnation. The condemnee shall submit an
16 application for fees and costs prior to adjournment of
17 the final meeting of the compensation commission held
18 on the matter. The ~~applicant~~ acquiring agency shall
19 file with the sheriff an affidavit setting forth the
20 most recent offer made to the person whose property is
21 sought to be condemned. Members of such commissions
22 shall receive a per diem of two hundred dollars and
23 actual and necessary expenses incurred in the
24 performance of their official duties. The ~~applicant~~
25 acquiring agency shall reimburse the county sheriff
26 for the per diem and expense amounts paid by the
27 sheriff to the members. The ~~applicant~~ acquiring
28 agency shall reimburse the owner for the expenses the
29 owner incurred for recording fees, penalty costs for
30 full or partial prepayment of any preexisting recorded
31 mortgage entered into in good faith encumbering the
32 property, and for similar expenses incidental to
33 conveying the property to the ~~applicant~~ acquiring
34 agency. The ~~applicant~~ acquiring agency shall also pay
35 all costs occasioned by the appeal, including
36 reasonable attorney fees and the reasonable cost
37 incurred by the property owner for one appraisal to be
38 taxed by the court, unless on the trial thereof the
39 same or a lesser amount of damages is awarded than was
40 allowed by the tribunal from which the appeal was
41 taken."

42 29. Page 11, line 28, by striking the word
43 "~~commissioners~~" and inserting the following:
44 "acquiring agency".

45 30. Page 13, line 24, by striking the word
46 "~~offer~~" and inserting the following: "make".

47 31. Page 13, line 26, by striking the word
48 "twenty-five" and inserting the following: "thirty".

49 32. Page 14, line 2, by inserting after the word
50 "easement." the following: "The option to make an

Page 8

1 alternative purchase offer does not apply when
2 property is being acquired for street and highway
3 projects undertaken by the state, a county, or a
4 city."

5 33. Page 15, by striking lines 18 through 20.

6 34. Page 15, line 35, by striking the word
7 "twenty-five" and inserting the following: "thirty".

8 35. Page 16, line 5, by inserting after the word
9 "law," the following: "This subsection does not apply'
10 Uwhen property is being acquired for street and highway
11 projects undertaken by the state, a county, or a
12 city."

13 36. Page 16, by inserting after line 13 the
14 following:
15 "Sec.____. Section 6B.56, subsection 1, Code 2005,
16 is amended to read as follows:

17 1. If real property condemned pursuant to this
18 chapter is not used for the purpose stated in the
19 application filed pursuant to section 6B.3 and the
20 ~~eondemner~~ acquiring agency seeks to dispose of the
21 real property, the ~~eondemner~~ acquiring agency shall
22 first offer the property for sale to the prior owner
23 of the condemned property as provided in this section.
24 If real property condemned pursuant to this chapter is
25 used for the purpose stated in the application filed
26 pursuant to section 6B.3 and the acquiring agency
27 seeks to dispose of the real property by sale to a
28 private person or entity within five years after
29 acquisition of the property, the acquiring agency
30 shall first offer the property for sale to the prior
31 owner of the condemned property as provided in this
32 section. For purposes of this section, the prior
33 owner of the real property includes the successor in
34 interest of the real property."

35 37. Page 16, line 17, by striking the word
36 "condemner" and inserting the following: "~~eondemner~~
37 acquiring agency".

38 38. Page 16, line 18, by striking the word
39 "condemner's" and inserting the following:
40 "~~eondemner's~~ acquiring agency's".

41 39. Page 16, by striking line 25 and inserting
42 the following: "agency from the prior owner plus
43 cleanup costs incurred by the acquiring agency,
44 whichever is less. However, the current appraised
45 value of the real property shall be the purchase price
46 to be paid by the previous owner if any other amount
47 would result in a loss of federal funding for projects
48 funded in whole or in part with federal funds. The
49 notice".

50 40. Page 16, line 26, by striking the word

Page 9

1 "condemner" and inserting the following: "~~eondemner~~
2 acquiring agency".

3 41. Page 16, by inserting after line 28 the
4 following:

5 "Sec.____. Section 6B.56, subsection 3, Code 2005,
6 is amended to read as follows:

7 3. If the prior owner elects to purchase the real
8 property at the price established in subsection 2,
9 before the expiration of the sixty-day period, the
10 prior owner shall notify the ~~condemner~~ acquiring
11 agency in writing of this intention and file a copy of
12 this notice with the office of the recorder in the
13 county in which the real property is located."

14 42. Page 16, by inserting after line 28 the
15 following:

16 "For purposes of this subsection, "cleanup costs"
17 means costs incurred to abate a nuisance or a public
18 nuisance as those terms are defined in chapters 657
19 and 657A and costs incurred to recycle and remediate
20 land pursuant to chapter 455H."

21 43. By striking page 16, line 29, through page
22 17, line 18.

23 44. Page 17, by inserting before line 19 the
24 following:

25 "Sec. NEW SECTION. 6B.56A DISPOSITION OF
26 CONDEMNED PROPERTY – FIVE-YEAR TIME PERIOD.

27 1. When five years have elapsed since property was
28 condemned and the property has not been used for the
29 purpose stated in the application filed pursuant to
30 section 6B.3, and the acquiring agency has not taken
31 action to dispose of the property pursuant to section
32 6B.56, the acquiring agency shall, within sixty days,
33 adopt a resolution reaffirming the purpose for which
34 the property will be used or offering the property for
35 sale to the prior owner at a price as provided in
36 section 6B.56. If the resolution adopted approves an
37 offer of sale to the prior owner, the offer shall be
38 made in writing and mailed by certified mail to the
39 prior owner. The prior owner has one hundred eighty
40 days after the offer is mailed to purchase the
41 property from the acquiring agency.

42 2. If the acquiring agency has not adopted a
43 resolution described in subsection 1 within the sixty-
44 day time period, the prior owner may, in writing,
45 petition the acquiring agency to offer the property
46 for sale to the prior owner at a price as provided in
47 section 6B.56. Within sixty days after receipt of
48 such a petition, the acquiring agency shall adopt a
49 resolution described in subsection 1. If the
50 acquiring agency does not adopt such a resolution

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1 within sixty days after receipt of the petition, the
2 acquiring agency is deemed to have offered the
3 property for sale to the prior owner.

4 3. The acquiring agency shall give written notice
5 to the owner of the right to purchase the property

6 under this section at the time damages are paid to the
7 owner.

8 4. This section does not apply to property
9 acquired for street and highway projects undertaken by
10 the state, a county, or a city."

11 45. Page 17, by inserting before line 19, the
12 following:

13 "Sec.____. Section 6B.57, Code 2005, is amended to
14 read as follows:

15 6B.57 PROCEDURAL COMPLIANCE.

16 If an acquiring agency makes a good faith effort to
17 serve, send, or provide the notices or documents
18 required under this chapter to the owner and any
19 contract purchaser of private property that is or may
20 be the subject of condemnation, or to any tenant known
21 to be occupying such property if notices or documents
22 are required to be served, sent, or provided to such a
23 person, but fails to provide the notice or documents
24 to the owner and any contract purchaser, or to any
25 tenant known to be occupying the property if
26 applicable, such failure shall not constitute grounds
27 for invalidation of the condemnation proceeding if the
28 chief judge of the judicial district determines that
29 such failure can be corrected by delaying the
30 condemnation proceedings to allow compliance with the
31 requirement or such failure does not unreasonably
32 prejudice the owner or any contract purchaser."

33 46. Page 17, by inserting before line 19 the
34 following:

35 "Sec.____. Section 6B.58, Code 2005, is amended to
36 read as follows:

37 6B.58 ACQUIRING AGENCY – DEFINITION.

38 For purposes of this chapter, an "acquiring agency"
39 means the state of Iowa or any person or entity
40 conferred the right by statute to condemn private
41 property or to otherwise exercise the power of eminent
42 domain. In the exercise of eminent domain power, the
43 words "applicant" and "condemner" mean acquiring
44 agency as defined in this section, unless the context
45 clearly requires otherwise."

46 47. Page 17, by striking lines 20 through 24 and
47 inserting the following:

48 "Rent shall not be charged to a person in
49 possession of the property and shall not accrue
50 against the property owner until all or a portion of

Page 11

1 the compensation commission award has been paid to the
2 condemnee pursuant to section 6B.25."

3 48. By striking page 17, line 30, through page
4 18, line 2, and inserting the following: "to acquire

5 property shall not exercise such authority outside the
 6 jurisdictional limits of the political subdivisions
 7 participating in the entity at the time of such
 8 exercise of authority without first presenting the
 9 proposal to acquire such property by eminent domain to
 10 the board of supervisors of each county where the
 11 property is located and such proposal receives the
 12 approval, by resolution, of each applicable board of
 13 supervisors. However, this section does not apply to
 14 an entity created by or on behalf of one or more
 15 political subdivisions if the entity is authorized by
 16 statute to act as a political subdivision and if this
 17 section would limit the ability of the entity to
 18 comply with requirements or limitations imposed by the
 19 Internal Revenue Code to preserve the tax exemption of
 20 interest payable on bonds or obligations of the entity
 21 acting as a political subdivision."

22 49. Page 18, line 5, by inserting after the word
 23 and figure "chapter 476A." the following: "This
 24 section does not apply to property condemned by or on
 25 behalf of a multistate entity created to provide
 26 drinking water that has received or is receiving
 27 federal funds, but only if such property is to be
 28 acquired for water transmission and service lines,
 29 pump stations, water storage tanks, meter houses and
 30 vaults, related appurtenances, or supporting
 31 utilities."

32 50. Page 18, by striking lines 6 through 16.

33 51. Page 19, by striking lines 4 through 23.

34 52. Page 20, by striking lines 12 and 13, and
 35 inserting the following: "for the following, subject
 36 to the provisions of chapters 6A and 6B:"

37 53. Page 20, by inserting after line 20 the
 38 following:

39 "e. The operation of a landfill or other solid
 40 waste disposal or processing site."

41 54. Page 20, by inserting after line 20 the
 42 following:

43 ". The use of property for public streets and
 44 highways."

45 55. Page 20, by inserting after line 20 the
 46 following:

47 ". The operation of a multistate entity, of
 48 which the city is a participating member, created to
 49 provide drinking water that has received or is
 50 receiving federal funds, but only if such property is

Page 12

1 to be acquired for water transmission and service
 2 lines, pump stations, water storage tanks, meter
 3 houses and vaults, related appurtenances, or

4 supporting utilities."

5 56. Page 20, by inserting after line 20 the
6 following:

7 "The exceptions provided in paragraphs "a" through
8 "c" apply only to the extent the city had this power
9 prior to July 1, 2006."

10 57. Page 25, by striking lines 17 through 20.

11 58. Page 28, line 33, by inserting after the word
12 "of" the following: "that section of".

13 59. Page 29, by striking lines 3 through 6 and
14 inserting the following:

15 "3. The sections of this Act amending sections
16 6B.2B and 6B.14, unnumbered paragraph 2, the portion
17 of the section of this Act amending section 6B.54,
18 subsection 3, and the section of this Act enacting
19 section 6B.2D take effect January 1, 2007.

20 4. The sections of this Act amending section 6B.3,
21 subsection 3, section 6B.56, subsection 2, sections
22 6B.57 and 6B.58, being deemed of immediate importance,
23 take effect upon enactment.

24 5. The remainder of this Act, being deemed of
25 immediate importance, takes effect upon enactment and
26 applies to applications for condemnation filed
27 pursuant to section 6B.3 on or after the date of
28 enactment, with the following exceptions:

29 a. The section of this Act enacting section 6A.23
30 applies to applications for condemnation pending on
31 the date of enactment of this Act if the appropriate
32 parties have not been served with a notice of
33 assessment pursuant to section 6B.8 as of the date of
34 enactment of this Act.

35 b. The section of this Act amending section 6B.33
36 and that portion of the section of this Act enacting
37 6B.54, subsection 12, apply to applications for
38 condemnation filed pursuant to section 6B.3 and
39 pending on the date of enactment of this Act if the
40 appraisal report required under section 6B.14 has
41 not been filed with the sheriff as of the date of
42 enactment of this Act."

43 60. By renumbering and correcting internal
44 references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8647.

Kaufmann of Cedar 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. 2351)

The ayes were, 89:

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
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Miller	Olson, D.	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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 5:

Jacoby	Mascher	Murphy	Oldson
Tomenga			

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 May 3, 2006, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2006, a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa Board of Dental Examiners and providing an effective date.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2782, 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, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2351** and **Senate File 2399**.

SENATE AMENDMENT CONSIDERED

Huseman of Cherokee called up for consideration **House File 2782**, 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, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters, and providing an immediate effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8648:

H-8648

- 1 Amend House File 2782, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 28 through 31.
- 4 2. Page 2, by striking lines 2 through 5.
- 5 3. Page 2, line 13, by inserting before the word
- 6 "For" the following: "a."
- 7 4. Page 2, by inserting after line 17 the
- 8 following:
- 9 "b. For historical site preservation grants to be
- 10 used for the restoration, preservation, and
- 11 development of historic sites:
- 12 \$ 800,000

13 In making grants pursuant to this lettered
 14 paragraph, the department shall consider the existence
 15 and amount of other funds available to an applicant
 16 for the designated project. A grant awarded from
 17 moneys appropriated in this lettered paragraph shall
 18 not exceed \$100,000 per project. Not more than two
 19 grants may be awarded in the same county.

20 c. For providing a grant to the Grout museum
 21 district for costs associated with the construction
 22 and site development at the Sullivan brothers veterans
 23 museum in order to honor Iowa veterans and their many
 24 contributions:

25 \$ 1,000,000

26 d. For the American gothic visitors education
 27 center in Eldon, Iowa, for infrastructure purposes:

28 \$ 250,000"

29 5. Page 2, by striking lines 19 and 20 and
 30 inserting the following:

31 "For costs associated with the construction,
 32 renovation, major repair, and site development of Iowa
 33 port authorities pursuant to chapter 28J:"

34 6. Page 3, by inserting after line 1 the
 35 following:

36 "Of the amount appropriated in this subsection,
 37 \$200,000 shall be allocated to the state library and
 38 \$50,000 shall be allocated equally to each library
 39 service area.

40 ____ DEPARTMENT OF HUMAN SERVICES

41 To provide a matching grant for the planning,
 42 design, renovation, and construction of a residential
 43 treatment facility for youth with emotional and
 44 behavioral disorders in a city with a population of
 45 between 10,000 and 15,000 residents located in a
 46 central Iowa county with a population of approximately
 47 375,000 residents:

48 \$ 300,000

49 It is the intent of the general assembly that the
 50 matching grant awarded from the funds appropriated

Page 2

1 under this subsection shall be awarded only to the
 2 extent that the state moneys are matched from sources
 3 other than the state on a dollar-for-dollar basis."

4 7. Page 3, line 7, by inserting before the word
 5 "To" the following: "a."

6 8. Page 3, by inserting after line 10 the
 7 following:

8 "b. For repair and maintenance of the four season
 9 bathhouse shelter at Lake Darling:

10 \$ 250,000"

11 9. Page 3, line 12, by inserting before the word

12 "For" the following: "a."

13 10. Page 3, by inserting after line 14 the
14 following:

15 "b. For allocation to the homeland security and
16 emergency management division for the STARCOMM
17 project:

18 \$ 1,000,000

19 ____ DEPARTMENT OF PUBLIC HEALTH

20 To an established regional environmental public
21 health and emergency management program for costs
22 associated with the planning, design, and construction
23 of a building to house environmental public health and
24 emergency and facility management:

25 \$ 100,000"

26 11. Page 3, by inserting before line 15 the
27 following:

28 "____ DEPARTMENT OF PUBLIC SAFETY

29 a. For the planning, design, and construction of a
30 law enforcement driving safety training facility in
31 the same location as the automobile racetrack facility
32 as defined in section 423.4, subsection 5:

33 \$ 800,000

34 b. For allocation to the division of fire
35 protection for the planning, design, and construction
36 of regional emergency response training centers in the
37 state:

38 \$ 2,300,000

39 Of the amount appropriated in this lettered
40 paragraph, \$400,000 shall be allocated to the Sioux
41 City fire department.

42 Of the amount appropriated in this lettered
43 paragraph, \$500,000 shall be allocated to the Council
44 Bluffs fire department.

45 Of the amount appropriated in this lettered
46 paragraph, \$150,000 shall be allocated to the Dubuque
47 county firemen's association.

48 Of the amount appropriated in this lettered
49 paragraph, \$150,000 shall be allocated to the Waterloo
50 regional hazardous materials training center.

Page 3

1 Of the amount appropriated in this lettered
2 paragraph, \$400,000 shall be allocated to eastern Iowa
3 community college.

4 Of the amount appropriated in this lettered
5 paragraph, \$400,000 shall be allocated to Iowa lakes
6 community college.

7 Of the amount appropriated in this lettered
8 paragraph, an additional \$300,000 shall be available
9 to a lead public agency of any of the regional
10 emergency response training centers upon application

11 to the fire service training bureau. The state fire
 12 marshal shall adopt rules that establish an
 13 application procedure for a lead public agency of any
 14 of the regional emergency response training centers
 15 identified in section 100B.16. The highest priority
 16 use for the moneys appropriated under this paragraph
 17 shall be for regional emergency response training
 18 centers comprised of two merged areas. Such moneys
 19 shall be used for the same purposes for which the
 20 previously identified allocations may be spent and
 21 shall not be used for facilities related to providing
 22 advanced training as specified in section 100B.16."

23 12. Page 3, line 30, by inserting after the
 24 figure "2005," the following: "including projects
 25 submitted for review to the technology and
 26 commercialization resources organization created in
 27 this Act, if enacted,".

28 13. Page 4, line 3, by inserting after the figure
 29 "2005" the following: ", including projects submitted
 30 for review to the technology and commercialization
 31 resources organization created in this Act, if
 32 enacted".

33 14. Page 4, line 7, by striking the figure
 34 "10,000,000" and inserting the following:
 35 "8,350,000".

36 15. Page 4, by striking line 21 and inserting the
 37 following:
 38 "g. For endowments and salaries, notwithstanding
 39 section 8.57, subsection 6, paragraph "c:"

40 16. Page 5, by striking lines 14 through 16 and
 41 inserting the following:

42 "a. For deposit into the railroad revolving loan
 43 and grant fund created in section 327H.20A:"

44 17. Page 5, by striking lines 25 through 27.

45 18. Page 5, line 29, by inserting before the word
 46 "For" the following: "a."

47 19. Page 5, by inserting after line 32 the
 48 following:

49 "b. For county fair infrastructure improvements
 50 for distribution in accordance with chapter 174 to

Page 4

1 qualified fairs which belong to the association of
 2 Iowa fairs:
 3 \$ 1,060,000"

4 20. Page 5, line 34, by striking the words
 5 "department of public defense" and inserting the
 6 following: "following departments".

7 21. Page 6, line 1, by striking the word "amount"
 8 and inserting the following: "amounts".

9 22. Page 6, by striking lines 3 through 21 and

10 inserting the following:

11 "1. DEPARTMENT OF ADMINISTRATIVE SERVICES

12 For construction of a new school and infirmary
13 building at the Iowa juvenile home at Toledo and for
14 the renovation of existing school buildings and the
15 demolition of other buildings:

16 \$ 3,100,000

17 2. DEPARTMENT OF CULTURAL AFFAIRS

18 For deposit into the Iowa great places program fund
19 created in section 303.3D as enacted in this Act:

20 \$ 3,000,000

21 3. DEPARTMENT OF PUBLIC DEFENSE

22 For allocation to the homeland security and
23 emergency management division for the STARCOMM
24 project:

25 \$ 2,000,000

26 4. DEPARTMENT OF TRANSPORTATION. For deposit into
27 the public transit infrastructure grant fund created
28 in section 324A.6A, if enacted in this Act:

29 \$ 2,200,000

30 Sec.____. There is appropriated from the rebuild
31 Iowa infrastructure fund to the department of public
32 defense for the fiscal year beginning July 1, 2008,
33 and ending June 30, 2009, the following amount, or so
34 much thereof as is necessary, to be used for the
35 purposes designated:

36 For allocation to the homeland security and
37 emergency management division for the STARCOMM
38 project:

39 \$ 1,600,000"

40 23. Page 6, by striking lines 22 through 29 and
41 inserting the following:

42 "Sec.____. REVERSION.

43 1. Notwithstanding section 8.33, moneys
44 appropriated for the fiscal year beginning July 1,
45 2006, in this division of this Act that remain
46 unencumbered or unobligated at the close of the fiscal
47 year shall not revert but shall remain available for
48 the purposes designated until the close of the fiscal
49 year that begins July 1, 2009, or until the project
50 for which the appropriation was made is completed,

Page 5

1 whichever is earlier.

2 2. Notwithstanding section 8.33, moneys
3 appropriated for the fiscal year beginning July 1,
4 2007, in this division of this Act that remain
5 unencumbered or unobligated at the close of the fiscal
6 year shall not revert but shall remain available for
7 the purposes designated until the close of the fiscal
8 year that begins July 1, 2010, or until the project

9 for which the appropriation was made is completed,
10 whichever is earlier.

11 3. Notwithstanding section 8.33, moneys
12 appropriated for the fiscal year beginning July 1,
13 2008, in this division of this Act that remain
14 unencumbered or unobligated at the close of the fiscal
15 year shall not revert but shall remain available for
16 the purposes designated until the close of the fiscal
17 year that begins July 1, 2011, or until the project
18 for which the appropriation was made is completed,
19 whichever is earlier."

20 24. Page 7, line 1, by inserting after the word
21 "new" the following: "approximately".

22 25. Page 7, line 5, by striking the figure
23 "14,600,000" and inserting the following:
24 "16,100,000".

25 26. Page 7, line 6, by striking the figure
26 "14,600,000" and inserting the following:
27 "16,800,000".

28 27. Page 7, line 21, by striking the figure
29 "14,000,000" and inserting the following:
30 "15,650,000".

31 28. Page 8, by inserting after line 14 the
32 following:
33 "Of the amount appropriated in this lettered
34 paragraph, \$150,000 is allocated to the department for
35 the purpose of funding a detailed project report by
36 the United States army corps of engineers to study
37 flood prevention improvements to a levee located in
38 the largest city in a county in this state with a
39 population between 190,000 and 200,000. To receive
40 funds pursuant to this paragraph, the city shall
41 provide local matching moneys on a dollar-for-dollar
42 basis and shall work to obtain any available federal
43 funding."

44 29. Page 8, by striking lines 30 and 31 and
45 inserting the following:

46 "d. For deposit in the agricultural drainage well
47 water quality assistance fund created in section
48 460.303 to be used for".

49 30. Page 11, by striking lines 26 through 30 and
50 inserting the following:

Page 6

1 " \$ 975,000
2 Of the amount appropriated for the dredging of
3 lakes, \$225,000 shall be allocated for a lake with
4 public access that has the support of a benefitted
5 lake district located in a county with a population
6 between 18,350 and 18,450.
7 The department shall monitor private lake

8 recipients with a department presence of the funds
9 appropriated in this lettered paragraph and such
10 recipients shall provide local matching moneys on a
11 dollar-for-dollar basis."

12 31. Page 12, by striking lines 8 through 13 and
13 inserting the following:

14 "i. For completion of the tire reclamation project
15 near Rhodes:

16 \$ 50,000

17 Sec. __. There is appropriated from the
18 environment first fund to the department of
19 agriculture and land stewardship for the fiscal year
20 beginning July 1, 2007, and ending June 30, 2008, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:

23 For the purpose of funding a detailed project
24 report by the United States army corps of engineers to
25 study flood prevention improvements to a levee located
26 in the largest city in a county in this state with a
27 population between 190,000 and 200,000:

28 \$ 150,000

29 To receive funds pursuant to this section, the city
30 shall provide local matching moneys on a
31 dollar-for-dollar basis and shall work to obtain any
32 available federal funding.

33 Notwithstanding section 8.33, moneys appropriated
34 in this section that remain unencumbered or
35 unobligated at the close of the fiscal year shall not
36 revert but shall remain available for the purposes
37 designated until the close of the fiscal year that
38 begins July 1, 2010, or until the project for which
39 the appropriation was made is completed, whichever is
40 earlier."

41 32. Page 12, line 26, by inserting after the word
42 "appropriated" the following: "for the fiscal year
43 beginning July 1, 2006,".

44 33. Page 13, by striking line 20 and inserting
45 the following: "fiscal year beginning July 1, 2005,
46 and ending June 30, 2006".

47 34. By striking page 13, line 27, through page
48 14, line 11, and inserting the following:

49 "(2) For costs associated with the remodeling of
50 the records and property center:

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1 \$ 2,200,00

2 (3) For costs associated with the restoration of
3 the west capitol terrace:

4 \$ 2,300,000

5 (4) For costs to repair parking lots on the
6 capitol complex:

7	.....	\$ 1,545,000
8	b. DEPARTMENT OF CORRECTIONS	
9	(1) For construction of a community-based	
10	correctional facility, including district offices, in	
11	Ft. Dodge:	
12	.....	\$ 1,400,000
13	(2) For the remodeling and renovation of the	
14	kitchen facilities at the Anamosa correctional	
15	facility:	
16	.....	\$ 1,840,000
17	(3) For the Oakdale expansion one-time equipment	
18	purchases and expenses:	
19	.....	\$ 3,376,519"
20	35. Page 14, by inserting after line 14 the	
21	following:	
22	"Of the amount appropriated in this lettered	
23	paragraph, \$25,000 shall be used for improvements to	
24	the stone wall at Backbone state park."	
25	36. By striking page 14, line 19, through page	
26	16, line 11, and inserting the following:	
27	"(2) For upgrades to the Camp Dodge water	
28	distribution system:	
29	.....	\$ 750,000
30	(3) For construction of a national guard aviation	
31	armory in Waterloo:	
32	.....	\$ 399,000
33	DEPARTMENT OF PUBLIC SAFETY	
34	For construction of an Iowa state patrol post in	
35	district 8:	
36	.....	\$ 2,400,000"
37	37. Page 16, by striking lines 21 through 23 and	
38	inserting the following: "the close of the fiscal	
39	year that begins July 1, 2006.	
40	Sec. ____ . EFFECTIVE DATE. This division of this	
41	Act, being deemed of immediate importance, takes	
42	effect upon enactment."	
43	38. Page 17, line 2, by inserting after the	
44	figure "2005" the following: ", including projects	
45	submitted for review to the technology and	
46	commercialization resources organization created in	
47	this Act, if enacted".	
48	39. Page 17, by striking lines 20 through 22.	
49	40. Page 17, by inserting after line 31 the	
50	following:	

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- 1 "Of the amount appropriated in this lettered
- 2 paragraph, funds shall be used for the maintenance of
- 3 the exterior windows on the east side of the capitol
- 4 building."
- 5 41. Page 17, line 33, by inserting after the word

6 "new" the following: "approximately".

7 42. Page 17, line 35, by striking the figure

8 "38,485,000" and inserting the following:

9 "37,585,000".

10 43. Page 18, by striking lines 4 through 6.

11 44. Page 18, line 14, by striking the figure

12 "8,130,668" and inserting the following: "5,030,668".

13 45. Page 18, by inserting after line 14 the

14 following:

15 "___ . For discretion by the director of the

16 department of administrative services to be used to

17 purchase property or enter into agreements to purchase

18 property which would be appropriate or beneficial to

19 the state:

20 \$ 500,000"

21 46. Page 18, line 25, by striking the figure

22 "1,400,000" and inserting the following: "1,000,000".

23 47. Page 18, by striking lines 26 through 28 and

24 inserting the following:

25 "c. To the sixth judicial district department of

26 correctional services for the design and construction

27 of a 20-bed residential facility for offenders under

28 the supervision of the district department who have

29 mental health or dual diagnosis needs:

30 \$ 1,000,000"

31 48. By striking page 18, line 30, through page

32 19, line 2, and inserting the following:

33 "For deposit into the Iowa great places program

34 fund created in section 303.3D, if enacted in this

35 Act:

36 \$ 3,000,000

37 Of the amount deposited into the Iowa great places

38 program fund pursuant to this subsection, \$1,000,000

39 is appropriated for and shall be allocated to each

40 Iowa great place identified through the Iowa great

41 places program in fiscal year 2005-2006.

42 Notwithstanding section 8.33, the amounts appropriated

43 and allocated pursuant to this paragraph that remain

44 unencumbered at the close of the fiscal year shall not

45 revert but shall remain available for expenditure by

46 the department for the purposes designated in this

47 paragraph until the close of the succeeding fiscal

48 year.

49 ___ . DEPARTMENT OF ECONOMIC DEVELOPMENT

50 For accelerated career education program capital

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1 projects at community colleges that are authorized

2 under chapter 260G and that meet the definition of

3 "vertical infrastructure" in section 8.57B, subsection

4 3:

5 \$ 5,500,000

6 The moneys appropriated in this subsection shall be
7 allocated equally among the community colleges in the
8 state. If any portion of the equal allocation to a
9 community college is not obligated or encumbered by
10 April 1, 2007, the unobligated and unencumbered
11 portions shall be available for use by other community
12 colleges."

13 49. Page 19, line 22, by striking the figure
14 "1,635,000" and inserting the following: "1,236,000".

15 50. Page 19, by striking lines 25 through 27, and
16 inserting the following:

17 "d. For allocation to the homeland security and
18 emergency management division for the STARCOMM
19 project:

20 \$ 600,000"

21 51. Page 19, by striking lines 29 through 31 and
22 inserting the following:

23 "For allocation to the division of fire protection
24 for the planning, design, and construction of regional
25 emergency response training centers in the state:

26 \$ 2,000,000

27 Of the amount appropriated in this subsection,
28 \$400,000 shall be allocated to north Iowa area
29 community college.

30 Of the amount appropriated in this subsection,
31 \$400,000 shall be allocated to southeastern Iowa
32 community college.

33 Of the amount appropriated in this subsection,
34 \$400,000 shall be allocated to Des Moines area
35 community college to be used at the Ankeny campus
36 site.

37 Of the amount appropriated in this subsection,
38 \$400,000 shall be allocated to the city of Coralville
39 fire department.

40 Of the amount appropriated in this subsection,
41 \$400,000 shall be allocated to Iowa central community
42 college."

43 52. Page 20, by inserting after line 13 the
44 following:

45 "____. DEPARTMENT OF TRANSPORTATION

46 a. For infrastructure improvements at general
47 aviation airports within the state:

48 \$ 750,000

49 b. For vertical infrastructure improvements at the
50 commercial air service airports within the state:

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1 \$ 1,500,000

2 Fifty percent of the funds appropriated in this
3 lettered paragraph shall be allocated equally between

4 each commercial service airport, 40 percent of the
 5 funds shall be allocated based on the percentage that
 6 the number of enplaned passengers at each commercial
 7 service airport bears to the total number of enplaned
 8 passengers in the state during the previous fiscal
 9 year, and 10 percent of the funds shall be allocated
 10 based upon the percentage that the air cargo tonnage
 11 at each commercial service airport bears to the total
 12 air cargo tonnage in the state during the previous
 13 fiscal year. In order for a commercial service
 14 airport to receive funding under this lettered
 15 paragraph, the airport shall be required to submit
 16 applications for funding of specific projects to the
 17 department for approval by the state transportation
 18 commission.

19 c. For acquiring, constructing, and improving
 20 recreational trails within the state:
 21 \$ 2,000,000

22 Of the amount appropriated in this lettered
 23 paragraph, \$200,000 shall be allocated for trail
 24 projects in Wapello county.

25 d. For deposit into the public transit
 26 infrastructure grant fund created in section 324A.6A:
 27 \$ 2,200,000"

28 53. Page 20, by striking lines 17 through 25.

29 54. Page 21, by inserting after line 26 the
 30 following:

31 "Sec. ____ REPORT. Annually, on or before January
 32 1 of each year, a state agency that received an
 33 appropriation from the endowment for Iowa's health
 34 restricted capitals fund for the preceding fiscal year
 35 shall report to the joint transportation,
 36 infrastructure, and capitals appropriation
 37 subcommittee, the legislative services agency, the
 38 department of management, and the legislative capital
 39 projects committee of the legislative council the
 40 status of all ongoing projects for which an
 41 appropriation from the fund has been made. The report
 42 shall include a description of the project, the
 43 progress of work completed, the total estimated cost
 44 of the project, a list of all revenue sources being
 45 used to fund the project, the amount of funds
 46 expended, the amount of funds obligated, and an
 47 estimated completion date of the project."

48 55. Page 24, by inserting after line 18 the
 49 following:

50 "4. Annually, on or before January 1 of each year,

1 a state agency that received an appropriation from
 2 this fund for the preceding fiscal year shall report

3 to the joint transportation, infrastructure, and
 4 capitals appropriation subcommittee, the legislative
 5 services agency, the department of management, and the
 6 legislative capital projects committee of the
 7 legislative council the status of all ongoing projects
 8 for which an appropriation from this fund has been
 9 made. The report shall include a description of the
 10 project, the progress of work completed, the total
 11 estimated cost of the project, a list of all revenue
 12 sources being used to fund the project, the amount of
 13 funds expended, the amount of funds obligated, and an
 14 estimated completion date of the project."

15 56. Page 25, by inserting after line 15 the
 16 following:

17 "d. For the purposes of contracting with qualified
 18 persons outside the department to conduct use
 19 attainability analyses in conformance with section
 20 455B.176A, as enacted in 2006 Iowa Acts, Senate File
 21 2363, if enacted, or in any other Act of the
 22 Eighty-first General Assembly, 2006 Session:

23 \$ 750,000"

24 57. Page 31, by striking lines 6 through 23.

25 58. Page 31, by inserting after line 25 the
 26 following:

27 "Sec. ____ Section 8.57, subsection 6, Code 2005,
 28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. h. Annually, on or before January
 30 1 of each year, a state agency that received an
 31 appropriation from the rebuild Iowa infrastructure
 32 fund for the preceding fiscal year shall report to the
 33 joint transportation, infrastructure, and capitals
 34 appropriation subcommittee, the legislative services
 35 agency, the department of management, and the
 36 legislative capital projects committee of the
 37 legislative council the status of all ongoing projects
 38 for which an appropriation from the fund has been
 39 made. The report shall include a description of the
 40 project, the progress of work completed, the total
 41 estimated cost of the project, a list of all revenue
 42 sources being used to fund the project, the amount of
 43 funds expended, the amount of funds obligated, and an
 44 estimated completion date of the project.

45 Sec. ____ Section 8.57A, Code 2005, is amended by
 46 adding the following new subsection:

47 NEW SUBSECTION. 5. Annually, on or before January
 48 1 of each year, a state agency that received an
 49 appropriation from the environment first fund for the
 50 preceding fiscal year shall report to the joint

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1 transportation, infrastructure, and capitals
2 appropriation subcommittee, the legislative services
3 agency, the department of management, and the
4 legislative capital projects committee of the
5 legislative council the status of all ongoing projects
6 for which an appropriation from the fund has been
7 made. The report shall include a description of the
8 project, the progress of work completed, the total
9 estimated cost of the project, a list of all revenue
10 sources being used to fund the project, the amount of
11 funds expended, the amount of funds obligated, and an
12 estimated completion date of the project.

13 Sec.____. Section 8.57B, Code Supplement 2005, is
14 amended by adding the following new subsection:

15 NEW SUBSECTION. 5. Annually, on or before January
16 1 of each year, a state agency that received an
17 appropriation from the vertical infrastructure fund
18 for the preceding fiscal year shall report to the
19 joint transportation, infrastructure, and capitals
20 appropriation subcommittee, the legislative services
21 agency, the department of management, and the
22 legislative capital projects committee of the
23 legislative council the status of all ongoing projects
24 for which an appropriation from the fund has been
25 made. The report shall include a description of the
26 project, the progress of work completed, the total
27 estimated cost of the project, a list of all revenue
28 sources being used to fund the project, the amount of
29 funds expended, the amount of funds obligated, and an
30 estimated completion date of the project.

31 Sec.____. Section 8A.321, subsection 10, Code
32 Supplement 2005, is amended to read as follows:

33 10. Prepare annual status reports for all ongoing
34 capital projects of ~~all state agencies, as defined in~~
35 ~~section 8.3A~~ the department, and submit the status
36 reports to the ~~legislative capital projects committee~~
37 joint transportation, infrastructure, and capitals
38 appropriation subcommittee."

39 59. Page 32, by inserting after line 21 the
40 following:

41 "Sec.____. Section 12E.12, Code 2005, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 9. Annually, on or before January
44 1 of each year, a state agency that received an
45 appropriation from the tobacco settlement trust fund
46 for the preceding fiscal year shall report to the
47 joint transportation, infrastructure, and capitals
48 appropriation subcommittee, the legislative services
49 agency, the department of management, and the
50 legislative capital projects committee of the

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1 legislative council the status of all ongoing projects
2 for which an appropriation from the fund has been
3 made. The report shall include a description of the
4 project, the progress of work completed, the total
5 estimated cost of the project, a list of all revenue
6 sources being used to fund the project, the amount of
7 funds expended, the amount of funds obligated, and an
8 estimated completion date of the project.

9 Sec.____. Section 151.1, subsection 2, paragraph
10 a, Code Supplement 2005, is amended to read as
11 follows:

12 a. Medical and dental insurance plans. If an
13 employer offers medical insurance under both single
14 and family coverage plans, the employer shall be given
15 credit for providing medical insurance under family
16 coverage plans to all new employees."

17 60. Page 32, by striking lines 22 through 26.

18 61. Page 32, by striking lines 30 and 31 and
19 inserting the following:

20 "The state fire marshal, ~~subject to the approval of~~
21 ~~the state fire service and emergency response council,~~
22 ~~may shall~~".

23 62. Page 33, by striking lines 5 through 7 and
24 inserting the following:

25 "The state fire marshal may enter into written
26 agreements with other".

27 63. Page 33, by striking lines 17 through 19 and
28 inserting the following: "described in section 100B.6
29 shall not be greater than the fee schedule established
30 by rule by the state fire marshal."

31 64. By striking page 33, line 33, through page
32 34, line 4.

33 65. By striking page 34, line 26, through page
34 35, line 19, and inserting the following:

35 "1. Regional emergency response training centers
36 shall be established to provide training to fire
37 fighters and other emergency responders. The lead
38 public agency for the training centers shall be the
39 following community colleges for the following merged
40 areas:

41 a. Northeast Iowa community college for merged
42 area I in partnership with the Dubuque county
43 firemen's association and to provide advanced training
44 in agricultural emergency response as such advanced
45 training is funded by the homeland security and
46 emergency management division of the department of
47 public defense.

48 b. North Iowa area community college for merged
49 area II in partnership with the Mason City fire
50 department.

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- 1 c. Iowa lakes community college for merged area
2 III.
- 3 d. Iowa central community college for merged area
4 V and to provide advanced training in homeland
5 security as such advanced training is funded by the
6 homeland security and emergency management division of
7 the department of public defense.
- 8 e. Hawkeye community college for merged area VII
9 in partnership with the Waterloo regional hazardous
10 materials training center and to provide advanced
11 training in hazardous materials emergency response as
12 such advanced training is funded by the homeland
13 security and emergency management division of the
14 department of public defense.
- 15 f. Eastern Iowa community college for merged area
16 IX in partnership with the city of Davenport fire
17 department.
- 18 g. Kirkwood community college for merged area X in
19 partnership with the city of Coralville fire
20 department and the Iowa City fire department and to
21 provide advanced training in agricultural terrorism
22 response and mass casualty and fatality response as
23 such advanced training is funded by the homeland
24 security and emergency management division of the
25 department of public defense.
- 26 h. Des Moines area community college for merged
27 area XI and to provide advanced training in operations
28 integration in compliance with the national incident
29 management system as such advanced training is funded
30 by the homeland security and emergency management
31 division of the department of public defense.
- 32 i. Western Iowa technical community college for
33 merged area XII in partnership with the Sioux City
34 fire department and to provide advanced training in
35 emergency responder communications as such advanced
36 training is funded by the homeland security and
37 emergency management division of the department of
38 public defense.
- 39 j. Iowa western community college for merged areas
40 XIII and XIV in partnership with southwestern
41 community college and the Council Bluffs fire
42 department.
- 43 k. Southeastern Iowa community college for merged
44 areas XV and XVI in partnership with Indian hills
45 community college and the city of Fort Madison fire
46 department."
- 47 66. Page 35, by striking lines 24 through 34 and
48 inserting the following:
49 "2. a. A lead public agency listed in subsection
50 1, paragraphs "a" through "k", shall submit an

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1 application to the bureau in order to be eligible to
2 receive a state appropriation for the agency's
3 training center. The bureau shall prescribe the form
4 of the application and, on or before August 15, 2006,
5 shall provide such application to each lead public
6 agency.

7 b. An applicant lead public agency".

8 67. Page 36, line 1, by inserting after the word
9 "center." the following: "An applicant shall also
10 include on the application the location of any
11 existing facilities required in section 100B.17 and
12 located in the training region."

13 68. Page 36, by striking lines 6 through 10 and
14 inserting the following:

15 "c. By January 10 of each year, the bureau shall
16 submit to the general assembly a list of applications
17 received and the action taken by the bureau on each
18 application. The bureau shall,"

19 69. Page 36, line 14, by inserting after the word
20 "applicant" the following: "lead".

21 70. Page 36, by inserting after line 30 the
22 following:

23 "4. Applications must be submitted to the bureau
24 by September 15, 2006, in order for a training center
25 to be eligible to receive state funds in the fiscal
26 year beginning July 1, 2006, if funds are appropriated
27 to that training center for that fiscal year. The
28 bureau shall review and approve an application and, if
29 approved, distribute funds appropriated for that
30 training center within thirty days of receiving the
31 application from the applicant. State funds that have
32 been appropriated for use by a specified training
33 center shall be distributed to that training center as
34 soon as possible after the bureau approves such
35 training center's application.

36 5. The application shall list the training
37 facilities to be required in order for a training
38 center to provide training to fire fighters and other
39 emergency responders. If a lead agency or a partner
40 of a lead agency already owns or utilizes a required
41 training facility, that facility shall not be
42 duplicated when constructing the required training
43 facilities listed on the application."

44 71. Page 36, by striking lines 31 through 34 and
45 inserting the following:

46 "6. The state fire marshal may adopt".
47 administrative rules under section 17A.4, subsection
48 2, and section 17A.5, subsection 2, paragraph "b", to
49 administer this section."

50 72. By striking page 36, line 35, through page

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1 37, line 17, and inserting the following:
2 "Sec. ____ **NEW SECTION. 100B.17 TRAINING CENTER**
3 **FACILITIES – ADVANCED TRAINING – INSPECTIONS.**
4 1. Each training center is required to have the
5 facilities listed on the application in section
6 100B.16. In addition, each".
7 73. Page 37, line 25, by striking the figure "3."
8 and inserting the following: "2."
9 74. Page 37, by striking lines 33 through 35 and
10 inserting the following: "materials, curriculum,
11 training aids, and training schedule."
12 75. Page 38, by inserting after line 23 the
13 following:
14 "Sec. ____ **NEW SECTION. 262B.21 RESEARCH AND**
15 **DEVELOPMENT PLATFORMS.**
16 1. For purposes of this section, and sections
17 262B.22 and 262B.23, "core platform areas" means the
18 areas of advanced manufacturing, biosciences,
19 information solutions, and financial services.
20 2. The state board of regents shall do all of the
21 following:
22 a. Recruit employees, build capacity, and invest
23 moneys to ensure rapid scientific progress in the core
24 platform areas.
25 b. Create endowed chair positions and employ
26 persons with entrepreneurial expertise.
27 c. Invest in technology development infrastructure
28 to strengthen and accelerate the scientific and
29 commercialization work in the core platform areas.
30 d. Provide financial assistance in the form of
31 grants for purposes of accelerating the transformation
32 of new and ongoing research and development
33 initiatives in the core platform areas into commercial
34 opportunities.
35 e. Actively participate in advisory groups
36 dedicated to the areas of bioscience advanced
37 manufacturing, and information solutions.
38 Sec. ____ **NEW SECTION. 262B.22 TECHNOLOGY AND**
39 **COMMERCIALIZATION RESOURCE ORGANIZATION.**
40 1. The general assembly finds and declares that
41 the public good requires that Iowa successfully
42 participate and compete in the emerging world economy.
43 A technology and commercialization resource
44 organization is established to formulate and implement
45 plans and programs for the core platform areas and to
46 facilitate their commercial application within the
47 state.
48 2. The technology and commercialization resource
49 organization shall receive recommendations for
50 research projects which have commercialization

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1 potential from institutions of higher learning under
2 the control of the state board of regents. In
3 cooperation with commercialization experts in the
4 private sector, the organization shall analyze
5 research project submissions and make recommendations
6 regarding which projects should receive funding and
7 how much funding such projects should receive. The
8 recommendations of the organization shall be forwarded
9 to the state board of regents. The state board of
10 regents shall review the recommendations and may
11 approve, deny, or modify the recommendations, but the
12 state board of regents shall not change the primary
13 focus of the proposal. The state board of regents may
14 award financial assistance to approved research
15 projects.

16 3. A technology and commercialization resource
17 organization shall be incorporated under chapter 504.
18 The organization shall not be regarded as a state
19 agency, except for purposes of chapter 17A. A member
20 of the board of directors is not considered a state
21 employee, except for purposes of chapter 669. A
22 natural person employed by the organization is a state
23 employee for purposes of the Iowa public employees'
24 retirement system, state health and dental plans, and
25 other state employee benefit plans and chapter 669.
26 Chapters 8, 8A, and 20, and other provisions of law
27 that relate to requirements or restrictions dealing
28 with state personnel or state funds, do not apply to
29 the organization or any employees of the board of
30 directors or the organization except to the extent
31 provided in this chapter.

32 4. The board of directors of the organization
33 shall consist of eight voting members as follows:
34 a. The president of the state board of regents.
35 b. The three members of the economic development
36 subcommittee of the state board of regents:
37 c. The chief technology officer of the state.
38 d. One member selected by a biosciences
39 development organization designated by the department
40 of economic development pursuant to section 15G.111,
41 subsection 2.
42 e. The chairperson of the advanced manufacturing
43 steering group of the department of economic
44 development.
45 f. The chairperson of the information solutions
46 steering group of the department of economic
47 development.
48 5. The members of the board of directors shall
49 annually elect a president of the board from the board
50 membership. A vacancy shall be filled by the

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1 appointing authority. Members are eligible for actual
2 expense reimbursement while fulfilling duties of the
3 board.

4 Sec.____. NEW SECTION. 262B.23 ENDOWED CHAIRS
5 AND SALARIES.

6 The state board of regents may use for salaries and
7 may create endowed chair positions at each of the
8 regents universities using, in part, moneys
9 appropriated to the state board of regents for
10 purposes of implementing recommendations provided in
11 separate consultant reports on bioscience, advanced
12 manufacturing, and information technology submitted to
13 the department of economic development in the calendar
14 years 2004 and 2005. Such moneys may only be used to
15 partially fund an endowed chair position if
16 significant private contributions and contributions
17 from governmental entities other than the state and
18 political subdivisions of the state are used to fund
19 the position. Not more than fifty percent of the cost
20 of funding an endowed chair position shall be paid
21 with such moneys. The endowed chair positions shall
22 be used to attract scholars recruited nationally and
23 internationally who can bring with them related
24 start-up business ventures or a concept for near-term
25 commercialization.

26 Sec.____. Section 303.3C, subsection 1, paragraph
27 c, Code Supplement 2005, is amended to read as
28 follows:

29 c. Initially, three Iowa great places projects
30 shall be identified by the Iowa great places board.
31 ~~Two years after the third project is identified by the~~
32 ~~board, the~~ The board may identify up to six additional
33 Iowa great places for participation under the program.

34 Sec.____. Section 303.3C, subsection 1, Code
35 Supplement 2005, is amended by adding the following
36 new paragraphs:

37 NEW PARAGRAPH. d. The department of cultural
38 affairs shall work in cooperation with the vision Iowa
39 and community attraction and tourism programs for
40 purposes of maximizing and leveraging moneys
41 appropriated to identified Iowa great places.

42 NEW PARAGRAPH. e. As a condition of receiving
43 state funds, an identified Iowa great place shall
44 present information to the board concerning the
45 proposed activities and total financial needs of the
46 project.

47 NEW PARAGRAPH. f. The department of cultural
48 affairs shall account for any funds appropriated from
49 the endowment for Iowa health restricted capitals fund
50 for an identified Iowa great place.

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1 Sec.____ Section 303.3C, subsection 3, paragraph
2 b, Code Supplement 2005, is amended to read as
3 follows:

4 b. Identify ~~three~~ Iowa great places for purposes
5 of receiving a package of resources under the program.

6 Sec.____. NEW SECTION. 303.3D IOWA GREAT PLACES
7 PROGRAM FUND.

8 1. An Iowa great places program fund is created
9 under the authority of the department of cultural
10 affairs. The fund shall consist of appropriations
11 made to the fund and transfers of interest, earnings,
12 and moneys from other funds as provided by law.
13 Notwithstanding section 12C.7, subsection 2, interest
14 or earnings on investments or time deposits of the
15 moneys in the Iowa great places program fund shall be
16 credited to the Iowa great places program fund.

17 2. Moneys appropriated for a fiscal year to the
18 fund shall be used by the general assembly to fund
19 capital infrastructure projects for identified Iowa
20 great places through the Iowa great places program
21 established in section 303.3C.

22 3. In awarding moneys the department of cultural
23 affairs shall give consideration to the particular
24 needs of each identified Iowa great place.

25 4. Notwithstanding section 8.33, moneys credited
26 to the great places program fund shall not revert to
27 the fund from which appropriated.

28 Sec.____. NEW SECTION. 324A.6A PUBLIC TRANSIT
29 INFRASTRUCTURE GRANT FUND.

30 A public transit infrastructure grant fund is
31 established within the department. Moneys in the fund
32 shall be awarded to public transit systems within the
33 state for construction and infrastructure projects
34 that meet the definition of "vertical infrastructure"
35 in section 8.57, subsection 6, paragraph "c". The
36 fund shall consist of appropriations made to the fund
37 and transfers of interest, earnings, and moneys from
38 other funds as provided by law. In awarding grant
39 assistance, the office of public transit within the
40 department shall, by rule, specify certain criteria
41 that must be included in a grant application, which
42 shall include but not be limited to information on the
43 feasibility of completion of an individual
44 infrastructure project. Notwithstanding section 8.33,
45 moneys in the public transit infrastructure grant fund
46 shall not revert to the fund from which they are
47 appropriated but shall remain available indefinitely
48 for expenditure under this section.

49 Sec.____. Section 328.36, Code 2005, is amended by
50 striking the section and inserting in lieu thereof the

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1 following:

2 328.36 DEPOSIT AND USE OF REVENUES.

3 1. All moneys received by the department pursuant
4 to section 328.21 shall be deposited into the state
5 aviation fund in section 328.56.

6 2. Notwithstanding subsection 1, for the fiscal
7 year beginning July 1, 2007, and ending June 30, 2008,
8 fifty percent of the moneys collected under section
9 328.21 shall be deposited in the state aviation fund
10 in section 328.56 and fifty percent shall be deposited
11 in the general fund of the state.

12 Sec.____. NEW SECTION. 328.56 STATE AVIATION
13 FUND.

14 1. A state aviation fund is created under the
15 authority of the department. The fund shall consist
16 of moneys deposited in the fund pursuant to sections
17 328.21 and 452A.82 and other moneys appropriated to
18 the fund.

19 2. Moneys in the fund in a fiscal year shall be
20 used as appropriated by the general assembly for
21 airport engineering studies, construction or
22 improvements, and the windsock program for public
23 airports. In awarding moneys, the department shall
24 give preference to projects that demonstrate a
25 collaborative effort between airports.

26 Sec.____. Section 422.34A, Code 2005, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 8. Utilizing a distribution
29 facility within this state, owning or leasing property
30 at a distribution facility within this state that is
31 used at or distributed from the distribution facility,
32 or selling property shipped or distributed from a
33 distribution facility. For purposes of this
34 subsection, "distribution facility" means an
35 establishment where shipments of tangible personal
36 property are processed for delivery to customers.
37 "Distribution facility" does not include an
38 establishment where retail sales of tangible personal
39 property or returns of such property are undertaken
40 with respect to retail customers on more than twelve
41 days a year except for a distribution facility which
42 processes customer sales orders by mail, telephone, or
43 electronic means, if the distribution facility also
44 processes shipments of tangible personal property to
45 customers provided that not more than ten percent of
46 the dollar amount of goods are delivered and shipped
47 so as to be included in the gross sales of the
48 corporation within this state as provided in section
49 422.33, subsection 2, paragraph "b", subparagraph (6).

50 Sec.____. Section 452A.79, Code Supplement 2005,

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1 is amended by striking the section and inserting in
2 lieu thereof the following:

3 452A.79 USE OF REVENUE.

4 Except as provided in sections 452A.79A, 452A.82,
5 and 452A.84, the net proceeds of the excise tax on the
6 diesel special fuel and the excise tax on motor fuel
7 and other special fuel, and penalties collected under
8 the provision of this chapter, shall be credited to
9 the road use tax fund.

10 Sec. ____ NEW SECTION. 452A.79A MARINE FUEL TAX
11 FUND.

12 1. A marine fuel tax fund is created under the
13 authority of the department of natural resources. The
14 fund shall consist of all revenues derived from the
15 excise tax on the sale of motor fuel used in
16 watercraft as provided in section 452A.84 and other
17 moneys appropriated to the fund.

18 2. Moneys in the fund in a fiscal year shall be
19 used as appropriated by the general assembly for use
20 by the department of natural resources in its
21 recreational boating program, which may include but is
22 not limited to:

23 a. Dredging and renovation of lakes of this state.

24 b. Acquisition, development, and maintenance of
25 access to public boating waters.

26 c. Development and maintenance of boating
27 facilities and navigation aids.

28 d. Administration, operation, and maintenance of
29 recreational boating activities of the department of
30 natural resources.

31 e. Acquisition, development, and maintenance of
32 recreation facilities associated with recreational
33 boating.

34 Sec. ____ Section 452A.82, Code 2005, is amended
35 to read as follows:

36 452A.82 AVIATION FUEL TAX FUND.

37 The portion of the moneys collected under this
38 chapter received on account of aviation gasoline and
39 special fuel used in aircraft shall be deposited in a
40 separate fund to be maintained by the treasurer. All
41 moneys remaining in the separate fund after the cost
42 of administering the fund has been paid shall be
43 credited to the ~~general fund of the state~~ aviation
44 fund created in section 328.56.

45 Sec. ____ Section 452A.84, Code 2005, is amended
46 to read as follows:

47 452A.84 ~~TRANSFER TO STATE GENERAL~~ MARINE FUEL TAX
48 FUND.

49 The treasurer of state shall transfer from the
50 motor fuel tax fund to the ~~general~~ marine fuel tax

1 fund of the state that portion of moneys collected
2 under this chapter attributable to motor fuel used in
3 watercraft computed as follows:

4 1. Determine monthly the total amount of motor
5 fuel tax collected under this chapter and multiply the
6 amount by nine-tenths of one percent.

7 2. Subtract from the figure computed pursuant to
8 subsection 1 of this section three percent of the
9 figure for administrative costs and further subtract
10 from the figure the amounts refunded to commercial
11 fishers pursuant to section 452A.17, subsection 1,
12 paragraph "a", subparagraph (7). All moneys remaining
13 after claims for refund and the cost of administration
14 have been made shall be transferred to the general
15 marine fuel tax fund of the state."

16 76. By striking page 38, line 24, through page
17 41, line 10.

18 77. Page 41, by inserting after line 10 the
19 following:

20 "Sec. _____. 2006 Iowa Acts, Senate File 2363,
21 section 5, if enacted, is amended by striking the
22 section and inserting in lieu thereof the following:

23 **SEC. 5. NEW SECTION. 16.134 WASTEWATER TREATMENT**
24 **FINANCIAL ASSISTANCE PROGRAM.**

25 1. The Iowa finance authority shall establish and
26 administer a wastewater treatment financial assistance
27 program. The purpose of the program shall be to
28 provide grants to enhance water quality and to assist
29 communities to comply with water quality standards
30 adopted by the department of natural resources. The
31 program shall be administered in accordance with rules
32 adopted by the authority pursuant to chapter 17A.

33 2. A wastewater treatment financial assistance
34 fund is created under the authority of the Iowa
35 finance authority. The fund shall consist of
36 appropriations made to the fund and transfers of
37 interest, earnings, and moneys from other funds as
38 provided by law. Moneys in the fund are not subject
39 to section 8.33. Notwithstanding section 12C.7,
40 subsection 2, interest or earnings on moneys in the
41 fund shall be credited to the fund.

42 3. Financial assistance under the program shall be
43 used to install or upgrade wastewater treatment
44 facilities and systems, and for engineering or
45 technical assistance for facility planning and design.

46 4. The authority shall distribute financial
47 assistance in the fund in accordance with the
48 following:

49 a. Communities shall be eligible for financial
50 assistance by qualifying as a disadvantaged community

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1 and seeking financial assistance for the installation
2 or upgrade of wastewater treatment facilities due to
3 regulatory activity in response to water quality
4 standards adopted by the department of natural
5 resources in calendar year 2006. For purposes of this
6 section, the term "disadvantaged community" means the
7 same as defined by the department of natural resources
8 for the drinking water facilities revolving loan fund
9 established in section 455B.295. Communities with a
10 population of three thousand or more do not qualify
11 for financial assistance under the program.

12 b. Priority shall be given to projects in which
13 the financial assistance is used to obtain financing
14 under the Iowa water pollution control works and
15 drinking water facilities financing program pursuant
16 to section 16.131 or other federal or state financing.

17 c. Priority shall also be given to projects whose
18 completion will provide significant improvement to
19 water quality in the relevant watershed.

20 d. A community meeting the criteria of paragraph
21 "a" shall be required to provide matching moneys in
22 accordance with the following:

23 (1) Unsewered incorporated communities with a
24 population of less than five hundred and communities
25 with a population of less than five hundred shall be
26 required to provide a five percent match.

27 (2) Communities with a population of five hundred
28 or more but less than one thousand shall be required
29 to provide a ten percent match.

30 (3) Communities with a population of one thousand
31 or more but less than one thousand five hundred shall
32 be required to provide a twenty percent match.

33 (4) Communities with a population of one thousand
34 five hundred or more but less than two thousand shall
35 be required to provide a thirty percent match.

36 (5) Communities with a population of two thousand
37 or more but less than three thousand shall be required
38 to provide a forty percent match.

39 e. Financial assistance in the form of grants
40 shall be issued on a quarterly basis.

41 5. The authority in cooperation with the
42 department of natural resources shall share
43 information and resources when determining the
44 qualifications of a community for financial assistance
45 from the fund.

46 6. The authority may use an amount of not more
47 than four percent of any moneys appropriated for
48 deposit in the fund for administration purposes.

49 7. It is the intent of the general assembly that
50 for the fiscal period beginning July 1, 2007, and

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1 ending June 30, 2016, a minimum of four million
2 dollars shall be appropriated each fiscal year to the
3 authority for deposit in the wastewater treatment
4 financial assistance fund."

5 78. Page 41, by striking lines 11 through 29 and
6 inserting the following:

7 "Sec.____. STUDY OF EMERGENCY SERVICES IN THE

8 STATE. The legislative council is requested to
9 establish a committee to study emergency services in
10 the state during the 2006 legislative interim.

11 The interim committee is directed to receive input
12 from the department of public defense, division of
13 homeland security and emergency management,
14 departments of human services, public health, and
15 public safety, including the state fire marshal, and
16 representatives of emergency services providers,
17 including but not limited to the Iowa firemen's
18 association, Iowa fire chiefs association, Iowa
19 association of professional fire chiefs, and Iowa
20 professional fire fighters, Iowa emergency medical
21 services association, and emergency room physicians.

22 The interim committee is directed to expeditiously
23 complete its study and issue findings and make
24 recommendations regarding the governance, structure,
25 and funding of the state's emergency services and the
26 training available in the state for emergency services
27 providers for consideration during the 2007
28 legislative session."

29 79. Page 41, by inserting before line 30 the
30 following:

31 "Sec.____. AVIATION FUEL TAX FUND – GENERAL FUND

32 CREDIT. Notwithstanding section 452A.82, for the
33 fiscal year beginning July 1, 2007, 50 percent of the
34 moneys remaining after the cost of administering the
35 aviation fuel tax fund shall be credited to the
36 general fund.

37 Sec.____. EFFECTIVE DATES AND RETROACTIVE
38 APPLICABILITY.

39 1. The section of this division of this Act
40 enacting section 422.34A, subsection 8, being deemed
41 of immediate importance, takes effect upon enactment
42 and applies retroactively to January 1, 2006, for tax
43 years beginning on or after that date.

44 2. The sections of this division of this Act
45 amending sections 328.36, 452A.79, 452A.82, and
46 452A.84 and enacting sections 328.56 and 452A.79A,
47 relating to a state aviation fund and a marine fuel
48 tax fund, take effect July 1, 2007."

49 80. Page 41, by inserting before line 30 the
50 following:

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1 "Sec.____. EFFECTIVE DATE. The sections of this
2 division of this Act amending sections 100B.3, 100B.4,
3 and 100B.7, and enacting sections 100B.15 through
4 100B.19, being deemed of immediate importance, take
5 effect upon enactment."

6 81. Page 41, by inserting before line 30 the
7 following:

8 "DIVISION

9 MISCELLANEOUS APPROPRIATIONS

10 Sec.____. WASTEWATER TREATMENT FINANCIAL

11 ASSISTANCE FUND – IOWA FINANCE AUTHORITY. There is
12 appropriated from any interest or earnings on moneys
13 in the federal economic stimulus and jobs holding
14 account to the Iowa finance authority for deposit in
15 the wastewater treatment financial assistance fund
16 created in section 16.134, the following amount:

17 \$ 4,000,000

18 Sec.____. RESOURCE CONSERVATION AND DEVELOPMENT

19 PROJECTS – DEPARTMENT OF NATURAL RESOURCES. There is
20 appropriated from any interest or earnings on moneys
21 in the federal economic stimulus and jobs holding
22 account to the department of natural resources for the
23 development of projects relating to natural
24 resource-based business opportunities, the following
25 amount:

26 \$ 300,000

27 Local resource conservation and development groups
28 sponsored by county governments or sponsored by soil
29 and water conservation districts shall be eligible to
30 receive funding on the condition that such groups
31 receive dollar-for-dollar funding.

32 DIVISION

33 UTILITIES BOARD AND CONSUMER ADVOCATE BUILDING PROJECT

34 Sec.____. NEW SECTION. 12.91 UTILITIES BOARD AND
35 CONSUMER ADVOCATE BUILDING PROJECT.

36 1. For purposes of this section:

37 a. "Bonds" means bonds, notes, or other evidences
38 of indebtedness issued under this section.

39 b. "Chargeable expenses" means expenses charged by
40 the utilities board and the consumer advocate division
41 of the department of justice under section 476.10.

42 c. "Chargeable expenses fund" means the fund
43 created in the state treasury under this section.

44 d. "Project" means a building and related
45 improvements and furnishings authorized under section
46 476.10B.

47 2. The treasurer of state may issue bonds and do
48 all things necessary in order to finance the costs of
49 the project. The treasurer of state shall have all of
50 the powers which are necessary to issue and secure

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1 bonds to provide the financing for the project. The
2 treasurer of state may issue bonds in principal
3 amounts which, in the opinion of the treasurer, are
4 necessary to provide sufficient funds for the costs of
5 the project, the payment of interest on the bonds, the
6 establishment of reserves to secure the bonds, the
7 costs of issuance of the bonds, other expenditures of
8 the treasurer of state incident to and necessary or
9 convenient to carry out the bond issue, and all other
10 expenditures of the utilities board and the department
11 of administrative services in connection with the
12 construction of the project. The bonds are investment
13 securities and negotiable instruments within the
14 meaning of and for purposes of the Iowa uniform
15 commercial code, chapter 554.

16 3. Bonds issued under this section are payable
17 solely and only out of the moneys, assets, or revenues
18 of the chargeable expenses fund and any bond reserve
19 funds established pursuant to this section, all of
20 which may be held by the treasurer of state or
21 deposited with trustees or depositories in accordance
22 with bond or security documents and pledged by the
23 treasurer of state to the payment thereof. Bonds
24 issued under this section shall contain a statement
25 that the bonds do not constitute an indebtedness of
26 the state. The treasurer of state shall not pledge
27 the credit or taxing power of this state or any
28 political subdivision of this state or make bonds
29 issued pursuant to this section payable out of any
30 moneys except those in the chargeable expenses fund
31 and any bond reserve funds established pursuant to
32 this section.

33 4. The proceeds of bonds issued by the treasurer
34 of state and not required for immediate disbursement
35 may be deposited with a trustee or depository as
36 provided in the bond documents and invested or
37 reinvested in any investment as directed by the
38 treasurer of state and specified in the trust
39 indenture, resolution, or other instrument pursuant to
40 which the bonds are issued without regard to any
41 limitation otherwise provided by law.

42 5. The bonds shall be:

43 a. In a form, issued in denominations, executed in
44 a manner, and payable over terms and with rights of
45 redemption, and be subject to such other terms and
46 conditions as prescribed in the trust indenture,
47 resolution, or other instrument authorizing their
48 issuance.

49 b. Negotiable instruments under the laws of the
50 state and may be sold at prices, at public or private

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1 sale, and in a manner, as prescribed by the treasurer
2 of state. Chapters 73A, 74, 74A, and 75 do not apply
3 to the sale or issuance of the bonds.

4 c. Subject to the terms, conditions, and covenants
5 providing for the payment of the principal, redemption
6 premiums, if any, interest, and other terms,
7 conditions, covenants, and protective provisions
8 safeguarding payment, not inconsistent with this
9 section and as determined by the trust indenture,
10 resolution, or other instrument authorizing their
11 issuance.

12 6. The bonds are securities in which public
13 officers and bodies of this state; political
14 subdivisions of this state; insurance companies and
15 associations and other persons carrying on an
16 insurance business; banks, trust companies, savings
17 associations, savings and loan associations, and
18 investment companies; administrators, guardians,
19 executors, trustees, and other fiduciaries; and other
20 persons authorized to invest in bonds or other
21 obligations of the state, may properly and legally
22 invest funds, including capital, in their control or
23 belonging to them.

24 7. Bonds must be authorized by a trust indenture,
25 resolution, or other instrument of the treasurer of
26 state.

27 8. Neither the resolution, trust agreement, nor
28 any other instrument by which a pledge is created
29 needs to be recorded or filed under the Iowa uniform
30 commercial code, chapter 554, to be valid, binding, or
31 effective.

32 9. Bonds issued under the provisions of this
33 section are declared to be issued for a general public
34 and governmental purpose and all bonds issued under
35 this section shall be exempt from taxation by the
36 state of Iowa and the interest on the bonds shall be
37 exempt from the state income tax and the state
38 inheritance and estate tax.

39 10. Subject to the terms of any bond documents,
40 moneys in the chargeable expenses fund may be expended
41 for administration expenses of the treasurer of state
42 in connection with the bonds.

43 11. The treasurer of state may issue bonds for the
44 purpose of refunding any bonds issued pursuant to this
45 section then outstanding, including the payment of any
46 redemption premiums thereon and any interest accrued
47 or to accrue to the date of redemption of the
48 outstanding bonds. Until the proceeds of bonds issued
49 for the purpose of refunding outstanding bonds are
50 applied to the purchase or retirement of outstanding

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1 bonds or the redemption of outstanding bonds, the
2 proceeds may be placed in escrow and be invested and
3 reinvested in accordance with the provisions of this
4 section. The interest, income, and profits earned or
5 realized on an investment may also be applied to the
6 payment of the outstanding bonds to be refunded by
7 purchase, retirement, or redemption. After the terms
8 of the escrow have been fully satisfied and carried
9 out, any balance of proceeds and interest earned or
10 realized on the investments may be returned to the
11 treasurer of state for deposit in the chargeable
12 expenses fund unless all bonds issued under the
13 provisions of this section have been retired in which
14 case the proceeds shall be deposited in the general
15 fund of the state. All refunding bonds shall be
16 issued and secured and subject to the provisions of
17 this chapter in the same manner and to the same extent
18 as other bonds issued pursuant to this section.

19 12. A chargeable expenses fund is created and
20 established as a separate and distinct fund in the
21 state treasury. The moneys in the fund are
22 appropriated for payment of the principal of, premium,
23 and interest on any bonds issued under this section.
24 Moneys in the fund shall not be subject to
25 appropriation for any other purpose by the general
26 assembly, but shall be used only for the purposes of
27 the chargeable expenses fund. The treasurer of state
28 shall act as custodian of the fund and disburse moneys
29 contained in the fund for payment of the principal of,
30 premium, and interest on any bonds issued under this
31 section. Notwithstanding section 476.10, there shall
32 in each fiscal year be deposited in the chargeable
33 expenses fund from amounts collected by the utilities
34 board as chargeable expenses an amount equal to the
35 principal of, premium, if any, and interest on any
36 bonds issued under this section to become due, whether
37 at maturity, by call for optional redemption or by
38 sinking fund redemption, in such fiscal year. The
39 treasurer of state is authorized to pledge any amounts
40 in the chargeable expenses fund as security for the
41 payment of the principal of, premium, and interest on
42 any bonds issued under this section. The treasurer of
43 state may provide in the trust indenture, resolution,
44 or other instrument authorizing the issuance of bonds
45 for the transfer to the general fund of the state of
46 any amounts on deposit in the chargeable expenses fund
47 that are not necessary for the payment of the
48 principal of, premium, and interest on any bonds
49 issued under this section.

50 13. Moneys in the chargeable expenses fund are not

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1 subject to section 8.33. Notwithstanding section
2 12C.7, subsection 2, interest or earnings on moneys in
3 the fund shall be credited to the fund.

4 14. a. The treasurer of state may create and
5 establish one or more special funds, to be known as
6 "bond reserve funds", to secure one or more issues of
7 bonds issued pursuant to this section. The treasurer
8 of state shall pay into each bond reserve fund any
9 moneys appropriated and made available by the state or
10 the treasurer of state for the purpose of the fund,
11 any proceeds of sale of bonds to the extent provided
12 in the resolutions authorizing their issuance, and any
13 other moneys which may be available to the treasurer
14 of state for the purpose of the fund from any other
15 sources. All moneys held in a bond reserve fund,
16 except as otherwise provided in this chapter, shall be
17 used as required solely for the payment of the
18 principal of bonds secured in whole or in part by the
19 fund or of the sinking fund payments with respect to
20 the bonds, the purchase or redemption of the bonds,
21 the payment of interest on the bonds, or the payments
22 of any redemption premium required to be paid when the
23 bonds are redeemed prior to maturity.

24 b. Moneys in a bond reserve fund shall not be
25 withdrawn from it at any time in an amount that will
26 reduce the amount of the fund to less than the bond
27 reserve fund requirement established for the fund, as
28 provided in this subsection, except for the purpose of
29 making, with respect to bonds secured in whole or in
30 part by the fund, payment when due of principal,
31 interest, redemption premiums, and the sinking fund
32 payments with respect to the bonds for the payment of
33 which other moneys of the treasurer of state are not
34 available. Any income or interest earned by, or
35 incremental to, a bond reserve fund due to the
36 investment of it may be transferred by the treasurer
37 of state to other funds or accounts to the extent the
38 transfer does not reduce the amount of that bond
39 reserve fund below the bond reserve fund requirement
40 for that bond reserve fund. For the purposes of this
41 subsection, the term "bond reserve fund requirement"
42 means, as of any particular date of computation, an
43 amount of money, as provided in the resolutions
44 authorizing the bonds with respect to which the fund
45 is established.

46 c. The treasurer of state shall comply with the
47 provisions of section 476.10B in order to assure the
48 maintenance of any bond reserve funds established
49 under this section.

50 15. It is the intent of the general assembly that

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1 a pledge made in respect of bonds issued under this
2 section shall be valid and binding from the time the
3 pledge is made, that the money or property so pledged
4 and received after the pledge by the treasurer of
5 state shall immediately be subject to the lien of the
6 pledge without physical delivery or further act, and
7 that the lien of the pledge shall be valid and binding
8 as against all parties having claims of any kind in
9 tort, contract, or otherwise against the treasurer of
10 state whether or not the parties have notice of the
11 lien.

12 16. Bonds issued pursuant to this section are not
13 debts of the state, or of any political subdivision of
14 the state, and do not constitute a pledge of the faith
15 and credit of the state or a charge against the
16 general credit or general fund of the state. The
17 issuance of any bonds pursuant to this section by the
18 treasurer of state does not directly, indirectly, or
19 contingently obligate the state or a political
20 subdivision of the state to apply moneys from, or to
21 levy or pledge any form of taxation whatever, to the
22 payment of the bonds. Bonds issued under this section
23 are payable solely and only from the sources and
24 special fund provided in this section.

25 17. This section, being necessary for the welfare
26 of this state and its inhabitants, shall be liberally
27 construed to effect its purposes.

28 Sec.____. Section 422.7, Code Supplement 2005, is
29 amended by adding the following new subsection:

30 **NEW SUBSECTION.** 45. Subtract, to the extent
31 included, income from interest and earnings received
32 from the bonds issued under section 12.91.

33 Sec.____. **FISCAL YEAR 2005-2006 EXPENDITURE**
34 **AUTHORITY – BUILDING PROJECT.** Notwithstanding
35 sections 8.33 and 476.10 or any other provision to the
36 contrary, any balance of the operational appropriation
37 for the utilities board for the fiscal year beginning
38 July 1, 2005, that remains unused, unencumbered, or
39 unobligated at the close of the fiscal year shall not
40 revert but shall remain available to be used for
41 purposes of the energy-efficient building project
42 authorized under section 476.10B, as enacted by this
43 division of this Act, or for relocation costs in
44 succeeding fiscal years.

45 Sec.____. **NEW SECTION.** 476.10B **ENERGY-EFFICIENT**
46 **BUILDING.**

47 1. For the purposes of this section, "building
48 project expenses" means expenses that have been
49 approved by the utilities board for the building and
50 related improvements and furnishings developed under

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1 this section and that are considered part of the
2 regulatory expenses charged by the utilities board and
3 the consumer advocate division of the department of
4 justice for carrying out duties under section 476.10.

5 2. The department of administrative services, in
6 consultation with the board and the consumer advocate
7 division of the department of justice, shall provide
8 for the construction of a building to house the board
9 and the division. A building developed under this
10 subsection shall be a model energy-efficient building
11 that may be used as a public example for similar
12 efforts. The building shall comply with the life
13 cycle cost provisions developed pursuant to section
14 72.5. The building shall be located on the capitol
15 complex grounds or at another convenient location in
16 the vicinity of the capitol complex grounds.

17 3. Building project expenses shall include but are
18 not limited to the costs associated with construction,
19 maintenance, and operation of the building that are
20 approved by the board and shall also include principal
21 of, premium, if any, and interest on indebtedness to
22 finance the building.

23 4. The department of administrative services'
24 costs associated with construction, maintenance, and
25 operation of the building as provided under chapter 8A
26 are building project expenses.

27 5. A cost-effective approach for financing
28 construction of the building shall be utilized, which
29 may include but is not limited to lease,
30 lease-purchase, bonding, or installment acquisition
31 arrangement, or a financing arrangement under section
32 12.28. If financing for the building is implemented
33 under section 12.28, the limitation on principal under
34 that section does not apply. This subsection is not a
35 qualification of any other powers which the board and
36 the division may possess and the authorizations and
37 powers granted under this subsection are not subject
38 to the terms, requirements, or limitations of any
39 other provisions of law. The department of
40 administrative services must comply with the
41 provisions of section 12.28 when entering into
42 financing agreements for the purchase of real or
43 personal property.

44 6. a. If financing for the building is
45 implemented through bonding, the provisions of section
46 12.91 shall apply. In order to assure maintenance of
47 the bond reserve funds established in connection with
48 the financing, the treasurer of state shall, on or
49 before January 1 of each calendar year, make and
50 deliver to the governor the treasurer's certificate

1 stating the sum, if any, required to restore each bond
2 reserve fund to the bond reserve fund requirement for
3 that fund.

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

14 7. The department of administrative services, in
15 consultation with the board and the division, shall
16 secure architectural services, contract for
17 construction, engineering, and construction oversight
18 and management, and control the funding associated
19 with the building construction and the building's
20 operation and maintenance. The department of
21 administrative services may utilize consultants or
22 other expert assistance to address feasibility,
23 planning, or other considerations connected with
24 construction of the building or decision making
25 regarding the building. The department of
26 administrative services, on behalf of the board and
27 division, shall consult with the office of the
28 governor, appropriate legislative bodies, and the
29 capitol planning commission.

30 Sec.____. EFFECTIVE DATE. The section of this
31 division of this Act relating to the expenditure
32 authority of the utilities board for the fiscal year
33 beginning July 1, 2005, being deemed of immediate
34 importance, takes effect upon enactment."

35 82. Title page, line 6, by inserting after the
36 word "account," the following: "the public transit
37 infrastructure grant fund, the Iowa great places
38 program fund,".

39 83. Title page, by striking line 7 and inserting
40 the following: "and providing immediate, retroactive,
41 and future effective dates."

42 84. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

S. Olson of Clinton in the chair at 7:06 p.m.

The motion prevailed and the House concurred in the Senate amendment H-8648.

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. 2782)

The ayes were, 89:

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
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
Mertz	Miller	Murphy	Oldson
Olson, D.	Paulsen	Petersen	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.	Watts	Wendt	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Olson, S., Presiding			

The nays were, 5:

Heddens	McCarthy	Pettengill	Van Fossen, J.K.
Wessel-Kroeschell			

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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

Speaker Rants in the chair at 7:27 p.m.

The House stood at ease at 7:27 p.m., until the fall of the gavel.

The House resumed session at 7:54 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 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2459, 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, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2268, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2410, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizen's aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **House File 2459**, 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, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8649:

H-8649

1 Amend House File 2459 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 29 through 31.

4 2. Page 4, by striking lines 18 through 24 and
5 inserting the following:

6 "..... \$ 400,000"

7 3. Page 6, by striking lines 34 and 35 and
8 inserting the following: "funding small business
9 development centers. Iowa state".

10 4. Page 10, by striking line 8 and inserting the
11 following:

12 "..... \$ 5,856,655"

13 5. Page 11, by inserting after line 7 the
14 following:

15 "Sec. __. ACCOUNTABILITY - AUDIT.

16 1. The department of workforce development shall
17 establish accountability measures for all
18 subcontractors. By January 15, 2007, the department
19 shall submit a written report to the chairpersons and
20 ranking members of the joint appropriations
21 subcommittee on economic development which shall
22 include a list of contracts held by the department and
23 accountability measures in effect for each contract.

24 2. The auditor of state shall annually conduct an
25 audit of the department of workforce development and
26 shall report the findings of such annual audit,
27 including the accountability of programs of the
28 department, to the chairpersons and ranking members of
29 the joint appropriations subcommittee on economic
30 development. The department shall pay for the costs
31 associated with the audit.

32 3. The legislative services agency shall conduct
33 an annual review of salaries paid to employees of
34 entities organized under chapter 28E and salaries paid
35 under a contract with the department of workforce
36 development. The legislative services agency shall
37 report its findings to the chairpersons and ranking

38 members of the joint appropriations subcommittee on
39 economic development."

40 6. Page 11, by inserting after line 19 the

41 following:

42 "Sec.____. UNEMPLOYMENT COMPENSATION RESERVE FUND.

43 Notwithstanding section 96.9, subsection 8, paragraph

44 "e", there is appropriated from interest earned on the

45 unemployment compensation reserve fund to the

46 department of workforce development for the fiscal

47 year beginning July 1, 2006, and ending June 30, 2007,

48 the following amount for deposit in the field office

49 operating fund:

50 \$ 4,000,000"

Page 2

1 7. Page 12, line 26, by striking the word "ten"

2 and inserting the following: "two".

3 8. Page 12, line 35, by striking the word "ten"

4 and inserting the following: "two".

5 9. By renumbering as necessary.

Roll call was requested by Gipp of Winneshiek and Lukan of Dubuque.

On the question "Shall the House concur in the Senate Amendment H-8649?" (H.F. 2459)

The ayes were, 48:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Elgin	Foege
Ford	Frevert	Gaskill	Gipp
Heddens	Hogg	Huser	Jacoby
Jenkins	Jochum	Kressig	Kuhn
Lykam	Mascher	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Petersen
Pettengill	Quirk	Raecker	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker Rants

The nays were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Freeman	Granzow	Greiner	Heaton

Hoffman	Horbach	Huseman	Hutter
Jacobs	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Miller
Olson, S.	Paulsen	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke		

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

The motion prevailed and the House concurred in the Senate amendment H-8649.

Lukan of Dubuque 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. 2459)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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
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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Fallon	Foege	Hunter	Jones
Lensing	Olson, R.	Zirkelbach	

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

SENATE MESSAGE CONSIDERED

Senate File 2410, by committee on government oversight, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Read first time and **passed on file**.

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 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

House File 2734, 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 department 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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2459** be immediately messaged to the Senate.

The House stood at ease at 8:11 p.m., until the fall of the gavel.

The House resumed session at 9:20 p.m., Speaker Rants in the chair.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2540)

De Boef of Keokuk called up for consideration the report of the conference committee on House File 2540 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2540

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 2540, a bill for an Act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, respectfully make the following report:

1. That the House recedes from its amendment, S-5236.
2. That the Senate recedes from its amendment, H-8587.
3. That House File 2540, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking page 2, line 35, through page 3, line 1, and inserting the following: "to be used for the continued testing and monitoring of avian influenza."

2. Page 4, by inserting after line 16 the following:

"Sec. 101. IOWA SHORTHORN ASSOCIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the Iowa shorthorn association in connection with the 2006 national junior shorthorn show:

..... \$ 10,000"

3. Page 4, line 30, by striking the figure "17,792,579" and inserting the following: "17,967,579".

4. Page 6, by striking lines 10 through 19 and inserting the following: "or equipment associated with personal computers. The department shall award the moneys provided in this subsection using a competitive grant process on a statewide basis. The department shall make the award to a person or persons who apply in a manner and according to procedures required by the department."

5. Page 7, by inserting after line 10 the following:

"Sec. 201. STORMWATER DISCHARGE PERMIT FEES APPROPRIATION

- AIR QUALITY MONITORING. Notwithstanding section 8.33, any moneys appropriated to the department of natural resources from stormwater discharge permit fees for the fiscal year beginning July 1, 2005, and ending June 30, 2006, pursuant to 2005 Iowa Acts, chapter 178, section 2, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available until the close of the succeeding fiscal year for expenditure for full-time personnel to conduct air quality monitoring, which may include but is not limited to staffing required to perform field monitoring and laboratory functions, including salaries, support, maintenance, and for miscellaneous purposes."

6. Page 7, line 34, by striking the word "APPROPRIATION" and inserting the following: "APPROPRIATIONS".

7. Page 8, line 11, by striking the figure "100,000" and inserting the following: "50,000".

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

"Sec. ____ . VETERINARY DIAGNOSTIC LABORATORY.

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

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

..... \$ 1,000,000

2. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

3. If by the end of the fiscal year, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary

science in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec.____. VETERINARY DIAGNOSTIC LABORATORY – FUTURE YEARS.

It is the intent of the general assembly that a future general assembly appropriate moneys to Iowa state university of science and technology for the designated fiscal years, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

- a. FY 2007-2008\$ 2,000,000
- b. FY 2008-2009.....\$ 3,000,000
- c. FY 2009-2010..... \$ 4,000,000"

9. Page 10, by striking lines 22 through 34 and inserting the following:

- "a. For a major municipal facility, one thousand two hundred seventy-five dollars.
- b. For a minor municipal facility, two hundred ten dollars.
- c. For a semipublic facility, three hundred forty dollars.
- d. For a facility that holds an operation permit, with no wastewater discharge into surface waters, one hundred seventy dollars.
- e. For a municipal water treatment facility, a fee shall not be charged.
- f. For a major industrial facility, three thousand four hundred dollars.
- g. For a minor industrial facility, three hundred dollars.
- h. For an open feedlot operation as provided in chapter 459A, an annual fee of three hundred forty dollars."

10. Page 11, line 25, by striking the figure "400,00" and inserting the following: "600,000".

11. Page 11, line 26, by striking the figure "4.00" and inserting the following: "6.00".

12. Page 12, by inserting before line 20 the following:

"Sec.____. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (d), Code Supplement 2005, is amended to read as follows:

(d) For the fiscal year beginning July 1, 2005, nine and one-half percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2006, six and one-quarter percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2007, three percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Any Beginning July 1, 2008, any moneys collected pursuant to this subparagraph subdivision that remain unexpended at the end of a fiscal year for establishment of permanent household hazardous waste collection sites shall be used for purposes of subparagraph subdivision (e)."

13. Page 13, by inserting after line 2 the following:

"Sec.____. EFFECTIVE DATE. Section 101 of this Act, providing for the allocation of moneys to the Iowa shorthorn association, and section 201 of this Act, relating to a stormwater discharge permit fees appropriation, being deemed of immediate importance, take effect upon enactment."

14. Title Page, line 3, by striking the words "natural resources and providing fees" and inserting the following:

"natural resources, providing fees, and providing an effective date".

15. By renumbering as necessary.

On the part of the House:

BETTY DE BOEF, Chairperson
JACK DRAKE
J. SCOTT RAECKER

On the part of the Senate:

JEFF ANGELO, Co-Chairperson
ROBERT E. DVORSKY
E. THURMAN GASKILL
DAVID JOHNSON

The motion prevailed and the conference committee report was adopted.

De Boef of Keokuk 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. 2540)

The ayes were, 62:

- | | | | |
|------------------|------------------|------------|------------------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Carroll |
| Chambers | Dandekar | Davitt | De Boef |
| Dix | Dolecheck | Drake | Eichhorn |
| Elgin | Ford | Freeman | Gipp |
| Granzow | Greiner | Heaton | Hoffman |
| Hogg | Horbach | Huseman | Huser |
| Hutter | Jacobs | Jenkins | Kaufmann |
| Kressig | Kuhn | Kurtenbach | Lalk |
| Lukan | Maddox | May | Miller |
| Murphy | 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 | Wendt |
| Wilderdyke | Mr. Speaker | | |
| | Rants | | |

The nays were, 32:

Bukta	Cphoon	Foege	Frevrt
Gaskill	Heddens	Jacoby	Jochum
Lykam	Mascher	McCarthy	Mertz
Oldson	Olson, D.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 2540** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 2734**, 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 department 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, and moved that the House concur in the following Senate amendment H-8650:

H-8650

- 1 Amend House File 2734, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "elderly" the following: "only if the monthly cost
- 5 per client for case management for the frail elderly
- 6 services provided does not exceed an average of \$70".
- 7 2. Page 1, line 23, by striking the figure
- 8 "3,627,645" and inserting the following: "4,262,660".
- 9 3. Page 1, line 34, by striking the figure

10 "2,153,208" and inserting the following: "2,788,223".

11 4. Page 2, line 1, by striking the figure
12 "750,000" and inserting the following: "1,385,015".

13 5. Page 2, line 10, by inserting after the word
14 "exceed" the following: "an average of".

15 6. Page 2, line 14, by inserting after the word
16 "individuals." the following: "Notwithstanding any
17 provision to the contrary, any savings realized in
18 case management for the frail elderly that is not
19 provided under the medical assistance elderly waiver
20 shall be used for services for the frail elderly which
21 may include substitute decision-making services
22 pursuant to chapter 231E."

23 7. Page 3, line 19, by striking the figure
24 "2,341,264" and inserting the following: "2,361,264".

25 8. Page 3, line 20, by striking the figure "7.60"
26 and inserting the following: "8.60".

27 9. Page 4, by inserting after line 6 the
28 following:

29 "Of the funds appropriated in this subsection,
30 \$20,000 shall be used to implement a pilot
31 demonstration project, in cooperation with the
32 department of human services and the department of
33 elder affairs, that utilizes a web-based system to
34 allow a common intake, case management, and referral
35 system and provides linkages with existing software
36 programs at minimal cost to the agencies involved."

37 10. Page 4, line 11, by striking the figure
38 "1,792,840" and inserting the following: "1,742,840".

39 11. Page 4, line 12, by striking the figure
40 "2.35" and inserting the following: "3.75".

41 12. Page 4, line 17, by striking the figure
42 "170,000" and inserting the following: "120,000".

43 13. Page 4, line 33, by striking the figure
44 "300,000" and inserting the following: "159,700".

45 14. Page 4, line 35, by inserting after the word
46 "Iowa" the following: "and \$140,300 is allocated for
47 an initiative at the state mental health institute at
48 Cherokee".

49 15. Page 5, line 1, by striking the word
50 "initiative" and inserting the following:

Page 2

1 "initiatives".

2 16. Page 5, line 6, by striking the word
3 "initiative" and inserting the following:
4 "initiatives".

5 17. Page 5, line 8, by striking the word
6 "initiative" and inserting the following:
7 "initiatives".

8 18. Page 5, by striking lines 21 through 24 and

9 inserting the following: "for counties not receiving
10 federal funding for this purpose, \$80,000 is allocated
11 to implement blood lead testing pursuant to section
12 135.105A, as enacted in this Act, \$50,000 is allocated
13 to continue the".

14 19. Page 5, by striking lines 29 and 30 and
15 inserting the following: "department shall select at
16 least two local childhood lead poisoning programs to
17 receive the amount allocated for lead hazard".

18 20. Page 6, line 17, by striking the figure
19 "7,891,473" and inserting the following: "7,941,473".

20 21. Page 6, line 18, by striking the figure
21 "112.80" and inserting the following: "113.80".

22 22. Page 6, by striking lines 22 through 24 and
23 inserting the following:

24 "Of the funds appropriated in this subsection,
25 \$50,000 is allocated for increased costs of the office
26 of the state medical examiner laboratory."

27 23. Page 10, line 15, by striking the figure
28 "17,827,536" and inserting the following:
29 "17,128,861".

30 24. Page 10, by inserting after line 15 the
31 following:

32 "2A. To be used for the family development and
33 self-sufficiency grant program as provided under
34 section 217.12 and this division of this Act:
35 \$ 2,698,675"

36 25. Page 10, line 17, by striking the figure
37 "17,557,495" and inserting the following:
38 "17,707,495".

39 26. Page 10, by striking lines 18 through 20.
40 27. Page 12, by striking lines 20 through 22.

41 28. Page 13, line 28, by striking the figure
42 "5,433,042" and inserting the following: "5,283,042".

43 29. Page 14, by inserting after line 20 the
44 following:

45 "d. For the JOBS program:
46 \$ 23,968,620

47 Of the funds allocated in this lettered paragraph,
48 \$2,000,000 shall be used to maintain the mileage
49 reimbursement rate for the JOBS program at the same
50 rate used for the Medicaid program during the fiscal

Page 3

1 year."

2 30. Page 14, line 32, by inserting after the word
3 "investment," the following: "JOBS, family
4 development and self-sufficiency grant,".

5 31. Page 15, line 8, by striking the figure
6 "42,874,885" and inserting the following:
7 "42,599,885".

8 32. Page 15, line 9, by striking the figure
9 "9,274,134" and inserting the following: "6,839,767".
10 33. Page 15, by inserting after line 10 the
11 following:
12 "1A. Of the funds appropriated in this section,
13 \$2,584,367 is allocated for the family development and
14 self-sufficiency grant program as provided under
15 section 217.12 and this division of this Act."
16 34. Page 15, by striking lines 21 through 25.
17 35. Page 15, by striking line 26 and inserting
18 the following:
19 "4. Notwithstanding section 8.39, for the".
20 36. Page 16, line 16, by inserting after the word
21 "purposes." the following: "The department shall
22 report any transfers made pursuant to this subsection
23 to the legislative services agency."
24 37. Page 17, line 18, by striking the figure
25 "708,121,610" and inserting the following:
26 "652,311,610".
27 38. By striking page 19, line 35, through page
28 20, line 7, and inserting the following:
29 " _____. The department shall apply to the centers
30 for Medicare and Medicaid services of the United
31 States department of health and human services to
32 participate in the Medicaid transformation grants
33 program as specified in section 6081 of the federal
34 Deficit Reduction Act of 2005, Pub. L. No. 109-171,
35 for adoption of innovative methods to improve the
36 effectiveness and efficiency in providing medical
37 assistance. The innovative methods may include but
38 are not limited to the use of electronic health
39 records and personal health records by health care
40 professionals and consumers to address the health
41 needs specific to populations including but not
42 limited to persons with brain injury, persons with
43 dual diagnoses of mental illness and mental
44 retardation or substance abuse and mental illness, and
45 children with chronic conditions; the use of
46 diagnostic techniques that promote the early diagnosis
47 and treatment of chronic disease in adults including
48 physical and mental health, hepatitis, behavioral
49 health, and cancer; and review of the physical and
50 mental health status of the medical assistance

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1 population to more effectively integrate and determine
2 public health strategies and interventions to reduce
3 the incidence of preventable diseases and chronic
4 conditions in the medical assistance population
5 including but not limited to those related to obesity
6 and nutrition, smoking, and diabetes. The department

7 shall submit a draft of the application to the medical
 8 assistance projections and assessment council for
 9 approval as expeditiously as possible, prior to
 10 submission to the centers for Medicare and Medicaid
 11 services of the United States department of health and
 12 human services. Any grant for which application is
 13 made under this subsection shall not require state
 14 matching funds. Any federal funding received shall be
 15 used in coordination with the purposes of the account
 16 for health care transformation pursuant to section
 17 252J.23 and shall be integrated with the IowaCare
 18 program pursuant to chapter 252J."

19 39. Page 20, by inserting after line 17 the
 20 following:

21 " _____. The department shall submit a medical
 22 assistance state plan amendment to the centers for
 23 Medicare and Medicaid services of the United States
 24 department of health and human services that is in
 25 substantially the form of the draft submitted by
 26 letter dated March 1, 2006, and published on the
 27 department website. The department shall adopt
 28 emergency rules effective July 1, 2006, to implement
 29 the state plan amendment.

30 _____. The department shall review the impact of the
 31 federal Deficit Reduction Act of 2005, Pub. L. No.
 32 109-171, on the state's medical assistance program
 33 reimbursement policy for multiple source prescription
 34 drug products and the Act's impact on participating
 35 pharmacies. The department shall submit a report,
 36 including recommendations relating to adjustments to
 37 the medical assistance program pharmacy dispensing
 38 fee, to the governor and the general assembly no later
 39 than January 1, 2007."

40 40. Page 22, line 31, by inserting after the
 41 figure "237A.26." the following: "A list of the
 42 registered and licensed child care facilities
 43 operating in the area served by a child care resource
 44 and referral service shall be made available to the
 45 families receiving state child care assistance in that
 46 area."

47 41. Page 23, by striking lines 20 through 29 and
 48 inserting the following: "is transferred to the Iowa
 49 empowerment fund to be used for professional
 50 development for the system of early care, health, and

Page 5

1 education."

2 42. Page 24, by striking lines 18 through 20 and
 3 inserting the following: "the study group shall be
 4 provided by the department of human services. The
 5 study group membership shall also include but is".

6 43. Page 24, line 26, by inserting after the word
7 "services," the following: "a representative of the
8 division of criminal and juvenile justice planning of
9 the department of human rights,".

10 44. Page 24, line 35, by striking the figure
11 "10,623,148" and inserting the following:
12 "10,608,148".

13 45. Page 25, line 3, by striking the figure
14 "40,000" and inserting the following: "25,000".

15 46. Page 25, line 18, by striking the figure
16 "80,715,373" and inserting the following:
17 "80,945,373".

18 47. Page 27, by striking lines 8 through 11 and
19 inserting the following:

20 "Notwithstanding section 234.35 or any other
21 provision of law to the contrary, for the fiscal year
22 beginning July 1, 2006, state funding for shelter care
23 shall be limited to the amount necessary to fund 273
24 beds that are guaranteed and seven beds that are not
25 guaranteed. The department shall submit an emergency
26 services plan by December 15, 2006, to the persons
27 designated by this division of this Act to receive
28 reports. The plan shall identify crisis intervention
29 and emergency services alternatives to shelter care
30 and shall specify the numbers of shelter beds that are
31 guaranteed and not guaranteed, as determined necessary
32 by the department."

33 48. Page 30, line 31, by inserting after the word
34 "'a'" the following: "and the juveniles' families".

35 49. Page 31, by inserting after line 22 the
36 following:

37 "____. Of the funds appropriated in this section,
38 \$230,000 shall be used for a grant to a nonprofit
39 human services organization providing services to
40 individuals and families in multiple locations in
41 southwest Iowa and Nebraska for support of a project
42 providing immediate, sensitive support and forensic
43 interviews, medical exams, needs assessments and
44 referrals for victims of child abuse and their
45 nonoffending family members."

46 50. Page 32, line 32, by inserting after the
47 figure "196,000" the following: "in the latest
48 preceding certified federal census".

49 51. Page 34, line 34, by striking the figure
50 "5,979,344" and inserting the following: "6,179,344".

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1 52. Page 35, line 16, by striking the figure
2 "1,071,074" and inserting the following: "1,046,074".

3 53. Page 37, line 6, by striking the figure
4 "10,586,619" and inserting the following:

5 "12,286,619".

6 54. Page 37, line 28, by striking the figure

7 "17,757,890" and inserting the following:

8 "18,017,890".

9 55. Page 39, by inserting after line 3 the

10 following:

11 "6. Of the funds appropriated in this section,

12 \$260,000 is allocated to the department for

13 development of an assessment process for use beginning

14 in a subsequent fiscal year as authorized specifically

15 by a statute to be enacted in a subsequent fiscal

16 year, determining on a consistent basis the needs and

17 capacities of persons seeking or receiving mental

18 health, mental retardation, developmental

19 disabilities, or brain injury services that are paid

20 for in whole or in part by the state or a county. The

21 assessment process shall be developed with the

22 involvement of counties and the mental health, mental

23 retardation, developmental disabilities, and brain

24 injury commission."

25 56. Page 40, line 15, by striking the figure

26 "14,028,679" and inserting the following:

27 "14,528,679".

28 57. Page 40, line 16, by striking the figure

29 "309.00" and inserting the following: "311.00".

30 58. Page 40, by inserting after line 25 the

31 following:

32 "3. Of the funds appropriated in this section,

33 \$500,000 is allocated for salary and technical

34 assistance expenses for the department to reestablish

35 a separate division to which the appropriate

36 departmental duties addressing mental health, mental

37 retardation, developmental disabilities, and brain

38 injury services shall be assigned."

39 59. Page 41, line 34, by inserting after the word

40 "The" the following: "skilled nursing facility market

41 basket".

42 60. Page 47, by inserting after line 22 the

43 following:

44 "Sec.____. LOW-INCOME HOME ENERGY ASSISTANCE

45 PROGRAM – SUPPLEMENTAL APPROPRIATION.

46 1. There is appropriated from the general fund of

47 the state to the division of community action agencies

48 of the department of human rights for the fiscal year

49 beginning July 1, 2005, and ending June 30, 2006, the

50 following amount, or so much thereof as is necessary,

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1 to be used for the purpose designated:

2 For supplementation of the appropriation made for

3 the low-income home energy assistance program made in

4 2005 Iowa Acts, chapter 164, section 10:
5 \$ 3,000,000

6 2. Of the moneys appropriated in this section,
7 \$150,000 shall not be expended in the fiscal year for
8 which appropriated, but shall be transferred in the
9 succeeding fiscal year to the department of human
10 services to be used for the family development and
11 self-sufficiency grant program. Notwithstanding
12 section 8.33, moneys appropriated in this section that
13 remain unencumbered or unobligated at the close of the
14 fiscal year shall not revert but shall remain
15 available for expenditure for the purposes designated
16 until the close of the succeeding fiscal year.

17 3. The legislative council is requested to
18 authorize a review of the low-income home energy
19 assistance program and weatherization program by the
20 fiscal committee of the legislative council or other
21 body during the 2006 legislative interim. The issues
22 reviewed shall include but are not limited to
23 financial assistance, the application and intake
24 processes, and the community action agencies
25 assessment and resolution proposal. The review shall
26 also include involving the department of human
27 services in the administration of the programs to
28 enable low-income persons to access additional
29 assistance programs through a single location."

30 61. Page 47, by inserting before line 23 the
31 following:

32 "Sec. _____. Section 16.183, subsections 1 and 3,
33 Code 2005, are amended to read as follows:

34 1. A home and community-based services revolving
35 loan program fund is created within the authority to
36 further the goals specified in section 231.3, adult
37 day services, respite services, ~~and~~ congregate meals,
38 health and wellness, health screening, and nutritional
39 assessments. The moneys in the home and
40 community-based services revolving loan program fund
41 shall be used by the authority for the development and
42 operation of a revolving loan program to develop and
43 expand facilities and infrastructure that provide
44 adult day services, respite services, ~~and~~ congregate
45 meals, and programming space for health and wellness,
46 health screening, and nutritional assessments that
47 address the needs of persons with low incomes.

48 3. The authority, in cooperation with the
49 department of elder affairs, shall annually allocate
50 moneys available in the home and community-based

3 adult day services, respite services, and congregate
 4 meals, and programming space for health and wellness,
 5 health screening, and nutritional assessments that
 6 address the needs of persons with low incomes."

7 62. Page 48, by inserting after line 35 the
 8 following:

9 "Sec. _____. 2005 Iowa Acts, chapter 175, section 9,
 10 unnumbered paragraph 2, is amended to read as follows:

11 For medical assistance reimbursement and associated
 12 costs as specifically provided in the reimbursement
 13 methodologies in effect on June 30, 2005, except as
 14 otherwise expressly authorized by law, including
 15 reimbursement for abortion services, which shall be
 16 available under the medical assistance program only
 17 for those abortions which are medically necessary:

18 \$519,040,317
 19 538,040,317"

20 63. Page 50, by striking lines 23 through 32 and
 21 inserting the following:

22 "Sec. _____. 2005 Iowa Acts, chapter 175, section
 23 22, is amended by adding the following new subsection:

24 NEW SUBSECTION. 2A. a. Notwithstanding sections
 25 8.33 and 222.92, of the revenues available to the
 26 state resource centers that remain unencumbered or
 27 unobligated at the close of the fiscal year the
 28 indicated amounts shall not revert but shall remain
 29 available for expenditure for the purposes designated
 30 until the close of the succeeding fiscal year:

31 (1) For the state resource center at Glenwood,
 32 \$1,250,000.

33 (2) For the state resource center at Woodward,
 34 \$750,000.

35 b. Of the amounts designated in paragraph "a",
 36 \$250,000 at each resource center shall be used to
 37 continue the procurement and installation of the
 38 electronic medical records system initiated in the
 39 fiscal year beginning July 1, 2005."

40 64. Page 50, line 35, by striking the figure
 41 "200,000" and inserting the following: "400,000".

42 65. Page 51, line 19, by striking the figure
 43 "167,042,326" and inserting the following:
 44 "168,156,999".

45 66. Page 51, line 35, by inserting after the
 46 words "adjust the" the following: "skilled nursing
 47 facility market basket".

48 67. Page 52, by inserting after line 3 the
 49 following:

50 "Sec. _____. 2005 Iowa Acts, chapter 175, section

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1 29, subsection 1, paragraph a, is amended by adding
2 the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) For the period of April 1,
4 2006, through June 30, 2006, the department shall
5 apply one-third of the skilled nursing facility market
6 basket index to the midpoint of the rate period
7 beginning July 1, 2005. The department may adopt
8 emergency rules to implement this subparagraph."

9 68. Page 52, by inserting before line 4 the
10 following:

11 "Sec.____. NONREVERSION – FY 2007-2008 BASE
12 BUDGET. For purposes of the budget process under
13 section 8.23 for the fiscal year beginning July 1,
14 2007, the base budget amounts for the appropriations
15 made to the department of human services for the
16 purposes designated in this division of this Act shall
17 be adjusted to include the amounts of the
18 appropriations made for the same purposes for the
19 fiscal year beginning July 1, 2005, that, pursuant to
20 this division of this Act, do not revert and remain
21 available for expenditure in the succeeding fiscal
22 year."

23 69. Page 52, by inserting after line 6 the
24 following:

25 "____. The provision under the appropriation for
26 medical assistance relating to the submission of a
27 medical assistance state plan amendment to the centers
28 for Medicare and Medicaid services of the United
29 States department of health and human services.

30 _____. The provision under the appropriation for
31 medical assistance relating to the directive to the
32 department of human services to apply for
33 participation in the Medicaid transformation grants
34 program as specified in the federal Deficit Reduction
35 Act of 2005."

36 70. Page 52, by inserting after line 11 the
37 following:

38 "1A. The provision enacting a supplemental
39 appropriation to the department of human rights for
40 purposes of the low-income home energy assistance
41 program."

42 71. Page 52, line 20, by striking the word
43 "provision" and inserting the following:
44 "provisions".

45 72. Page 53, by inserting after line 4 the
46 following:

47 "Sec.____. EFFECTIVE DATE – RETROACTIVE
48 APPLICABILITY. The provision of this division of this
49 Act amending 2005 Iowa Acts, chapter 175, section 29,
50 subsection 1, paragraph "a", by enacting new

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1 subparagraph (4), being deemed of immediate
2 importance, takes effect upon enactment and is
3 retroactively applicable to April 1, 2006."

4 73. Page 53, by inserting after line 6 the
5 following:

6 "ENDOWMENT FOR IOWA'S HEALTH ACCOUNT,"

7 74. Page 53, line 17, by inserting after the word
8 "including" the following: "case management only if
9 the monthly cost per client for case management for
10 the frail elderly services provided does not exceed an
11 average of \$70, and including".

12 75. Page 53, line 31, by inserting after the word
13 "exceed" the following: "an average of".

14 76. Page 54, line 33, by striking the figure
15 "40,000,000" and inserting the following:
16 "65,000,000".

17 77. Page 55, by inserting after line 23 the
18 following:

19 "Sec.____. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT –
20 SENIOR LIVING TRUST FUND. There is appropriated from
21 the endowment for Iowa's health account of the tobacco
22 settlement trust fund created in section 12E.12 to the
23 senior living trust fund created in section 249H.4 for
24 the fiscal year beginning July 1, 2006, and ending
25 June 30, 2007, the following amount:

26 \$ 25,000,000"

27 78. Page 57, line 25, by striking the figure
28 "37,000,000" and inserting the following:
29 "40,000,000".

30 79. Page 57, by inserting after line 25 the
31 following:

32 "Notwithstanding any provision of law to the
33 contrary, of the amount appropriated in this
34 subsection, \$37,000,000 shall be allocated in twelve
35 equal monthly payments as provided in section 249J.24.
36 Any amount appropriated in this subsection in excess
37 of \$37,000,000 shall be allocated only if federal
38 funds are available to match the amount allocated."

39 80. Page 59, by inserting after line 21 the
40 following:

41 "Notwithstanding section 8.39, subsection 1,
42 without the prior written consent and approval of the
43 governor and the director of the department of
44 management, the director of human services may
45 transfer funds among the appropriations made in this
46 section, as necessary to carry out the purposes of the
47 account for health care transformation. The
48 department shall report any transfers made pursuant to
49 this section to the legislative services agency."

50 81. Page 60, by inserting after line 23 the

1 following:

2 "Sec. _____. 2006 Iowa Acts, House File 2347,
3 section 5, is amended to read as follows:

4 SEC. 5. APPROPRIATION ~~TRANSFER~~ – HEALTH CARE

5 TRANSFORMATION ACCOUNT. There is ~~appropriated~~
6 ~~transferred~~ from the account for health care
7 transformation created in section 249J.23, to the
8 ~~department of human services IowaCare account created~~
9 in section 249J.24, \$2,000,000 for the fiscal year
10 beginning July 1, 2005, and ending June 30, 2006, the
11 following amount, or so much thereof as is necessary,
12 for the purposes designated:

13 For payments to the university of Iowa hospitals
14 and clinics for provision of services pursuant to and
15 for costs associated with chapter 249J:

16 \$ 2,000,000

17 Notwithstanding section 8.33, moneys appropriated
18 in this section that remain unencumbered or
19 unobligated at the close of the fiscal year shall not
20 revert, but shall remain available for expenditure for
21 the purposes designated until the close of the
22 succeeding fiscal year.

23 Sec. _____. 2005 Iowa Acts, chapter 167, section 63,
24 subsection 1, is amended to read as follows:

25 1. There is appropriated from the ~~IowaCare~~
26 IowaCare account created in section 249J.23 to the
27 university of Iowa hospitals and clinics 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 salaries, support, maintenance, equipment, and
32 miscellaneous purposes, for the provision of medical
33 and surgical treatment of indigent patients, for
34 provision of services to members of the expansion
35 population pursuant to chapter 249J, as enacted in
36 this Act, and for medical education:

37 \$ 27,284,584

38 37,862,932

39 Notwithstanding any provision of this Act to the
40 contrary, of the amount appropriated in this
41 subsection, \$27,284,584 shall be allocated in twelve
42 equal monthly payments as provided in section 249J.23,
43 as enacted in this Act. Any amount appropriated in
44 this subsection in excess of \$27,284,584 shall be
45 allocated only if federal funds are available to match
46 the amount allocated. Notwithstanding section 8.33,
47 moneys appropriated in this subsection that remain
48 unencumbered or unobligated at the close of the fiscal
49 year shall not revert, but shall remain available for
50 expenditure for the purposes designated until the

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1 close of the succeeding fiscal year."

2 82. Page 61, by inserting after line 9 the
3 following:

4 "____. The provision amending 2005 Iowa Acts,
5 chapter 167, section 63."

6 83. Page 61, by inserting after line 12 the
7 following:

8 "Sec.____. EFFECTIVE DATE – RETROACTIVE
9 APPLICABILITY. The section of this division of this
10 Act amending 2006 Iowa Acts, House File 2347, section
11 5, being deemed of immediate importance, takes effect
12 upon enactment and is retroactively applicable to
13 March 9, 2006."

14 84. Page 61, by inserting after line 18 the
15 following:

16 "Sec.____. 2005 Iowa Acts, chapter 179, section 1,
17 subsection 1, is amended to read as follows:

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

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

29 \$ 35,788,041
30 38,888,041"

31 85. Page 61, by striking lines 25 through 33 and
32 inserting the following:

33 "Sec.____. 2005 Iowa Acts, chapter 179, section 1,
34 subsection 2, paragraphs b and c, are amended to read
35 as follows:

36 b. For deposit in the per capita expenditure
37 target pool created in the property tax relief fund
38 and for distribution in accordance with section
39 426B.5, subsection 1:

40 \$ 19,361,148
41 24,461,148

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

45 \$ 2,000,000
46 0"

47 86. Page 62, line 14, by striking the figure
48 "25,925,724" and inserting the following:
49 "32,125,724".

50 87. Page 62, line 34, by inserting after the word

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1 "year." the following: "If a county borrowed moneys
2 for purposes of providing services from the county's
3 services fund on or before July 1, 2005, and the
4 county's services fund ending balance for that fiscal
5 year includes the loan proceeds or an amount
6 designated in the county budget to service the loan
7 for the borrowed moneys, those amounts shall not be
8 considered to be part of the county's ending balance
9 for purposes of calculating an ending balance
10 percentage under this subsection."

11 88. Page 63, line 22, by striking the figure
12 "4,564,576" and inserting the following: "7,664,576".

13 89. Page 64, by inserting after line 4 the
14 following:

15 "Sec.____. Section 135.2, Code 2005, is amended to
16 read as follows:

17 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

18 1. a. The governor shall appoint the director of
19 the department, subject to confirmation by the senate.
20 The director shall serve at the pleasure of the
21 governor. The director is exempt from the merit
22 system provisions of chapter 8A, subchapter IV. The
23 governor shall set the salary of the director within
24 the range established by the general assembly.

25 b. The director shall possess education and
26 experience in public health.

27 2. The director may appoint an employee of the
28 department to be acting director, who shall have all
29 the powers and duties possessed by the director. The
30 director may appoint more than one acting director but
31 only one acting director shall exercise the powers and
32 duties of the director at any time.

33 Sec.____. NEW SECTION. 135.12 OFFICE OF
34 MULTICULTURAL HEALTH – ESTABLISHED – DUTIES.

35 The office of multicultural health is established
36 within the department. The office shall be
37 responsible for all of the following:

38 1. Providing comprehensive management strategies
39 to address culturally and linguistically appropriate
40 services, including strategic goals, plans, policies,
41 and procedures, and designating staff responsible for
42 implementation.

43 2. Requiring and arranging for ongoing education
44 and training for administrative, clinical, and other
45 appropriate staff in culturally and linguistically
46 competent health care and service delivery.

47 3. Utilizing formal mechanisms for community and
48 consumer involvement and coordinating with other state
49 agencies to identify resources and programs that
50 affect the health service delivery systems.

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1 Sec. _____. Section 135.22A, subsection 3, Code
2 Supplement 2005, is amended to read as follows:
3 3. The council shall be composed of a minimum of
4 nine members appointed by the governor in addition to
5 the ex officio members, and the governor may appoint
6 additional members. Insofar as practicable, the
7 council shall include persons with brain injuries,
8 family members of persons with brain injuries,
9 representatives of industry, labor, business, and
10 agriculture, representatives of federal, state, and
11 local government, and representatives of religious,
12 charitable, fraternal, civic, educational, medical,
13 legal, veteran, welfare, and other professional groups
14 and organizations. Members shall be appointed
15 representing every geographic and employment area of
16 the state and shall include members of both sexes. A
17 simple majority of the members appointed by the
18 governor shall constitute a quorum.

19 Sec. _____. Section 135.63, subsection 2, paragraph
20 o, Code 2005, is amended to read as follows:

21 o. The change in ownership, licensure,
22 organizational structure, or designation of the type
23 of institutional health facility if the health
24 services offered by the successor institutional health
25 facility are unchanged. This exclusion is applicable
26 only if the institutional health facility consents to
27 the change in ownership, licensure, organizational
28 structure, or designation of the type of institutional
29 health facility and ceases offering the health
30 services simultaneously with the initiation of the
31 offering of health services by the successor
32 institutional health facility.

33 Sec. _____. **NEW SECTION.** 135.105D BLOOD LEAD
34 TESTING – PROVIDER EDUCATION – PAYOR OF LAST RESORT.

35 1. For purposes of this section:

36 a. "Blood lead testing" means taking a capillary
37 or venous sample of blood and sending it to a
38 laboratory to determine the level of lead in the
39 blood.

40 b. "Capillary" means a blood sample taken from the
41 finger or heel for lead analysis.

42 c. "Health care provider" means a physician who is
43 licensed under chapter 148, 150, or 150A, or a person
44 who is licensed as a physician assistant under chapter
45 148C, or as an advanced registered nurse practitioner.

46 d. "Venous" means a blood sample taken from a vein
47 in the arm for lead analysis.

48 2. The department shall work with health care
49 provider associations to educate health care providers
50 regarding requirements for testing children who are

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1 enrolled in certain federally funded programs and
2 regarding department recommendations for testing other
3 children for lead poisoning.

4 3. The department shall implement blood lead
5 testing for children under six years of age who are
6 not eligible for the testing services to be paid by a
7 third-party source. The department shall contract
8 with one or more public health laboratories to provide
9 blood lead analysis for such children. The department
10 shall establish by rule the procedures for health care
11 providers to submit samples to the contracted public
12 health laboratories for analysis. The department
13 shall also establish by rule a method to reimburse
14 health care providers for drawing blood samples from
15 such children and the dollar amount that the
16 department will reimburse health care providers for
17 the service. Payment for blood lead analysis and
18 drawing blood samples shall be limited to the amount
19 appropriated for the program in a fiscal year.

20 Sec.____. Section 135.109, subsection 3, paragraph
21 b, Code 2005, is amended to read as follows:

22 b. A licensed physician or nurse who is
23 knowledgeable concerning domestic abuse injuries and
24 deaths, including suicides.

25 Sec.____. Section 135.109, subsection 4, Code
26 2005, is amended by adding the following new
27 paragraph:

28 NEW PARAGRAPH. j. The director of the state law
29 enforcement academy.

30 Sec.____. Section 135.110, subsection 1, paragraph
31 a, unnumbered paragraph 1, Code 2005, is amended to
32 read as follows:

33 Prepare an annual a biennial report for the
34 governor, supreme court, attorney general, and the
35 general assembly concerning the following subjects:

36 Sec.____. Section 135.140, subsection 6, paragraph
37 a, Code Supplement 2005, is amended by adding the
38 following new subparagraphs:

39 NEW SUBPARAGRAPH. (6) A natural occurrence or
40 incident, including but not limited to fire, flood,
41 storm, drought, earthquake, tornado, or windstorm.

42 NEW SUBPARAGRAPH. (7) A man-made occurrence or
43 incident, including but not limited to an attack,
44 spill, or explosion.

45 Sec.____. Section 137.6, subsection 2, paragraph
46 a, Code 2005, is amended to read as follows:

47 a. Rules of a county board shall become effective
48 upon approval by the county board of supervisors by a
49 motion or resolution as defined in section 331.101,
50 subsection 13, and publication in a newspaper having

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1 general circulation in the county.

2 Sec. ____ NEW SECTION. 139A.13A ISOLATION OR
3 QUARANTINE – EMPLOYMENT PROTECTION.

4 1. An employer shall not discharge an employee, or
5 take or fail to take action regarding an employee's
6 promotion or proposed promotion, or take action to
7 reduce an employee's wages or benefits for actual time
8 worked, due to the compliance of an employee with a
9 quarantine or isolation order issued by the department
10 or a local board.

11 2. An employee whose employer violates this
12 section may petition the court for imposition of a
13 cease and desist order against the person's employer
14 and for reinstatement to the person's previous
15 position of employment. This section does not create
16 a private cause of action for relief of money damages.

17 Sec. ____ Section 147.82, subsection 3, Code
18 Supplement 2005, is amended to read as follows:

19 3. The department may annually retain and expend
20 not more than one hundred thousand dollars for
21 reduction of the number of days necessary to process
22 medical license requests and for reduction of the
23 number of days needed for consideration of malpractice
24 cases from fees collected pursuant to section 147.80
25 by the board of medical examiners ~~in the fiscal year~~
26 ~~beginning July 1, 2005, and ending June 30, 2006.~~
27 Fees retained by the department pursuant to this
28 subsection shall be considered repayment receipts as
29 defined in section 8.2 and shall be used for the
30 purposes described in this subsection.

31 Sec. ____ Section 147.153, subsection 3, Code
32 2005, is amended to read as follows:

33 3. Pass an examination administered as determined
34 by the board to assure the applicant's professional
35 competence in speech pathology or audiology by rule.

36 Sec. ____ Section 147.155, Code 2005, is amended
37 to read as follows:

38 147.155 TEMPORARY CLINICAL LICENSE.

39 Any person who has fulfilled all of the
40 requirements for licensure under this division, except
41 for having completed the nine months clinical
42 experience requirement as provided in section 147.153,
43 subsection 1 or 2, and the examination as provided in
44 section 147.153, subsection 3, may apply to the board
45 for a temporary clinical license. The license shall
46 be designated "temporary clinical license in speech
47 pathology" or "temporary clinical license in
48 audiology" and shall authorize the licensee to
49 practice speech pathology or audiology under the
50 supervision of a licensed speech pathologist or

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1 licensed audiologist, as appropriate. The license
2 shall be valid for one year and may be renewed once at
3 the discretion of the board. The fee for a temporary
4 clinical license shall be set by the board to cover
5 the administrative costs of issuing the license, and
6 if renewed, a renewal fee as set by the board shall be
7 required. A temporary clinical license shall be
8 issued only upon evidence satisfactory to the board
9 that the applicant will be supervised by a person
10 licensed as a speech pathologist or audiologist, as
11 appropriate. ~~The board shall revoke any temporary~~
12 ~~clinical license at any time it determines either that~~
13 ~~the work done by the temporary clinical licensee or~~
14 ~~the supervision being given the temporary clinical~~
15 ~~licensee does not conform to reasonable standards~~
16 ~~established by the board.~~

17 Sec.____. NEW SECTION. 147A.15 AUTOMATED
18 EXTERNAL DEFIBRILLATOR EQUIPMENT – PENALTY.

19 Any person who damages, wrongfully takes or
20 withholds, or removes any component of automated
21 external defibrillator equipment located in a public
22 or privately owned location, including batteries
23 installed to operate the equipment, is guilty of a
24 serious misdemeanor.

25 Sec.____. Section 148.2, subsection 5, Code 2005,
26 is amended to read as follows:

27 5. Physicians and surgeons of the United States
28 army, navy, ~~or air force, marines,~~ public health
29 service, ~~or other uniformed service~~ when acting in the
30 line of duty in this state, and holding a current,
31 active permanent license in good standing in another
32 state, district, or territory of the United States, or
33 physicians and surgeons licensed in another state,
34 when incidentally called into this state in
35 consultation with a physician and surgeon licensed in
36 this state.

37 Sec.____. Section 149.3, Code 2005, is amended to
38 read as follows:

39 149.3 LICENSE.

40 Every applicant for a license to practice podiatry
41 shall:

42 1. Be a graduate of an accredited high school of
43 podiatry.

44 2. Present ~~a diploma~~ an official transcript issued
45 by a school of podiatry approved by the board of
46 podiatry examiners.

47 3. Pass an examination ~~in the subjects of anatomy,~~
48 ~~chemistry, dermatology, diagnosis, pharmacy and~~
49 ~~materia medica, pathology, physiology, histology,~~
50 ~~bacteriology, neurology, practical and clinical~~

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1 podiatry, foot orthopedics, and others, as prescribed
2 by the board of podiatry examiners as determined by
3 the board by rule.

4 4. Have successfully completed a one-year
5 residency or preceptorship approved by the board of
6 podiatry examiners as determined by the board by rule

7 This subsection applies to all applicants who graduate
8 from podiatric college on or after January 1, 1995.

9 Sec. _____. Section 149.7, unnumbered paragraph 2,
10 Code 2005, is amended to read as follows:

11 The temporary certificate shall be issued for one
12 year and may be renewed, but a person shall not be
13 entitled to practice podiatry in excess of three years
14 while holding a temporary certificate. The fee for
15 this certificate shall be set by the podiatry
16 examiners and if extended beyond one year a renewal
17 fee per year shall be set by the podiatry examiners.

18 The fees shall be based on the administrative costs of
19 issuing and renewing the certificates. ~~The podiatry~~
20 ~~examiners may cancel a temporary certificate at any~~
21 ~~time, without a hearing, for reasons deemed sufficient~~
22 ~~to the podiatry examiners.~~

23 Sec. _____. Section 149.7, unnumbered paragraphs 3
24 and 4, Code 2005, are amended by striking the
25 unnumbered paragraphs.

26 Sec. _____. Section 151.12, Code 2005, is amended to
27 read as follows:

28 151.12 TEMPORARY CERTIFICATE.

29 The chiropractic examiners may, in their
30 discretion, issue a temporary certificate authorizing
31 the licensee to practice chiropractic if, in the
32 opinion of the chiropractic examiners, a need exists
33 and the person possesses the qualifications prescribed
34 by the chiropractic examiners for the license, which
35 shall be substantially equivalent to those required
36 for licensure under this chapter. The chiropractic
37 examiners shall determine in each instance those
38 eligible for this license, whether or not examinations
39 shall be given, and the type of examinations, and the
40 duration of the license. No requirements of the law
41 pertaining to regular permanent licensure are
42 mandatory for this temporary license except as
43 specifically designated by the chiropractic examiners.
44 The granting of a temporary license does not in any
45 way indicate that the person so licensed is eligible
46 for regular licensure, nor are the chiropractic
47 examiners in any way obligated to so license the
48 person.

49 The temporary certificate shall be issued for one
50 year and at the discretion of the chiropractic

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1 examiners may be renewed, but a person shall not
2 practice chiropractic in excess of three years while
3 holding a temporary certificate. The fee for this
4 license shall be set by the chiropractic examiners and
5 if extended beyond one year a renewal fee per year
6 shall be set by the chiropractic examiners. The fees
7 fee for the temporary license shall be based on the
8 administrative costs of issuing and renewing the
9 licenses. ~~The chiropractic examiners may cancel a~~
10 ~~temporary certificate at any time, without a hearing,~~
11 ~~for reasons deemed sufficient to the chiropractic~~
12 ~~examiners.~~

13 ~~When the chiropractic examiners cancel a temporary~~
14 ~~certificate they shall promptly notify the licensee by~~
15 ~~registered mail, at the licensee's last named address,~~
16 ~~as reflected by the files of the chiropractic~~
17 ~~examiners, and the temporary certificate is terminated~~
18 ~~and of no further force and effect three days after~~
19 ~~the mailing of the notice to the licensee.~~

20 Sec. _____. Section 154.3, subsection 1, Code 2005,
21 is amended to read as follows:

22 1. Every applicant for a license to practice
23 optometry shall:

24 a. ~~Present satisfactory evidence of a preliminary~~
25 ~~education equivalent to at least four years study in~~
26 ~~an accredited high school or other secondary school.~~

27 Be a graduate of an accredited school of optometry.

28 b. ~~Present a diploma from an official transcript~~
29 ~~issued by an accredited school of optometry.~~

30 c. ~~Pass an examination prescribed by the optometry~~
31 ~~examiners in the subjects of physiology of the eye,~~
32 ~~optical physics, anatomy of the eye, ophthalmology,~~
33 ~~and practical optometry as determined by the board by~~
34 rule.

35 Sec. _____. Section 154B.6, subsection 3, Code 2005,
36 is amended to read as follows:

37 3. Have not failed the examination required in
38 subsection 2 within ~~the six months next~~ sixty days
39 preceding the date of the subsequent examination.

40 The examinations required in this section may, at
41 the discretion of the board, be waived for holders by
42 examination of licenses or certificates from states
43 whose requirements are substantially equivalent to
44 those of this chapter, and for holders by examination
45 of specialty diplomas from the American board of
46 professional psychology.

47 ~~Any person who within one year after July 1, 1975,~~
48 ~~meets the requirements specified in subsection 1 shall~~
49 ~~receive licensure without having passed the~~
50 ~~examination required in subsection 2 if application~~

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1 for licensure is filed with the board of psychology
2 examiners before July 1, 1977. Any person holding a
3 certificate as a psychologist from the board of
4 examiners of the Iowa psychological association on
5 July 1, 1977, who applies for certification before
6 July 1, 1975, shall receive certification.

7 Sec. _____. Section 154D.2, subsection 2, paragraph
8 b, Code Supplement 2005, is amended to read as
9 follows:

10 b. Has at least two years of supervised clinical
11 experience or its equivalent in assessing mental
12 health needs and problems and in providing appropriate
13 mental health services as approved by the board.
14 Standards for supervision, including the required
15 qualifications for supervisors, shall be determined by
16 the board by rule.

17 Sec. _____. NEW SECTION. 154E.3A TEMPORARY
18 LICENSE.

19 Beginning July 1, 2007, an individual who does not
20 meet the requirements for licensure by examination
21 pursuant to section 154E.3 may apply for or renew a
22 temporary license. The temporary license shall
23 authorize the licensee to practice as a sign language
24 interpreter or transliterator under the direct
25 supervision of a sign language interpreter or
26 transliterator licensed pursuant to section 154E.3.
27 The temporary license shall be valid for two years and
28 may only be renewed one time in accordance with
29 standards established by rule. An individual shall
30 not practice for more than a total of four years under
31 a temporary license. The board may revoke a temporary
32 license if it determines that the temporary licensee
33 has violated standards established by rule. The board
34 may adopt requirements for temporary licensure to
35 implement this section.

36 Sec. _____. Section 154E.4, subsection 2, Code
37 Supplement 2005, is amended by adding the following
38 new paragraph:

39 NEW PARAGRAPH. e. Students enrolled in a school
40 of interpreting may interpret only under the direct
41 supervision of a permanently licensed interpreter as
42 part of the student's course of study.

43 Sec. _____. Section 157.2, subsection 1, paragraph
44 e, Code Supplement 2005, is amended to read as
45 follows:

46 e. Employees ~~and residents~~ of hospitals, health
47 care facilities, orphans' homes, juvenile homes, and
48 other similar facilities who ~~shampoo, arrange, dress,~~
49 ~~or curl the hair of~~ perform cosmetology services for
50 any resident without receiving direct compensation

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1 from the person receiving the service.

2 Sec.____. Section 157.2, subsection 1, Code

3 Supplement 2005, is amended by adding the following
4 new paragraph:

5 NEW PARAGRAPH. ee. Volunteers for and residents
6 of health care facilities, orphans' homes, juvenile
7 homes, and other similar facilities who shampoo,
8 arrange, dress, or curl the hair, apply makeup, or
9 polish the nails of any resident without receiving
10 compensation from the person receiving the service.

11 Sec.____. Section 157.10, subsection 1, Code 2005,
12 is amended to read as follows:

13 1. The course of study required for licensure for
14 the practice of cosmetology shall be two thousand one
15 hundred clock hours, or seventy semester credit hours
16 or the equivalent thereof as determined pursuant to
17 administrative rule and regulations promulgated by the
18 United States department of education. The clock
19 hours, and equivalent number of semester credit hours
20 or the equivalent thereof as determined pursuant to
21 administrative rule and regulations promulgated by the
22 United States department of education, of a course of
23 study required for licensure for the practices of
24 electrology, esthetics, ~~and~~ nail technology,
25 manicuring, and pedicuring shall be established by the
26 board. The board shall adopt rules to define the
27 course and content of study for each practice of
28 cosmetology arts and sciences.

29 Sec.____. Section 157.13, subsection 1, Code
30 Supplement 2005, is amended by striking the subsection
31 and inserting in lieu thereof the following:

32 1. It is unlawful for a person to employ an
33 individual to practice cosmetology arts and sciences
34 unless that individual is licensed or has obtained a
35 temporary permit under this chapter. It is unlawful
36 for a licensee to practice with or without
37 compensation in any place other than a licensed salon,
38 a licensed school of cosmetology arts and sciences, or
39 a licensed barbershop as defined in section 158.1.

40 The following exceptions to this subsection shall
41 apply:

42 a. A licensee may practice at a location which is
43 not a licensed salon, school of cosmetology arts and
44 sciences, or licensed barbershop under extenuating
45 circumstances arising from physical or mental
46 disability or death of a customer.

47 b. Notwithstanding section 157.12, when the
48 licensee is employed by a physician and provides
49 cosmetology services at the place of practice of a
50 physician and is under the supervision of a physician

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1 licensed to practice pursuant to chapter 148, 150, or
2 150A.

3 c. When the practice occurs in a facility licensed
4 pursuant to chapter 135B or 135C.

5 Sec. _____. Section 157.13, Code Supplement 2005, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 1A. It is unlawful for a licensee
8 to claim to be a licensed barber, however a licensed
9 cosmetologist may work in a licensed barbershop. It
10 is unlawful for a person to employ a licensed
11 cosmetologist, esthetician, or electrologist to
12 perform the services described in section 157.3A if
13 the licensee has not received the additional training
14 and met the other requirements specified in section
15 157.3A."

16 90. Page 64, by inserting after line 34 the
17 following:

18 "Sec. _____. Section 237A.5, subsection 2, paragraph
19 a, subparagraph (1), Code 2005, is amended to read as
20 follows:

21 (1) "Person subject to ~~an evaluation~~ a record
22 check" means a person ~~who has committed a~~
23 ~~transgression and~~ who is described by any of the
24 following:

25 (a) The person is being considered for licensure
26 or registration or is registered or licensed under
27 this chapter.

28 (b) The person is being considered by a child care
29 facility for employment involving direct
30 responsibility for a child or with access to a child
31 when the child is alone or is employed with such
32 responsibilities.

33 (c) The person will reside or resides in a child
34 care facility.

35 (d) The person has applied for or receives public
36 funding for providing child care.

37 (e) The person will reside or resides in a child
38 care home that is not registered under this chapter
39 but that receives public funding for providing child
40 care.

41 Sec. _____. Section 237A.5, subsection 2, paragraph
42 a, Code 2005, is amended by adding the following new
43 subparagraph:

44 NEW SUBPARAGRAPH. (1A) "Person subject to an
45 evaluation" means a person subject to a record check
46 whose record indicates that the person has committed a
47 transgression.

48 Sec. _____. Section 237A.5, subsection 2, Code 2005,
49 is amended by adding the following new paragraph:

50 NEW PARAGRAPH. aa. If an individual person

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1 subject to a record check is being considered for
2 employment by a child care facility or child care
3 home, in lieu of requesting a record check to be
4 conducted by the department under paragraph "b", the
5 child care facility or child care home may access the
6 single contact repository established pursuant to
7 section 135C.33 as necessary to conduct a criminal and
8 child abuse record check of the individual. A copy of
9 the results of the record check conducted through the
10 single contact repository shall also be provided to
11 the department. If the record check indicates the
12 individual is a person subject to an evaluation, the
13 child care facility or child care home may request
14 that the department perform an evaluation as provided
15 in this subsection. Otherwise, the individual shall
16 not be employed by the child care facility or child
17 care home.

18 Sec. _____. Section 237A.5, subsection 2, paragraph
19 b, Code 2005, is amended to read as follows:

20 b. The Unless a record check has already been
21 conducted in accordance with paragraph "aa", the
22 department shall conduct a criminal and child abuse
23 record ~~checks check~~ in this state for a person who is
24 subject to a record check and may conduct ~~these checks~~
25 such a check in other states. In addition, the
26 department may conduct a dependent adult abuse, sex
27 offender registry, ~~and or~~ other public or civil
28 offense record ~~checks check~~ in this state or in other
29 states for a person who is subject to a record check.
30 If the department a record check performed pursuant to
31 this paragraph identifies an individual as a person
32 subject to an evaluation, an evaluation shall be
33 performed to determine whether prohibition of the
34 person's involvement with child care is warranted.
35 The evaluation shall be performed in accordance with
36 procedures adopted for this purpose by the department.
37 Prior to performing an evaluation, the department
38 shall notify the affected person, licensee,
39 registrant, or child care home applying for or
40 receiving public funding for providing child care,
41 that an evaluation will be conducted to determine
42 whether prohibition of the person's involvement with
43 child care is warranted."

44 91. Page 64, by inserting before line 35 the
45 following:

46 "Sec. _____. Section 249J.5, Code Supplement 2005,
47 is amended by adding the following new subsection:
48 NEW SUBSECTION. 9. Following initial enrollment,
49 an expansion population member shall reenroll annually
50 by the last day of the month preceding the month in

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1 which the expansion population member initially
2 enrolled. The department may provide a process for
3 automatic reenrollment of expansion population
4 members."

5 92. Page 65, by striking lines 2 through 17 and
6 inserting the following:

7 "a. ~~Beginning no later than March 1, 2006, within~~
8 ~~ninety days of enrollment in the expansion population,~~
9 ~~each~~ Each expansion population member who enrolls o
10 reenrolls in the expansion population on or after
11 January 31, 2007, shall participate, in conjunction
12 with receiving a single comprehensive medical
13 examination and completing a personal health
14 improvement plan, in a health risk assessment
15 coordinated by a health consortium representing
16 providers, consumers, and medical education
17 institutions. ~~An expansion population member who~~
18 ~~enrolls in the expansion population prior to March 1,~~
19 ~~2006, shall participate in the health risk assessment,~~
20 ~~receive the single comprehensive medical examination,~~
21 ~~and complete the personal health improvement plan by~~
22 ~~June 1, 2006.~~ The criteria for the health risk
23 assessment, the comprehensive medical examination, and
24 the personal health improvement plan shall be
25 developed and applied in a manner that takes into
26 consideration cultural variations that may exist
27 within the expansion population."

28 93. Page 65, by inserting after line 24 the
29 following:

30 "Sec. _____. Section 249J.6, subsection 2, Code
31 Supplement 2005, is amended by adding the following
32 new paragraphs:

33 NEW PARAGRAPH. d. Following completion of an
34 initial health risk assessment, comprehensive medical
35 examination, and personal health improvement plan, an
36 expansion population member may complete subsequent
37 assessments, examinations, or plans with the
38 recommendation and approval of a provider specified in
39 paragraph "c".

40 NEW PARAGRAPH. e. Refusal of an expansion
41 population member to participate in a health risk
42 assessment, comprehensive medical examination, or
43 personal health improvement plan shall not be a basis
44 for ineligibility for or disenrollment from the
45 expansion population.

46 Sec. _____. Section 249J.8, subsections 1 and 2,
47 Code Supplement 2005, are amended to read as follows:

48 1. Beginning July 1, 2005, each expansion
49 population member whose family income equals or
50 exceeds one hundred percent of the federal poverty

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1 level as defined by the most recently revised poverty
2 income guidelines published by the United States
3 department of health and human services shall pay a
4 monthly premium not to exceed one-twelfth of five
5 percent of the member's annual family income, and each
6 expansion population member whose family income is
7 less than one hundred percent of the federal poverty
8 level as defined by the most recently revised poverty
9 income guidelines published by the United States
10 department of health and human services shall pay a
11 monthly premium not to exceed one-twelfth of two
12 percent of the member's annual family income. All
13 premiums shall be paid on the last day of the month of
14 coverage. The department shall deduct the amount of
15 any monthly premiums paid by an expansion population
16 member for benefits under the healthy and well kids in
17 Iowa program when computing the amount of monthly
18 premiums owed under this subsection. An expansion
19 population member shall pay the monthly premium during
20 the entire period of the member's enrollment.
21 ~~However, regardless~~ Regardless of the length of
22 enrollment, the member is subject to payment of the
23 premium for a minimum of four consecutive months.
24 However, an expansion population member who complies
25 with the requirement of payment of the premium for a
26 minimum of four consecutive months during a
27 consecutive twelve-month period of enrollment shall be
28 deemed to have complied with this requirement for the
29 subsequent consecutive twelve-month period of
30 enrollment and shall only be subject to payment of the
31 monthly premium on a month-by-month basis. Timely
32 payment of premiums, including any arrearages accrued
33 from prior enrollment, is a condition of receiving any
34 expansion population services. Premiums collected
35 under this subsection shall be deposited in the
36 premiums subaccount of the account for health care
37 transformation created pursuant to section 249J.23.
38 An expansion population member shall also pay the same
39 copayments required of other adult recipients of
40 medical assistance.

41 2. The department may reduce the required out-of-
42 pocket expenditures for an individual expansion
43 population member based upon the member's increased
44 wellness activities such as smoking cessation or
45 compliance with the personal health improvement plan
46 completed by the member. The department shall also
47 waive the required out-of-pocket expenditures for an
48 individual expansion population member based upon a
49 hardship that would accrue from imposing such required
50 expenditures. Information regarding the premium

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1 payment obligation and the hardship exemption,
2 including the process by which a prospective enrollee
3 may apply for the hardship exemption, shall be
4 provided to a prospective enrollee at the time of
5 application. The prospective enrollee shall
6 acknowledge, in writing, receipt and understanding of
7 the information provided."

8 94. Page 65, by inserting after line 35 the
9 following:

10 "Sec. _____. Section 249J.24, subsections 1 and 6,
11 Code Supplement 2005, are amended to read as follows:

12 1. An IowaCare account is created in the state
13 treasury under the authority of the department of
14 human services. Moneys appropriated from the general
15 fund of the state to the account, moneys received as
16 federal financial participation funds under the
17 expansion population provisions of this chapter and
18 credited to the account, moneys received for
19 disproportionate share hospitals and credited to the
20 account, moneys received for graduate medical
21 education and credited to the account, proceeds
22 ~~transferred~~ distributed from the county treasurer as
23 specified in subsection 6, and moneys from any other
24 source credited to the account shall be deposited in
25 the account. Moneys deposited in or credited to the
26 account shall be used only as provided in
27 appropriations or distributions from the account for
28 the purposes specified in the appropriation or
29 distribution. Moneys in the account shall be
30 appropriated to the university of Iowa hospitals and
31 clinics, to a publicly owned acute care teaching
32 hospital located in a county with a population over
33 three hundred fifty thousand, and to the state
34 hospitals for persons with mental illness designated
35 pursuant to section 226.1 for the purposes provided in
36 the federal law making the funds available or as
37 specified in the state appropriation and shall be
38 distributed as determined by the department.

39 6. a. Notwithstanding any provision to the
40 contrary, ~~from each semiannual~~ for the collection of
41 taxes levied under section 347.7 for which the
42 collection is performed after July 1, 2005, the county
43 treasurer of a county with a population over three
44 hundred fifty thousand in which a publicly owned acute
45 care teaching hospital is located shall ~~transfer~~
46 distribute the proceeds collected pursuant to section
47 347.7 in a total amount of thirty-four million dollars
48 annually, which would otherwise be distributed to the
49 county hospital, to the treasurer of state for deposit
50 in the IowaCare account under this section as follows:

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1 (1) The first seventeen million dollars in
2 collections pursuant to section 347.7 between July 1
3 and December 31 annually shall be distributed to the
4 treasurer of state for deposit in the IowaCare account
5 and collections during this time period in excess of
6 seventeen million dollars shall be distributed to the
7 acute care teaching hospital identified in this
8 subsection.

9 (2) The first seventeen million dollars in
10 collections pursuant to section 347.7 between January
11 1 and June 30 annually shall be distributed to the
12 treasurer of state for deposit in the IowaCare account
13 and collections during this time period in excess of
14 seventeen million dollars shall be distributed to the
15 acute care teaching hospital identified in this
16 subsection.

17 b. The board of trustees of the acute care
18 teaching hospital identified in this subsection and
19 the department shall execute an agreement under
20 chapter 28E by July 1, 2005, and annually by July 1,
21 thereafter, to specify the requirements relative to
22 ~~transfer distribution~~ of the proceeds and the
23 distribution of moneys to the hospital from the
24 IowaCare account. The agreement shall include
25 provisions relating to exceptions to the deadline for
26 submission of clean claims as required pursuant to
27 section 249J.7 and provisions relating to data
28 reporting requirements regarding the expansion
29 population. The agreement may also include a
30 provision allowing such hospital to limit access to
31 such hospital by expansion population members based on
32 residency of the member, if such provision reflects
33 the policy of such hospital regarding indigent
34 patients existing on April 1, 2005, as adopted by its
35 board of hospital trustees pursuant to section 347.14,
36 subsection 4.

37 c. Notwithstanding the specified amount of
38 proceeds to be ~~transferred distributed~~ under this
39 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 distributed~~ under this
49 subsection in that subsequent fiscal year shall be
50 reduced in the same amount as the amount allocated

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1 that does not require federal matching funds under
2 that appropriation."

3 95. Page 66, by inserting after line 10 the
4 following:

5 "Sec. _____. Section 272C.1, subsection 6, Code
6 Supplement 2005, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. ad. The director of public health
9 in certifying emergency medical care providers and
10 emergency medical care services pursuant to chapter
11 147A.

12 Sec. _____. Section 691.6, Code Supplement 2005, is
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 8. To retain tissues, organs, and
15 bodily fluids as necessary to determine the cause and
16 manner of death or as deemed advisable by the state
17 medical examiner for medical or public health
18 investigation, teaching, or research. Tissues,
19 organs, and bodily fluids shall be properly disposed
20 of by following procedures and precautions for
21 handling biologic material and blood-borne pathogens
22 as established by rule.

23 Sec. _____. CHILD SUPPORT RECOVERY UNIT REPORT –
24 LIMITATION. If 2006 Iowa Acts, House File 2332, is
25 enacted, the section of the Act relating to the child
26 support recovery unit submitting a report on the
27 effects of the nonsupport provision under section
28 726.5, as amended in that Act, shall be limited in
29 scope to cases in which the child support recovery
30 unit is providing services pursuant to chapter 252B.

31 Sec. _____. 2004 Iowa Acts, chapter 1175, section
32 432, subsection 3, is amended to read as follows:

33 3. Applicants issued a temporary license pursuant
34 to this section shall pass a licensure examination
35 approved by the board on or before July 1, 2007, in
36 order to ~~remain licensed as an interpreter~~ qualify to
37 be licensed by examination."

38 96. Page 66, line 33, by inserting after the
39 figure "500,000," the following: "shall be credited
40 to the general fund of the state, and the remainder".

41 97. Page 67, by inserting after line 21 the
42 following:

43 "Sec. _____. Section 157.5A, Code 2005, is
44 repealed."

45 98. Page 67, by striking lines 22 through 24 and
46 inserting the following:

47 "Sec. _____. EFFECTIVE DATE. The provisions of this
48 division of this Act amending sections 249J.5, 249J.8,
49 249J.20, and 249J.24, being deemed of immediate
50 importance, take effect upon enactment.

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- 1 Sec.____. EFFECTIVE DATE – RETROACTIVE
 2 APPLICABILITY. The sections of this division of this
 3 Act amending section 249J.6, being deemed of immediate
 4 importance, take effect upon enactment and are
 5 retroactively applicable to March 1, 2006."
 6 99. Title page, line 4, by inserting after the
 7 word "home," the following: "the department of human
 8 rights,".
 9 100. Title page, line 7, by striking the words
 10 "providing effective dates" and inserting the
 11 following: "including effective, applicability, and
 12 retroactive applicability date provisions".
 13 101. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8650.

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. 2734)

The ayes were, 94:

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
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
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	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomonga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.

Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2399, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date.

MICHAEL E. MARSHALL, Secretary

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House Resolution 176.

ADOPTION OF HOUSE RESOLUTION 176

Alons of Sioux called up for consideration **House Resolution 176**, a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto, as follows:

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8642 filed by him from the floor.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-8651 filed by him from the floor.

On motion by Alons of Sioux the resolution was adopted.

The House stood at ease at 9:50 p.m., until the fall of the gavel.

The House resumed session at 11:13 p.m., Speaker pro tempore Carroll 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 May 3, 2006, adopted the conference committee report and passed House File 2540, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees.

MICHAEL E. MARSHALL, Secretary

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Speaker Rants and Majority Leader Gipp invited to the well of the House, for special recognition for members of the House who will be retiring or are a candidate for the Iowa Senate. Plaques were presented to the following:

Bill Dix, District 17	1997 – 2006
Jeff Elgin, District 37	2001 – 2006
Ed Fallon, District 66	1993 – 2006
Robert Hogg, District 38	2003 – 2006
G. Willard Jenkins, District 20	1997 – 2006
Gerald Jones, District 98	2001 – 2006
O. Gene Maddox, District 59	1993 – 2002 in the Senate
	2003 – 2006 in the House of Representatives

The House rose and expressed its appreciation.

House Speaker Christopher C. Rants, Majority Leader Chuck Gipp and Minority Leader Patrick Murphy were invited to the Speakers station for a special presentation.

Speaker pro tempore Carroll and Jacobs of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Eighty-first General Assembly.

The House rose and expressed its appreciation.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2798.

Regular Calendar

House File 2798, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable, was taken up for consideration.

Alons of Sioux offered the following amendment H-8652 filed by him from the floor and moved its adoption:

H-8652

- 1 Amend House File 2798 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 GOVERNMENT ACCOUNTABILITY
- 6 Section 1. NEW SECTION. 8F.1 PURPOSE.
- 7 This chapter is intended to create mechanisms to
- 8 most effectively and efficiently monitor the
- 9 utilization of public moneys by providing the greatest
- 10 possible accountability for the expenditure of public
- 11 moneys.
- 12 Sec. 2. NEW SECTION. 8F.2 DEFINITIONS.
- 13 As used in this chapter, unless the context
- 14 otherwise requires:
- 15 1. "Agency" means a unit of state government,
- 16 which is an authority, board, commission, committee,
- 17 council, department, examining board, or independent
- 18 agency as defined in section 7E.4, including but not
- 19 limited to each principal central department

20 enumerated in section 7E.5. However, "agency" does
21 not mean the Iowa public employees' retirement system
22 created under chapter 97B, the public broadcasting
23 division of the department of education created under
24 section 256.81, the statewide fire and police
25 retirement system created under chapter 411, or an
26 agricultural commodity promotion board subject to a
27 producer referendum.

28 2. "Compensation" means payment of, or agreement
29 to pay, any money, thing of value, or financial
30 benefit conferred in return for labor or services
31 rendered by an officer, employee, or other person plus
32 the value of benefits including but not limited to
33 casualty, disability, life, or health insurance, other
34 health or wellness benefits, vacations, holidays, and
35 sick leave, severance payments, retirement benefits,
36 and deferred compensation.

37 3. "Intergovernmental entity" means any separate
38 organization established in accordance with chapter
39 28E or established by any other agreement between an
40 agency and any other governmental entity, whether
41 federal, state, or local, and any department,
42 division, unit or subdivision thereof.

43 "Intergovernmental entity" does not include an
44 organization established or agreement made in
45 accordance with chapter 28E between state agencies.

46 4. "Oversight agency" means an agency that
47 contracts with and disburses state or federal moneys
48 to a recipient entity.

49 5. "Private agency" means an individual or any
50 form of business organization, including a nonprofit

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1 organization, authorized under the laws of this state
2 or any other state or under the laws of any foreign
3 jurisdiction.

4 6. "Recipient entity" means an intergovernmental
5 entity or a private agency that enters into a service
6 contract with an oversight agency to provide services
7 which will be paid for with local governmental, state,
8 or federal moneys.

9 7. "Service" or "services" means work performed
10 for an oversight agency or for its client.

11 8. a. "Service contract" means a contract for a
12 service or services when the predominant factor,
13 thrust, and purpose of the contract as reasonably
14 stated is for the provision of services. When there
15 is a contract for goods and services and the
16 predominant factor, thrust, and purpose of the
17 contract as reasonably stated is for the provision or
18 rendering of services with goods incidentally

19 involved, a service contract exists. "Service
20 contract" includes grants when the predominant factor,
21 thrust, and purpose of the contract formalizing the
22 grant is for the provision of services. For purposes
23 of this chapter, a service contract only exists when
24 an individual service contract or a series of service
25 contracts entered into between an oversight agency and
26 a recipient entity exceeds five hundred thousand
27 dollars or when the grant or contract together with
28 other grants or contracts awarded to the recipient
29 entity by the oversight agency during the oversight
30 agency's fiscal year exceeds five hundred thousand
31 dollars in the aggregate.

32 b. "Service contract" does not mean any of the
33 following:

34 (1) A contract that involves services related to
35 transportation or the construction, reconstruction,
36 improvement, repair, or maintenance of the
37 transportation system.

38 (2) A contract concerning the public safety peace
39 officers' retirement system created under chapter 97A,
40 the judicial retirement system governed by chapter
41 602, article 9, or the deferred compensation plan
42 established by the executive council pursuant to
43 section 509A.12.

44 (3) A contract for services provided for the
45 operation, construction, or maintenance of a public
46 utility, combined public utility, or a city enterprise
47 as defined by section 384.24.

48 (4) A contract for dual party relay service
49 required by section 477C.3 or for the equipment
50 distribution program established under the authority

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1 of section 477C.4.

2 (5) A contract for services provided from
3 resources made available under Title XVIII, XIX, or
4 XXI of the federal Social Security Act.

5 (6) A contract for a court-appointed attorney.

6 (7) A contract with a federally insured financial
7 institution that is subject to mandatory periodic
8 examinations by a state or federal regulator.

9 (8) Any allocation of state or federal moneys by
10 the department of education to subrecipients on a
11 formula or noncompetitive basis.

12 (9) A contract for services provided by a person
13 subject to regulation under Title XIII of the Code.

14 (10) A contract for vendor services.

15 (11) A contract concerning an entity that has
16 contracted with the state and is licensed and
17 regulated by the insurance division of the department

18 of commerce.

19 (12) A contract with outside counsel or special
20 counsel executed by the executive council pursuant to
21 section 13.3 or 13.7.

22 (13) A contract that is subject to competitive
23 bidding for the construction, reconstruction,
24 improvement, or repair of a public building or public
25 improvement.

26 9. "Vendor services" means services or goods
27 provided by a vendor that are required for the conduct
28 of a state or federal program for an organization's
29 own use or for the use of beneficiaries of the state
30 or federal program and which are ancillary to the
31 operation of the state or federal program under a
32 service contract and not otherwise subject to
33 compliance requirements of the state or federal
34 program. For purposes of this subsection, "vendor"
35 means a dealer, distributor, merchant, or other seller
36 which provides goods and services within normal
37 business operations, provides similar goods or
38 services to many different purchasers, and operates in
39 a competitive environment.

40 Sec. 3. NEW SECTION. 8F.3 CONTRACTUAL
41 REQUIREMENTS.

42 1. As a condition of entering into a service
43 contract with an oversight agency, a recipient entity
44 shall certify that the recipient has the following
45 information available for inspection by the oversight
46 agency and the legislative services agency:

47 a. Information documenting the legal status of the
48 recipient entity, such as agreements establishing the
49 entity pursuant to chapter 28E or other
50 intergovernmental agreements, articles of

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1 incorporation, bylaws, or any other information
2 related to the establishment or status of the entity.
3 In addition, the information shall indicate whether
4 the recipient entity is exempt from federal income
5 taxes under section 501(c), of the Internal Revenue
6 Code.

7 b. Information regarding the training and
8 education received by the members of the governing
9 body of the recipient entity relating to the duties
10 and legal responsibilities of the governing body.

11 c. Information regarding the procedures used by
12 the governing body of the recipient entity to do all
13 of the following:

14 (1) Review the performance of management employees
15 and establish the compensation of those employees.

16 (2) Review the recipient entity's internal

17 controls relating to accounting processes and
18 procedures.

19 (3) Review the recipient entity's compliance with
20 the laws, rules, regulations, and contractual
21 agreements applicable to its operations.

22 (4) Information regarding adopted ethical and
23 professional standards of operation for the governing
24 body and employees of the recipient entity and
25 information concerning the implementation of these
26 standards and the training of employees and members of
27 the governing body on the standards. The standards
28 shall include but not be limited to a nepotism policy
29 which shall provide, at a minimum, for disclosure of
30 familial relationships among employees and between
31 employees and members of the governing body, policies
32 regarding conflicts of interest, standards of
33 responsibility and obedience to law, fairness, and
34 honesty.

35 d. Information regarding any policies adopted by
36 the governing body of the recipient entity that
37 prohibit taking adverse employment action against
38 employees of the recipient entity who disclose
39 information about a service contract to the oversight
40 agency, the auditor of state, or the office of
41 citizens' aide and that state whether those policies
42 are substantially similar to the protection provided
43 to state employees under section 70A.28. The
44 information provided shall state whether employees of
45 the recipient entity are informed on a regular basis
46 of their rights to disclose information to the
47 oversight agency, the office of citizens' aide, the
48 auditor of state, or the office of the attorney
49 general and the telephone numbers of those
50 organizations.

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1 2. The certification required by this section
2 shall be signed by an officer and director of the
3 recipient entity, two directors of the recipient
4 entity, or the sole proprietor of the recipient
5 entity, whichever is applicable, and shall state that
6 the recipient entity is in full compliance with all
7 laws, rules, regulations, and contractual agreements
8 applicable to the recipient entity and the
9 requirements of this chapter.

10 3. Prior to entering into a service contract with
11 a recipient entity, the oversight agency shall
12 determine whether the recipient entity can reasonably
13 be expected to comply with the requirements of the
14 service contract. If the oversight entity is unable
15 to determine whether the recipient entity can

16 reasonably be expected to comply with the requirements
17 of the service contract, the oversight entity shall
18 request such information from the recipient entity as
19 described in subsection 1 to make a determination. If
20 the oversight agency determines from the information
21 provided that the recipient entity cannot reasonably
22 be expected to comply with the requirements of the
23 service contract, the oversight agency shall not enter
24 into the service contract.

25 Sec. 4. NEW SECTION. 8F.4 REPORTING
26 REQUIREMENTS.

27 1. a. As a condition of continuing to receive
28 state or federal moneys through an oversight agency
29 for a service contract, a recipient entity shall file
30 an annual report with the oversight agency and with
31 the legislative services agency within ten months
32 following the end of the recipient entity's fiscal
33 year.

34 b. However, the annual report shall not be
35 required to be filed under any of the following
36 circumstances:

37 (1) The recipient entity reports information
38 otherwise required to be included in an annual report
39 described in subsection 2 to the oversight agency
40 pursuant to federal or state statutes or rules. The
41 information otherwise required to be reported to the
42 oversight agency shall be filed with the legislative
43 services agency.

44 (2) The recipient entity is recognized by the
45 Internal Revenue Code as a nonprofit organization or
46 entity and provides a copy of the internal revenue
47 service form 990 for all fiscal years in which service
48 contract revenues are reported.

49 2. The annual report required to be filed pursuant
50 to this section shall contain the following:

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1 a. Financial information relative to the
2 expenditure of state and federal moneys for the prior
3 year pursuant to the service contract. The financial
4 information shall include but is not limited to budget
5 and actual revenue and expenditure information for the
6 year covered.

7 b. Financial information relating to service
8 contracts with the oversight agency during the
9 preceding year, including the costs by category to
10 provide the contracted services.

11 c. Reportable conditions in internal control or
12 material noncompliance with provisions of laws, rules,
13 regulations, or contractual agreements included in
14 external audit reports of the recipient entity

15 covering the preceding year.

16 d. Corrective action taken or planned by the
17 recipient entity in response to reportable conditions
18 in internal control or material noncompliance with
19 laws, rules, regulations, or contractual agreements
20 included in external audit reports covering the
21 preceding year.

22 e. Any changes in the information submitted in
23 accordance with section 8F.3.

24 f. A certification signed by an officer and
25 director of the recipient entity, two directors of the
26 recipient entity, or the sole proprietor of the
27 recipient entity, whichever is applicable, stating the
28 annual report is accurate and the recipient entity is
29 in full compliance with all laws, rules, regulations,
30 and contractual agreements applicable to the recipient
31 entity and the requirements of this chapter.

32 3. A recipient entity shall be required to submit
33 such information as requested by the oversight agency
34 or the legislative services agency relating to the
35 entity's expenditure of state and federal moneys.

36 Sec. 5. NEW SECTION. 8F.5 ENFORCEMENT.

37 Any service contract awarded to a recipient entity
38 shall provide that the oversight agency may terminate
39 the service contract if the recipient entity, during
40 the duration of the contract, fails to comply with the
41 requirements of this chapter. In addition, the
42 service contract shall provide a mechanism for the
43 forfeiture and recovery of state or federal funds
44 expended by a recipient entity in violation of the
45 laws applicable to the expenditure of the money or the
46 requirements of the service contract and this chapter.

47 Sec. 6. Section 8E.208, Code 2005, is amended by
48 adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. Performance measurement
50 is essential to ensuring adequate accountability over

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1 public resources and the exchange of public resources
2 for desirable and acceptable public benefits.
3 Performance measurement must include an assessment of
4 whether agencies have adequate control procedures in
5 place, and whether those control procedures are
6 operating effectively, to determine that agencies are
7 receiving or providing services of adequate quality,
8 public resources are being used effectively and
9 efficiently, and public resources are being used for
10 appropriate and meaningful activities.

11 Sec. 7. Section 28E.6, Code 2005, is amended to
12 read as follows:

13 28E.6 ADDITIONAL PROVISIONS.

14 1. If the agreement does not establish a separate
15 legal entity to conduct the joint or co-operative
16 undertaking, the agreement shall also include:

17 4. a. Provision for an administrator or a joint
18 board responsible for administering the joint or
19 co-operative undertaking. In the case of a joint
20 board, public agencies party to the agreement shall be
21 represented.

22 2. b. The manner of acquiring, holding and
23 disposing of real and personal property used in the
24 joint or co-operative undertaking.

25 2. The entity created or the administrator or
26 joint board specified in the agreement shall be a
27 governmental body for purposes of chapter 21 and a
28 government body for purposes of chapter 22 unless the
29 entity created or agreement includes public agencies
30 from more than one state.

31 3. All proceedings of each regular, adjourned, or
32 special meeting of the entity created or the
33 administrator or joint board specified in the
34 agreement, including the schedule of bills allowed,
35 shall be published after adjournment of the meeting in
36 a newspaper of general circulation within the
37 geographic area served by the entity created or the
38 administrator or joint board specified in the
39 agreement. The entity created or the administrator or
40 joint board specified in the agreement shall furnish a
41 copy of the proceedings to be published to the
42 newspaper within one week following adjournment of the
43 meeting. The publication of the schedule of bills
44 allowed shall include a list of all salaries paid for
45 services performed, showing the name of the person or
46 firm performing the service and the amount paid.
47 However, the names and gross salaries of persons
48 regularly employed by the entity created or the
49 administrator or joint board specified in the
50 agreement shall only be published annually. This

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1 subsection shall not apply if the entity or the
2 administrator or joint board specified in the
3 agreement includes public agencies from more than one
4 state.

5 Sec. 8. ELECTRONIC SUBMISSION OF CONTRACTS –
6 REPORT. The department of administrative services
7 shall submit a report concerning steps necessary to
8 provide for the electronic submission and retention of
9 contracts by the department. The department shall
10 submit the report, with its findings and
11 recommendations, to the general assembly by December
12 1, 2006. The report shall identify any costs

13 associated with implementing the recommendations of
14 the report.

15 Sec. 9. IMPLEMENTATION PROVISION.

16 1. This division of this Act applies to service
17 contracts entered into or renewed by an oversight
18 agency, as those terms are defined in section 8F.2 as
19 created in this division of this Act, on or after
20 October 1, 2006.

21 2. The section of this division of this Act
22 amending Code section 28E.6 is applicable on or after
23 July 1, 2006.

24 DIVISION II

25 AUDITOR OF STATE DUTIES

26 Sec. 10. Section 11.36, Code 2005, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

30 1. The auditor of state may, at the request of a
31 department, review, during normal business hours upon
32 reasonable notice of at least twenty-four hours, the
33 audit working papers prepared by a certified public
34 accountant covering the receipt and expenditure of
35 state or federal funds provided by the department to
36 any other entity to determine if the receipt and
37 expenditure of those funds by the entity is consistent
38 with the laws, rules, regulations, and contractual
39 agreements governing those funds. Upon completion of
40 the review, the auditor of state shall report whether,
41 in the auditor of state's judgment, the auditor of
42 state believes the certified public accountant's
43 working papers adequately demonstrate that the laws,
44 rules, regulations, and contractual agreements
45 governing the funds have been substantially complied
46 with. If the auditor of state does not believe the
47 certified public accountant's working papers
48 adequately demonstrate that the laws, rules,
49 regulations, and contractual agreements have been
50 substantially complied with or believes a complete or

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1 partial reaudit is necessary based on the provisions
2 of section 11.6, subsection 4, paragraph "a", or "b",
3 the auditor of state shall notify the certified public
4 accountant and the department of the actions the
5 auditor of state believes are necessary to determine
6 that the entity is in substantial compliance with
7 those laws, rules, regulations, and contractual
8 agreements. The auditor of state may assist
9 departments with actions to determine that the entity
10 is in substantial compliance. Departments shall
11 reimburse the auditor of state for the cost of the

12 review and any subsequent assistance provided by the
13 auditor of state.

14 2. The auditor of state may, at the request of a
15 department, review the records covering the receipt
16 and expenditure of state or federal funds provided by
17 the department to any other entity which has not been
18 audited by a certified public accountant to determine
19 if the receipt and expenditure of those funds by the
20 entity is consistent with the laws, rules,
21 regulations, and contractual agreements governing
22 those funds. Upon completion of the review, the
23 auditor of state shall report whether, in the auditor
24 of state's judgment, the auditor of state believes the
25 entity adequately demonstrated that the laws, rules,
26 regulations, and contractual agreements governing the
27 funds have been substantially complied with. If the
28 auditor of state does not believe the entity
29 adequately demonstrated that the laws, rules,
30 regulations, and contractual agreements have been
31 substantially complied with, the auditor of state
32 shall notify the department of the actions the auditor
33 of state believes are necessary to determine that the
34 entity is in substantial compliance with those laws,
35 rules, regulations, and contractual agreements. The
36 auditor of state may assist a department with actions
37 to determine that the entity is in substantial
38 compliance. Departments shall reimburse the auditor
39 of state for the cost of the review and any subsequent
40 assistance provided by the auditor of state.

41 3. When, in the auditor of state's judgment, the
42 auditor of state finds that sufficient information is
43 available to demonstrate that an entity receiving
44 state or federal funds from a department may not have
45 substantially complied with the laws, rules,
46 regulations, and contractual agreements governing
47 those funds, the auditor of state shall notify the
48 department providing those funds to the entity of the
49 auditor of state's finding. The department shall
50 cooperate with the auditor of state to establish

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1 actions to be taken to determine whether substantial
2 compliance with those laws, rules, regulations, and
3 contractual agreements has been achieved by the entity
4 receiving the state or federal funds from the
5 department. Departments shall reimburse the auditor
6 of state for any actions taken by the auditor of state
7 to determine whether the entity has substantially
8 complied with the laws, rules, regulations, and
9 contractual agreements governing the funds provided by
10 the department for costs expended after the date the

11 auditor of state notifies the department of an issue
 12 involving substantial compliance pursuant to the
 13 requirements of this subsection.

14 Sec. 11. NEW SECTION. 11.37 ACCESS TO
 15 CONFIDENTIAL INFORMATION.

16 1. The auditor of state, when conducting any audit
 17 or review required or permitted by this chapter, shall
 18 at all times have access to all information, records,
 19 instrumentalities, and properties used in the
 20 performance of the audited or reviewed entities'
 21 statutory duties or contractual responsibilities. All
 22 audited or reviewed entities shall cooperate with the
 23 auditor of state in the performance of the audit or
 24 review and make available the information, records,
 25 instrumentalities, and properties upon the request of
 26 the auditor of state.

27 2. If the information, records, instrumentalities,
 28 and properties sought by the auditor of state are
 29 required by law to be kept confidential, the auditor
 30 of state shall have access to the information,
 31 records, instrumentalities, and properties, but shall
 32 maintain the confidentiality of all such information
 33 and is subject to the same penalties as the lawful
 34 custodian of the information for dissemination of the
 35 information. However, the auditor of state shall not
 36 have access to the income tax returns of individuals.

37 DIVISION III

38 CITIZENS' AIDE DUTIES –

39 DISCLOSURES OF INFORMATION

40 Sec. 12. Section 2C.9, subsection 1, Code 2005, is
 41 amended to read as follows:

42 1. Investigate, on complaint or on the citizens'
 43 aide's own motion, any administrative action of any
 44 agency, without regard to the finality of the
 45 administrative action, except that the citizens' aide
 46 shall not investigate the complaint of an employee of
 47 an agency in regard to that employee's employment
 48 relationship with the agency except as otherwise
 49 provided by this chapter. A communication or receipt
 50 of information made pursuant to the powers prescribed

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1 in this chapter shall not be considered an ex parte
 2 communication as described in the provisions of
 3 section 17A.17.

4 Sec. 13. NEW SECTION. 2C.11A SUBJECTS FOR
 5 INVESTIGATIONS – DISCLOSURES OF INFORMATION.

6 The office of citizens' aide shall investigate a
 7 complaint filed by an employee who is not a merit
 8 system employee or an employee covered by a collective
 9 bargaining agreement and who alleges that adverse

10 employment action has been taken against the employee
11 in violation of section 70A.28, subsection 2. A
12 complaint filed pursuant to this section shall be made
13 within thirty calendar days following the effective
14 date of the adverse employment action. The citizens'
15 aide shall investigate the matter and shall issue
16 findings relative to the complaint in an expeditious
17 manner.

18 Sec. 14. Section 70A.28, subsection 2, Code 2005,
19 is amended to read as follows:

20 2. A person shall not discharge an employee from
21 or take or fail to take action regarding an employee's
22 appointment or proposed appointment to, promotion or
23 proposed promotion to, or any advantage in, a position
24 in a state employment system administered by, or
25 subject to approval of, a state agency as a reprisal
26 for a failure by that employee to inform the person
27 that the employee made a disclosure of information
28 permitted by this section, or for a disclosure of any
29 information by that employee to a member or employee
30 of the general assembly, a disclosure of information
31 to the office of citizens' aide, or a disclosure of
32 information to any other public official or law
33 enforcement agency if the employee reasonably believes
34 the information evidences a violation of law or rule,
35 mismanagement, a gross abuse of funds, an abuse of
36 authority, or a substantial and specific danger to
37 public health or safety. However, an employee may be
38 required to inform the person that the employee made a
39 disclosure of information permitted by this section if
40 the employee represented that the disclosure was the
41 official position of the employee's immediate
42 supervisor or employer.

43 Sec. 15. Section 70A.28, Code 2005, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 5A. Subsection 2 may also be
46 enforced by an employee through an administrative
47 action pursuant to the requirements of this subsection
48 if the employee is not a merit system employee or an
49 employee covered by a collective bargaining agreement.
50 An employee eligible to pursue an administrative

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1 action pursuant to this subsection who is discharged,
2 suspended, demoted, or otherwise reduced in pay and
3 who believes the adverse employment action was taken
4 as a result of the employee's disclosure of
5 information that was authorized pursuant to subsection
6 2, may file an appeal of the adverse employment action
7 with the public employment relations board within
8 thirty calendar days following the later of the

9 effective date of the action or the date a finding is
10 issued to the employee by the office of the citizens'
11 aide pursuant to section 2C.11A. The findings issued
12 by the citizens' aide may be introduced as evidence
13 before the public employment relations board. The
14 employee has the right to a hearing closed to the
15 public, but may request a public hearing. The hearing
16 shall otherwise be conducted in accordance with the
17 rules of the public employment relations board and the
18 Iowa administrative procedure Act, chapter 17A. If
19 the public employment relations board finds that the
20 action taken by the person appointing the employee was
21 in violation of subsection 2, the employee may be
22 reinstated without loss of pay or benefits for the
23 elapsed period, or the public employment relations
24 board may provide other appropriate remedies.
25 Decisions by the public employment relations board
26 constitute final agency action.

27 DIVISION IV

28 LEGISLATIVE OVERSIGHT

29 Sec. 16. Section 2.45, subsection 5, Code 2005, is
30 amended by adding the following new paragraph:
31 NEW PARAGRAPH. c. The committee shall implement a
32 systematic process of reviewing the reports required
33 to be filed with the legislative services agency
34 pursuant to section 8F.4."

35 2. Title page, by striking lines 1 through 9 and
36 inserting the following: "An Act relating to
37 government accountability and concerning service
38 contract requirements, contractual requirements for
39 certain entities receiving public moneys, requirements
40 for joint agreements involving governmental entities,
41 additional review by the auditor of state, the
42 authority of the citizens' aide, employment rights of
43 employees making a disclosure of information, and the
44 authority of the legislative oversight committee, and
45 including an implementation provision and making
46 penalties applicable."

Amendment H-8652 was adopted.

SENATE FILE 2410 SUBSTITUTED FOR HOUSE FILE 2798

Alons of Sioux asked and received unanimous consent to substitute Senate File 2410 for House File 2798.

Senate File 2410, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys,

requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8653 filed by him from the floor.

Shoultz of Black Hawk asked and received unanimous consent that amendment H-8654 be deferred.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8656 filed by Wise of Lee, Bukta of Clinton, Foege of Linn and Murphy of Dubuque from the floor.

Wise of Lee offered the following amendment H-8655 filed by him, Bukta of Clinton, Kuhn of Floyd, Lykam of Scott, McCarthy of Polk, Miller of Webster, Oldson of Polk, Foege of Linn, Heddens of Story, Murphy of Dubuque, D. Olson of Boone, Pettengill of Benton, Reasoner of Union, Schueller of Jackson, T. Taylor of Linn, Thomas of Clayton, Wessel-Kroeschell of Story, Whitead of Woodbury, Quirk of Chickasaw, Reichert of Muscatine, D. Taylor of Linn, Whitaker of Van Buren and Winckler of Scott from the floor and moved its adoption:

H-8655

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 6 the
- 4 following:
- 5 "Sec. _____. **NEW SECTION. 70A.29A REPRISALS**
- 6 **PROHIBITED – EMPLOYEES – PENALTY – CIVIL REMEDIES.**
- 7 1. **DEFINITIONS.** As used in this section, unless
- 8 the context otherwise requires:
- 9 a. "Employee" means a person employed by the state
- 10 including but not limited to a person employed by the
- 11 general assembly and a person employed by the state
- 12 board of regents, by a political subdivision of the
- 13 state, or by a government-funded contractor.
- 14 "Employee" includes but is not limited to an
- 15 accountant, administrative assistant, construction
- 16 worker, day care worker, health care worker, social

17 worker, teacher, and full-time or part-time
18 legislative employee who are employed by the state, a
19 political subdivision of the state, or a
20 government-funded contractor.

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

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

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

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

16 4. An employee disclosing information in good
17 faith pursuant to subsection 2 or 3 is presumed to
18 have established a prima facie case showing a
19 violation of the protections against reprisals or
20 retaliatory or punitive action by the employee's
21 employer if the supervisor or employer knows or has
22 reason to know of the disclosure, and if subsequent to
23 and as a result of the disclosure, one or more of the
24 following actions were initiated by the employer:
25 a. Discharge of the employee from employment.
26 b. Failure by the employer to take action
27 regarding an employee's appointment, promotion or
28 proposed promotion, or receipt of any advantage or
29 benefit in the employee's position of employment.
30 c. An adverse change to the employee's terms or
31 conditions of employment or any administrative, civil,
32 or criminal action or other effort that diminishes the
33 professional competence, reputation, stature, or
34 marketability of the employee.
35 The employer has the burden to prove that actions
36 taken pursuant to this subsection were for a
37 legitimate business purpose.
38 5. If a supervisor or employer is determined to
39 have violated state laws or regulations, or
40 professional standards of care or professional codes
41 of ethics after a disclosure pursuant to subsection 2
42 or 3 results in an action as described in subsection
43 4, such a determination shall create a presumption of
44 retaliation or reprisal against the employee in
45 violation of this section.
46 6. A person who violates this section commits a
47 simple misdemeanor and is subject to civil action, as
48 follows:
49 a. An employer who violates this section is liable
50 to an aggrieved employee for affirmative relief,

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1 including reinstatement with or without pay, or any
2 other equitable relief the court deems appropriate,
3 including attorney fees and costs, punitive damages,
4 and public notice of the retaliation or reprisal
5 undertaken against the employee through publication in
6 an official newspaper in the city or county.
7 b. When a person commits, is committing, or
8 proposes to commit an act in violation of this
9 section, an injunction may be granted through an
10 action in district court to prohibit the person from
11 continuing such act. The action for injunctive relief
12 may be brought by an aggrieved employee or by the
13 county attorney.
14 7. In addition to any other penalties applicable

15 for violation of this section, an employer of an
 16 employee who violates this section with respect to
 17 another employee of the employer shall be subject to a
 18 civil penalty in the amount of one thousand dollars
 19 per violation.
 20 8. The provisions of this section are in addition
 21 to, and not in lieu of, any other provisions of law
 22 applicable to disclosures of information by
 23 employees."
 24 2. By renumbering as necessary."

Roll call was requested by Murphy of Dubuque and Wise of Lee.

On the question "Shall amendment H-8655 be adopted?" (S.F. 2410)

The ayes were, 42:

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

The nays were, 49:

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

Absent or not voting, 7:

Fallon	Hunter	Jones	Maddox
Olson, R.	Van Fossen, J.K.	Zirkelbach	

Amendment H-8655 lost.

RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Ford of Polk and Hogg of Linn refrained from voting.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8654, previously deferred, filed by him from the floor.

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?" (S.F. 2410)

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
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller
Oldson	Olson, D.	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
Mr. Speaker
Rants

Wilderdye

Winckler

Wise

The nays were, 1:

Murphy

Absent or not voting, 6:

Fallon
Olson, R.

Hunter
Zirkelbach

Jones

Maddox

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

HOUSE FILE 2798 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 2798 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2557, a bill for an act relating to and making appropriations to the judicial branch.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the Senate is asked:

House File 2792, a bill for an act providing for a statewide core curriculum and standards study.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2797, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Also: That the Senate has on May 3, 2006, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 106, a senate concurrent resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2410** be immediately messaged to the Senate.

REMARKS BY MAJORITY LEADER GIPP

Majority Leader Gipp offered the following remarks:

Mr. Speaker. Ladies and Gentlemen of the House!

This marks the end of the 2nd session of the 81st General Assembly, and I want to thank all of you for a very productive session.

Recently, there have been headlines and accusations throughout Iowa that say the Iowa Legislature has done nothing this year but debate TouchPlay and hold CIETC hearings. Unfortunately, attention-grabbing headlines dominate news coverage each legislative session. It has been that way since I arrived to the State House in 1990 and this year has proven to be no different.

It is unfortunate these headlines dominate the news, because this year's Legislature has done far more for the future of Iowa than a TouchPlay dispute or Iowa scandal ever could.

It was my sincere hope that we would exceed expectations this year and I would contend we did just that.

Many observers of the legislative process expected little to be accomplished this session because it is an election year. I can't say that I blame them with the Senate in deadlock and the House nearly evenly split. Observers surmised that we would simply "put a budget together" get some key political votes on hot button issues and then sneak out of town in order to campaign for the November elections. Well I am here to tell the naysayers they were wrong.

Let me remind you that this is the same thing that was being said prior to last session. The House responded with a very productive year then as well.

We passed a balanced budget that funded our shared priorities of public safety, education and healthcare.

We came into session this year with the determination to once again pass a balanced budget that funds our priorities.

There are several bills that were passed this year that will have a significant impact on Iowa's future and illustrate our priorities.

The first of these is renewable fuels. In my opening day speech I said "high-energy costs [are] affecting everyone's budget, we will once again focus on renewable energy, specifically ethanol and bio-diesel." In a bi-partisan manner, Iowa legislators did just that by passing the most comprehensive renewable fuels package in the history of this state. This legislation will put Iowa at the forefront of the debate decreasing our reliance on foreign fuels.

Improving teacher salaries and increased funding levels for all aspects of education are significant accomplishments of this session. By passing our teacher salary increase proposal, we will boost Iowa ahead of nine other states in pay ranking for our educators, from 41st to 32nd. Coupled with our low cost of living and a 13.5 to 1 student to teacher ratio, Iowa will become a much more attractive state for educators.

Our education reform package has the highest of aims: to allow our children to compete in a global economy. We began with the student's best interest in mind, passing a series of measures that more adequately challenges our students and offers more accountability to the taxpayer. Funding is at an all-time high, and the Legislature is ensuring that all parties involved see significant results.

We also eliminated taxes on Social Security, and significantly cut income taxes for all seniors 65 and older delivering on a promise made back in 1998. This legislation gives retirees an incentive to remain in the state of Iowa instead of chasing them to states with more favorable tax climates. Seniors are role models, and I for one am proud to finally offer them tax relief and give them further independence.

The veteran's legislation we passed this year is also significant! No other legislative session has seen more Veterans affairs bills than this session. We created the Veterans Affairs Committee which is a new standing committee that will serve as an outlet for veterans to take their concerns. We also passed legislation that prohibits protests within 500 feet of a military funeral. These are just two of the many bills we passed but they show that Iowa cares about our living and fallen soldiers, sailors and airman.

Other accomplishments of this session that all of you should be proud of:

- No new taxes
- Filling the Cash Reserve Fund to 7.5 percent
- Repaying over \$50 million to the Senior Living Trust Fund
- Creating opportunity scholarships for private and religious school students
- Doubling the number of charter schools in Iowa
- Depositing \$5 million in the Veterans Trust Fund
- Creating a new County Veterans Grant Program to make sure our veterans are getting the benefits they are entitled to
- Providing additional funds for lake restoration and city sewer systems to improve water quality

As you can see, we have done much more than TouchPlay and CIETC. All of you should be pleased with the performance of the Iowa House this session.

Thank you, Mr. Speaker!

REMARKS BY MINORITY LEADER MURPHY

Minority Leader Murphy offered the following remarks:

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

It is the end to another session and before going any further, I would like to thank our caucus staff, the central staff, the assistant leaders and my caucus. As an elected official I have always said it is an honor and a privilege to serve the people of Dubuque and it has been very much an honor and privilege to serve my caucus for the last two years. And I very much appreciate all that you have done for me.

I started off last January talking about a number of things. Talking about the importance of the accountability and personal responsibility and pursuing that agenda to make higher standards for Iowans. And I remember that day when I made that speech. A person that has improved greatly over the session has been Representative Mark Kuhn. As everyone remembers he was in a wheel chair and from time to time he had difficulty getting out of the building when there was a rush. Mark, I am glad to see that you are doing so much better and that now you are down to just one cane. I look forward to the day where it is just your two legs.

Also, on opening day this year I talked about a person that has not been here all session, that was Ray Zirkelbach. Ray is serving our country along with a lot of other people that are bravely serving our country over in the middle east. I know that I pray every day that Ray gets to come home and spend time with his daughter, gets the chance to hold her and that every person that is sent to the middle east comes home safely.

This leads to one of the pieces of legislation we did this year, and that was to move toward oil independence with our ethanol alternative energy bills that we passed. Establishing goals and incentives that will benefit the environment and Iowa's economy and creating less reliance on foreign oil so that hopefully we won't have to have the Ray Zirkelbachs' of the future where they are at today.

We have been very successful this session besides the ethanol bill. We raised the standards to increase accountability in our schools. Kids will head off to school better prepared to succeed because of our early childhood efforts and our smart start initiatives. We lived up to our responsibility to fund teacher's salaries and move them closer to the national average.

Our clean water standard will help Iowa become a better steward of our precious water supplies and water resources that we have had.

We have also cracked down on human trafficking so that everybody is treated with respect and dignity.

We have also helped our seniors. We have helped them maintain dignity and independence by lessening their tax burden. And I think a good example is the Swaim amendment that we did this year. Instead of just looking at social security and pensions, we looked at all senior citizens and all of their incomes so that those that were not fortunate enough to have a pension could still get that same benefit. And I

thank you Representative Swaim for bringing that amendment, because I think that it made a better Iowa for all retirees.

But we also did other things for seniors. We increased their nursing home personal needs allowance. We made sure that we funded Medicaid.

But, there were disappointments too. I think one of the big disappointments for, at least me, was that Iowan's who are working full time are still living in poverty because we failed to raise the minimum wage. That is something that I think we, as a state, need to do.

We also failed to get a bill done that we talked about the first day of session, helping small business to overcome their high health insurance costs and health insurance premiums, and being able for employers to offer health care coverage to their employees.

Also, we did not do anything on car title loans. And I think the bill we passed tonight that deals with accountability is at best a first step. The Wise amendment, I think, was the way we should have went. When we dealt with accountability by making sure that we protected employees. But I guess those are for another day and another year and hopefully those issues will be addressed next year.

It has been a long session, it's time for most of us to go back home and spend more time with our families and hopefully enjoy the summer months ahead.

Again, I feel it has been an honor and a privilege to serve as the minority leader. I consider it an honor and a privilege to serve in the Iowa House just like the other ninety-nine of you. Hopefully we all appreciate the opportunities we get here to serve Iowan's and have that unique opportunity to try to make it a better Iowa.

With that, I thank you and have a good summer.

REMARKS BY SPEAKER RANTS

Speaker Rants offered the following remarks:

The most often used saying that people don't really mean is, "I hate to say I told you..." Nobody really hates to say that – we all take a certain guilty pleasure in telling people we were right.

One-hundred and fifteen days ago I told you – let me correct that – "we" told Iowa that we would defy conventional wisdom; that we would not let politics and the upcoming election get in the way of passing meaningful legislation.

The conventional wisdom was wrong; and the news media instead has done stories on our efforts to protect private property rights with one of the strongest eminent domain laws in the nation; our promotion of renewable fuels like ethanol and soy biodiesel, to make Iowa more energy independent; our increase in teacher salaries so we can compete with the rest of the nation – and the world – to make sure our children are learning from the best and the brightest; and of course our retirement tax cut, including the total elimination of the tax on Social Security benefits.

All of those are headline issues that appeared in your local news above the fold. But I think it's those issues that we worked on that appear below the fold – if at all – where our work really shined.

It is true, more people turned out for the public hearing on Touch Play, than turned out for the hearing on establishing statewide education standards. Now that is sad commentary – but that didn't stop us from requiring more rigor in our classroom, raising expectations of our students in the areas of math and science, and ensuring that our school districts have the necessary funds to hire the teachers they need in these kinds of shortage areas.

It is true, more news stories have been written about CITEC, but more legislative time has been spent on the things that will create jobs for our fellow citizens. It is tough to boil down to a nice sound byte – but the work this chamber did on enterprise zones, targeted jobs tax credits, and equipping our regents institutions to capitalize on the bio-sciences will result in opportunities for our graduates, and fulfill the hope of a new and better job to the hundreds of Iowans who have recently discovered that their employers are leaving Iowa.

It is true, more news stories were written over our budget differences than our agreements, but one such early agreement was to devote enough money to Medicaid so that we can provide an increase to our healthcare providers. We also agreed early on to move more of our Medicaid funding back onto the general fund. We also agreed to increase our repayments to the Senior Living Trust Fund. These aren't the things that most Iowans think about from day to day – but our failure to address those three issues adequately would have lasting impacts on those who need and provide healthcare and the elderly.

It's all too easy to judge a legislative session on one to two marquee issues – but that would be a mistake. Too much good work was done by too many people to be summed up in a sound byte, or a single headline.

Of course none of us can do this job alone. The success we find in this House depends just as much on others as it does on ourselves, and so I would like to recognize a few on whom I've leaned to make this such a successful session.

Rep. Raecker, I know you collect quotes about character like I collect quotes by Teddy Roosevelt. I thought I'd give a TR quote on character that you can use yourself - "Courtesy is as much a mark of a gentleman as courage."

I think you displayed both as you moved the budget through the process this year. I think it is no coincidence that every budget bill passed the House on a bi-partisan vote and I think the courtesy you extended to other members is a big part of that. But you never shrank from making the difficult decision required to keep our budget in balance and accomplish the Republican goals of refilling our reserves, restoring the Senior Living Trust Fund, and making room in the budget for tax cuts.

I want to acknowledge the work of Operation ROJY – that what I call Staff Sergeant Royd Chambers and General Jodi Tymeson – but when they aren't within earshot. I haven't seen two committee chairs work closer together to fashion a package of education funding and reforms than you two. I can't tell you how much I appreciate your efforts on the part of my, and collectively, our, children.

It's a shame, that we never thank the folks in the well, the folks in all of the back rooms, the Chief Clerks Office, the people crunching numbers, the people drafting amendments, the people proofing the journal until the last day of session. I thought about that as I was leaving the Capitol around 12:30 Wednesday (THIS) morning. The last people I talked to were the ladies in the chief clerk's office, working to get things ready for us this morning. They all deserve our thanks for their work on our behalf and they deserve it more often than once a year.

I have to say a special thanks to the Republican Caucus staff. I can't imagine a better group of people to work with. You all vet out my ideas – help me polish the good ones and make them work and bury from public view the bad ones. You never fail me with my requests for more information. You're an integral part of our caucus family. Whether it be Mary's 31 runs on the tax plan, Lon's ability to track every change in every budget amendment, Ann's overtime work on the final education package, Lew's work on renewable fuels, Tim's efforts to educate me on property rights, Kelly's tireless effort on state government issues – yes I know you were here at 1:30 this morning, Kristin's non-stop work to keep me straight on what is happening on enterprise zones, Bruce's editing, re-editing, and editing again of the caucus newsletter, Brad the Medicaid maniac – you never fail us and we couldn't do it without you. Jeff, you're a trusted advisor, and a valued friend. Thank you to all of you.

To Allison, Tim, Becky and Allysa, you are the best team I could ever ask for. Just keeping track of me, has to be a job in itself. Becky makes sure I'm where I should be when I should be. Allison keeps me out of trouble and on task – she is the one who keeps things from falling through the cracks. Tim makes me look like I know what I'm doing when I don't and takes the heat for me even when I do. Allysa – makes sure I don't miss all of your votes when your desk voting machines are broken – as they apparently often are. Susan, you don't work for me, but I still think of you as part of our office family and I want to thank you for your tireless work. I'm glad someone knows “where the bills are.” And Mat, you have been a valuable addition to our team this year.

To my fellow Republican leaders: Cecil, Rod, Libby, Carmen, Danny and Steve, thank you for all of your advice, counsel and extra effort you've given to me and our caucus. Mr. Majority Leader, you've been an excellent leader for our caucus and a great friend. Thank you for your work. You've never been afraid to take the tough votes or unwilling to roll up your sleeves and go to work to do what you think is right. I'm proud to have served along side you.

To my fellow Republicans, what a privilege you have allowed me. I tell the school kids who come visit – It's the best seat in the House. Thank you for allowing me to sit in it for a while.

Rep. Murphy, thank you for your cooperation this week in helping us move the process as quickly and orderly as possible. To the House Democrats, you fight hard for the issues you believe in. We all do that, people come to this House with strong opinions, and closely held beliefs – and we grapple with those. There is nothing wrong with that philosophical battle, that's why we were all sent here. I want to thank you for your efforts to break the budgetary log-jam. In my mind, your willingness to embrace our education package was most helpful.

Depending on your perspective, it's either a good thing or a bad thing that when you are Speaker, your first and last public comments are recorded for posterity in the House Journal. I would like leave this last thought as a piece of advice for any future legislature years from now that finds itself with a tied chamber - spend the quarter it would take for a coin flip.

Ladies and Gentlemen of House - enjoy your rest, and thank you for your service.

SENATE AMENDMENT CONSIDERED

Chambers of O'Brien called up for consideration **House File 2792**, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8657:

H-8657

- 1 Amend House File 2792, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 12 through 14 and
- 4 inserting the following:
- 5 "FY 2006-2007..... \$ 104,343.94
- 6 FY 2007-2008..... \$139,343.84
- 7 FY 2008-2009..... \$ 174,343.84"
- 8 2. Page 1, lines 25 and 26, by striking the words
- 9 "the individual leaves the employ of the school
- 10 district" and inserting the following: "June 30,
- 11 2011, if the individual is making annual progress
- 12 toward meeting the requirements for a teacher
- 13 librarian endorsement issued by the board of
- 14 educational examiners under chapter 272. A school
- 15 district that entered into a contract with an
- 16 individual for employment as a media specialist or
- 17 librarian who holds at least a master's degree in
- 18 library and information studies shall be considered to

19 be in compliance with this subsection until the
20 individual leaves the employ of the school district."

21 3. Page 18, line 21, by striking the words "must
22 meet" and inserting the following: "should have".

23 4. Page 18, line 29, by striking the words
24 "engineers, who has" and inserting the following:
25 "engineers. This individual should have".

26 5. Page 20, line 24, by striking the word
27 "Commencing".

28 6. Page 20, by striking lines 25 and 26 and
29 inserting the following: "The general assembly shall
30 consider implementing the pay-for-performance program
31 statewide for the 2009-2010 school year,".

32 7. Page 24, line 8, by striking the word "three"
33 and inserting the following: "five".

34 8. Page 25, by striking lines 9 through 11 and
35 inserting the following: "January 15, 2007."

36 9. Page 25, by inserting after line 35 the
37 following:

38 "Sec.____. STATE EDUCATIONAL ASSISTANCE –
39 CHILDREN OF DECEASED VETERANS. There is appropriated
40 from the general fund of the state to the department
41 of veterans affairs for the fiscal year beginning July
42 1, 2006, and ending June 30, 2007, the following
43 amount, or so much thereof as is necessary, for the
44 purpose designated:

45 For educational assistance pursuant to section
46 35.9:
47 \$ 27,000

48 Notwithstanding section 8.33, moneys appropriated
49 under this section that remain unexpended at the close
50 of the fiscal year shall not revert to any fund but

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1 shall remain available for the purpose designated
2 until the close of the succeeding fiscal year.

3 Sec.____. Section 35.8, Code Supplement 2005, is
4 amended to read as follows:

5 35.8 WAR ORPHANS EDUCATIONAL AID ASSISTANCE FUND.

6 A war orphans educational aid ~~assistance~~ fund is
7 created as a separate fund in the state treasury under
8 the control of the department of veterans affairs.

9 Any money appropriated for the purpose of ~~aiding~~
10 assisting in the education of orphaned children of
11 veterans, as defined in section 35.1, or the education
12 of a child as provided in section 35.9, subsection 2,
13 shall be deposited in the war orphans educational aid
14 assistance fund.

15 Sec.____. Section 35.9, Code Supplement 2005, is
16 amended to read as follows:

17 35.9 EXPENDITURE BY COMMISSION.

18 1. a. The department of veterans affairs may
 19 expend not more than six hundred dollars per year for
 20 any one child who has lived in the state of Iowa for
 21 two years preceding application for aid state
 22 educational assistance, and who is the child of a
 23 person who died prior to September 11, 2001, during
 24 active federal military service while serving in the
 25 armed forces or during active federal military service
 26 in the Iowa national guard or other military component
 27 of the United States, to defray the expenses of
 28 tuition, matriculation, laboratory and similar fees,
 29 books and supplies, board, lodging, and any other
 30 reasonably necessary expense for the child or children
 31 incident to attendance in this state at an educational
 32 or training institution of college grade, or in a
 33 business or vocational training school with standards
 34 approved by the department of veterans affairs.

35 b. A child eligible to receive funds under this
 36 section shall not receive more than three thousand
 37 dollars under this section subsection during the
 38 child's lifetime.

39 2. Upon application by a child who has lived in
 40 the state of Iowa for two years preceding application
 41 for state educational assistance, and who is the child
 42 of a person who died on or after September 11, 2001,
 43 during active federal military service while serving
 44 in the armed forces or during active federal military
 45 service in the Iowa national guard or other military
 46 component of the United States, the department shall
 47 provide state educational assistance in the amount of
 48 five thousand five hundred dollars per year or the
 49 amount of the child's established financial need,
 50 whichever is less, to defray the expenses of tuition,

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1 matriculation, laboratory and similar fees, books and
 2 supplies, board, lodging, and any other reasonably
 3 necessary expense for the child or children incident
 4 to attendance in this state at a community college
 5 established under chapter 260C or at an institution of
 6 higher education governed by the state board of
 7 regents. A child eligible to receive state
 8 educational assistance under this subsection shall not
 9 receive more than twenty-seven thousand five hundred
 10 dollars under this subsection during the child's
 11 lifetime. The college student aid commission may, if
 12 requested, assist the department in administering this
 13 subsection.

14 Sec. ____. Section 35.10, Code Supplement 2005, is
 15 amended to read as follows:

16 35.10 ELIGIBILITY AND PAYMENT OF AID ASSISTANCE.

17 Eligibility for aid assistance shall be determined
 18 upon application to the department of veterans
 19 affairs, whose decision is final. The eligibility of
 20 eligible applicants shall be certified by the
 21 department of veterans affairs to the director of the
 22 department of administrative services, and all amounts
 23 that are or become due to an individual or a training
 24 institution under this chapter shall be paid to the
 25 individual or institution by the director of the
 26 department of administrative services upon receipt by
 27 the director of certification by the president or
 28 governing board of the educational or training
 29 institution as to accuracy of charges made, and as to
 30 the attendance of the individual at the educational or
 31 training institution. The department of veterans
 32 affairs may pay over the annual sum of ~~four hundred~~
 33 dollars set forth in section 35.9 to the educational
 34 or training institution in a lump sum, or in
 35 installments as the circumstances warrant, upon
 36 receiving from the institution such written
 37 undertaking as the department may require to assure
 38 the use of funds for the child for the authorized
 39 purposes and for no other purpose. A person is not
 40 eligible for the benefits of this chapter until the
 41 person has graduated from a high school or educational
 42 institution offering a course of training equivalent
 43 to high school training."

44 10. Page 26, by striking lines 1 through 8.

45 11. Page 27, by inserting after line 35 the
 46 following:

47 "Sec.____. Section 261.1, subsection 5, Code 2005,
 48 is amended to read as follows:

49 5. ~~Eight~~ Nine additional members to be appointed
 50 by the governor. One of the members shall be selected

Page 4

1 to represent private colleges, private universities
 2 and private junior colleges located in the state of
 3 Iowa. When appointing this member, the governor shall
 4 give careful consideration to any person or persons
 5 nominated or recommended by any organization or
 6 association of some or all private colleges, private
 7 universities and private junior colleges located in
 8 the state of Iowa. One of the members shall be
 9 selected to represent institutions located in the
 10 state of Iowa whose income is not exempt from taxation
 11 under section 501(c) of the Internal Revenue Code.
 12 One of the members shall be selected to represent
 13 community colleges located in the state of Iowa. When
 14 appointing this member, the governor shall give
 15 careful consideration to any person or persons

16 nominated or recommended by any organization or
17 association of Iowa community colleges. One member
18 shall be enrolled as a student at a board of regents
19 institution, community college, or accredited private
20 institution. One member shall be a representative of
21 a lending institution located in this state. One
22 member shall be a representative of the Iowa student
23 loan liquidity corporation. The other three members,
24 none of whom shall be official board members or
25 trustees of an institution of higher learning or of an
26 association of institutions of higher learning, shall
27 be selected to represent the general public.

28 Sec. _____. Section 261.25, subsection 1A, as
29 enacted by 2006 Iowa Acts, House File 2527, if
30 enacted, is amended to read as follows:

31 1A. There is appropriated from the general fund of
32 the state to the commission for each fiscal year the
33 sum of five million one hundred sixty-seven thousand
34 three hundred fifty-eight dollars for ~~proprietary~~
35 tuition grants for students attending for-profit
36 accredited private institutions located in Iowa. A
37 for-profit institution which, effective March 9, 2005,
38 purchased an accredited private institution that was
39 exempt from taxation under section 501(c) of the
40 Internal Revenue Code, shall be an eligible
41 institution under the tuition grant program. In the
42 case of a qualified student who was enrolled in such
43 accredited private institution that was purchased by
44 the for-profit institution effective March 9, 2005,
45 and who continues to be enrolled in the eligible
46 institution in succeeding years, the amount the
47 student qualifies for under this subsection shall be
48 not less than the amount the student qualified for in
49 the fiscal year beginning July 1, 2004. For purposes
50 of the tuition grant program, "for-profit accredited

Page 5

1 private institution" means an accredited private
2 institution which is not exempt from taxation under
3 section 501(c)(3) but which otherwise meets the
4 requirements of section 261.9, subsection 1, paragraph
5 "b", and whose students were eligible to receive
6 tuition grants in the fiscal year beginning July 1,
7 2003."

8 12. Page 29, by inserting after line 8 the
9 following:

10 "Sec. _____. LIMITED ENGLISH PROFICIENT WEIGHTING
11 ADJUSTMENT. For the fiscal year beginning July 1,
12 2006, and ending June 30, 2007, there shall be
13 allocated to the department of education from the
14 amount appropriated pursuant to section 257.16,

15 subsection 1, based upon the increase from three to
 16 four years in the availability of supplementary
 17 weighting for instruction of limited English
 18 proficient students pursuant to section 280.4, an
 19 amount not to exceed three million, three hundred
 20 thousand dollars. The funds shall be used to adjust
 21 the weighted enrollment of a school district with
 22 students identified as limited English proficient on a
 23 prorated basis."

24 13. Page 30, by inserting after line 6 the
 25 following:
 26 "Sec. _____. BOARD OF EDUCATIONAL EXAMINERS –
 27 TEACHER LIBRARIAN REVIEW. The board of educational
 28 examiners shall review the impact the enactment of
 29 section 256.11, subsection 9, if enacted, on school
 30 districts, media specialists, and librarians and shall
 31 submit its findings and recommendations in a report to
 32 the chairpersons and ranking members of the senate and
 33 house of representatives standing committees on
 34 education by January 1, 2007."

35 14. Page 31, line 29, by inserting after the word
 36 "circumstances," the following: "allocating funds for
 37 a limited English proficient weighting adjustment for
 38 the fiscal year beginning July 1, 2006, and ending
 39 June 30, 2007,".

40 15. Page 32, by inserting after line 2 the
 41 following:

42 "DIVISION

43 STATE AND LOCAL GOVERNMENT OPERATIONS

44 Sec. _____. Section 8A.108, Code 2005, is amended to
 45 read as follows:

46 8A.108 ACCEPTANCE OF FUNDS.

47 1. The department may receive and accept
 48 donations, grants, gifts, and contributions in the
 49 form of moneys, services, materials, or otherwise,
 50 from the United States or any of its agencies, from

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1 this state or any of its agencies, or from any other
 2 person, and may use or expend such moneys, services,
 3 materials, or other contributions, or issue grants, in
 4 carrying out the operations of the department. All
 5 federal grants to and the federal receipts of the
 6 department are hereby appropriated for the purpose set
 7 forth in such federal grants or receipts. The
 8 department shall report annually to the general
 9 assembly on or before September 1 the donations,
 10 grants, gifts, and contributions with a monetary value
 11 of one thousand dollars or more that were received
 12 during the most recently concluded fiscal year.
 13 2. a. The department may solicit donations,

14 grants, gifts, and contributions in the form of
15 moneys, services, materials, real property, or
16 otherwise from any person for specific projects and
17 improvements on or near the capitol complex. However,
18 no less than twenty days prior to commencing any such
19 solicitation, the department shall notify the
20 executive council, the department of management, and
21 the legislative council of the project for which the
22 solicitation is proposed. The department is only
23 required to provide one notification for each project
24 for which a solicitation is proposed.

25 b. The department shall not accept any donation,
26 grant, gift, or contribution in any form that includes
27 any condition other than a condition to use the
28 donation, grant, gift, or contribution for the project
29 for which it was solicited. The department shall not
30 confer any benefit upon or establish any permanent
31 acknowledgement of the donor of the donation, grant,
32 gift, or contribution unless specifically authorized
33 by a constitutional majority of each house of the
34 general assembly and approved by the governor or
35 unless otherwise specifically authorized by law.

36 Sec. ____. Section 8A.321, Code Supplement 2005, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 8A. With the approval of the
39 executive council pursuant to section 7D.29 or
40 pursuant to other authority granted by law, acquire
41 real property to be held by the department in the name
42 of the state as follows:

43 a. By purchase, lease, option, gift, grant,
44 bequest, devise, or otherwise.

45 b. By exchange of real property belonging to the
46 state for property belonging to another person.

47 Sec. ____. Section 68B.7, Code 2005, is amended by
48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
50 provisions of this section, a person who has served as

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1 the workers' compensation commissioner, or any deputy
2 thereof, may represent a claimant in a contested case
3 before the division of workers' compensation at any
4 point subsequent to termination of such service,
5 regardless of whether the person charges a contingent
6 fee for such representation, provided such case was
7 not pending before the division during the person's
8 tenure as commissioner or deputy.

9 Sec. ____. Section 100B.13, Code Supplement 2005,
10 is amended to read as follows:

11 100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

12 1. A volunteer fire fighter preparedness fund is

13 created as a separate and distinct fund in the state
14 treasury under the control of the division of state
15 fire marshal of the department of public safety.

16 2. Revenue for the volunteer fire fighter
17 preparedness fund shall include, but is not limited
18 to, the following:

19 a. Moneys credited to the fund pursuant to section
20 422.12F.

21 b. Moneys credited to the fund pursuant to section
22 422.12G.

23 ~~b.~~ c. Moneys in the form of a devise, gift,
24 bequest, donation, or federal or other grant intended
25 to be used for the purposes of the fund.

26 3. Moneys in the volunteer fire fighter
27 preparedness fund are not subject to section 8.33.
28 Notwithstanding section 12C.7, subsection 2, interest
29 or earnings on moneys in the fund shall be credited to
30 the fund.

31 4. Moneys in the volunteer fire fighter
32 preparedness fund are appropriated to the division of
33 state fire marshal of the department of public safety
34 to be used annually to pay the costs of providing
35 volunteer fire fighter training around the state and
36 to pay the costs of providing volunteer fire fighting
37 equipment.

38 Sec. ____ Section 232.116, subsection 1, Code
39 2005, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. o. The parent has been convicted
42 of a felony offense that is a criminal offense against
43 a minor as defined in section 692A.1, the parent is
44 divorced from or was never married to the minor's
45 other parent, and the parent is serving a minimum
46 sentence of confinement of at least five years for
47 that offense.

48 Sec. ____ Section 314.28, Code 2005, is amended to
49 read as follows:

50 314.28 KEEP IOWA BEAUTIFUL FUND.

Page 8

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

12 Moneys in the fund that are authorized by the
 13 department for expenditure are appropriated, and shall
 14 be used, to educate and encourage Iowans to take
 15 greater responsibility for improving their community
 16 environment and enhancing the beauty of the state
 17 through litter prevention, improving waste management
 18 and recycling efforts, and beautification projects.

19 The department may authorize payment of moneys from
 20 the fund upon approval of an application from a
 21 private or public organization. The applicant shall
 22 submit a plan for litter prevention, improving waste
 23 management and recycling efforts, or a beautification
 24 project along with its application. The department
 25 shall establish standards relating to the type of
 26 projects available for assistance.

27 Sec. __. **NEW SECTION. 422.12G JOINT INCOME TAX**
 28 **REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND**
 29 **VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.**

30 1. A person who files an individual or a joint
 31 income tax return with the department of revenue under
 32 section 422.13 may designate one dollar or more to be
 33 paid jointly to the keep Iowa beautiful fund created
 34 in section 314.28 and to the volunteer fire fighter
 35 preparedness fund created in section 100B.13. If the
 36 refund due on the return or the payment remitted with
 37 the return is insufficient to pay the additional
 38 amount designated by the taxpayer, the amount
 39 designated shall be reduced to the remaining amount of
 40 refund or the remaining amount remitted with the
 41 return. The designation of a contribution under this
 42 section is irrevocable.

43 2. The director of revenue shall draft the income
 44 tax form to allow the designation of contributions to
 45 the keep Iowa beautiful fund and to the volunteer fire
 46 fighter preparedness fund as one checkoff on the tax
 47 return. The department of revenue, on or before
 48 January 31, shall transfer one-half of the total
 49 amount designated on the tax return forms due in the
 50 preceding calendar year to the keep Iowa beautiful

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1 fund and the remaining one-half to the volunteer fire
 2 fighter preparedness fund. However, before a checkoff
 3 pursuant to this section shall be permitted, all
 4 liabilities on the books of the department of
 5 administrative services and accounts identified as
 6 owing under section 8A.504 and the political
 7 contribution allowed under section 68A.601 shall be
 8 satisfied.

9 3. The department of revenue shall adopt rules to
 10 administer this section.

11 4. This section is subject to repeal under section
12 422.12E.

13 Sec.____. Section 427.1, subsection 21A, Code
14 Supplement 2005, as amended by 2006 Iowa Acts, House
15 File 2797, section 84, if enacted, is amended to read
16 as follows:

17 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY
18 HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit
19 property owned and managed by a community housing
20 development organization, as recognized by the state
21 of Iowa and the federal government pursuant to
22 criteria for community housing development
23 organization designation contained in the HOME program
24 of the federal National Affordable Housing Act of
25 1990, if the organization is also a nonprofit
26 organization exempt from federal income tax under
27 section 501(c)(3) of the Internal Revenue Code and
28 owns and manages more than one hundred and fifty
29 dwelling units that are located in a city with a
30 population of more than one hundred ten thousand. For
31 the 2005 and 2006 assessment years, an application is
32 not required to be filed to receive the exemption.
33 For the 2007 and subsequent assessment years, an
34 application for exemption must be filed with the
35 assessing authority not later than February 1 of the
36 assessment year for which the exemption is sought.
37 Upon the filing and allowance of the claim, the claim
38 shall be allowed on the property for successive years
39 without further filing as long as the property
40 continues to qualify for the exemption.

41 Sec.____. Section 600A.8, Code Supplement 2005, is
42 amended by adding the following new subsection:
43 **NEW SUBSECTION.** 10. The parent has been convicted
44 of a felony offense that is a criminal offense against
45 a minor as defined in section 692A.1, the parent is
46 divorced from or was never married to the minor's
47 other parent, and the parent is serving a minimum
48 sentence of confinement of at least five years for
49 that offense.

50 Sec.____. Section 602.8108, subsection 8B, if

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1 enacted by 2006 Iowa Acts, House File 2789, section 8,
2 is amended to read as follows:

3 8B. The state court administrator shall allocate
4 to the office of attorney general for the fiscal year
5 beginning July 1, 2006, and for each fiscal year
6 thereafter, ~~three~~ four hundred fifty thousand dollars
7 of the moneys received annually under subsection 2, to
8 be used for legal services for persons in poverty
9 grants as provided in section 13.34.

10 Sec.____. 2006 Iowa Acts, House File 2797, section
 11 43, subsection 1, paragraph a, if enacted, is amended
 12 by adding the following new subparagraphs:
 13 NEW SUBPARAGRAPH. (11) Sierra club - Iowa
 14 chapter.
 15 NEW SUBPARAGRAPH. (12) Izaak Walton league of
 16 Iowa.
 17 NEW SUBPARAGRAPH. (13) State conservation
 18 districts.
 19 Sec.____. 2006 Iowa Acts, House File 2794, section
 20 58, if enacted, is repealed.
 21 Sec.____. RETROACTIVE APPLICABILITY. The section
 22 of this Act enacting section 422.12G applies
 23 retroactively to tax years beginning on or after
 24 January 1, 2006."

25 16. Page 32, by inserting after line 2 the
 26 following:

27 "DIVISION
 28 MISCELLANEOUS PROVISIONS

29 Sec.____. Section 8F.2, subsection 8, paragraph b,
 30 subparagraph (3), if enacted by 2006 Iowa Acts, Senate
 31 File 2410, is amended to read as follows:

32 (3) A contract for services provided for the
 33 operation, construction, or maintenance of a public or
 34 city utility, combined public or city utility, or a
 35 city enterprise as defined by section 384.24."

36 17. Title page, line 1, by striking the word
 37 "education" and inserting the following: "government
 38 operations and".

39 18. Title page, line 3, by inserting after the
 40 word "management," the following: "the department of
 41 veterans affairs,".

42 19. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8657.

Chambers of O'Brien 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. 2792)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	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	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Bukta	Fallon	Hunter	Jones
Maddox	Olson, R.	Zirkelbach	

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 2792** be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 106

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 106** and moved its adoption:

- 1 Senate Concurrent Resolution 106
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for

- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House Concurring,*
- 6 That when adjournment is had on Wednesday, May 3,
- 7 2006, it be the final adjournment of the 2006 Regular
- 8 Session of the Eighty-first General Assembly.

The motion prevailed and the resolution was adopted.

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 2351

1. Moved page 21, lines 6 – 10 to page 20, after line 31. (Amendment operations out of order.)

House File 2527

1. Page 33, line 7 – Deleted “d.”.

House File 2540

1. Page 12, line 17 – Deleted second “that”.

House File 2734

1. Page 6, line 5 – Changed “135.105A” to “135.105D”.
2. Page 57, line 32 – Changed “sections” to “section”.

House File 2743

1. Page 5, line 6, 17, 30, 31 and 34 – Changed paragraph “h” to “g”.

House File 2780

1. Page 7, line 4 – Changed “services” to “service”.
2. Page 18, line 10 – Changed “is” to “are”.
3. Page 22, line 35/Page 23, line 1 – Run in text following title “PSYCHIATRISTS”. (No new paragraph.)

House File 2782

1. Page 8, lines 31 and 32 – Deleted period after “DEPARTMENT OF TRANSPORTATION”. “For deposit into the” starts a new paragraph.
2. Page 17, line 34 – Changed “Ft. Dodge” to “Fort Dodge”.
3. Page 39, line 22 – Underscored the space preceding “Moneys appropriated”.

House File 2786

1. Page 7, Line 18 – Added the word “Section” before 655A.3.

House File 2794

1. Page 15, line 30 – Strike comma after “(f)”.
2. Page 17, line 27 – Hyphenated “community based”.

House File 2797

1. Page 48, line 25 – Changed “outdated division” to “outdated bill”.
2. Page 57, line 11 – Removed the underscore under the comma after “molasses”.

MARGARET A. THOMSON
Chief clerk of the House

SPONSOR ADDED
(Amendment H-8655)

Gaskill of Wapello requested to be added as a sponsor of amendment H-8655 to Senate File 2410.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 3, 2006. Had I been present, I would have voted "aye" on Senate File 2398.

RAECKER of Polk

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

Lake restoration plan for 2006, pursuant to Chapter 357E, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Iowa Consortium for substance abuse research and evaluation, pursuant to Chapter 135, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Progress report regarding building projects for the Motor Vehicle Division, pursuant to Chapter 321, Code of Iowa.

INDUSTRIAL PROCESSING EXEMPTION STUDY COMMITTEE

2005 Annual Report, pursuant to Chapter 423.3(47), 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

- 2006\1688 Stephen Longfield, Dubuque – For being nominated to the Des Moines Register's Academic All-Star Team.
- 2006\1689 Ed and Jane Pollak, Des Moines – For celebrating their 59th wedding anniversary.
- 2006\1690 Kyle Ray, Bettendorf – For being a First Flight contest winner from the NASA Iowa Space Grant Consortium.
- 2006\1691 Clarence and Janet Sloan, Batavia – For celebrating their 50th wedding anniversary.
- 2006\1692 Wayne Rasmussen, Exira – For celebrating his 92nd birthday.
- 2006\1693 Roger and Colleen Anderson, Greenfield – For celebrating their 65th wedding anniversary.
- 2006\1694 Don and Ardell McCunn, Massena – For celebrating their 50th wedding anniversary.
- 2006\1695 Jerry Holden, Iowa Falls – For celebrating his 85th birthday.
- 2006\1696 Florence Leonard, Guttenberg – For celebrating her 90th birthday.
- 2006\1697 Ruby Baechler, Fayette – For celebrating her 90th birthday.
- 2006\1698 Donald and Barbara Vojtech, Traer – For celebrating their 50th wedding anniversary.
- 2006\1699 Emil Hrstka, Clutier – For celebrating his 90th birthday.
- 2006\1700 Gladys Benham, Dysart – For celebrating her 90th birthday.
- 2006\1701 Clovis Smith, Grinnell – For celebrating her 85th birthday.

- 2006\1702 Margaret Wheeler, Grinnell – For celebrating her 90th birthday.
- 2006\1703 Cyan Pharr, Ames – For celebrating her 105th birthday.
- 2006\1704 Ruth Beck, Madrid – For celebrating her 105th birthday.
- 2006\1705 Gordon Shoeman, Madrid – For celebrating his 95th birthday.
- 2006\1706 Lawrence Reilly, Ames – For celebrating his 90th birthday.
- 2006\1707 Verna Ahnholz, Madrid – For celebrating her 90th birthday.
- 2006\1708 Winnifred Good, Madrid – For celebrating her 90th birthday.
- 2006\1709 Doris McClymonds, Ames – For celebrating her 90th birthday.
- 2006\1710 Dorothy Hall, Madrid – For celebrating her 90th birthday.
- 2006\1711 May Anderson, Madrid – For celebrating her 85th birthday.
- 2006\1712 Irene Earnest, Ames – For celebrating her 85th birthday.
- 2006\1713 Dean Alsin, Madrid – For celebrating his 85th birthday.
- 2006\1714 Edward Baumann, Ames – For celebrating his 85th birthday.
- 2006\1715 Violet Meier, Madrid – For celebrating her 85th birthday.
- 2006\1716 Ruth Anderson, Ames – For celebrating her 85th birthday.
- 2006\1717 Charles Gibbons, Madrid – For celebrating his 85th birthday.
- 2006\1718 Lorraine Dresser, Ames – For celebrating her 85th birthday.
- 2006\1719 Edith Swett, Ames – For celebrating her 85th birthday.
- 2006\1720 Frederick Niemann, Ames – For celebrating his 85th birthday.
- 2006\1721 William Steel, Ames – For celebrating his 80th birthday.
- 2006\1722 John Thurston, Ames – For celebrating his 80th birthday.
- 2006\1723 Irene Brentnall, Ames – For celebrating her 80th birthday.
- 2006\1724 Royce Cornell, Ames – For celebrating his 80th birthday.
- 2006\1725 Dorothy Kreutner, Ames – For celebrating her 80th birthday.
- 2006\1726 Thomas West, Ames – For celebrating his 80th birthday.
- 2006\1727 Kathleen MacVey, Ames – For celebrating her 80th birthday.

- 2006\1728 Christopher R. Vaage, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1729 Michael Millea, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1730 Amy Edeker, Grimes – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENT

LSB 6732YC

Government Oversight: Alons, Chair; Baudler, Eichhorn, Hutter, Lensing, Thomas, J.K. Van Fossen, Whitead 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 GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 779), relating to government accountability and concerning service contact requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of the state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Fiscal Note is not required.

Recommended **Without Recommendation** May 3, 2006.

Committee Bill (Formerly LSB 6732YC), a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto.

Fiscal Note is not required.

Recommended **Without Recommendation** May 3, 2006.

COMMITTEE ON WAYS AND MEANS

Senate File 2398, a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

Fiscal Note is required.

Recommended **Do Pass** May 3, 2006.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.7, the following motions to reconsider which remained on the House Calendar upon adjournment of the 2006 Regular Session of the Eighty-first General Assembly will be considered to have failed:

By Gipp of Winneshiek to House File 2521, 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 on April 19, 2006.

By Gipp of Winneshiek to House File 2527, 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 including effective and retroactive applicability dates. Filed on May 2, 2006.

By Gipp of Winneshiek to House File 2558, a bill for an act relating to and making appropriations to the justice system and providing an effective date. Filed on April 19, 2006.

By Gipp of Winneshiek to House File 2740, a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty. Filed on April 17, 2006.

The House stood at ease at 12:30 a.m., Thursday, May 4, 2006, until the fall of the gavel.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 106, duly adopted, the day of May 3, 2006 having arrived, the Speaker of the House of Representatives declared the 2006 Regular Session of the Eighty-first General Assembly adjourned sine die.

SUPPLEMENT TO HOUSE JOURNAL**HOUSE JOINT RESOLUTION ENROLLED, SIGNED AND SENT
TO SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 3rd day of May, 2006: House Joint Resolution 2006.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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, 2006: House Files 540, 711, 722, 2002, 2095, 2244, 2282, 2319, 2332, 2351, 2362, 2363, 2395, 2459, 2461, 2521, 2527, 2540, 2546, 2557, 2558, 2562, 2567, 2571, 2593, 2612, 2633, 2651, 2661, 2686, 2697, 2706, 2708, 2716, 2731, 2734, 2740, 2743, 2748, 2751, 2754, 2759, 2764, 2765, 2769, 2772, 2774, 2775, 2777, 2780, 2782, 2786, 2789, 2791, 2792, 2794 and 2797.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 2006 Regular Session of the Eighty-first General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 540 – Relating to reports of traffic accidents involving certified law enforcement officers and other emergency responders. Approved 5-30-06.
- H.F. 711 – Relating to the appointment of a chief juvenile court officer. Approved 5-24-06.
- H.F. 722 – Providing for the establishment of an information program for drug prescribing and dispensing, providing penalties, and providing an effective date. Approved 5-31-06.
- H.F. 2002 – Increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the Senior Living Trust Fund and including effective and retroactive applicability date provisions. Approved 5-22-06.
- H.F. 2095 – Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date. Approved 6-1-06.
- H.F. 2244 – Relating to hunting and fishing licenses for certain veterans. Approved 5-8-06.
- H.F. 2282 – Relating to city government by providing for the election of mayor and city council members in a city governed by the council-manager-at-large form of city government and by providing for city continuity when concurrent city council vacancies exist. Approved 5-30-06.
- H.F. 2319 – Relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program. Approved 5-22-06.
- H.F. 2332 – Relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program, nonsupport of a child or ward, providing for and making criminal penalties applicable, providing penalties, and providing for applicability and retroactive applicability. Approved 5-24-06.
- H.F. 2351 – Relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions. Vetoed 6-2-06. See Governor's Veto Message.
- H.F. 2362 – Relating to end-of-life and salvage vehicles by providing for the removal, replacement, collection, and recovery of mercury-added vehicle components and providing for reassignment of a salvage certificate of title for a motor vehicle. Approved 5-24-06.

- H.F. 2363 – Relating to the process utilized in assessing residents of health care facilities for veterans program benefits. Approved 5-8-06.
- H.F. 2395 – Directing the State Board of Regents to conduct a study of the admissions requirements common to the state universities. Approved 5-30-06.
- H.F. 2459 – Relating to and making appropriations to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Iowa Finance Authority, and the Public Employee Relations Board, related matters, and providing effective and retroactive applicability dates. Approved 5-31-06 with the exception of Section 2, subsection 3e and Section 23. See Governor's Item Veto Message.
- H.F. 2461 – Updating the code references to the Internal Revenue Code and including retroactive applicability and effective date provisions. Approved 5-30-06.
- H.F. 2521 – 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. Approved 5-31-06 with the exception of Section 24. See Governor's Item Veto Message.
- H.F. 2527 – 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 including effective and retroactive applicability dates. Approved 6-1-06 with the exception of Sections 10 and 14. See Governor's Item Veto Message.
- H.F. 2540 – Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing fees, and providing an effective date. Approved 5-31-06 with the exception of Section 29. See Governor's Item Veto Message.
- H.F. 2546 – Allowing private landowners limited immunity from premises liability during urban deer control hunts. Approved 5-24-06.
- H.F. 2557 – Relating to and making appropriations to the judicial branch. Approved 5-30-06.
- H.F. 2558 – Relating to and making appropriations to the justice system, providing a fee, and providing an effective date. Approved 6-2-06 with the exception of Section 22. See Governor's Item Veto Message.

- H.F. 2562 -- To make electronic mail and telephone billing records of law enforcement agencies confidential if that information is part of an investigation. Approved 5-24-06.
- H.F. 2567 -- Creating a multidimensional treatment level foster care program. Approved 5-24-06.
- H.F. 2571 -- Relating to the confidentiality and release of an intelligence assessment or intelligence data. Approved 5-31-06.
- H.F. 2593 -- Relating to activities of lobbyists and the ethical conduct of state officials and employees. Approved 5-31-06.
- H.F. 2612 -- Providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty. Approved 5-24-06.
- H.F. 2633 -- Relating to the definition of recycling property for purposes of the property tax exemption for pollution-control or recycling property and providing an applicability date. Approved 5-24-06.
- H.F. 2651 -- Relating to juvenile court records and restitution orders. Approved 6-2-06.
- H.F. 2661 -- Relating to the Linked Investments For Tomorrow Act. Approved 6-2-06.
- H.F. 2686 -- Providing for technical and substantive changes relating to the Iowa Communications Network, and relating to funding of the network. Approved 5-24-06.
- H.F. 2697 -- Relating to the confinement of a prisoner in a municipal holding facility or county jail. Approved 5-31-06.
- H.F. 2706 -- Providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state Board of Regents, to a private foundation as defined in Section 509 of the Internal Revenue Code organized for the support of a government body, or to an Endow Iowa qualified community foundation, as defined in Section 15E.303, organized for the support of a government body. Approved 5-24-06.
- H.F. 2708 -- Concerning the Veterans Trust Fund by providing for the minimum balance necessary in order to expend funds from the Veterans Trust Fund, providing for an individual income tax checkoff for the fund, and providing for an annual report concerning the fund, and including a retroactive applicability provision. Approved 5-8-06.
- H.F. 2716 -- Relating to civil actions for personal injury or death, including certain evidentiary, reporting, and study information requirements. Approved 5-24-06.

- H.F. 2731 – Relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas. Approved 5-30-06.
- H.F. 2734 – Relating to and making appropriations to the Department of Human Services, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Veterans Affairs and the Iowa Veterans Home, the Department of Human Rights, and the Department of Inspections and Appeals, providing for fee increases, and including other related provisions and appropriations, and including effective, applicability, and retroactive applicability date provisions. Approved 6-2-06 with the exception of Sections 63 and 123. See Governor's Item Veto Message.
- H.F. 2740 – Relating to the judicial branch and court administration and procedure and providing a penalty. Approved 5-24-06.
- H.F. 2743 – Relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund, and providing an effective date. Approved 6-1-06 with the exception of Section 1, subsection 3, paragraph k. See Governor's Item Veto message.
- H.F. 2748 – Providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa Department of Public Health, providing for the nontransferability of specified fees, and providing effective date. Approved 6-1-06.
- H.F. 2751 – Relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions. Approved 5-8-06.
- H.F. 2754 – Relating to renewable fuel and energy, providing incentives for infrastructure used to store and dispense renewable fuel, providing for income tax credits, providing for penalties, and providing effective and applicability dates, including retroactive applicability. Approved 5-30-06.
- H.F. 2759 – Relating to renewable fuel, by providing for the appropriation of moneys to support renewable fuel infrastructure, providing for tax credits, and providing contingent and other effective dates. Approved 5-30-06 with the exception of Sections 20 and 21; Sections 4 and 5; Section 7; Sections 23 and 24. See Governor's Item Veto message.
- H.F. 2764 – Authorizing a school district to share its portion of incremental property taxes with a contiguous school district. Approved 6-1-06.
- H.F. 2765 – Concerning the military division of the department of public defense. Approved 5-30-06.

- H.F. 2769 – Relating to the community empowerment initiative and making an appropriation. Approved 6-1-06.
- H.F. 2772 – Creating a brain injury services program and providing for allocation of a previously enacted appropriation. Approved 5-23-06.
- H.F. 2774 – Relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services. Approved 5-24-06.
- H.F. 2775 -- Relating to the judicial branch including the assessment of court fees and costs. Approved 5-30-06.
- H.F. 2777 – Relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes. Approved 5-24-06.
- H.F. 2780 – Relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates. Approved 5-23-06.
- H.F. 2782 – 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, the Endowment for Iowa's Health Restricted Capitals Fund, the Technology Reinvestment Fund, the Endowment for Iowa's Health Account, the Public Transit Infrastructure Grant Fund, the Iowa Great Places Program Fund, and related matters and providing immediate, retroactive, and future effective dates. Approved 5-31-06.
- H.F. 2786 – Relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions. Approved 5-24-06.
- H.F. 2789 – Relating to assessing court costs and modifying fines, providing for indigent defense, and making appropriations, to the judicial branch, attorney general, department of corrections and department of inspections and appeals. Approved 6-2-06.
- H.F. 2791 – Concerning community foundations and economic development relating to the Endow Iowa Tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date. Approved 5-31-06.

- H.F. 2792 – Relating to government operations and finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, the department of veterans affairs, and the state board of Regents, providing for participation in an instructional support program by school districts, relating to education standards and services providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates. Approved 6-1-06 with the exception of Section 10; Section 27, subsection 1, paragraphs a, b, c and d; Section 27, subsection 4, paragraphs a, b and c; Section 27, subsection 5; Section 42. See Governor's Item Veto Message.
- H.F. 2794 – Relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions. Approved 6-1-06.
- H.F. 2797 – Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions. Approved 6-2-06 with the exception of Sections 37, 52, 81 and 83. See Governor's Item Veto Message.
- S.F. 2076 – Relating to confinement feeding operations and by providing for manure management plans. Vetoed 6-2-06. See Governor's Veto Message.
- S.F. 2183 – Relating to the certification of enterprise zones and incentives and assistance under the enterprise zone program and including effective date and retroactive applicability provisions. Approved 5-30-06.
- S.F. 2217 – Relating to health and human services programs and procedures involving compliance with privacy laws applicable to mental health, mental retardation, developmental disability and brain injury services data, medical assistance program eligibility, creation of an electronic health records system task force, foster parent training, young adults transitioning from foster care, and persons with a developmental disability or other special need and the persons'

- families, and involuntary hospitalization proceedings. Approved 6-2-06.
- S.F. 2249 – Relating to the rights and responsibilities of a person providing family foster care. Approved 6-2-06.
- S.F. 2268 – Relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates. Approved 6-2-06.
- S.F. 2272 – Relating to the duties and operations of the state board of education, the department of education, the board of educational examiners, and local school boards. Approved 6-1-06.
- S.F. 2312 – Providing grants on behalf of veterans seriously injured in a combat zone, providing income tax exclusions, and including an effective date and retroactive applicability provision. Approved 5-8-06.
- S.F. 2333 – Relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty. Approved 5-8-06.
- S.F. 2362 – Relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness. Approved 5-24-06.
- S.F. 2363 – Relating to water quality standards. Approved 5-31-06.
- S.F. 2364 – Relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the Uniform Security Act, insurance division procedures including fees and an appropriation, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries. Approved 5-24-06.
- S.F. 2377 – Relating to animal feeding operations by providing for standards and evaluations by the Department of Natural Resources. Vetoed 5-31-06. See Governor's Veto Message.
- S.F. 2390 – Relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations. Approved 6-2-06.
- S.F. 2391 – Relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions. Approved 5-31-06

- S.F. 2398 – Providing a sales tax exemption for purchases of solar energy equipment. Approved 5-30-06.
- S.F. 2399 – Relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including effective dates. Approved 5-30-06.
- S.F. 2402 – Relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions. Approved 5-30-06.
- S.F. 2408 – Relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions. Approved 5-22-06.
- S.F. 2409 – Allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions. Approved 6-2-06.
- S.F. 2410 – Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable. Approved 6-1-06.

GOVERNOR'S VETO MESSAGES

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2351, an Act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions.

While I support exploring legislative remedies aimed at preventing any unintended expansion of eminent domain authority that may result from the Kelo Supreme Court decision I find that the restrictions in HF 2351 went too far. I am convinced that Iowa's economy, which we have all worked so hard to nurture and develop over the last eight years, will be negatively impacted should HF 2351 become law and place us at a competitive disadvantage with other states.

I am particularly troubled with the provisions that restrict the use of eminent domain for redevelopment purposes to areas defined as slum or blighted. These new standards threaten anticipated economic development projects that will result in job creation throughout the state. The most obvious example is the planned expansion of a plastics plant in the city of Clinton. This \$280 million project, which expects to create over one hundred high paying jobs, would be at risk if HF 2351 was current law. It is widely known that the General Assembly delayed the effective date of portions of this bill several months so that this project could continue. Delaying the effective date is an admission by the General Assembly of the bill's potential damage.

A rail spur for an ethanol plant in Dyersville, redevelopment of commercial property in Burlington, and a new municipal airport near Pella are further examples of proposed projects that would be in jeopardy if HF 2351 were to be signed. With those projects in mind, and the many others to come, we must recognize that protecting private property can be achieved without sacrificing economic development and job growth so vital to Iowa.

The United States Supreme Court's decision in Kelo affirmed that a government may not take private property solely for the private benefit of a particular person. Since the Kelo decision several states have purported to restrict the use of eminent domain for economic development purposes, but have made numerous exceptions because they recognize that restrictions that are too harsh will have a chilling impact on economic development and job creation.

Today, Iowa property owners are protected from eminent domain abuse by the United States Constitution and several statutes in the Iowa Code. Nonetheless, eminent domain should always be a last resort for governmental entities needing private property for a public purpose. In those very limited circumstances where the use of eminent domain is necessary, Iowa's existing laws lay out a very long and detailed set of steps and procedures that must be followed to protect landowners. The requirement that landowners receive "just compensation," for example, means that they are entitled to full market value for any property taken to advance a public project. Attached are charts of the required steps.

I am committed to ensuring Iowa landowners are protected from the use of eminent domain exclusively for the private benefit of others. If legislative leaders decide to call a special legislative session for the limited purpose of adopting sensible reform that protects both private property and job creation, I will continue to work with them to craft such reform. If not, I will appoint a special task force to study the impact of the Kelo decision on eminent domain law in Iowa and propose specific legislative recommendations to be considered by future legislatures.

For the above reasons, I respectfully disapprove House File 2351.

Sincerely,
Thomas J. Vilsack
Governor

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2076, a bill for an act relating to confinement feeding operations and by providing for manure management plans.

I am keenly aware of the importance of the livestock industry in Iowa and the tremendous economic impact it contributes to the health of Iowa's economy. Iowa has witnessed unprecedented growth in the swine industry across the state with new permitted and non-permitted facilities. I have serious concerns, however, with the policy changed established in section two of the bill. The new language would allow a person renting land for crop production to spread manure without express permission or knowledge of the landowner. Current law limits the authority to execute written agreements for manure application to the owner of the land. This bill would create real opportunity for friction between neighbors, which is contrary to Iowa values.

I cannot accept section two of the bill as it will weaken landowners' rights to make decisions concerning their own land. A landowner is in the best position to determine what is applied to their land not a renter of the land. Tenants can still negotiate and contract with landowners for the right to apply manure to rented land.

This office supports section one of the bill as it would help streamline the process of filling manure management plans and for this reason I will ask the Department of Natural Resources to expedite electronic filing on manure management plans.

For the reasons stated above I disapprove of Senate File 2076.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2377, an Act relating to animal feeding operations, by providing for standards and evaluations by the Department of Natural Resources.

SF 2377 is an attempt to pre-empt a proposed rule by the Department of Natural Resources, which defines the circumstances in which DNR would have authority to deny a construction permit or require modifications of a manure management plan.

The passage of SF 2377 represents a significant step backward in the state's ability to protect the environment at a time when we are making great strides and significant investments toward improving water quality.

The discussion on the proposed "department evaluation" administrative rules has prompted spirited debate regarding the potential implications of the DNR having this authority. The facts, however, are that in the last four years, more than 2,000 new livestock confinement facilities have been constructed in Iowa. Had these rules been in place during this growth in the industry, less than 1% of these operations would have been affected and only in areas where the potential environmental impact was obvious, as defined by rule. The DNR proposed rule is a step toward being able to control a handful of operations that could adversely impact Iowa's natural resources.

Given the record number of new livestock operations being constructed, the citizens of Iowa are becoming more vocal in demanding protection of the environment. The General Assembly has previously charged DNR with the primary responsibility of protecting the environment and managing water resources in this state. If the General Assembly no longer wishes for DNR to carry out that mandate, it should address the issue directly instead of attempting to undermine the ability of the Department to perform its core mission through this legislation.

The fact that SF 2377 would prevent reasonable additional protection of Iowa's environment, and could also result in weakening existing rule authority, makes this bill unacceptable. For the above reasons, I hereby respectfully disapprove Senate File 2377.

Sincerely,
Thomas J. Vilsack
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 31, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2459, an Act relating to and making appropriations to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Iowa Finance Authority, and the Public Employee Relations Board, related matters, and providing effective and retroactive applicability dates.

House File 2459 is approved on this date with the following exceptions, which I hereby disapprove:

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, the brochure enrollment revenue that comes from non-profit organizations is used for staffing these centers. Without those funds, the centers would be closed several days a week.

I am unable to approve the item designated as Section 23. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

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 2459 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2521, 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.

House File 2521 is approved on this date with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 24 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

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 2521 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 1, 2006

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2527, 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 including effective and retroactive applicability dates.

The best legislative efforts occur when people work together. Thanks to the leadership and collaboration of the executive branch and legislators, the 2006 Legislative Session delivered results for all sectors of education.

House File 2527 is approved on this date, with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 10 in its entirety. This section should have been removed from the bill when the Teacher Quality language was moved to HF 2792. Vetoing this section is a corrective action to remove the conflict with language in HF 2792.

I am unable to approve the item designated as Section 14 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

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 2527 are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2540, an Act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing fees, and providing an effective date.

House File 2540 is approved on this date with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 29 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

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 2540 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2558, an Act relating to and making appropriations to the justice system, providing a fee, and providing an effective date.

House File 2558 is approved on this date with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 22 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

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 2558 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2734, 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 Department of Veterans Affairs and the Iowa Veterans Home, the Department of Human Rights, and the Department of Inspections and Appeals, providing for fee increases, and including other related provisions and appropriations, and including effective, applicability, and retroactive applicability date provisions.

House File 2734 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the bracketed portions of the item identified as section 63. This section restricts the flexibility of the executive branch to transfer funds so that it can meet the priorities of Iowa's citizens. Accordingly, this provision threatens the ability to efficiently and effectively provide health care security, opportunities through job creation, and a world-class education that Iowans expect and deserve.

I am unable to approve the item designated as Section 123 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures

convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

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 2734 are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

June 1, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2743, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund, and providing an effective date.

House File 2743 is approved on this date, with the following exception which I hereby disapprove:

I am unable to approve the item designated as a portion of Section 1, subsection 3, paragraph k. 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 items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2743 are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

May 30, 2006

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2759, an Act relating to renewable fuel, by providing for the appropriation of moneys to support renewable fuel infrastructure, providing for tax credits, and providing contingent and other effective dates.

House File 2759 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 20 and 21 in their entirety. These sections would repeal the E-85 cost share program established by the General Assembly last year and transfer the dollars to the newly-established renewable fuels program. I am concerned that these two sections would terminate the successful E-85 program before the new renewable fuels program and the new board is ready to step in and take its place. Because of the success of the E-85 cost share program, we have a pool of applications still pending and additional are ready to go directly to retailers as soon as the new fiscal year begins in July of 2006. Disapproving these items, therefore, will enable Iowa retailers to upgrade facilities for E-85 fuel more promptly and avoid unnecessary delays.

I am unable to approve the items designated as Section 4, 5 in their entirety. These two sections remove references to E-85 cost share program repealed in sections 20 and 21.

I am unable to approve the item designated as Section 7 in its entirety. This section appropriates an open-ended amount of money to the Department of Agriculture and Land Stewardship for motor fuel quality assurance out of the funds appropriated for financial incentives to fuel retailers. While it is important that the Department obtain the resources necessary to assure motor fuel quality, it should not come at the expense of our critical efforts to promote and expand access to renewable fuels in this State. Rather, the resources for assuring the quality of our motor fuel should be developed through the normal appropriations process.

I will recommend additional funding to the Department of Agriculture and Land Stewardship for motor fuel quality assurance in the final budget that I submit to the General Assembly in January 2007.

Additionally, I am unable to approve a portion of the item designated as Section 23, as well as the item designated as Section 24 in its entirety. These items make the provisions in Section 7 effective upon enactment. Because I have disapproved Section 7, these items should not be approved.

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 2759 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 1, 2006

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2792, an Act relating to government operations and finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, the department of veterans affairs, and the state board of Regents, providing for participation in an instructional support program by school districts, relating to education standards and services providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

In order to provide Iowa's students with the highest quality teachers, this bill makes a significant three-year commitment to increase compensation for Iowa's beginning and career teachers by \$35 million in FY07, \$70 million in FY08, and \$105 million in FY09. The initiative also supports the continued development of teachers and administrators by providing professional development and mentoring opportunities for Iowa's educators.

In addition, we have solidified the involvement of teacher-librarians in increasing student achievement and created the possibility for teachers in shortage areas and high-need schools to receive additional compensation.

The bill strengthens Iowa's education system by expanding English Language Learning to provide an additional year of assistance to those learning English.

The bill creates equity in property tax allocation across school districts that will allow innovation and efficiencies.

House File 2792 is approved on this date, with the following exceptions, which I hereby disapprove:

I am unable to approve the designated portion of Section 10. This language was intended to further clarify the definition of a teacher with respect to AEA employees. It appears that an unintended consequence of this language is that it may result in

including AEA staff members who are non-classroom teachers as eligible for the teacher compensation program. The department of education will work with the AEA system to create language for next year that will work for everyone.

I am unable to approve the designated portions of Section 27 subsection 1 paragraphs a, b, c, and d. Section 27 creates a Pay-for-Performance Commission to design and implement a pay-for-performance program, specifies the commission members and their terms. The language was not part of an agreed upon negotiation and is too prescriptive. I am issuing an Executive Order to have the Institute for Tomorrow's Workforce take the lead on this study. The Institute for Tomorrow's Workforce was created by the General Assembly last year to provide a long-term forum for bold, innovative recommendations to improve Iowa's education system and is well suited for this challenging task.

I am unable to approve the designated portions of Section 27 subsection 4, paragraph a. The designated portion of this paragraph requires that the measure of student performance be based solely on tests of student achievement. There is a solid body of evidence showing that no one assessment can account for all of the variables that contribute to positive student achievement. If a pay-for-performance system is possible to design, it must be aligned with the existing Iowa Teacher Performance, Compensation and Career Development law. The designated portions of this section fail to do so.

I am unable to approve the designated portions of Section 27 subsection 4, paragraph b. This paragraph would prohibit pay-for-performance for teachers whose students, while improving, did not meet a predetermined and perhaps arbitrary level of performance. We should encourage, not discourage, student performance.

I am unable to approve the designated portions of Section 27 subsection 4, paragraph c. This paragraph would require the department of education to create a teacher remediation program for teachers. The Department of Education must not do this in isolation. Any meaningful remediation must be done by the principal and school district board in conjunction with the teacher involved.

I am unable to approve the designated portions of Section 27 subsection 5. This section allocates responsibility to the legislative services agency for providing technical and administrative assistance. It is inappropriate for an executive branch function. This represents an infringement on appropriate separation of powers. A more effective approach would be to ask the Department of Education to provide support.

I am unable to approve the item designated as Section 42, in its entirety. This section adds one new voting member to the Iowa College Student Aid Commission, and requires that the member be a representative of a proprietary higher education institution. As part of legislative negotiations, it was agreed to remove this section from the bill but the language was inadvertently left in the final version. An item veto has been requested by leadership of both the House and Senate. I hereby veto this change to Iowa Code section 261.1, subsection 5.

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 2792 are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2797, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

House File 2797 is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 37 and Section 52 in their entirety. Both provisions direct the Department of Natural Resources to borrow money from the manure management indemnity fund for database upgrades. The related legislation (HF 2755), however, did not pass both chambers so these items are no longer necessary.

I am unable to accept the item designated as Section 81 in its entirety. This provision adds "canines from licensed facilities" to the list of farm products under chapter 352 of the Iowa Code. That chapter allows counties to regulate land use through adoption of zoning ordinances if a county so chooses. To include licensed canine facilities to the list of farm products would eliminate a county's ability to address the concerns of neighbors and the impacts such operations would have on adjacent property.

Commercial dog kennels are generally the type of use that most zoning ordinances only allow as a "special use" rather than a "permitted use." Special uses generally require public hearings before a Zoning Board of Adjustments, which gives neighbors the right to know and voice input during the review process. Approval of this bill would eliminate that right.

I am unable to accept the item designated as Section 83 in its entirety. This provision adds "canines from licensed facilities" to the definition of an "agricultural product" under chapter 423.1 of the Iowa Code, thereby eliminating the sales tax on inputs for commercial dog kennels. Simply put, breeding dogs is not equivalent to any

of the other activities that fall within the definition of an agricultural product, which includes "flowering, ornamental, or vegetable plants and those products of aquaculture." Moreover, other services involved in the breeding and raising companion animals must charge sales tax, including veterinary and grooming services. There is no compelling reason why commercial dog kennels should enjoy a tax advantage not offered to others in the business of raising companion animals.

Concern has been raised about the item designated as Section 87 of this bill. This provision allows for an employee of a property management company to institute a claim in small claims court on behalf of the property owner. This language was in response to a recent change in Polk County to the longstanding practice of allowing property management companies to initiate actions in small claims court. I call upon the General Assembly to review this provision next legislative session to make it clear that this change does not ease restrictions on the unauthorized practice of law in small claims court.

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 2797 are hereby approved this date.

Sincerely,
Thomas J. Vilsack
Governor

AMENDMENTS FILED

Amendments filed during the Eighty-first General Assembly, 2006 session, not otherwise printed in the House Journal:

H—8001

1 Amend House File 2045 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, 2007, 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 c. (1) For the tax year beginning in the 2008
38 calendar year and for each subsequent tax year, the
39 adjusted base dollar amounts set forth in paragraph
40 "b" shall be multiplied by the cumulative adjustment
41 factor for that tax year. "Cumulative adjustment
42 factor" means the product of the annual adjustment
43 factor for the 2007 calendar year and all annual
44 adjustment factors for subsequent calendar years. The

45 cumulative adjustment factor applies to the tax year
46 beginning in the calendar year for which the latest
47 annual adjustment factor has been determined.
48 (2) The annual adjustment factor for the 2007
49 calendar year is one hundred percent. For each
50 subsequent calendar year, the annual adjustment factor

Page 2

1 equals the annual inflation factor for the calendar
2 year, in which the tax year begins, as computed in
3 section 422.4 for purposes of the individual income
4 tax."

5 2. Page 2, line 19, by striking the words "six
6 thousand" and inserting the following: "six seven
7 thousand two hundred".

8 3. Page 2, line 21, by striking the words "twelve
9 thousand" and inserting the following: "twelve
10 fourteen thousand four hundred".

11 4. Page 2, by striking line 29 and inserting the
12 following: "up to twelve fourteen thousand four
13 hundred dollars. The twelve fourteen thousand four
14 hundred dollar".

15 5. By striking page 2, line 34, through page 3,
16 line 23, and inserting the following:

17 "b. (1) For the tax year beginning in the 2008
18 calendar year and for each subsequent tax year, the
19 maximum exclusion dollar amounts set forth in
20 paragraph "a" shall be multiplied by the cumulative
21 adjustment factor for that tax year. "Cumulative
22 adjustment factor" means the product of the annual
23 adjustment factor for the 2007 calendar year and all
24 annual adjustment factors for subsequent calendar
25 years. The cumulative adjustment factor applies to
26 the tax year beginning in the calendar year for which
27 the latest annual adjustment factor has been
28 determined.

29 (2) The annual adjustment factor for the 2007
30 calendar year is one hundred percent. For each
31 subsequent calendar year, the annual adjustment factor
32 equals the annual inflation factor for the calendar
33 year, in which the tax year begins, as computed in
34 section 422.4 for purposes of the individual income
35 tax."

36 6. Title page, line 1, by striking the words
37 "phasing out" and inserting the following:
38 "reducing".

H—8008

1 Amend the amendment, H-1542, to House File 540, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking lines 3 through 26, and
 5 inserting the following:

6 " _____. By striking everything after the
 7 enacting clause and inserting the following:

8 "Section 1. NEW SECTION. 321.267A TRAFFIC

9 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
 10 — REPORTS.

11 1. Any traffic accident involving the operation of
 12 a motor vehicle by a certified law enforcement officer
 13 shall be reported to the department by the officer's
 14 employer. The officer's employer shall certify to the
 15 department whether or not the accident occurred in the
 16 line of duty while operating an official government
 17 vehicle.

18 2. Notwithstanding section 321.200, upon receiving
 19 a certification pursuant to subsection 1, the
 20 department shall not include a notation of the
 21 accident described in the certification on the
 22 officer's driving record.

23 3. The provisions of this section shall not
 24 relieve a certified law enforcement officer operating
 25 a motor vehicle of the duty to drive with due regard
 26 for the safety of all persons, and shall not protect a
 27 certified law enforcement officer from the
 28 consequences of the officer's reckless disregard for
 29 the safety of others.

30 4. For the purposes of this section, "certified law
 31 enforcement officer" means a law enforcement officer
 32 who is certified through the Iowa law enforcement
 33 academy as provided in section 80B.13, subsection 3,
 34 or section 80B.17."

TOMENGA of Polk

H-8010

1 Amend the amendment, H-8008, to the Senate
 2 amendment, H-1542, to House File 540, as amended,
 3 passed, and reprinted by the House as follows:

4 1. Page 1, line 9, by inserting after the word
 5 "OFFICERS" the following: "OR EMERGENCY SERVICES
 6 PROVIDERS".

7 2. Page 1, line 12, by inserting after the word
 8 "officer" the following: "or emergency services
 9 provider".

10 3. Page 1, line 13, by inserting after the word
 11 "officer's" the following: "or provider's".

- 12 4. Page 1, line 14, by inserting after the word
 13 "officer's" the following: "or provider's".
 14 5. Page 1, line 22, by inserting after the word
 15 "officer's" the following: "or provider's".
 16 6. Page 1, line 24, by inserting after the word
 17 "officer" the following: "or emergency services
 18 provider".
 19 7. Page 1, line 27, by inserting after the word
 20 "officer" the following: "or emergency services
 21 provider".
 22 8. Page 1, line 28, by inserting after the word
 23 "officer's" the following: "or provider's".
 24 9. Page 1, by inserting after line 34, the
 25 following:
 26 "____. For the purposes of this section,
 27 "emergency services provider" means an emergency
 28 medical care provider or emergency rescue technician
 29 as defined in section 147A.1 or a fire fighter as
 30 defined in section 411.1."
 31 10. By renumbering as necessary.

THOMAS of Clayton

H-8013

- 1 Amend House File 2238 as follows:
 2 1. Page 10, line 6, by striking the figure "15"
 3 and inserting the following: "6.3226".

WATTS of Dallas

H-8015

- 1 Amend the amendment, H-8013, to House File 2238 as
 2 follows:
 3 1. Page 1, by inserting after line 3 the
 4 following:
 5 "____. Page 24, by inserting after line 12 the
 6 following:
 7 "Sec.____. 2005 Iowa Acts, chapter 164, section
 8 10, subsection 2, is amended to read as follows:
 9 2. Up to ~~15 6.32198~~ percent of the amount
 10 appropriated in this section that is actually received
 11 shall be used for residential weatherization or other
 12 related home repairs for low-income households. Of
 13 this allocation amount, not more than 10 percent may
 14 be used for administrative expenses.
 15 Sec.____. EFFECTIVE DATE. The section of this Act
 16 amending 2005 Iowa Acts, chapter 164, section 10,
 17 being deemed of immediate importance, takes effect
 18 upon enactment."
 19 _____. Title page, line 5, by inserting after the

20 word "anticipated" the following: "and providing an
 21 effective date."
 22 2. By renumbering as necessary.

WATTS of Dallas

H-8017

1 Amend the amendment, H-8013, to House File 2238 as
 2 follows:

3 1. Page 1, line 3, by striking the figure
 4 "6.3226" and inserting the following: "10".

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

7 "____. Page 24, by inserting after line 12 the
 8 following:

9 "Sec.____. WEATHERIZATION. There is appropriated
 10 from the general fund of the state to the division of
 11 community action agencies of the department of human
 12 rights for the fiscal year beginning July 1, 2005, and
 13 ending June 30, 2006, the following amount, or so much
 14 thereof as is necessary, to be used for the purposes
 15 designated:

16 For residential weatherization or other related
 17 home repairs for low-income persons, to supplement the
 18 amount allocated for this purpose in 2005 Iowa Acts,
 19 chapter 164, section 10, subsection 2:

20 \$ 6,000,000

21 Notwithstanding section 8.33, moneys appropriated
 22 in this section that remain unencumbered or
 23 unobligated at the close of the fiscal year shall not
 24 revert but shall remain available for expenditure for
 25 the purposes designated until the close of the
 26 succeeding fiscal year.

27 Sec.____. 2005 Iowa Acts, chapter 164, section 10,
 28 subsection 2, is amended to read as follows:

29 2. Up to ~~45~~ 10 percent of the amount appropriated
 30 in this section that is actually received shall be
 31 used for residential weatherization or other related
 32 home repairs for low-income households. Of this
 33 allocation amount, not more than 10 percent may be
 34 used for administrative expenses.

35 Sec.____. EFFECTIVE DATE. The sections of this
 36 Act making an appropriation to the division of
 37 community action agencies for the fiscal year
 38 beginning July 1, 2005, and amending 2005 Iowa Acts,
 39 chapter 164, section 10, being deemed of immediate
 40 importance, take effect upon enactment."

41 _____. Title page, line 5, by inserting after the
 42 word "anticipated" the following: "and providing an

43 effective date”.

44 3. By renumbering as necessary.

HOGG of Linn

H-8018

1 Amend House File 2235 as follows:

2 1. Page 1, line 15, by inserting after the word
 3 "litem." the following: "The court appointed special
 4 advocate or other person designated by the court shall
 5 provide recommendations to the guardian ad litem in a
 6 timely manner that allows the guardian ad litem to
 7 incorporate the recommendations in representing the
 8 best interests of the child before the court."

SMITH of Marshall

H-8019

1 Amend the amendment, H-8008, to the Senate
 2 amendment, H-1542, to House File 540, as amended,
 3 passed, and reprinted by the House, as follows:

4 1. Page 1, line 9, by inserting after the word
 5 "OFFICERS" the following: "OR CERTIFIED EMERGENCY
 6 SERVICES PROVIDERS".

7 2. Page 1, line 12, by inserting after the word
 8 "officer" the following: "or certified emergency
 9 services provider".

10 3. Page 1, line 13, by inserting after the word
 11 "officer's" the following: "or provider's".

12 4. Page 1, line 14, by inserting after the word
 13 "officer's" the following: "or provider's".

14 5. Page 1, line 22, by inserting after the word
 15 "officer's" the following: "or provider's".

16 6. Page 1, line 24, by inserting after the word
 17 "officer" the following: "or certified emergency
 18 services provider".

19 7. Page 1, line 27, by inserting after the word
 20 "officer" the following: "or certified emergency
 21 services provider".

22 8. Page 1, line 28, by inserting after the word
 23 "officer's" the following: "or provider's".

24 9. Page 1, by inserting after line 34, the
 25 following:

26 "___ For the purposes of this section, "certified
 27 emergency services provider" means an emergency
 28 medical care provider or emergency rescue technician
 29 as defined in section 147A.1 or a fire fighter as
 30 defined in section 411.1."

31 ___ Title page, line 2, by inserting after the
 32 word "officers" the following: "and certified

33 emergency services providers".
 34 10. By renumbering as necessary.

THOMAS of Clayton

H-8023

1 Amend House File 2351 as follows:
 2 1. Page 1, by inserting after line 25, the
 3 following:
 4 "Sec.____. Section 6A.21, subsection 1, paragraph
 5 b, Code 2005, is amended to read as follows:
 6 b. "Private development purposes" means the
 7 construction of, or improvement related to,
 8 recreational trails in counties with less than three
 9 hundred thousand population, recreational development
 10 paid for primarily with private funds, housing and
 11 residential development, or commercial or industrial
 12 enterprise development."
 13 2. By renumbering as necessary.

FALLON of Polk

H-8027

1 Amend House File 2351 as follows:
 2 1. By striking everything after the enacting
 3 clause, and inserting the following:
 4 "Section 1. NEW SECTION. 6A.22 CONDEMNATION OF
 5 CERTAIN RESIDENTIAL PROPERTY – DEFINITIONS.
 6 1. As used in this chapter and chapter 6B, unless
 7 the context otherwise requires:
 8 a. "Private development purposes" means the
 9 construction of, or improvement related to,
 10 recreational development paid for primarily with
 11 private funds, housing and residential development, or
 12 commercial or industrial enterprise development.
 13 b. "Public use", "public purpose", or "public
 14 improvement" does not include the authority to condemn
 15 residential property for private development purposes
 16 unless the owner of the residential property consents
 17 to the condemnation.
 18 c. "Residential property" means real property
 19 which is an owner-occupied single-family dwelling or
 20 an owner-occupied dwelling containing no more than two
 21 single-family dwelling units, and structures
 22 incidental or appurtenant to the dwelling.
 23 Residential property does not include any real
 24 property declared to be a horizontal property regime
 25 under chapter 499B.
 26 2. The limitation in subsection 1 on the
 27 definition of public use, public purpose, or public

28 improvement does not apply to a slum area or blighted
 29 area as defined in section 403.17, or to property
 30 necessary for a municipal housing project under
 31 chapter 403A, or to the establishment, relocation, or
 32 improvement of a road pursuant to chapter 306, or to
 33 the establishment of a railway under the supervision
 34 of the department of transportation as provided in
 35 section 327C.2, or to an airport as defined in section
 36 328.1, or to land acquired in order to replace or
 37 mitigate land used in a road project when federal law
 38 requires replacement or mitigation. This limitation
 39 also does not apply to utilities or persons under the
 40 jurisdiction of the Iowa utilities board in the
 41 department of commerce or to any other utility
 42 conferred the right by statute to condemn private
 43 property or to otherwise exercise the power of eminent
 44 domain.

45 Sec. 2. Section 403.7, Code 2005, is amended to
 46 read as follows:

47 403.7 CONDEMNATION OF PROPERTY.

48 A municipality shall have the right to acquire by
 49 condemnation any interest in real property, including
 50 a fee simple title thereto, which it may deem

Page 2

1 necessary for or in connection with an urban renewal
 2 project under this chapter, subject to the limitations
 3 on eminent domain authority in chapter 6A. However, a
 4 municipality shall not condemn agricultural land
 5 included within an economic development area unless
 6 the owner of the agricultural land consents to
 7 condemnation or unless the agricultural land is to be
 8 acquired for industry as that term is defined in
 9 section 260E.2. A municipality ~~may~~ shall exercise the
 10 power of eminent domain in the manner provided in
 11 chapter 6B, ~~and Acts amendatory to that chapter or~~
 12 ~~supplementary to that chapter, or it may exercise the~~
 13 ~~power of eminent domain in the manner now or which may~~
 14 ~~be hereafter provided by any other statutory~~
 15 ~~provisions for the exercise of the power of eminent~~
 16 ~~domain.~~ Property already devoted to a public use may
 17 be acquired in like manner. However, real property
 18 belonging to the state, or any political subdivision
 19 of this state, shall not be acquired without its
 20 consent, and real property or any right or interest in
 21 the property owned by any public utility company,
 22 pipeline company, railway or transportation company
 23 vested with the right of eminent domain under the laws
 24 of this state, shall not be acquired without the
 25 consent of the company, or without first securing,
 26 after due notice to the company and after hearing, a

27 certificate authorizing condemnation of the property
 28 from the board, commission or body having the
 29 authority to grant a certificate authorizing
 30 condemnation. In a condemnation proceeding, if a
 31 municipality proposes to take a part of a lot or
 32 parcel of real property, the municipality shall also
 33 take the remaining part of the lot or parcel if
 34 requested by the owner.

35 Sec. 3. Section 403A.20, Code 2005, is amended to
 36 read as follows:

37 403A.20 CONDEMNATION OF PROPERTY.

38 A municipality shall have the right to acquire by
 39 condemnation any interest in real property, including
 40 a fee simple title thereto, which it may deem
 41 necessary for or in connection with a municipal
 42 housing project under this chapter. A municipality
 43 ~~may shall~~ exercise the power of eminent domain in the
 44 manner provided in chapter 6B, ~~and acts amendatory~~
 45 ~~thereof or supplementary thereto, or it may exercise~~
 46 ~~the power of eminent domain in the manner now or which~~
 47 ~~may be hereafter provided by any other statutory~~
 48 ~~provisions for the exercise of the power of eminent~~
 49 ~~domain.~~ Property already devoted to a public use may
 50 be acquired in like manner: ~~Provided, that no,~~

Page 3

1 ~~However,~~ real property belonging to the state, or any
 2 political subdivision thereof, ~~may shall not~~ be
 3 acquired without its consent, ~~provided further that no~~
 4 ~~and~~ real property or any right or interest ~~therein n~~
 5 the property owned by any public utility company,
 6 pipeline company, railway or transportation company
 7 vested with the right of eminent domain under the laws
 8 of this state, shall ~~not~~ be acquired without the
 9 consent of ~~such the~~ company, or without first
 10 securing, after due notice to ~~such the~~ company and
 11 after hearing, a certificate authorizing condemnation
 12 of such property from the board, commission or body
 13 having the authority to grant a certificate
 14 authorizing condemnation.

15 In a condemnation proceeding, if a municipality
 16 proposes to take a part of a lot or parcel of real
 17 property, the municipality shall also take the
 18 remaining part of the lot or parcel if requested by
 19 the owner."

20 2. Title page, by striking lines 1 through 4, and
 21 inserting the following: "An Act limiting the
 22 exercise of eminent domain authority over certain
 23 residential property."

H-8028

- 1 Amend House File 2351 as follows:
2 1. Page 2, by striking lines 29 through 33, and
3 inserting the following:
4 "(5) The acquisition of a census tract, as
5 determined in the most recent federal census, or a
6 portion of a census tract, if the tract or portion
7 thereof is located in that part of an urban renewal
8 area designated as a slum or blighted area and if the
9 tract or a portion thereof is determined by the
10 municipality to be in a predominantly slum or blighted
11 condition."
12 2. Page 4, by striking lines 6 and 7, and
13 inserting the following: "source or for recreational
14 use".
15 3. By striking page 9, line 18, through page 10,
16 line 2.
17 4. By striking page 20, line 25, through page 21,
18 line 2.
19 5. By renumbering as necessary.

JENKINS of Black Hawk
HOFFMAN of Crawford

H-8030

- 1 Amend House File 2239 as follows:
2 1. Page 1, line 13, by striking the words "full
3 partners" and inserting the following: "participants".

WINCKLER of Scott

H-8031

- 1 Amend the amendment, H-8025, to House File 2351 as
2 follows:
3 1. Page 1, by inserting after line 7, the
4 following:
5 "____. By striking page 2, line 29, through page
6 3, line 28."
7 2. By renumbering as necessary.

PAULSEN of Linn

H-8034

- 1 Amend the amendment, H-8025, to House File 2351 as
2 follows:
3 1. Page 1, by inserting before line 47 the
4 following:
5 "____. Page 17, line 26, by inserting after the

- 6 word "body." the following: "The approval requirement
 7 of this section applies only to the governing bodies
 8 of political subdivisions located in this state."
 9 2. By renumbering as necessary.

ALONS of Sioux
 WILDERDYKE of Harrison
 CHAMBERS of O'Brien
 KAUFMANN of Cedar

H-8044

- 1 Amend House File 2351 as follows:
 2 1. Page 20, line 31, by inserting after the word
 3 "following" the following: ", but only to the extent
 4 the city had this power prior to July 1, 2006".

WATTS of Dallas

H-8045

- 1 Amend the amendment, H-8025, to House File 2351 as
 2 follows:
 3 1. Page 1, by inserting before line 47, the
 4 following:
 5 "__. Page 17, line 26, by inserting after the
 6 word "body." the following: "This section does not
 7 apply to an entity created by or on behalf of
 8 political subdivisions located in more than one
 9 state.""

ALONS of Sioux

H-8050

- 1 Amend House File 2239 as follows:
 2 1. Page 1, line 13, by striking the word
 3 "partners" and inserting the following:
 4 "participants".

WINCKLER of Scott

H-8051

- 1 Amend House File 2445 as follows:
 2 1. Page 1, line 32, by striking the words and
 3 figure "up to the limit specified in subsection 6B".

WISE of Lee

H-8059

- 1 Amend House File 2510 as follows:
 2 1. Page 1, line 22, by striking the words
 3 "respondent and applicant" and inserting the
 4 following: "applicant and the attorney, guardian, or
 5 guardian ad litem for the respondent".
 6 2. By renumbering as necessary.

EICHHORN of Hamilton

H-8066

- 1 Amend House File 2540 as follows:
 2 1. By striking page 6, line 31, through page 7,
 3 line 6.
 4 2. Page 10, by striking lines 11 through 13 and
 5 inserting the following:
 6 "___. Moneys in the national pollutant discharge
 7 elimination system permit fund shall be used only as
 8 provided in appropriations made from the fund by the
 9 general assembly which may include for purposes
 10 relating to expediting the department's processing
 11 of".

DE BOEF of Keokuk

H-8067

- 1 Amend Senate File 2076, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 459.312, subsection 4, Code
 6 2005, is amended to read as follows:
 7 4. a. The department shall deliver a copy of all
 8 of the following to a designated county board of
 9 supervisors:
 10 (1) An original manure management plan or require
 11 the person submitting the manure management plan to
 12 deliver a copy of the. If a person is required to be
 13 issued a permit for the construction of the manure
 14 storage structure as provided in section 459.303, the
 15 original manure management plan shall accompany the
 16 application for the construction permit as provided in
 17 section 459.303.
 18 (2) Any updated manure management plan to. If the
 19 owner of a confinement feeding operation files a
 20 document in lieu of submitting a complete plan as
 21 provided in this section, the department shall deliver
 22 a copy of that document to each designated county
 23 board of supervisors.

24 b. For purposes of this subsection, a "designated
 25 county board of supervisors" includes all of the
 26 following:
 27 a. (1) The county board of supervisors in the
 28 county where the manure storage structure owned by the
 29 person is located.
 30 b. (2) The county board of supervisors in the
 31 county where the manure storage structure is proposed
 32 to be constructed. If the person is required to be
 33 issued a permit for the construction of the manure
 34 storage structure as provided in section 459.303, the
 35 manure management plan shall accompany the application
 36 for the construction permit as provided in section
 37 459.303.
 38 e. (3) The county board of supervisors in the
 39 county where the manure is to be applied.
 40 The manure management plan shall be filed with the
 41 county board of supervisors.
 42 c. The department shall deliver the manure
 43 management plan and related documents by electronic
 44 transmission, unless the department and a designated
 45 county board of supervisors agrees to another delivery
 46 method. The county auditor or other county officer
 47 designated by the county board of supervisors may
 48 accept the manure management plan and related
 49 documents on behalf of the board."
 50 2. By renumbering as necessary.

DE BOEF of Keokuk

H-8075

1 Amend Senate File 2232, as passed by the Senate, as
 2 follows:
 3 1. Page 4, by inserting after line 31 the
 4 following:
 5 "Sec. ____ . Section 307.40, Code 2005, is amended
 6 to read as follows:
 7 307.40 COPIES OF CONTRACTS TO LEGISLATIVE SERVICES
 8 AGENCY.
 9 The department shall give a copy of each of the
 10 following contracts to the legislative services
 11 agency:
 12 1. Each contract for construction or
 13 reconstruction of roads, streets, or bridges entered
 14 into by the department in which the contract price is
 15 for five million dollars or more ~~to the legislative~~
 16 ~~services agency.~~
 17 2. Each contract for lease or purchase of land or
 18 buildings, other than land or buildings needed for a
 19 highway construction project, entered into by the
 20 department in which the contract price or annual lease

21 cost is five hundred thousand dollars or more."

22 2. By renumbering as necessary.

FORD of Polk

H-8076

1 Amend Senate File 2232, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 31 the
4 following:

5 "Sec. ____ Section 307.10, Code Supplement 2005,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 14A. Approve any change in the
8 location of an existing driver's license issuance site
9 operated by the department and the location of any new
10 site.

11 Sec. ____ Section 307.12, Code Supplement 2005, is
12 amended by adding the following new subsection:
13 NEW SUBSECTION. 16. Recommend to the commission
14 any proposed location or change in the location of a
15 driver's license issuance site operated by the
16 department. The director shall hold at least one
17 public hearing in the area served by a driver's
18 license issuance site prior to recommending a location
19 change for an existing site."

20 2. By renumbering as necessary.

FORD of Polk

H-8078

1 Amend House File 2540 as follows:

2 1. By striking page 7, line 20, through page 8,
3 line 8.

4 2. By renumbering as necessary.

REASONER of Union

H-8084

1 Amend House File 2459 as follows:

2 1. Page 12, by inserting after line 32 the
3 following:

4 "Sec. ____ Section 91D.1, subsection 1, paragraph
5 a, Code 2005, is amended to read as follows:
6 a. The hourly wage stated in the federal minimum
7 wage law, pursuant to 29 U.S.C. § 206, shall be
8 increased to ~~\$3.85 on January 1 of 1990, \$4.25 on~~
9 ~~January 1 of 1991, and \$4.65~~ \$6.15 on January 1 of
10 ~~1992, 2007.~~
11 Sec. ____ Section 91D.1, subsection 1, paragraph

- 12 d. Code 2005, is amended by striking the paragraph."
 13 2. By renumbering as necessary.

MURPHY of Dubuque

H-8090

- 1 Amend the amendment, H-8085, to House File 2459 as
 2 follows:
 3 1. Page 1, line 7, by striking the figure
 4 "4,363,557" and inserting the following: "4,563,557".
 5 2. Page 1, by inserting after line 20 the
 6 following:
 7 "____. Page 6, line 33, by striking the figure
 8 "550,000" and inserting the following: "750,000"."

HOGG of Linn

H-8094

- 1 Amend the amendment, H-8085, to House File 2459 as
 2 follows:
 3 1. Page 1, line 7, by striking the figure
 4 "4,363,557" and inserting the following: "7,563,557".
 5 2. Page 1, line 12, by striking the figure
 6 "2,000,000" and inserting the following: "5,000,000".
 7 3. Page 1, by inserting after line 20 the
 8 following:
 9 "____. Page 6, line 33, by striking the figure
 10 "550,000" and inserting the following: "750,000"."

HOGG of Linn

H-8098

- 1 Amend House File 2638 as follows:
 2 1. Page 1, by inserting after line 4 the
 3 following:
 4 "Sec. _____. Section 235B.6, subsection 1, Code
 5 Supplement 2005, is amended to read as follows:
 6 1. Notwithstanding chapter 22, the confidentiality
 7 of all dependent adult abuse information shall be
 8 maintained, except as specifically provided by
 9 subsections 2 and 3. The department shall not reveal
 10 the identity of the reporter of dependent adult abuse
 11 unless otherwise ordered by the court or an
 12 administrative law judge."
 13 2. By renumbering as necessary.

SMITH of Marshall

H-8099

1 Amend House File 2595 as follows:

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

4 "Sec. ____ Section 15E.192, subsection 3, Code
5 Supplement 2005, is amended to read as follows:

6 3. a. (1) An enterprise zone certified by the
7 department pursuant to subsection 2 shall only be
8 amended if the amendment consists of an area being
9 added to the enterprise zone and the added area meets
10 the criteria of section 15E.194, subsection 2. An
11 enterprise zone certified by the department pursuant
12 to subsection 1 or 2 may be decertified; however, if a
13 subsequent enterprise zone is designated, the
14 expiration date of the subsequent enterprise zone
15 shall be the same as the expiration date of the
16 decertified enterprise zone. A portion of a certified
17 enterprise zone may be decertified, provided that the
18 remaining portion of the certified enterprise zone
19 meets the distress criteria provided in section
20 15E.194.

21 (2) A city or county that is not eligible to
22 designate an enterprise zone but previously designated
23 enterprise zones pursuant to section 15E.194, Code
24 1997, which were equivalent in area to one percent of
25 the total county area may decertify all or a portion
26 of an enterprise zone and designate a subsequent
27 enterprise zone if all of the following criteria are
28 met:

29 (a) A subsequent enterprise zone of equivalent
30 area or less is designated.

31 (b) The subsequent enterprise zone meets the same
32 distress criteria as were applicable to the
33 decertified enterprise zone.

34 (c) The expiration date of the subsequent
35 enterprise zone is the same as the expiration date of
36 the decertified enterprise zone.

37 b. A county or city may apply to the department
38 for an area to be certified as an enterprise zone at
39 any time prior to March 1, ~~2006~~ 2012. However, the
40 total amount of land designated as enterprise zones
41 under subsections 1 and 2, and any other enterprise
42 zones certified by the department, excluding those
43 approved pursuant to section 15E.194, subsection 4,
44 shall not exceed in the aggregate one percent of the
45 total county area."

46 2. By renumbering as necessary.

H-8103

- 1 Amend House File 2521 as follows:
2 1. Page 21, by inserting after line 33 the
3 following:
4 "Sec. _____. Section 11.5B, Code 2005, is repealed."
5 2. By renumbering as necessary.

HUNTER of Polk

H-8117

- 1 Amend House File 2558 as follows:
2 1. Page 22, line 3, by inserting after the word
3 "companies." the following: "The employee mileage
4 reimbursement under section 8A.363 for the use of a
5 personal vehicle for the fiscal year shall be at least
6 the maximum allowable under the federal internal
7 revenue service rules per mile, and the reimbursement
8 rates for per diem allowances shall also provide the
9 maximum allowable during the fiscal year under the
10 federal travel regulations for government travel rules
11 applicable to the appropriate type of expense."

T. TAYLOR of Linn

H-8118

- 1 Amend the amendment, H-8084, to House File 2459 as
2 follows:
3 1. Page 1, by striking lines 6 through 10 and
4 inserting the following:
5 "a. (1) The hourly wage stated in the federal
6 minimum wage law, pursuant to 29 U.S.C. § 206, shall
7 be increased to \$3.85 on January 1 of 1990, \$4.25 on
8 January 1 of 1991, and \$4.65 on January 1 of 1992.
9 (2) Notwithstanding the minimum wage specified in
10 subparagraph (1), if there is enacted by the Eighty-
11 first General Assembly, 2006 Session, an amendment to
12 section 85.3, subsection 1, to provide that for the
13 purposes of chapter 85, an employer is required to pay
14 workers' compensation benefits for a personal injury
15 sustained by an employee in the course of employment
16 if the employment activity was the predominant factor
17 causing the injury; an amendment to section 441.21
18 that provides that the increase in the assessed values
19 for residential, agricultural, commercial, and
20 industrial property shall be limited to the percentage
21 increase of that class of property that has the lowest
22 percentage increase for the applicable assessment year
23 under the allowable limit adjusted to include the
24 applicable and current values as equalized by the

25 director of revenue; and amendments to section 730.5
26 in House File 703 relating to private sector employee
27 drug testing, then the hourly wage stated in the
28 federal minimum wage law, pursuant to 29 U.S.C. § 206,
29 shall be increased to \$6.15 on January 1, 2007."

LUKAN of Dubuque

H-8119

1 Amend House File 2513 as follows:
2 1. Page 1, by inserting after line 25 the
3 following:
4 "Sec.____. Section 68A.102, Code Supplement 2005,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 23. "527 tax-exempt group" means
7 a tax-exempt group organized under section 527 of the
8 Internal Revenue Code to raise moneys for political
9 activities including voter mobilization efforts, issue
10 advocacy, and other political activities.
11 Sec.____. NEW SECTION. 68A.105 CERTAIN ACCOUNTS
12 BY CANDIDATES PROHIBITED.
13 A candidate for public office shall not establish,
14 maintain, advise, conduct fundraising for, or
15 determine allocations from a 527 tax-exempt group."
16 2. By renumbering as necessary.

JOCHUM of Dubuque

H-8120

1 Amend House File 2594 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 68A.102, Code Supplement 2005,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 23. "527 tax-exempt group" means
7 a tax-exempt group organized under section 527 of the
8 Internal Revenue Code to raise moneys for political
9 activities including voter mobilization efforts, issue
10 advocacy, and other political activities.
11 Sec. 2. NEW SECTION. 68A.105 CERTAIN ACCOUNTS BY
12 CANDIDATES PROHIBITED.
13 A candidate for public office shall not establish,
14 maintain, advise, conduct fundraising for, or
15 determine allocations from a 527 tax-exempt group."
16 2. By renumbering as necessary.

JOCHUM of Dubuque

H-8129

- 1 Amend the amendment, H-8065, to House File 2459 as
 2 follows:
- 3 1. Page 1, by striking lines 2 through 22 and
 4 inserting the following:
- 5 "____. Page 12, by inserting after line 32 the
 6 following:
- 7 "Sec.____. Section 91D.1, subsection 1, paragraph
 8 a, Code 2005, is amended to read as follows:
- 9 a. The hourly wage stated in the federal minimum
 10 wage law, pursuant to 29 U.S.C. § 206, shall be
 11 increased to ~~\$3.85 on January 1 of 1990, \$4.25 on~~
 12 ~~January 1 of 1991, and \$4.65~~ \$6.15 on January 1 of
 13 1992, 2007.
- 14 Sec.____. Section 91D.1, subsection 1, paragraph
 15 d, Code 2005, is amended by striking the paragraph."
 16 2. By renumbering as necessary.

MURPHY of Dubuque

H-8133

- 1 Amend the amendment, H-8076, to Senate File 2232,
 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking line 19 and inserting the
 4 following: "change for an existing site.
- 5 Sec. ____ **NEW SECTION.** 321.258A OFFICIAL TRAFFIC
 6 CONTROL SIGNAL WITH RED LIGHT CAMERA.
- 7 1. If a red light camera is in use at the site of
 8 an official traffic control signal, any yellow light
 9 on the traffic control signal shall remain illuminated
 10 for a minimum of five seconds before the next light in
 11 the sequence is activated.
- 12 2. For purposes of this section, "red light
 13 camera" means a device installed on or in proximity to
 14 an official traffic control signal to produce recorded
 15 images for the purpose of enforcement of traffic
 16 laws."

BAUDLER of Adair

H-8138

- 1 Amend House File 2654 as follows:
- 2 1. Page 1, by striking lines 24 through 27.
- 3 2. Page 25, line 8, by striking the figure
 4 "321.124,".
- 5 3. Page 25, line 9, by striking the figure
 6 "321.1,".
- 7 4. By renumbering as necessary.

TJEPKES of Webster

H-8139

1 Amend House File 2650 as follows:

2 1. Page 1, line 33, by inserting after the word
3 "section" the following: "and the holder of a
4 security interest in such a motor vehicle, as
5 applicable,".

6 2. Page 2, line 3, by inserting after the word
7 "day." the following: "However, if the value of the
8 motor vehicle is less than the security interest in
9 the vehicle, all fees shall be divided equally between
10 the lienholder and the political subdivision
11 impounding the vehicle."

HUTTER of Scott

H-8141

1 Amend House File 2631 as follows:

2 1. Page 6, by inserting after line 10 the
3 following:
4 "Sec.____. **NEW SECTION. 261.21 INTENT -**
5 **EQUITABLE FINANCIAL AWARDS.**

6 1. It is the intent of the general assembly that
7 the commission award tuition grants and proprietary
8 tuition grants to students equitably, disregarding the
9 corporate status of the postsecondary institution in
10 which the individual is enrolled.

11 2. The commission shall include in its annual
12 budget submission, recommendations that adequate
13 funding for the tuition grant and proprietary tuition
14 grant programs be provided to ensure that equitable
15 educational assistance is granted for students
16 participating in the programs regardless of the
17 corporate status of the postsecondary institutions
18 which receive state moneys under the programs."
19 2. By renumbering as necessary.

BUKTA of Clinton

H-8143

1 Amend House File 2445 as follows:

2 1. Page 2, by inserting after line 23 the
3 following:

4 "g. Agriculture."

5 2. By renumbering as necessary.

ANDERSON of Page

H-8146

1 Amend House File 2332 as follows:

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

4 "Section 1. Section 232.4, Code 2005, is amended
5 to read as follows:

6 232.4 JURISDICTION – SUPPORT OBLIGATION –
7 CUSTODY.

8 1. Notwithstanding any other provision of this
9 chapter, and for the purposes of establishing a
10 parental liability obligation for a child under the
11 jurisdiction of the juvenile court, a support
12 obligation shall be established pursuant to section
13 234.39.

14 2. a. For the purposes of modifying an order for
15 custody, physical care, or support of a child under
16 the jurisdiction of the juvenile court, if a
17 permanency order of the juvenile court issued pursuant
18 to section 232.58 or 232.104 transfers the legal
19 custody of the child to a parent who is subject to an
20 order to pay an accruing child support obligation
21 entered under any chapter of the Code, the transfer
22 constitutes a substantial change in circumstances
23 pursuant to section 598.21C, subsection 1, paragraph
24 "k", and for the purposes of section 598.41. Upon
25 issuance of a permanency order described in this
26 subsection, the juvenile court shall submit a copy of
27 the permanency order to the district court in each
28 county where a custody, physical care, or support
29 order involving the parents is entered. A copy of the
30 permanency order shall be personally served or sent by
31 regular mail to the last known address of a parent,
32 the obligee of the accruing support obligation, and to
33 the child support recovery unit. The district court
34 shall modify any existing custody, physical care, or
35 support order to reflect the provisions of the
36 permanency order submitted, subject to the provisions
37 of paragraphs "b", "c", and "d". The district court
38 order modifying support shall be effective upon
39 filing. Unpaid support which accrued prior to the
40 filing date remains due and owing.

41 b. The provisions of chapter 252K and 28 U.S.C. §
42 1738 shall apply to this subsection.

43 c. If the permanency order from the juvenile court
44 applies to fewer than all of the children for whom
45 there is an order for an accruing support obligation
46 and if there is no step change in the support order,
47 the district court shall determine support based upon
48 the guidelines established under section 598.21B, and
49 then modify support. The district court may declare
50 the step change amounts based upon the prior

Page 2

1 guidelines calculation records, or the district court
 2 may recalculate the support based upon the guidelines.
 3 For the purposes of this subsection, "step change"
 4 means step change as defined in section 252B.20.

5 d. If there is no existing district court order
 6 awarding custody or physical care of the child, the
 7 district court shall limit the modification under this
 8 subsection to support.

9 e. Any filing fee or court costs associated with
 10 an order under this subsection shall be waived."

11 2. Page 1, by inserting after line 26 the
 12 following:

13 "Sec.____ Section 598.21C, subsection 1,
 14 paragraph k, Code Supplement 2005, is amended to read
 15 as follows:

16 k. Entry of a dispositional or permanency order in
 17 juvenile court pursuant to chapter 232 placing custody
 18 or physical care of a child with a party who is
 19 obligated to pay support for a child."

20 3. Page 1, by inserting before line 27, the
 21 following:

22 "Sec.____. APPLICABILITY. The sections of this
 23 Act amending sections 232.4 and 598.21C apply to
 24 permanency orders entered by the juvenile court on or
 25 after July 1, 2006."

26 4. Page 1, lines 27 and 28, by striking the words
 27 "This Act is" and inserting the following: "The
 28 sections of this Act creating section 252D.16A and
 29 amending section 252D.18 are".

30 5. Page 1, line 31, by inserting after the words
 31 "conform to" the following: "those sections of".

32 6. Title page, line 1, by inserting after the
 33 word "to" the following: "child support, including
 34 modification of support based upon permanency orders
 35 of the juvenile court and".

36 7. Title page, line 2, by inserting after the
 37 word "program" the following: "and providing for
 38 applicability and retroactive applicability".

39 8. By renumbering as necessary.

HUSER of Polk
 HEDDENS of Story

H-8147

1 Amend House File 2627 as follows:

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

4 "Section 1. Section 7E.6, subsection 3, Code
 5 Supplement 2005, is amended to read as follows:

6 3. Any position of membership on the board of the
7 Iowa lottery ~~authority~~ division shall receive
8 compensation of fifty dollars per day and expenses.

9 Sec. 2. Section 7J.1, subsection 1, Code

10 Supplement 2005, is amended to read as follows:

11 1. DESIGNATION OF CHARTER AGENCIES – PURPOSE.

12 The governor may, by executive order, designate state
13 departments or agencies, as described in section 7E.5,
14 ~~or the Iowa lottery authority established in chapter~~
15 ~~99G,~~ other than the department of administrative
16 services, ~~or the department of management, or the Iowa~~
17 lottery division established in chapter 99G, as a
18 charter agency by July 1, 2003. The designation of a
19 charter agency shall be for a period of five years
20 which shall terminate as of June 30, 2008. The
21 purpose of designating a charter agency is to grant
22 the agency additional authority as provided by this
23 chapter while reducing the total appropriations to the
24 agency.

25 Sec. 3. Section 8A.201, subsection 4, paragraph f,
26 Code Supplement 2005, is amended to read as follows:

27 f. The Iowa lottery ~~authority~~ division.

28 Sec. 4. Section 68B.35, subsection 2, paragraph e,
29 Code 2005, is amended to read as follows:

30 e. Members of the state banking council, the
31 ethics and campaign disclosure board, the credit union
32 review board, the economic development board, the
33 employment appeal board, the environmental protection
34 commission, the health facilities council, the Iowa
35 finance authority, the Iowa public employees'
36 retirement system investment board, the board of the
37 Iowa lottery ~~authority~~ division, the natural resource
38 commission, the board of parole, the petroleum
39 underground storage tank fund board, the public
40 employment relations board, the state racing and
41 gaming commission, the state board of regents, the tax
42 review board, the transportation commission, the
43 office of consumer advocate, the utilities board, the
44 Iowa telecommunications and technology commission, and
45 any full-time members of other boards and commissions
46 as defined under section 7E.4 who receive an annual
47 salary for their service on the board or commission.
48 The Iowa ethics and campaign disclosure board shall
49 conduct an annual review to determine if members of
50 any other board, commission, or authority should file

Page 2

1 a statement and shall require the filing of a
2 statement pursuant to rules adopted pursuant to
3 chapter 17A.

4 Sec. 5. Section 99B.1, subsection 20, Code 2005,

5 is amended to read as follows:

6 20. "Merchandise" includes lottery tickets or
 7 shares sold or authorized under chapter 99G. The
 8 value of the ticket or share is the price of the
 9 ticket or share as established by the Iowa lottery
 10 authority division pursuant to chapter 99G.

11 Sec. 6. Section 99B.7, subsection 1, paragraph 1,
 12 subparagraph (1), Code Supplement 2005, is amended to
 13 read as follows:

14 (1) No other gambling is engaged in at the same
 15 location, except that lottery tickets or shares issued
 16 by the Iowa lottery authority division may be sold
 17 pursuant to chapter 99G.

18 Sec. 7. Section 99G.1, Code 2005, is amended to
 19 read as follows:

20 99G.1 TITLE.

21 This chapter may be cited as the "Iowa Lottery
 22 Authority Act".

23 Sec. 8. Section 99G.2, subsection 2, Code 2005, is
 24 amended by striking the subsection.

25 Sec. 9. Section 99G.3, subsection 2, Code 2005, is
 26 amended to read as follows:

27 2. "Authority" "Division" means the Iowa lottery
 28 authority division of the department of inspections
 29 and appeals.

30 Sec. 10. Section 99G.4, subsection 1, Code 2005,
 31 is amended to read as follows:

32 1. An Iowa lottery authority division is create
 33 effective September 1, 2003, established within the
 34 department of inspection and appeals which shall
 35 administer the state lottery. ~~The authority shall be~~
 36 ~~deemed to be a public authority and an instrumentality~~
 37 ~~of the state, and not a state agency. However, the~~
 38 ~~authority shall be considered a state agency for~~
 39 ~~purposes of chapters 17A, 21, 22, 28E, 68B, 91B, 97B,~~
 40 ~~509A, and 669.~~

41 Sec. 11. Section 99G.7, subsection 1, paragraph e,
 42 Code 2005, is amended to read as follows:

43 e. Prepare a budget proposal for the approval of
 44 the board.

45 Sec. 12. Section 99G.8, subsection 1, Code 2005,
 46 is amended to read as follows:

47 1. The authority division shall be administered by
 48 a board of directors created within the department of
 49 inspections and appeals and comprised of five members
 50 appointed by the governor subject to confirmation by

4 unless confirmed by the senate.

5 Sec. 13. Section 99G.9, subsection 1, Code 2005,
6 is amended to read as follows:

7 1. Approve, disapprove, amend, or modify the
8 budget recommended by the chief executive officer for
9 the operation of the ~~authority~~ division for submission
10 pursuant to section 8.23.

11 Sec. 14. Section 99G.9, subsection 3, unnumbered
12 paragraph 1, Code 2005, is amended to read as follows:

13 Adopt policies and procedures and promulgate
14 administrative rules pursuant to chapter 17A relating
15 to the management and operation of the ~~authority~~
16 division. The administrative rules promulgated
17 pursuant to this subsection ~~may shall~~ include but
18 shall not be limited to the following:

19 Sec. 15. Section 99G.9, subsection 3, paragraph a,
20 Code 2005, is amended to read as follows:

21 a. The type of games to be conducted. The rules
22 shall provide that the name of a game operated on a
23 monitor vending machine as described in section
24 99G.30A shall not be the same as a gambling game
25 authorized for use pursuant to chapter 99F. The board
26 shall only authorize for use any type of lottery game
27 and manner of playing that game that was authorized
28 for use in this state as of July 1, 2006.

29 Sec. 16. Section 99G.9, Code 2005, is amended by
30 adding the following new subsection:

31 **NEW SUBSECTION.** 4A. To establish a process to
32 allow a person to be voluntarily excluded for life
33 from purchasing a lottery ticket or share for lottery
34 games authorized by this chapter. The process
35 established shall require that the division
36 disseminate information regarding persons voluntarily
37 excluded to all retailers under this chapter and, if
38 applicable, to licensees under chapters 99D and 99F.
39 The state, the division, retailers under this chapter,
40 and, if applicable, any licensee under chapter 99D or
41 99F shall not be liable to any person for any claim
42 which may arise from this process. In addition to any
43 other penalty provided by law, any money or thing of
44 value that has been obtained by, or is owed to, a
45 voluntarily excluded person by the division as a
46 result of playing any lottery game by the person after
47 the person has been voluntarily excluded shall not be
48 paid to the person but shall be deposited into the
49 gambling treatment fund created in section 135.150.
50 The division shall coordinate with the racing and

3 chapter and chapters 99D and 99F, and to establish a
4 statewide database of persons excluded under this
5 process and those excluded under the process for
6 racetrack enclosures and all other licensed facilities
7 under chapters 99D and 99F.

8 Sec. 17. Section 99G.10, subsection 2, Code 2005,
9 is amended to read as follows:

10 2. Subject to the approval of the board, the chief
11 executive officer shall have the sole power to
12 designate particular employees as key personnel, but
13 may take advice from the department of administrative
14 services in making any such designations. All key
15 personnel shall be exempt from the merit system
16 described in chapter 8A, subchapter IV. The chief
17 executive officer and the board shall have the sole
18 power to employ, ~~and classify, and fix the~~
19 compensation of key personnel who shall be compensated
20 pursuant to section 8A.413, subsection 2, under the
21 pay plan for exempt positions in the executive branch
22 of government. All other employees shall be employed,
23 classified, and compensated in accordance with chapter
24 8A, subchapter IV, and chapter 20.

25 Sec. 18. Section 99G.10, subsections 3 and 5, Code
26 2005, are amended by striking the subsections.

27 Sec. 19. Section 99G.21, subsection 2, paragraphs
28 h and i, Code 2005, are amended by striking the
29 paragraphs.

30 Sec. 20. Section 99G.21, subsection 3, Code 2005,
31 is amended by striking the subsection.

32 Sec. 21. Section 99G.30, subsection 4, Code 2005,
33 is amended to read as follows:

34 4. Except for the ~~authority division~~, a retailer
35 shall only sell lottery products on the licensed
36 premises and not through the mail or by technological
37 means except as the ~~authority division~~ may provide or
38 authorize and subject to the requirements of section
39 99G.30A.

40 Sec. 22. Section 99G.30, Code 2005, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 8. Lottery products or shares
43 shall only be sold by a person at least eighteen years
44 of age.

45 Sec. 23. NEW SECTION. 99G.30A MONITOR VENDING
46 MACHINES – RESTRICTIONS.

47 1. It shall be lawful for a retailer to sell
48 lottery products or tickets by means of a monitor
49 vending machine pursuant to the requirements of the
50 division, but only if all of the following conditions

- 2 a. A monitor vending machine shall only be
3 permitted or offered for use by a retailer in any
4 single location or premises for which a class "A",
5 class "B", class "C", special class "C", or class "D"
6 liquor control license or class "B" or class "C" beer
7 permit has been issued pursuant to chapter 123.
- 8 b. A monitor vending machine shall not be located
9 on the premises of a retailer within twenty feet of an
10 automated teller machine.
- 11 c. A retailer may locate no more than one monitor
12 vending machine at the retailer's premises and the
13 monitor vending machine shall be located in an area in
14 which a permanent physical barrier, as approved by the
15 division, restricts access to the monitor vending
16 machine.
- 17 d. The division shall not advertise or promote the
18 availability of monitor vending machines to the
19 public. In addition, a person or retailer shall not
20 advertise or promote the availability of a monitor
21 vending machine to the public as anything other than a
22 monitor vending machine dispensing lottery products or
23 tickets pursuant to rules adopted by the division.
- 24 e. A monitor vending machine offered to the public
25 shall be designed so as to be inaudible and with a
26 blank video monitor screen until the machine is
27 activated by a player. To activate a machine, a
28 player shall be required to obtain a code or similar
29 activating device from the retailer each time a player
30 wishes to activate and play a machine. In addition,
31 each machine shall be designed to require each player
32 to affirmatively respond to questions on the machine
33 as determined by the division prior to playing the
34 machine. The questions shall require responses
35 related to the minimum age required to play the
36 machine, the consequences if a person excluded from
37 purchasing lottery products plays the machine, and the
38 availability of gambling treatment programs.
- 39 f. The minimum cost for a person to activate and
40 play a game on a monitor vending machine shall be no
41 less than one dollar.
- 42 g. A retailer with a monitor vending machine shall
43 make brochures concerning available gambling treatment
44 information readily available to players of the
45 machine.
- 46 h. A retailer offering a monitor vending machine
47 to the public shall require that all employees
48 authorized to provide the code or similar activating
49 device to persons prior to activating and playing a
50 monitor vending machine shall be at least eighteen

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1 years of age.

2 i. The number of monitor vending machines
 3 authorized by the division and offered to the public
 4 shall not exceed the number of monitor vending
 5 machines that had been authorized and either located
 6 on the licensed premises of a retailer or ordered by a
 7 retailer from an authorized manufacturer as of January
 8 7, 2006.

9 2. For purposes of this section, "monitor vending
 10 machine" means a machine or other similar electronic
 11 device that includes a video monitor and audio
 12 capabilities that dispenses to a purchaser lottery
 13 tickets that have been determined to be winning or
 14 losing tickets by a predetermined pool drawing machine
 15 prior to the dispensing of the tickets.

16 Sec. 24. NEW SECTION. 99G.30B AGE RESTRICTIONS
 17 - PENALTIES.

18 1. A person under the age of twenty-one years
 19 shall not purchase or attempt to purchase a lottery
 20 ticket or share. A person who violates this
 21 subsection commits a scheduled violation under section
 22 805.8C, subsection 5.

23 2. If any retailer, or employee of a retailer, is
 24 convicted or found in violation of section 99G.30,
 25 subsection 3, the division shall, in addition to
 26 criminal penalties fixed for violation of that
 27 subsection, assess a civil penalty as follows:

28 a. A first violation shall subject the retailer to
 29 a civil penalty in the amount of five hundred dollars.

30 b. A second violation within two years shall
 31 subject the retailer to a thirty-day suspension of the
 32 retailer's license and a civil penalty in the amount
 33 of one thousand five hundred dollars.

34 c. A third violation within three years shall
 35 subject the retailer to a sixty-day suspension of the
 36 retailer's license and a civil penalty in the amount
 37 of one thousand five hundred dollars.

38 d. A fourth violation within three years shall
 39 result in revocation of the retailer's license.

40 e. For purposes of this subsection:

41 (1) The date of any violation shall be used in
 42 determining the period between violations.

43 (2) Suspension shall be limited to the specific
 44 license for the premises found in violation.

45 Sec. 25. Section 99G.33, Code 2005, is amended to
 46 read as follows:

47 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

48 The department of public safety, division of
 49 criminal investigation, shall be the primary state
 50 agency responsible for investigating criminal

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1 violations under this chapter. The chief executive
2 officer shall contract with the department of public
3 safety for investigative services, including the
4 employment of special agents and support personnel,
5 and procurement of necessary equipment to carry out
6 the responsibilities of the division of criminal
7 investigation under the terms of the contract and this
8 chapter. The contract shall provide, at a minimum,
9 for random checks of retailers at all hours for
10 compliance with the provisions of this chapter,
11 especially as it relates to the purchase of lottery
12 products or access to monitor vending machines by a
13 person who has not reached the age of twenty-one.

14 Sec. 26. Section 99G.39, subsection 1, paragraph
15 a, Code 2005, is amended to read as follows:

16 a. An amount equal to one-half of one percent of
17 the gross lottery revenue for the year shall be
18 deposited in the gambling treatment fund created in
19 section 135.150. However, an amount equal to one
20 percent of the gross lottery revenue for the year
21 derived from monitor vending machines shall be
22 deposited in the gambling treatment fund created in
23 section 135.150.

24 Sec. 27. Section 99G.40, subsection 4, Code 2005,
25 is amended to read as follows:

26 4. ~~For informational purposes only~~ Consistent with
27 the requirements of section 8.23, the chief executive
28 officer shall submit to the department of management
29 by October 1 of each year a proposed operating budget
30 for the ~~authority division~~ for the succeeding fiscal
31 year. This budget proposal shall also be accompanied
32 by an estimate of the net proceeds to be deposited
33 into the general fund during the succeeding fiscal
34 year. This budget shall be on forms prescribed by the
35 department of management. A copy of the information
36 required to be submitted to the department of
37 management pursuant to this subsection shall be
38 submitted to the legislative government oversight
39 committees and the legislative services agency by
40 October 1 of each year.

41 Sec. 28. Section 321.19, subsection 1, unnumbered
42 paragraph 2, Code Supplement 2005, is amended to read
43 as follows:

44 The department shall furnish, on application, free
45 of charge, distinguishing plates for vehicles thus
46 exempted, which plates except plates on state patrol
47 vehicles shall bear the word "official" and the
48 department shall keep a separate record. Registration
49 plates issued for state patrol vehicles, except
50 unmarked patrol vehicles, shall bear two red stars on

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1 a yellow background, one before and one following the
2 registration number on the plate, which registration
3 number shall be the officer's badge number.
4 Registration plates issued for county sheriff's patrol
5 vehicles shall display one seven-pointed gold star
6 followed by the letter "S" and the call number of the
7 vehicle. However, the director of the department of
8 administrative services or the director of
9 transportation may order the issuance of regular
10 registration plates for any exempted vehicle used by
11 peace officers in the enforcement of the law, persons
12 enforcing chapter 124 and other laws relating to
13 controlled substances, persons in the department of
14 justice, the alcoholic beverages division of the
15 department of commerce, disease investigators of the
16 Iowa department of public health, the department of
17 inspections and appeals, and the department of
18 revenue, who are regularly assigned to conduct
19 investigations which cannot reasonably be conducted
20 with a vehicle displaying "official" state
21 registration plates, persons in the Iowa lottery
22 authority division whose regularly assigned duties
23 relating to security or the carrying of lottery
24 tickets cannot reasonably be conducted with a vehicle
25 displaying "official" registration plates, and persons
26 in the department of economic development who are
27 regularly assigned duties relating to existing
28 industry expansion or business attraction. For
29 purposes of sale of exempted vehicles, the exempted
30 governmental body, upon the sale of the exempted
31 vehicle, may issue for in-transit purposes a
32 pasteboard card bearing the words "Vehicle in
33 Transit", the name of the official body from which the
34 vehicle was purchased, together with the date of the
35 purchase plainly marked in at least one-inch letters,
36 and other information required by the department. The
37 in-transit card is valid for use only within forty-
38 eight hours after the purchase date as indicated on
39 the bill of sale which shall be carried by the driver.

40 Sec. 29. Section 725.12, subsections 2 and 5, Code
41 Supplement 2005, are amended to read as follows:
42 2. A commercial organization shall not conduct a
43 promotional activity that involves the sale of pull-
44 tab tickets or instant tickets, as defined in section
45 99G.3, coupons, or tokens that are not authorized by
46 the Iowa lottery authority division and that may
47 represent a chance to win a cash prize to be paid on
48 the premises where the chance to win such prize was
49 obtained. This subsection shall not be construed to
50 prohibit a commercial organization from giving away

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1 pull-tab tickets, instant tickets, coupons, or tokens
 2 free of charge as part of a promotional activity,
 3 provided that the other provisions of this section are
 4 complied with. For purposes of this subsection,
 5 "cash" means United States currency.

6 5. Upon request of the Iowa lottery ~~authority~~
 7 division or the division of criminal investigation of
 8 the department of public safety, the attorney general
 9 shall institute in the name of the state the proper
 10 proceedings against a person charged in such request
 11 with violating this section, and a county attorney
 12 may, at the request of the attorney general, appear
 13 and prosecute an action when brought in the county
 14 attorney's county.

15 Sec. 30. Section 805.8C, subsection 5, Code
 16 Supplement 2005, is amended to read as follows:

17 5. GAMBLING VIOLATIONS. For violations of legal
 18 age for gambling wagering under section 99D.11,
 19 subsection 7, section 99F.9, subsection 5, section
 20 99G.30B, subsection 1, and section 725.19, subsection
 21 1, the scheduled fine is five hundred dollars.
 22 Failure to pay the fine by a person under the age of
 23 eighteen shall not result in the person being detained
 24 in a secure facility.

25 Sec. 31. 2003 Iowa Acts, chapter 178, section 120,
 26 is repealed.

27 Sec. 32. AMENDMENTS CHANGING TERMINOLOGY –
 28 DIRECTIVE TO CODE EDITOR. Except as otherwise
 29 provided in the Act, the Iowa Code editor is directed
 30 to strike the word "authority" and insert the word
 31 "division" wherever the word "authority" appears in
 32 chapter 99G unless a contrary intent is clearly
 33 evident.

34 Sec. 33. MONITOR VENDING MACHINES – TRANSITION
 35 PROVISIONS. The provisions of section 99G.30A,
 36 subsection 1, paragraphs "a", "b", "c", "e", "f", and
 37 "h", shall not apply to monitor vending machines
 38 authorized and either located on the premises of a
 39 retailer or ordered by a retailer from an authorized
 40 manufacturer of monitor vending machines by January 7,
 41 2006, until July 1, 2007.

42 Sec. 34. IOWA LOTTERY DIVISION – TRANSITION
 43 PROVISIONS.

44 1. For purposes of this section, unless the context
 45 otherwise requires:

46 a. "Iowa lottery authority" means the Iowa lottery
 47 authority created in 2003 Iowa Acts, chapter 178.

48 b. "Iowa lottery division" means the Iowa lottery
 49 division of the department of inspections and appeals
 50 as created in this Act under chapter 99G.

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1 2. The Iowa lottery division shall be the legal
2 successor to the Iowa lottery authority and, as such,
3 shall assume all rights, privileges, obligations, and
4 responsibilities of the Iowa lottery authority. The
5 promulgated rules of the Iowa lottery authority shall
6 remain in full force and effect as the rules of the
7 division until amended or repealed by the division.
8 In addition, the Iowa lottery division may continue
9 the security practices and procedures utilized by the
10 Iowa lottery authority until amended or repealed by
11 the division.

12 3. Notwithstanding any provision of chapter 99G,
13 as amended by this Act, to the contrary, the chief
14 executive officer of the Iowa lottery authority shall
15 serve as the initial chief executive officer of the
16 Iowa lottery division. In addition, notwithstanding
17 any provision of section 99G.5 to the contrary, the
18 initial term of office for the chief executive officer
19 of the Iowa lottery division as of the effective date
20 of this Act shall end April 30, 2008.

21 4. Personnel of the Iowa lottery authority
22 employed on the effective date of this Act shall
23 transition to the Iowa lottery division as the initial
24 division employees.

25 5. In order to effect an immediate and efficient
26 transition of the lottery from the Iowa lottery
27 authority to the Iowa lottery division, as soon as
28 practicable, the Iowa lottery division shall do all of
29 the following:

30 a. Take such steps and enter into such agreements
31 as the board of the Iowa lottery division may
32 determine are necessary and proper in order to effect
33 the transfer, assignment, and delivery to the division
34 from the authority all the tangible and intangible
35 assets constituting the lottery, including the
36 exclusive right to operate the lottery and the
37 assignment to and assumption by the division of all
38 agreements, covenants, and obligations of the Iowa
39 lottery authority relating to the operation and
40 management of the lottery.

41 b. Receive as transferee from the Iowa lottery
42 authority all of the tangible and intangible assets
43 constituting the lottery including, without
44 limitation, the exclusive authorization to operate a
45 lottery in the state of Iowa and ownership of
46 annuities and bonds purchased prior to the date of
47 transfer and held in the name of the Iowa lottery
48 authority for payment of lottery prizes, and shall
49 assume and discharge all of the agreements, covenants,
50 and obligations of the Iowa lottery authority entered

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- 1 into and constituting part of the operation and
- 2 management of the lottery."
- 3 2. Title page, by striking lines 1 and 2 and
- 4 inserting the following: "An Act concerning the Iowa
- 5 lottery relating to the operation of the lottery,
- 6 including provisions on authorized lottery games and
- 7 machines, and providing penalties."
- 8 3. By renumbering as necessary.

ELGIN of Linn

H-8148

- 1 Amend the amendment, H-8147, to House File 2627 as
- 2 follows:
- 3 1. By striking page 1, line 1, through page 11,
- 4 line 8, and inserting the following:
- 5 "Amend House File 2627 as follows:
- 6 ___ Page 1, by striking lines 22 through 32.
- 7 ___ Title page, lines 1 and 2, by striking the
- 8 words "and providing an effective date".
- 9 ___ By renumbering as necessary."

CARROLL of Poweshiek

H-8149

- 1 Amend House Concurrent Resolution 106 as follows:
- 2 1. Page 2, line 1, by striking the word "and".
- 3 2. Page 2, line 2, by inserting after the word
- 4 "Fighters" the following: ", and Iowa Emergency
- 5 Medical Services Association".

THOMAS of Clayton

H-8150

- 1 Amend House File 2627 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 7E.6, subsection 3, Code
- 5 Supplement 2005, is amended to read as follows:
- 6 3. Any position of membership on the board of the
- 7 Iowa lottery ~~authority~~ division shall receive
- 8 compensation of fifty dollars per day and expenses.
- 9 Sec. 2. Section 7J.1, subsection 1, Code
- 10 Supplement 2005, is amended to read as follows:
- 11 1. DESIGNATION OF CHARTER AGENCIES – PURPOSE.
- 12 The governor may, by executive order, designate state
- 13 departments or agencies, as described in section 7E.5,

14 ~~or the Iowa lottery authority established in chapter~~
 15 ~~99G, other than the department of administrative~~
 16 ~~services, or the department of management, or the Iowa~~
 17 lottery division established in chapter 99G, as a
 18 charter agency by July 1, 2003. The designation of a
 19 charter agency shall be for a period of five years
 20 which shall terminate as of June 30, 2008. The
 21 purpose of designating a charter agency is to grant
 22 the agency additional authority as provided by this
 23 chapter while reducing the total appropriations to the
 24 agency.

25 Sec. 3. Section 8A.201, subsection 4, paragraph f,
 26 Code Supplement 2005, is amended to read as follows:

27 f. The Iowa lottery authority division.

28 Sec. 4. Section 68B.35, subsection 2, paragraph e,
 29 Code 2005, is amended to read as follows:

30 e. Members of the state banking council, the
 31 ethics and campaign disclosure board, the credit union
 32 review board, the economic development board, the
 33 employment appeal board, the environmental protection
 34 commission, the health facilities council, the Iowa
 35 finance authority, the Iowa public employees'
 36 retirement system investment board, the board of the
 37 Iowa lottery authority division, the natural resource
 38 commission, the board of parole, the petroleum
 39 underground storage tank fund board, the public
 40 employment relations board, the state racing and
 41 gaming commission, the state board of regents, the tax
 42 review board, the transportation commission, the
 43 office of consumer advocate, the utilities board, the
 44 Iowa telecommunications and technology commission, and
 45 any full-time members of other boards and commissions
 46 as defined under section 7E.4 who receive an annual
 47 salary for their service on the board or commission.
 48 The Iowa ethics and campaign disclosure board shall
 49 conduct an annual review to determine if members of
 50 any other board, commission, or authority should file

Page 2

1 a statement and shall require the filing of a
 2 statement pursuant to rules adopted pursuant to
 3 chapter 17A.

4 Sec. 5. Section 99B.1, subsection 20, Code 2005,
 5 is amended to read as follows:

6 20. "Merchandise" includes lottery tickets or
 7 shares sold or authorized under chapter 99G. The
 8 value of the ticket or share is the price of the
 9 ticket or share as established by the Iowa lottery
 10 authority division pursuant to chapter 99G.

11 Sec. 6. Section 99B.7, subsection 1, paragraph 1,
 12 subparagraph (1), Code Supplement 2005, is amended to

13 read as follows:

14 (1) No other gambling is engaged in at the same
15 location, except that lottery tickets or shares issued
16 by the Iowa lottery ~~authority division~~ may be sold
17 pursuant to chapter 99G.

18 Sec. 7. Section 99G.1, Code 2005, is amended to
19 read as follows:

20 99G.1 TITLE.

21 This chapter may be cited as the "Iowa Lottery
22 Authority Act".

23 Sec. 8. Section 99G.2, subsection 2, Code 2005, is
24 amended by striking the subsection.

25 Sec. 9. Section 99G.3, subsection 2, Code 2005, is
26 amended to read as follows:

27 2. "~~Authority~~" "Division" means the Iowa lottery
28 ~~authority division of the department of inspections~~
29 and appeals.

30 Sec. 10. Section 99G.3, subsection 7, Code 2005,
31 is amended to read as follows:

32 7. "Lottery", "lotteries", "lottery game",
33 "lottery games" or "lottery products" means any game
34 of chance approved by the board and operated pursuant
35 to this chapter and games using mechanical or
36 electronic devices, provided that the ~~authority~~
37 division shall not authorize a monitor vending machine
38 or a player-activated gaming machine that utilizes an
39 internal randomizer to determine winning and
40 nonwinning plays and that upon random internal
41 selection of a winning play dispenses coins, currency,
42 or a ticket, credit, or token to the player that is
43 redeemable for cash or a prize, and excluding gambling
44 or gaming conducted pursuant to chapter 99B, 99D, or
45 99F.

46 Sec. 11. Section 99G.3, Code 2005, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 8A. "Monitor vending machine"
49 means a machine or other similar electronic device
50 that includes a video monitor and audio capabilities

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1 that dispenses to a purchaser lottery tickets that
2 have been determined to be winning or losing tickets
3 by a predetermined pool drawing machine prior to the
4 dispensing of the tickets.

5 Sec. 12. Section 99G.4, subsection 1, Code 2005,
6 is amended to read as follows:

7 1. An Iowa lottery ~~authority division~~ is created,
8 effective September 1, 2003, established within the
9 department of inspection and appeals which shall
10 administer the state lottery. ~~The authority shall be~~
11 ~~deemed to be a public authority and an instrumentality~~

12 of the state, and not a state agency. However, the
 13 authority shall be considered a state agency for
 14 purposes of chapters 17A, 21, 22, 28E, 68B, 91B, 97B,
 15 509A, and 669.

16 Sec. 13. Section 99G.7, subsection 1, paragraph e,
 17 Code 2005, is amended to read as follows:

18 e. Prepare a budget proposal for the approval of
 19 the board.

20 Sec. 14. Section 99G.8, subsection 1, Code 2005,
 21 is amended to read as follows:

22 1. The ~~authority~~ division shall be administered by
 23 a board of directors created within the department of
 24 inspections and appeals and comprised of five members
 25 appointed by the governor subject to confirmation by
 26 the senate. Board members appointed when the senate
 27 is not in session shall serve only until the end of
 28 the next regular session of the general assembly,
 29 unless confirmed by the senate.

30 Sec. 15. Section 99G.9, subsection 1, Code 2005,
 31 is amended to read as follows:

32 1. Approve, disapprove, amend, or modify the
 33 budget recommended by the chief executive officer for
 34 the operation of the authority division for submission
 35 pursuant to section 8.23.

36 Sec. 16. Section 99G.9, subsection 3, unnumbered
 37 paragraph 1, Code 2005, is amended to read as follows:

38 Adopt policies and procedures and promulgate
 39 administrative rules pursuant to chapter 17A relating
 40 to the management and operation of the ~~authority~~
 41 division. The administrative rules promulgated
 42 pursuant to this subsection ~~may~~ shall include but
 43 shall not be limited to the following:

44 Sec. 17. Section 99G.9, subsection 3, paragraph a,
 45 Code 2005, is amended to read as follows:

46 a. The type of games to be conducted. The board
 47 shall only authorize for use any type of lottery game
 48 and manner of playing that game that was authorized
 49 for use in this state as of July 1, 2006.

50 Sec. 18. Section 99G.9, Code 2005, is amended by

Page 4

1 adding the following new subsection:

2 NEW SUBSECTION. 4A. To establish a process to
 3 allow a person to be voluntarily excluded for life
 4 from purchasing a lottery ticket or share for lottery
 5 games authorized by this chapter. The process
 6 established shall require that the division
 7 disseminate information regarding persons voluntarily
 8 excluded to all retailers under this chapter and, if
 9 applicable, to licensees under chapters 99D and 99F.
 10 The state, the division, retailers under this chapter,

11 and, if applicable, any licensee under chapter 99D or
 12 99F shall not be liable to any person for any claim
 13 which may arise from this process. In addition to any
 14 other penalty provided by law, any money or thing of
 15 value that has been obtained by, or is owed to, a
 16 voluntarily excluded person by the division as a
 17 result of playing any lottery game by the person after
 18 the person has been voluntarily excluded shall not be
 19 paid to the person but shall be deposited into the
 20 gambling treatment fund created in section 135.150.
 21 The division shall coordinate with the racing and
 22 gaming commission to establish a unified process for
 23 allowing persons to be excluded for life under this
 24 chapter and chapters 99D and 99F, and to establish a
 25 statewide database of persons excluded under this
 26 process and those excluded under the process for
 27 racetrack enclosures and all other licensed facilities
 28 under chapters 99D and 99F.

29 Sec. 19. Section 99G.10, subsection 2, Code 2005,
 30 is amended to read as follows:

31 2. Subject to the approval of the board, the chief
 32 executive officer shall have the sole power to
 33 designate particular employees as key personnel, but
 34 may take advice from the department of administrative
 35 services in making any such designations. All key
 36 personnel shall be exempt from the merit system
 37 described in chapter 8A, subchapter IV. The chief
 38 executive officer and the board shall have the sole
 39 power to employ, ~~and classify, and fix the~~
 40 ~~compensation of key personnel who shall be compensated~~
 41 pursuant to section 8A.413, subsection 2, under the
 42 pay plan for exempt positions in the executive branch
 43 of government. All other employees shall be employed,
 44 classified, and compensated in accordance with chapter
 45 8A, subchapter IV, and chapter 20.

46 Sec. 20. Section 99G.10, subsections 3 and 5, Code
 47 2005, are amended by striking the subsections.

48 Sec. 21. Section 99G.21, subsection 2, paragraphs
 49 h and i, Code 2005, are amended by striking the
 50 paragraphs.

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1 Sec. 22. Section 99G.21, subsection 3, Code 2005,
 2 is amended by striking the subsection.

3 Sec. 23. Section 99G.30, Code 2005, is amended by
 4 adding the following new subsection:

5 NEW SUBSECTION. 8. Lottery products or shares
 6 shall only be sold by a person at least eighteen years
 7 of age.

8 Sec. 24. NEW SECTION. 99G.30A AGE RESTRICTIONS
 9 — PENALTIES.

10 1. A person under the age of twenty-one years
11 shall not purchase or attempt to purchase a lottery
12 ticket or share. A person who violates this
13 subsection commits a scheduled violation under section
14 805.8C, subsection 5.

15 2. If any retailer, or employee of a retailer, is
16 convicted or found in violation of section 99G.30,
17 subsection 3, the division shall, in addition to
18 criminal penalties fixed for violation of that
19 subsection, assess a civil penalty as follows:

20 a. A first violation shall subject the retailer to
21 a civil penalty in the amount of five hundred dollars.

22 b. A second violation within two years shall
23 subject the retailer to a thirty-day suspension of the
24 retailer's license and a civil penalty in the amount
25 of one thousand five hundred dollars.

26 c. A third violation within three years shall
27 subject the retailer to a sixty-day suspension of the
28 retailer's license and a civil penalty in the amount
29 of one thousand five hundred dollars.

30 d. A fourth violation within three years shall
31 result in revocation of the retailer's license.

32 e. For purposes of this subsection:

33 (1) The date of any violation shall be used in
34 determining the period between violations.

35 (2) Suspension shall be limited to the specific
36 license for the premises found in violation.

37 Sec. 25. Section 99G.33, Code 2005, is amended to
38 read as follows:

39 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

40 The department of public safety, division of
41 criminal investigation, shall be the primary state
42 agency responsible for investigating criminal
43 violations under this chapter. The chief executive
44 officer shall contract with the department of public
45 safety for investigative services, including the
46 employment of special agents and support personnel,
47 and procurement of necessary equipment to carry out
48 the responsibilities of the division of criminal
49 investigation under the terms of the contract and this
50 chapter. The contract shall provide, at a minimum,

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1 for random checks of retailers at all hours for
2 compliance with the provisions of this chapter,
3 especially as it relates to the purchase of lottery
4 products by a person who has not reached the age of
5 twenty-one.

6 Sec. 26. Section 99G.40, subsection 4, Code 2005,
7 is amended to read as follows:

8 4. For informational purposes only Consistent with

9 the requirements of section 8.23, the chief executive
10 officer shall submit to the department of management
11 by October 1 of each year a proposed operating budget
12 for the authority division for the succeeding fiscal
13 year. This budget proposal shall also be accompanied
14 by an estimate of the net proceeds to be deposited
15 into the general fund during the succeeding fiscal
16 year. This budget shall be on forms prescribed by the
17 department of management. A copy of the information
18 required to be submitted to the department of
19 management pursuant to this subsection shall be
20 submitted to the legislative government oversight
21 committees and the legislative services agency by
22 October 1 of each year.

23 Sec. 27. Section 321.19, subsection 1, unnumbered
24 paragraph 2, Code Supplement 2005, is amended to read
25 as follows:

26 The department shall furnish, on application, free
27 of charge, distinguishing plates for vehicles thus
28 exempted, which plates except plates on state patrol
29 vehicles shall bear the word "official" and the
30 department shall keep a separate record. Registration
31 plates issued for state patrol vehicles, except
32 unmarked patrol vehicles, shall bear two red stars on
33 a yellow background, one before and one following the
34 registration number on the plate, which registration
35 number shall be the officer's badge number.
36 Registration plates issued for county sheriff's patrol
37 vehicles shall display one seven-pointed gold star
38 followed by the letter "S" and the call number of the
39 vehicle. However, the director of the department of
40 administrative services or the director of
41 transportation may order the issuance of regular
42 registration plates for any exempted vehicle used by
43 peace officers in the enforcement of the law, persons
44 enforcing chapter 124 and other laws relating to
45 controlled substances, persons in the department of
46 justice, the alcoholic beverages division of the
47 department of commerce, disease investigators of the
48 Iowa department of public health, the department of
49 inspections and appeals, and the department of
50 revenue, who are regularly assigned to conduct

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1 investigations which cannot reasonably be conducted
2 with a vehicle displaying "official" state
3 registration plates, persons in the Iowa lottery
4 authority division whose regularly assigned duties
5 relating to security or the carrying of lottery
6 tickets cannot reasonably be conducted with a vehicle
7 displaying "official" registration plates, and persons

8 in the department of economic development who are
9 regularly assigned duties relating to existing
10 industry expansion or business attraction. For
11 purposes of sale of exempted vehicles, the exempted
12 governmental body, upon the sale of the exempted
13 vehicle, may issue for in-transit purposes a
14 pasteboard card bearing the words "Vehicle in
15 Transit", the name of the official body from which the
16 vehicle was purchased, together with the date of the
17 purchase plainly marked in at least one-inch letters,
18 and other information required by the department. The
19 in-transit card is valid for use only within forty-
20 eight hours after the purchase date as indicated on
21 the bill of sale which shall be carried by the driver.

22 Sec. 28. Section 725.12, subsections 2 and 5, Code
23 Supplement 2005, are amended to read as follows:

24 2. A commercial organization shall not conduct a
25 promotional activity that involves the sale of pull-
26 tab tickets or instant tickets, as defined in section
27 99G.3, coupons, or tokens that are not authorized by
28 the Iowa lottery authority division and that may
29 represent a chance to win a cash prize to be paid on
30 the premises where the chance to win such prize was
31 obtained. This subsection shall not be construed to
32 prohibit a commercial organization from giving away
33 pull-tab tickets, instant tickets, coupons, or tokens
34 free of charge as part of a promotional activity,
35 provided that the other provisions of this section are
36 complied with. For purposes of this subsection,
37 "cash" means United States currency.

38 5. Upon request of the Iowa lottery authority
39 division or the division of criminal investigation of
40 the department of public safety, the attorney general
41 shall institute in the name of the state the proper
42 proceedings against a person charged in such request
43 with violating this section, and a county attorney
44 may, at the request of the attorney general, appear
45 and prosecute an action when brought in the county
46 attorney's county.

47 Sec. 29. Section 805.8C, subsection 5, Code
48 Supplement 2005, is amended to read as follows:

49 5. GAMBLING VIOLATIONS. For violations of legal
50 age for gambling wagering under section 99D.11,

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1 subsection 7, section 99F.9, subsection 5, section
2 99G.30B, subsection 1, and section 725.19, subsection
3 1, the scheduled fine is five hundred dollars.
4 Failure to pay the fine by a person under the age of
5 eighteen shall not result in the person being detained
6 in a secure facility.

7 Sec. 30. 2003 Iowa Acts, chapter 178, section 120,
8 is repealed.

9 Sec. 31. AMENDMENTS CHANGING TERMINOLOGY –
10 DIRECTIVE TO CODE EDITOR. Except as otherwise
11 provided in the Act, the Iowa Code editor is directed
12 to strike the word "authority" and insert the word
13 "division" wherever the word "authority" appears in
14 chapter 99G unless a contrary intent is clearly
15 evident.

16 Sec. 32. IOWA LOTTERY DIVISION – TRANSITION
17 PROVISIONS.

18 1. For purposes of this section, unless the
19 context otherwise requires:

20 a. "Iowa lottery authority" means the Iowa lottery
21 authority created in 2003 Iowa Acts, chapter 178.

22 b. "Iowa lottery division" means the Iowa lottery
23 division of the department of inspections and appeals
24 as created in this Act under chapter 99G.

25 2. The Iowa lottery division shall be the legal
26 successor to the Iowa lottery authority and, as such,
27 shall assume all rights, privileges, obligations, and
28 responsibilities of the Iowa lottery authority. The
29 promulgated rules of the Iowa lottery authority shall
30 remain in full force and effect as the rules of the
31 division until amended or repealed by the division.
32 In addition, the Iowa lottery division may continue
33 the security practices and procedures utilized by the
34 Iowa lottery authority until amended or repealed by
35 the division.

36 3. Notwithstanding any provision of chapter 99G,
37 as amended by this Act, to the contrary, the chief
38 executive officer of the Iowa lottery authority shall
39 serve as the initial chief executive officer of the
40 Iowa lottery division. In addition, notwithstanding
41 any provision of section 99G.5 to the contrary, the
42 initial term of office for the chief executive officer
43 of the Iowa lottery division as of the effective date
44 of this Act shall end April 30, 2008.

45 4. Personnel of the Iowa lottery authority
46 employed on the effective date of this Act shall
47 transition to the Iowa lottery division as the initial
48 division employees.

49 5. In order to effect an immediate and efficient
50 transition of the lottery from the Iowa lottery

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1 authority to the Iowa lottery division, as soon as
2 practicable, the Iowa lottery division shall do all of
3 the following:

4 a. Take such steps and enter into such agreements
5 as the board of the Iowa lottery division may

6 determine are necessary and proper in order to effect
 7 the transfer, assignment, and delivery to the division
 8 from the authority all the tangible and intangible
 9 assets constituting the lottery, including the
 10 exclusive right to operate the lottery and the
 11 assignment to and assumption by the division of all
 12 agreements, covenants, and obligations of the Iowa
 13 lottery authority relating to the operation and
 14 management of the lottery.

15 b. Receive as transferee from the Iowa lottery
 16 authority all of the tangible and intangible assets
 17 constituting the lottery including, without
 18 limitation, the exclusive authorization to operate a
 19 lottery in the state of Iowa and ownership of
 20 annuities and bonds purchased prior to the date of
 21 transfer and held in the name of the Iowa lottery
 22 authority for payment of lottery prizes, and shall
 23 assume and discharge all of the agreements, covenants,
 24 and obligations of the Iowa lottery authority entered
 25 into and constituting part of the operation and
 26 management of the lottery."

27 2. Title page, by striking lines 1 and 2 and
 28 inserting the following: "An Act concerning the Iowa
 29 lottery relating to the operation of the lottery,
 30 prohibiting monitor vending machines, and providing
 31 penalties."

32 3. By renumbering as necessary.

CARROLL of Poweshiek

H-8153

1 Amend House File 2527 as follows:

2 1. Page 26, by inserting after line 31 the
 3 following:

4 "Sec. ____ Section 261.17, subsections 1, 2, and
 5 5, Code 2005, are amended to read as follows:

6 1. A vocational-technical tuition grant may be
 7 awarded to any resident of Iowa who is admitted and in
 8 attendance as a full-time or part-time student in a
 9 vocational-technical or career option program at a
 10 community college in the state, in a course of study
 11 at a school of cosmetology arts and sciences licensed
 12 under chapter 157, or at a barber school licensed
 13 under chapter 158, and who establishes financial need.

14 2. All classes, including liberal arts classes,
 15 identified by the community college, school of
 16 cosmetology arts and sciences, or barber school as
 17 required for completion of the student's vocational-
 18 technical or career option program, or for the
 19 completion of a course of study required for licensure
 20 as provided in section 157.10 or section 158.8, shall

21 be considered a part of the student's vocational-
 22 technical or career option program or course of
 23 cosmetology or barber study for the purpose of
 24 determining the student's eligibility for a grant.
 25 Notwithstanding subsection 3, if a student is making
 26 satisfactory academic progress but the student cannot
 27 complete a vocational-technical or career option
 28 program or course of cosmetology or barber study in
 29 the time frame allowed for a student to receive a
 30 vocational-technical tuition grant as provided in
 31 subsection 3 because additional classes are required
 32 to complete the program or course of study, the
 33 student may continue to receive a vocational-technical
 34 tuition grant for not more than one additional
 35 enrollment period.

36 5. A vocational-technical tuition grant shall be
 37 awarded on an annual basis, requiring reapplication by
 38 the student for each year. Payments under the grant
 39 shall be allocated equally among the semesters or
 40 quarters of the year upon certification by the
 41 institution that the student is in full-time or part-
 42 time attendance in a vocational-technical or career
 43 option program, as defined under rules of the
 44 department of education, or in a course of study at a
 45 school of cosmetology arts and sciences licensed
 46 pursuant to chapter 157 or at a barber school licensed
 47 pursuant to chapter 158. If the student discontinues
 48 attendance before the end of any term after receiving
 49 payment of the grant, the entire amount of any refund
 50 due that student, up to the amount of any payments

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1 made under the annual grant, shall be paid by the
 2 institution to the state.

3 Sec. ___. Section 261.17, subsection 7, paragraph
 4 a, Code 2005, is amended to read as follows:

5 a. Provide application forms for distribution to
 6 students by Iowa high schools, schools of cosmetology
 7 arts and sciences licensed under chapter 157, barber
 8 schools licensed under chapter 158, and community
 9 colleges."

10 2. Page 27, by inserting after line 21 the
 11 following:

12 "Sec. ___. Section 261.25, subsection 2, Code
 13 Supplement 2005, is amended to read as follows:

14 2. There is appropriated from the general fund of
 15 the state to the commission for each fiscal year the
 16 sum of ~~two~~ three million five hundred thirty-three
 17 thousand one hundred fifteen dollars for vocational-
 18 technical tuition grants. From moneys appropriated
 19 pursuant to this subsection, up to one million dollars

20 shall be used for students who are enrolled in a
 21 course of study at a school of cosmetology arts and
 22 sciences licensed pursuant to chapter 157 or at a
 23 barber school licensed pursuant to chapter 158."

24 3. By renumbering as necessary.

STRUYK of Pottawattamie

H-8156

1 Amend House File 2544 as follows:

2 1. Page 2, line 18, by inserting after the word
 3 "time" the following: "at the attendance center of
 4 the school district at which the student is enrolled".

MASCHER of Johnson

H-8157

1 Amend House File 2544 as follows:

2 1. Page 2, line 3, by inserting after the word
 3 "Educational" the following: "technology shall not be
 4 used by school districts as the exclusive means to
 5 provide any course which is required to be completed
 6 by the minimum educational standards for accreditation
 7 for kindergarten through grade eight. Educational".

8 2. Page 2, lines 4 and 5, by striking the words
 9 "from kindergarten through grade" and inserting the
 10 following: "in grades nine through".

11 3. Page 2, by striking lines 7 through 9 and
 12 inserting the following: "through face-to-face
 13 instruction for core courses which are required for
 14 graduation."

MASCHER of Johnson

H-8158

1 Amend House File 2544 as follows:

2 1. Page 2, line 10, by inserting before the word
 3 "For" the following: "Before enrolling in a core
 4 course utilizing educational technology as the
 5 exclusive means to provide instruction, a student in
 6 grades nine through twelve must have a grade point
 7 average of at least three points on a four-point
 8 grading scale, or the equivalent."

MASCHER of Johnson

H-8160

1 Amend House File 2715 as follows:

2 1. Page 1, line 10, by inserting after the word

- 3 "junior" the following: "or senior".
 4 2. Page 3, line 5, by inserting after the word
 5 "sophomore" the following: "and junior".
 6 3. Title page, lines 5 and 6, by striking the
 7 words "prior to enrollment as high school seniors" and
 8 inserting the following: "by the end of their junior
 9 or senior school year".

MASCHER of Johnson

H-8161

- 1 Amend House File 2545 as follows:
 2 1. Page 3, line 4, by striking the word "commits"
 3 and inserting the following: "is convicted of".

TJEPKES of Webster
 J.R. VAN FOSSEN of Scott
 R. OLSON of Polk

H-8163

- 1 Amend House File 2332 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 232.4, Code 2005, is amended
 5 to read as follows:
 6 232.4 JURISDICTION – SUPPORT OBLIGATION –
 7 CUSTODY.
 8 1. Notwithstanding any other provision of this
 9 chapter, and for the purposes of establishing a
 10 parental liability obligation for a child under the
 11 jurisdiction of the juvenile court, a support
 12 obligation shall be established pursuant to section
 13 234.39.
 14 2. a. For the purposes of modifying an order for
 15 custody, physical care, or support of a child under
 16 the jurisdiction of the juvenile court, if a
 17 permanency order of the juvenile court issued pursuant
 18 to section 232.58 or 232.104 transfers the legal
 19 custody of the child to a parent who is subject to an
 20 order to pay an accruing child support obligation
 21 entered under any chapter of the Code, the transfer
 22 constitutes a substantial change in circumstances
 23 pursuant to section 598.21C, subsection 1, paragraph
 24 "k", and for the purposes of section 598.41. Upon
 25 issuance of a permanency order described in this
 26 subsection, the juvenile court shall submit a copy of
 27 the permanency order to the district court in each
 28 county where a custody, physical care, or support
 29 order involving the parents is entered. A copy of the
 30 permanency order shall be personally served or sent by

31 regular mail to the last known address of a parent,
 32 the obligee of the accruing support obligation, and to
 33 the child support recovery unit. The district court
 34 shall modify any existing custody, physical care, or
 35 support order to reflect the provisions of the
 36 permanency order submitted, subject to the provisions
 37 of paragraphs "b", "c", and "d". The district court
 38 order modifying support shall be effective upon
 39 filing. Unpaid support which accrued prior to the
 40 filing date remains due and owing.
 41 b. The provisions of chapter 252K and 28 U.S.C. §
 42 1738B shall apply to this subsection.
 43 c. If the permanency order from the juvenile court
 44 applies to fewer than all of the children for whom
 45 there is an order for an accruing support obligation
 46 and if there is no step change in the support order,
 47 the district court shall determine support based upon
 48 the guidelines established under section 598.21B, and
 49 then modify support. The district court may declare
 50 the step change amounts based upon the prior

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1 guidelines calculation records, or the district court
 2 may recalculate the support based upon the guidelines.
 3 For the purposes of this subsection, "step change"
 4 means step change as defined in section 252B.20.
 5 d. If there is no existing district court order
 6 awarding custody or physical care of the child, the
 7 district court shall limit the modification under this
 8 subsection to support.
 9 e. Any filing fee or court costs associated with
 10 an order under this subsection shall be waived."
 11 2. Page 1, by inserting after line 26 the
 12 following:
 13 "Sec.____. Section 598.21C, subsection 1,
 14 paragraph k, Code Supplement 2005, is amended to read
 15 as follows:
 16 k. Entry of a dispositional or permanency order in
 17 juvenile court pursuant to chapter 232 placing custody
 18 or physical care of a child with a party who is
 19 obligated to pay support for a child."
 20 3. Page 1, by inserting before line 27, the
 21 following:
 22 "Sec.____. APPLICABILITY. The sections of this
 23 Act amending sections 232.4 and 598.21C apply to
 24 permanency orders entered by the juvenile court on or
 25 after July 1, 2006."
 26 4. Page 1, lines 27 and 28, by striking the words
 27 "This Act is" and inserting the following: "The
 28 sections of this Act creating section 252D.16A and
 29 amending section 252D.18 are".

- 30 5. Page 1, line 31, by inserting after the words
 31 "conform to" the following: "those sections of".
 32 6. Title page, line 1, by inserting after the
 33 word "to" the following: "child support, including
 34 modification of support based upon permanency orders
 35 of the juvenile court and".
 36 7. Title page, line 2, by inserting after the
 37 word "program" the following: "and providing for
 38 applicability and retroactive applicability".
 39 8. By renumbering as necessary.

HUSER of Polk
 HEDDENS of Story

H-8168

- 1 Amend the amendment, H-8150, to House File 2627 as
 2 follows:
 3 1. Page 8, line 2, by striking the figure
 4 "99G.30B" and inserting the following: "99F.30A".

CARROLL of Poweshiek

H-8169

- 1 Amend House File 2734 as follows:
 2 1. Page 3, line 16, by striking the figure
 3 "1,866,264" and inserting the following: "2,341,264".
 4 2. Page 3, by inserting after line 27 the
 5 following: "Of the funds appropriated in this
 6 subsection, \$475,000 shall be used for the access to
 7 baby and child dentistry (ABCD) program to improve
 8 child dental care."

MASCHER of Johnson

H-8180

- 1 Amend House File 2650 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "impounded." the following: "For purposes of this
 4 subsection, a person's driver's license or operating
 5 privilege shall not be considered canceled, suspended,
 6 revoked, or barred unless timely notice of the action
 7 has been delivered by personal service as in civil
 8 actions or by certified mail, return receipt
 9 requested, or the driver's license held by the person
 10 has been surrendered to the department or a court."

R. OLSON of Polk

H-8184

- 1 Amend House File 2710 as follows:
2 1. Page 1, line 21, by inserting after the word
3 "twelve." the following: "The task force shall
4 include in its study graduation requirements."
5 2. Page 1, line 34, by inserting after the word
6 "standards," the following: "a representative from
7 the board of directors of a school district,".

TYMESON of Madison

H-8186

- 1 Amend the amendment, H-8147, to House File 2627 as
2 follows:
3 1. Page 5, by striking lines 11 through 16 and
4 inserting the following:
5 "c. A retailer that is a fraternal or charitable
6 organization or that locates monitor vending machines
7 in an age-restricted area may locate no more than four
8 monitor vending machines at the retailer's premises,
9 and any other retailer may locate no more than two
10 monitor vending machines at the retailer's premises.
11 For purposes of this paragraph, an "age-restricted
12 area" is a retailer premises in which persons younger
13 than twenty-one years of age are not allowed or an
14 area in a premises in which persons younger than
15 twenty-one years of age are allowed if access to the
16 area is restricted by a permanent physical barrier, as
17 approved by the division."
18 2. By renumbering as necessary.

ELGIN of Linn

H-8187

- 1 Amend the amendment, H-8147, to House File 2627 as
2 follows:
3 1. Page 6, line 28, by inserting after the word
4 "to" the following: "a seven-day suspension of the
5 retailer's license and".
6 2. Page 6, line 30, by striking the words "two
7 years" and inserting the following: "one year".
8 3. Page 6, line 34, by striking the words "three
9 years" and inserting the following: "one year".
10 4. Page 6, line 38, by striking the words "three
11 years" and inserting the following: "one year".

ELGIN of Linn

H-8188

- 1 Amend the amendment, H-8147, to House File 2627 as
 2 follows:
- 3 1. Page 5, by striking lines 27 through 30 and
 4 inserting the following: "activated by a player. In
 5 addition,".
- 6 2. By striking page 5, line 46, through page 6,
 7 line 1, and inserting the following:
- 8 "h. A retailer shall not award a prize to a person
 9 for playing a monitor vending machine until the
 10 retailer verifies that the person is eligible to claim
 11 a prize. The authority shall establish the
 12 requirements for determining eligibility for claiming
 13 a prize, which requirements shall include the manner
 14 of verifying the age of the person and determining
 15 whether the person is excluded from claiming a prize
 16 under this chapter."
- 17 3. By renumbering as necessary.

ELGIN of Linn

H-8189

- 1 Amend the amendment, H-8147, to House File 2627 as
 2 follows:
- 3 1. Page 2, by inserting after line 17 the
 4 following:
- 5 "Sec. ____ Section 99F.4, Code 2005, is amended by
 6 adding the following new subsection:
- 7 NEW SUBSECTION. 25. To provide that the name of a
 8 gambling game authorized for use under this chapter
 9 shall not be the same as a game operated on a monitor
 10 vending machine as described in section 99G.30A."
- 11 2. By renumbering as necessary.

ELGIN of Linn

H-8191

- 1 Amend the amendment, H-8147, to House File 2627 as
 2 follows:
- 3 1. Page 5, by striking lines 11 through 16 and
 4 inserting the following:
- 5 "c. A retailer that is a fraternal or charitable
 6 organization or that locates monitor vending machines
 7 in an age-restricted area may locate no more than four
 8 monitor vending machines at the retailer's premises,
 9 and any other retailer may locate no more than two
 10 monitor vending machines at the retailer's premises.
 11 For purposes of this paragraph, an "age-restricted
 12 area" is a retailer premises in which persons younger

13 than twenty-one years of age are not allowed or an
14 area in a premises in which persons younger than
15 twenty-one years of age are allowed if access to the
16 area is restricted by an impermeable barrier system
17 around all machines that includes a sign that the area
18 is restricted to persons of at least twenty-one years
19 of age as approved by the division."

20 2. Page 5, by striking lines 26 through 33 and
21 inserting the following: "video monitor screen that
22 only displays the age requirement for play until the
23 machine is activated by a player. Each machine shall
24 be designed to require each player to affirmatively
25 respond to questions on the machine as determined by
26 the division prior to being allowed to insert money
27 and play the".

28 3. Page 5, by striking lines 39 through 41.

29 4. Page 5, line 42, by striking the word "g.",
30 and inserting the following: "f."

31 5. By striking page 5, line 46, through page 6,
32 line 1, and inserting the following:

33 "g. A retailer shall not award a prize to a person
34 for playing a monitor vending machine until the
35 retailer verifies that the person is eligible to claim
36 a prize. The division shall establish the
37 requirements for determining eligibility for claiming
38 a prize, which requirements shall include the manner
39 of verifying the age of the person and determining
40 whether the person is excluded from claiming a prize
41 under this chapter."

42 6. Page 6, line 2, by striking the word "i.", and
43 inserting the following: "h."

44 7. Page 9, lines 36 and 37, by striking the words
45 "'e", "f", and "h'", and inserting the following:
46 "and "e'".

ELGIN of Linn

H-8192

1 Amend the amendment, H-8147, to House File 2627 as
2 follows:

3 1. Page 5, by striking lines 5 through 7 and
4 inserting the following: "class "B", or class "C"
5 liquor control license has been issued pursuant to
6 chapter 123."

LUKAN of Dubuque

H-8193

1 Amend House File 2704 as follows:

2 1. Page 4, by inserting after line 14 the

3 following:

4 "Sec. _____. Section 42.4, subsection 4, Code 2005,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 4. Districts shall be reasonably compact in form,
8 to the extent consistent with the standards
9 established by subsections 1, 2, and 3. In general,
10 reasonably compact districts are those which are
11 square, rectangular, or hexagonal in shape, and not
12 irregularly shaped, to the extent permitted by natural
13 or political boundaries. If it is necessary to
14 compare the relative compactness of two or more
15 districts, or of two or more alternative districting
16 plans, the tests prescribed by paragraphs "a" and "b"
17 shall be used.

18 a. **LENGTH-WIDTH COMPACTNESS.** The compactness of a
19 district is greatest when the length of the district
20 and the width of the district are equal. The measure
21 of a district's compactness is the absolute value of
22 the difference between the length and the width of the
23 district. In general, the length-width compactness of
24 a district is calculated by measuring the distance
25 from the northernmost point or portion of the boundary
26 of a district to the southernmost point or portion of
27 the boundary of the same district and the distance
28 from the westernmost point or portion of the boundary
29 of the district to the easternmost point or portion of
30 the boundary of the same district. The absolute
31 values computed for individual districts under this
32 paragraph may be cumulated for all districts in a plan
33 in order to compare the overall compactness of two or
34 more alternative districting plans for the state, or
35 for a portion of the state.

36 b. **PERIMETER COMPACTNESS.** The compactness of a
37 district is greatest when the distance needed to
38 traverse the perimeter boundary of a district is as
39 short as possible. The total perimeter distance
40 computed for individual districts under this paragraph
41 may be cumulated for all districts in a plan in order
42 to compare the overall compactness of two or more
43 alternative districting plans for the state, or for a
44 portion of the state."

45 2. By renumbering as necessary.

H-8194

1 Amend House File 2734 as follows:

- 2 1. Page 3, line 32, by striking the figure
3 "1,442,840" and inserting the following: "1,622,840".
4 2. Page 4, by inserting after line 2 the
5 following:
6 "Of the funds appropriated in this subsection,
7 \$180,000 is allocated for the department to enter into
8 a contract with the university of Iowa hospitals and
9 clinics to implement and administer the prescription
10 drug donation repository program authorized pursuant
11 to chapter 135M."

SMITH of Marshall

H-8195

1 Amend the amendment, H-8147, to House File 2627 as
2 follows:

- 3 1. By striking page 1, line 4, through page 3,
4 line 18.
5 2. Page 3, line 35, by striking the word
6 "division" and inserting the following: "authority".
7 3. Page 3, line 39, by striking the word
8 "division" and inserting the following: "authority".
9 4. Page 3, line 45, by striking the word
10 "division" and inserting the following: "authority".
11 5. Page 3, line 50, by striking the word
12 "division" and inserting the following: "authority".
13 6. Page 4, by striking lines 8 through 31.
14 7. Page 4, line 34, by striking the words
15 "authority division" and inserting the following:
16 "authority".
17 8. Page 4, line 37, by striking the words
18 "authority division", and inserting the following:
19 "authority".
20 9. Page 4, line 50, by striking the word
21 "division" and inserting the following: "authority".
22 10. Page 5, line 7, by inserting after the figure
23 "123" the following: "and the majority of sales for
24 that retailer are not from food".
25 11. Page 5, line 15, by striking the word
26 "division" and inserting the following: "authority".
27 12. Page 5, line 17, by striking the word
28 "division" and inserting the following: "authority".
29 13. Page 5, line 23, by striking the word
30 "division" and inserting the following: "authority".
31 14. Page 5, line 33, by striking the word
32 "division" and inserting the following: "authority".
33 15. Page 6, line 3, by striking the word
34 "division" and inserting the following: "authority".

- 35 16. Page 6, by inserting after line 8 the
 36 following:
 37 "j. A monitor vending machine shall not be located
 38 on the premises of a retailer that is within twenty
 39 miles of a facility to which a license to conduct
 40 gambling games has been granted under chapter 99F."
 41 17. Page 6, line 25, by striking the word
 42 "division" and inserting the following: "authority".
 43 18. By striking page 7, line 24, through page 9,
 44 line 14.
 45 19. Page 9, by striking lines 25 through 33.
 46 20. By striking page 9, line 42, through page 11,
 47 line 2.
 48 21. Page 11, line 5, by striking the words
 49 "relating to the operation of the lottery".
 50 22. By renumbering as necessary.

WISE of Lee
 QUIRK of Chickasaw

H-8196

- 1 Amend House File 2627 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 99G.9, subsection 3, paragraph
 5 a, Code 2005, is amended to read as follows:
 6 a. The type of games to be conducted. The rules
 7 shall provide that the name of a game operated on a
 8 monitor vending machine as described in section
 9 99G.30A shall not be the same as a gambling game
 10 authorized for use pursuant to chapter 99F. The board
 11 shall only authorize for use any type of lottery game
 12 and manner of playing that game that was authorized
 13 for use in this state as of July 1, 2006.
 14 Sec. 2. Section 99G.9, Code 2005, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 4A. To establish a process to
 17 allow a person to be voluntarily excluded for life
 18 from purchasing a lottery ticket or share for lottery
 19 games authorized by this chapter. The process
 20 established shall require that the authority
 21 disseminate information regarding persons voluntarily
 22 excluded to all retailers under this chapter and, if
 23 applicable, to licensees under chapters 99D and 99F.
 24 The state, the authority, retailers under this
 25 chapter, and, if applicable, any licensee under
 26 chapter 99D or 99F shall not be liable to any person
 27 for any claim which may arise from this process. In
 28 addition to any other penalty provided by law, any
 29 money or thing of value that has been obtained by, or
 30 is owed to, a voluntarily excluded person by the

31 authority as a result of playing any lottery game by
32 the person after the person has been voluntarily
33 excluded shall not be paid to the person but shall be
34 deposited into the gambling treatment fund created in
35 section 135.150. The authority shall coordinate with
36 the racing and gaming commission to establish a
37 unified process for allowing persons to be excluded
38 for life under this chapter and chapters 99D and 99F,
39 and to establish a statewide database of persons
40 excluded under this process and those excluded under
41 the process for racetrack enclosures and all other
42 licensed facilities under chapters 99D and 99F.
43 Sec. 3. Section 99G.30, subsection 4, Code 2005,
44 is amended to read as follows:
45 4. Except for the authority, a retailer shall only
46 sell lottery products on the licensed premises and not
47 through the mail or by technological means except as
48 the authority may provide or authorize and subject to
49 the requirements of section 99G.30A.
50 Sec. 4. Section 99G.30, Code 2005, is amended by

Page 2

1 adding the following new subsection:
2 **NEW SUBSECTION.** 8. Lottery products or shares
3 shall only be sold by a person at least eighteen years
4 of age.
5 **Sec. 5. NEW SECTION.** 99G.30A MONITOR VENDING
6 MACHINES – RESTRICTIONS.
7 1. It shall be lawful for a retailer to sell
8 lottery products or tickets by means of a monitor
9 vending machine pursuant to the requirements of the
10 authority, but only if all of the following conditions
11 are met:
12 a. A monitor vending machine shall only be
13 permitted or offered for use by a retailer in any
14 single location or premises for which a class "A",
15 class "B", class "C", special class "C", or class "D"
16 liquor control license or class "B" or class "C" beer
17 permit has been issued pursuant to chapter 123 and the
18 majority of sales for that retailer are not from food.
19 b. A monitor vending machine shall not be located
20 on the premises of a retailer within twenty feet of an
21 automated teller machine.
22 c. A retailer may locate no more than one monitor
23 vending machine at the retailer's premises and the
24 monitor vending machine shall be located in an area in
25 which a permanent physical barrier, as approved by the
26 authority, restricts access to the monitor vending
27 machine.
28 d. The authority shall not advertise or promote
29 the availability of monitor vending machines to the

30 public. In addition, a person or retailer shall not
31 advertise or promote the availability of a monitor
32 vending machine to the public as anything other than a
33 monitor vending machine dispensing lottery products or
34 tickets pursuant to rules adopted by the authority.

35 e. A monitor vending machine offered to the public
36 shall be designed so as to be inaudible and with a
37 blank video monitor screen until the machine is
38 activated by a player. To activate a machine, a
39 player shall be required to obtain a code or similar
40 activating device from the retailer each time a player
41 wishes to activate and play a machine. In addition,
42 each machine shall be designed to require each player
43 to affirmatively respond to questions on the machine
44 as determined by the authority prior to playing the
45 machine. The questions shall require responses
46 related to the minimum age required to play the
47 machine, the consequences if a person excluded from
48 purchasing lottery products plays the machine, and the
49 availability of gambling treatment programs.

50 f. The minimum cost for a person to activate and

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1 play a game on a monitor vending machine shall be no
2 less than one dollar.

3 g. A retailer with a monitor vending machine shall
4 make brochures concerning available gambling treatment
5 information readily available to players of the
6 machine.

7 h. A retailer offering a monitor vending machine
8 to the public shall require that all employees
9 authorized to provide the code or similar activating
10 device to persons prior to activating and playing a
11 monitor vending machine shall be at least eighteen
12 years of age.

13 i. The number of monitor vending machines
14 authorized by the authority and offered to the public
15 shall not exceed the number of monitor vending
16 machines that had been authorized and either located
17 on the licensed premises of a retailer or ordered by a
18 retailer from an authorized manufacturer as of January
19 7, 2006.

20 j. A monitor vending machine shall not be located
21 on the premises of a retailer that is within twenty
22 miles of a facility to which a license to conduct
23 gambling games has been granted under chapter 99F.

24 2. For purposes of this section, "monitor vending
25 machine" means a machine or other similar electronic
26 device that includes a video monitor and audio
27 capabilities that dispenses to a purchaser lottery
28 tickets that have been determined to be winning or

29 losing tickets by a predetermined pool drawing machine
30 prior to the dispensing of the tickets.

31 Sec. 6. NEW SECTION. 99G.30B AGE RESTRICTIONS –
32 PENALTIES.

33 1. A person under the age of twenty-one years
34 shall not purchase or attempt to purchase a lottery
35 ticket or share. A person who violates this
36 subsection commits a scheduled violation under section
37 805.8C, subsection 5.

38 2. If any retailer, or employee of a retailer, is
39 convicted or found in violation of section 99G.30,
40 subsection 3, the authority shall, in addition to
41 criminal penalties fixed for violation of that
42 subsection, assess a civil penalty as follows:

43 a. A first violation shall subject the retailer to
44 a civil penalty in the amount of five hundred dollars.

45 b. A second violation within two years shall
46 subject the retailer to a thirty-day suspension of the
47 retailer's license and a civil penalty in the amount
48 of one thousand five hundred dollars.

49 c. A third violation within three years shall
50 subject the retailer to a sixty-day suspension of the

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1 retailer's license and a civil penalty in the amount
2 of one thousand five hundred dollars.

3 d. A fourth violation within three years shall
4 result in revocation of the retailer's license.

5 e. For purposes of this subsection:

6 (1) The date of any violation shall be used in
7 determining the period between violations.

8 (2) Suspension shall be limited to the specific
9 license for the premises found in violation.

10 Sec. 7. Section 99G.33, Code 2005, is amended to
11 read as follows:

12 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

13 The department of public safety, division of
14 criminal investigation, shall be the primary state
15 agency responsible for investigating criminal
16 violations under this chapter. The chief executive
17 officer shall contract with the department of public
18 safety for investigative services, including the
19 employment of special agents and support personnel,
20 and procurement of necessary equipment to carry out
21 the responsibilities of the division of criminal
22 investigation under the terms of the contract and this
23 chapter. The contract shall provide, at a minimum,
24 for random checks of retailers at all hours for
25 compliance with the provisions of this chapter,
26 especially as it relates to the purchase of lottery
27 products or access to monitor vending machines by a

28 person who has not reached the age of twenty-one.

29 Sec. 8. Section 99G.39, subsection 1, paragraph a,
30 Code 2005, is amended to read as follows:

31 a. An amount equal to one-half of one percent of
32 the gross lottery revenue for the year shall be
33 deposited in the gambling treatment fund created in
34 section 135.150. However, an amount equal to one
35 percent of the gross lottery revenue for the year
36 derived from monitor vending machines shall be
37 deposited in the gambling treatment fund created in
38 section 135.150.

39 Sec. 9. Section 805.8C, subsection 5, Code
40 Supplement 2005, is amended to read as follows:

41 5. GAMBLING VIOLATIONS. For violations of legal
42 age for gambling wagering under section 99D.11,
43 subsection 7, section 99F.9, subsection 5, section
44 99G.30B, subsection 1, and section 725.19, subsection
45 1, the scheduled fine is five hundred dollars.
46 Failure to pay the fine by a person under the age of
47 eighteen shall not result in the person being detained
48 in a secure facility.

49 Sec. 10. MONITOR VENDING MACHINES – TRANSITION
50 PROVISIONS. The provisions of section 99G.30A,

Page 5

1 subsection 1, paragraphs "a", "b", "c", "e", "f", and
2 "h", shall not apply to monitor vending machines
3 authorized and either located on the premises of a
4 retailer or ordered by a retailer from an authorized
5 manufacturer of monitor vending machines by January 7,
6 2006, until July 1, 2007."

7 2. Title page, by striking lines 1 and 2 and
8 inserting the following: "An Act concerning the Iowa
9 lottery, including provisions on authorized lottery
10 games and machines, and providing penalties."

11 3. By renumbering as necessary.

WISE of Lee
QUIRK of Chickasaw

H-8197

1 Amend House File 2743 as follows:

2 1. Page 10, by inserting after line 16 the
3 following:

4 "Sec. ____ NEW SECTION. 147A.15 AUTOMATED
5 EXTERNAL DEFIBRILLATOR EQUIPMENT – PENALTY.

6 Any person who damages, wrongfully takes or
7 withholds, or removes any component of automated
8 external defibrillator equipment located in a public
9 or privately owned location, including batteries

10 installed to operate the equipment, is guilty of a
11 serious misdemeanor."
12 2. Title page, line 2, by striking the word
13 "fund" and inserting the following: "fund, and by
14 providing a penalty".

THOMAS of Clayton

H-8198

1 Amend House File 2734 as follows:
2 1. Page 3, line 32, by striking the figure
3 "1,442,840" and inserting the following: "1,642,840".
4 2. Page 3, line 35, by striking the figure
5 "100,000" and inserting the following: "300,000".

MURPHY of Dubuque

H-8199

1 Amend House File 2734 as follows:
2 1. Page 22, line 31, by striking the figure
3 "80,715,373" and inserting the following:
4 "81,491,038".
5 2. Page 27, by inserting after line 32 the
6 following:
7 "____. Of the funds appropriated in this section,
8 \$775,665 shall be used to provide twelve clinical
9 consultants to provide clinical expertise, guidance,
10 and skill building support to frontline social workers
11 and the number of positions authorized in this
12 division of this Act for field operations shall be
13 increased accordingly."

FOEGE of Linn

H-8200

1 Amend House File 2743 as follows:
2 1. Page 10, by inserting after line 16 the
3 following:
4 "Sec. _____. **NEW SECTION. 147A.15 AUTOMATED**
5 **EXTERNAL DEFIBRILLATOR EQUIPMENT – PENALTY.**
6 Any person who damages, wrongfully takes or
7 withholds, or removes any component of automated
8 external defibrillator equipment located in a public
9 or privately owned location, including batteries
10 installed to operate the equipment, is guilty of a
11 serious misdemeanor."
12 2. Title page, line 2, by striking the word
13 "fund" and inserting the following: "fund, and
14 providing a penalty".

THOMAS of Clayton

H-8201

1 Amend House File 2734 as follows:

2 1. Page 55, by inserting after line 4 the
3 following:

4 "Sec. ____ Section 249H.4, subsection 1, Code
5 Supplement 2005, is amended to read as follows:

6 1. A senior living trust fund is created in the
7 state treasury under the authority of the department
8 of human services. Moneys received through
9 intergovernmental agreements for the senior living
10 program and moneys received from sources, including
11 grants, contributions, and participant payments, shall
12 be deposited in the fund. Additionally, proceeds
13 derived from payment of taxes pursuant to section
14 453A.6, subsection 1, paragraph "a", subparagraph (2);
15 section 453A.6, subsection 1, paragraph "b",
16 subparagraph (2); section 453A.43, subsection 1,
17 paragraph "b"; and section 453A.43, subsection 2,
18 paragraph "b", shall be credited to the fund."

19 2. Page 55, by inserting after line 19 the
20 following:

21 "Sec. ____ Section 453A.6, subsection 1, Code
22 2005, is amended to read as follows:

23 1. There is imposed, and shall be collected and
24 paid to the department, the following taxes on all
25 cigarettes used or otherwise disposed of in this state
26 for any purpose whatsoever:

27 a. CLASS A.

28 (1) On cigarettes weighing not more than three
29 pounds per thousand, ~~eighteen mills~~ one and eight-
30 tenths cents on each such cigarette.

31 (2) In addition to the tax imposed in subparagraph
32 (1), on cigarettes weighing not more than three pounds
33 per thousand, three and two-tenths cents on each
34 cigarette.

35 b. CLASS B.

36 (1) On cigarettes weighing more than three pounds
37 per thousand, ~~eighteen mills~~ one and eight-tenths
38 cents on each such cigarette.

39 (2) In addition to the tax imposed in subparagraph
40 (1), on cigarettes weighing more than three pounds per
41 thousand, three and two-tenths cents on each
42 cigarette.

43 Sec. ____ Section 453A.35, Code 2005, is amended
44 to read as follows:

45 453A.35 TAX AND FEES PAID TO GENERAL FUND.

46 The proceeds derived from the sale of stamps and
47 the payment of taxes, fees and penalties provided for
48 under this chapter, and the permit fees received from
49 all permits issued by the department, with the
50 exception of the proceeds derived from payment of

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1 taxes pursuant to section 453A.6, subsection 1,
2 paragraph "a", subparagraph (2); section 453A.6,
3 subsection 1, paragraph "b", subparagraph (2); section
4 453A.43, subsection 1, paragraph "b"; and section
5 453A.43, subsection 2, paragraph "b", which shall be
6 credited to the senior living trust fund created in
7 section 249H.4, shall be credited to the general fund
8 of the state. All permit fees provided for in this
9 chapter and collected by cities in the issuance of
10 permits granted by the cities shall be paid to the
11 treasurer of the city where the permit is effective,
12 or to another city officer as designated by the
13 council, and credited to the general fund of the city.
14 Permit fees so collected by counties shall be paid to
15 the county treasurer.

16 Sec.____. Section 453A.40, subsection 1, Code
17 2005, is amended to read as follows:

18 1. All of the following persons shall be subject
19 to an inventory tax on the following items as provided
20 in this section:

21 a. All persons required to be licensed obtain a
22 permit under section 453A.13 as distributors or to be
23 licensed under section 453A.44 as a distributor or
24 subjobber, having in their possession and held for
25 resale on the effective date of an increase in the tax
26 rate cigarettes, or little cigars, or tobacco products
27 upon which the tax under section 453A.6 or 453A.43 has
28 been paid, unused cigarette tax stamps which have been
29 paid for under section 453A.8, or unused metered
30 imprints which have been paid for under section
31 453A.12 shall be subject to an inventory tax on the
32 items as provided in this section.

33 b. All consumers having for use or storage on the
34 effective date of an increase in the tax rate, tobacco
35 products upon which the tax under section 453A.43 has
36 been paid.

37 c. All consumers subject to section 453A.46,
38 subsection 6, who have acquired title to or possession
39 of tobacco products for storage in this state, upon
40 which tobacco products the tax imposed by section
41 453A.43 has not been paid.

42 Sec.____. Section 453A.43, subsections 1 and 2,
43 Code 2005, are amended to read as follows:

44 1. a. A tax is imposed upon all tobacco products
45 in this state and upon any person engaged in business
46 as a distributor of tobacco products, at the rate of
47 twenty-two percent of the wholesale sales price of the
48 tobacco products, except little cigars as defined in
49 section 453A.42.

50 b. In addition to the tax imposed under paragraph

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1 "a", a tax is imposed upon all tobacco products in
 2 this state and upon any person engaged in business as
 3 a distributor of tobacco products, at the rate of
 4 thirty-three percent of the wholesale sales price of
 5 the tobacco products, except little cigars as defined
 6 in section 453A.42.

7 c. Little cigars shall be subject to the same rate
 8 of tax imposed upon cigarettes in section 453A.6,
 9 payable at the time and in the manner provided in
 10 section 453A.6; and stamps shall be affixed as
 11 provided in division I of this chapter.

12 d. The ~~tax~~ taxes on tobacco products, excluding
 13 little cigars, shall be imposed at the time the
 14 distributor does any of the following:

15 a- (1) Brings, or causes to be brought, into this
 16 state from without the state tobacco products for
 17 sale.

18 b- (2) Makes, manufactures, or fabricates tobacco
 19 products in this state for sale in this state.

20 e- (3) Ships or transports tobacco products to
 21 retailers in this state, to be sold by those
 22 retailers.

23 2. a. A tax is imposed upon the use or storage by
 24 consumers of tobacco products in this state, and upon
 25 the consumers, at the rate of twenty-two percent of
 26 the cost of the tobacco products.

27 b. In addition to the tax imposed in paragraph
 28 "a", a tax is imposed upon the use or storage by
 29 consumers of tobacco products in this state, and upon
 30 the consumers, at a rate of thirty-three percent of
 31 the cost of the tobacco products,

32 c. The ~~tax~~ taxes imposed by this subsection shall
 33 not apply if the ~~tax~~ taxes imposed by subsection 1 on
 34 the tobacco products ~~has~~ have been paid.

35 d. ~~This tax~~ The taxes imposed under this
 36 subsection shall not apply to the use or storage of
 37 tobacco products in quantities of:

38 a- (1) Less than 25 cigars.

39 b- (2) Less than 10 oz. snuff or snuff powder.

40 e- (3) Less than 1 lb. smoking or chewing tobacco
 41 or other tobacco products not specifically mentioned
 42 herein, in the possession of any one consumer."

43 3. Page 56, by inserting after line 8 the
 44 following:

45 "Sec. ____ EFFECTIVE DATE. The sections of this
 46 division of this Act amending section 249H.4,
 47 subsection 1; section 453A.6, subsection 1; section
 48 453A.35; section 453A.40, subsection 1; and section
 49 453A.43, subsections 1 and 2, being deemed of
 50 immediate importance, take effect on the first day of

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1 the month that begins following enactment of this
2 Act."

FOEGE of Linn

H-8202

1 Amend House File 2734 as follows:
2 1. Page 3, line 16, by striking the figure
3 "1,866,264" and inserting the following: "2,341,264".
4 2. Page 3, by inserting after line 27 the
5 following:
6 "Of the funds appropriated in this subsection,
7 \$475,000 shall be used for the access to baby and
8 child dentistry (ABCD) program to improve child dental
9 care."
10 3. Page 15, line 16, by striking the figure
11 "708,671,610" and inserting the following:
12 "708,821,610".
13 4. Page 18, by inserting after line 5 the
14 following:
15 "____. Of the funds appropriated in this section,
16 \$150,000 shall be used to provide adult periodontal
17 services to medical assistance recipients."

MASCHER of Johnson

H-8204

1 Amend House File 2743 as follows:
2 1. Page 10, by inserting after line 16 the
3 following:
4 "Sec. ____ DEPARTMENT OF EDUCATION.
5 Notwithstanding any provision to the contrary, there
6 is appropriated from the amount of interest or
7 earnings on moneys in the federal economic stimulus
8 and jobs holding fund created in the state treasury
9 pursuant to 2004 Iowa Acts, First Extraordinary
10 Session, chapter 1002, section 2, subsection 2, to the
11 department of education for the fiscal year beginning
12 July 1, 2006, and ending June 30, 2007, the following
13 amount, or so much thereof as is necessary, for the
14 purpose designated:
15 For before and after school programs:
16 \$ 4,100,000"
17 2. Title page, line 1, by inserting after the
18 word "from" the following: "various trust and holding
19 funds including the federal economic stimulus and jobs
20 holding fund,".

FORD of Polk

H-8205

- 1 Amend House File 2294 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 "Sec. _____. Sections 1.18 and 4.14, Code 2005, are
 5 repealed."
 6 2. Page 1, line 22, by striking the words
 7 "enactment and is" and inserting the following:
 8 "enactment. Sections 1 and 2 of this Act are".
 9 3. Title page, line 1, by inserting after the
 10 word "Act" the following: "relating to utilization of
 11 the English language within this state, by repealing
 12 the Iowa English language reaffirmation Act and
 13 related provisions, and by".

FORD of Polk

H-8206

- 1 Amend House File 2597 as follows:
 2 1. Page 6, by inserting after line 31 the
 3 following:
 4 "Sec. _____. Section 68A.102, Code Supplement 2005,
 5 is amended by adding the following new subsection:
 6 **NEW SUBSECTION. 23. "527 tax-exempt group" means**
 7 **a tax-exempt group organized under section 527 of the**
 8 **Internal Revenue Code to raise moneys for political**
 9 **activities including voter mobilization efforts, issue**
 10 **advocacy, and other political activities.**
 11 Sec. _____. **NEW SECTION. 68A.105 CERTAIN ACCOUNTS**
 12 **BY CANDIDATES PROHIBITED.**
 13 **A candidate for public office shall not establish,**
 14 **maintain, advise, conduct fundraising for, or**
 15 **determine allocations from a 527 tax-exempt group."**
 16 2. Title page, line 1, by inserting after the
 17 word "Act" the following: "relating to elections and
 18 campaign finance by".
 19 3. Title page, line 2, by inserting after the
 20 word "place" the following: "and by prohibiting
 21 candidates from engaging in certain activities for
 22 certain tax-exempt groups".
 23 4. By renumbering as necessary.

MASCHER of Johnson

H-8207

- 1 Amend the amendment, H-8147, to House File 2627 as
 2 follows:
 3 1. Page 7, by inserting after line 23 the
 4 following:

5 "Sec. _____. Section 99G.39, Code 2005, is amended
6 by adding the following new subsection:
7 **NEW SUBSECTION.** 4. Notwithstanding any provision
8 of this section to the contrary, of the lottery
9 revenues derived from monitor vending machines and
10 otherwise required by law to be transferred to the
11 general fund for each fiscal year beginning on or
12 after July 1, 2006, the first twenty million dollars
13 of the revenues derived during the fiscal year shall
14 not be transferred to the general fund but shall be
15 transferred to the department of education for after
16 school programs."
17 2. By renumbering as necessary.

FORD of Polk

H-8208

1 Amend the amendment, H-8147, to House File 2627, as
2 follows:

3 1. Page 6, by inserting after line 8 the
4 following:

5 "j. A monitor vending machine shall not be located
6 in any county in which the result of the most recent
7 referendum conducted in that county pursuant to
8 section 99G.30C was a defeat of a proposal to
9 authorize monitor vending machines in that county."

10 2. Page 6, by inserting after line 44 the
11 following:

12 "Sec. _____. **NEW SECTION.** 99G.30C MONITOR VENDING
13 MACHINES – REFERENDUM.

14 1. The board of supervisors of each county shall
15 direct the commissioner of elections to submit a
16 proposition concerning monitor vending machines to the
17 county electorate at the general election held in 2006
18 and at the general election held at each subsequent
19 ten-year interval.

20 2. The proposition to be submitted to the electors
21 shall be in the following form:

22 Should monitor vending machines approved by the
23 Iowa lottery be allowed for (name of applicable
24 county)?

25 3. If a majority of the county voters voting in
26 the most recent referendum on the proposition favors
27 allowing monitor vending machines, then retailers may
28 offer monitor vending machines to the public in that
29 county pursuant to the requirements of this chapter.
30 If a majority of the county voters voting in the most
31 recent referendum on the proposition does not favor
32 allowing monitor vending machines, then monitor
33 vending machines shall not be permitted in the county
34 and retailers shall not make any monitor vending

35 machines available to the public within sixty days
 36 after the election."
 37 3. By renumbering as necessary.

FORD of Polk
 JOCHUM of Dubuque

H-8209

1 Amend the amendment, H-8147, to House File 2627 as
 2 follows:
 3 1. Page 7, by inserting after line 23 the
 4 following:
 5 "Sec. _____. Section 99G.39, Code 2005, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 4. Notwithstanding any provision
 8 of this section to the contrary, of the lottery
 9 revenues derived from monitor vending machines and
 10 otherwise required by law to be transferred to the
 11 general fund for each fiscal year beginning on or
 12 after July 1, 2006, the first thirty million dollars
 13 of the revenues derived during the fiscal year shall
 14 not be transferred to the general fund but shall be
 15 transferred to the department of education for teacher
 16 salaries pursuant to chapter 284."
 17 2. By renumbering as necessary.

FORD of Polk

H-8210

1 Amend House File 2527 as follows:
 2 1. Page 26, by inserting after line 31 the
 3 following:
 4 "Sec. _____. Section 261.2, Code Supplement 2005, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 9. Establish a higher education
 7 foundation to encourage individual members of the
 8 public, organizations, and corporations to make
 9 contributions to programs administered by the
 10 commission to be matched with state appropriations and
 11 supplement limited state resources.
 12 a. The foundation may establish an endowment fund
 13 to assist in the financing of its activities. The
 14 foundation shall be incorporated under chapter 504.
 15 b. The foundation shall be created in a manner so
 16 that donations and bequests to the foundation qualify
 17 as tax deductible under federal and state income tax
 18 laws. Except as provided in paragraph "e", the
 19 foundation is not a state agency and shall not
 20 exercise sovereign power of the state. The state is
 21 not liable for any debts of the foundation.

22 c. The foundation shall have a board of directors
23 of twelve members. Four members shall be appointed by
24 the governor to staggered three-year terms beginning
25 on July 1 and ending on June 30. Two of the four
26 members appointed by the governor shall represent the
27 Iowa student loan liquidity corporation. Eight
28 members shall be members of the commission or their
29 designees appointed by the commission. A vacancy on
30 the board shall be filled in the same manner as the
31 original appointment for the remainder of the term.
32 Not more than four members appointed by the commission
33 shall be of the same gender or of the same political
34 party.

35 d. The foundation may accept and administer trusts
36 deemed by the board to be beneficial. Notwithstanding
37 section 633.63, the foundation may act as trustee of
38 such a trust.

39 e. The foundation shall be considered a
40 governmental body for purposes of chapters 21 and 22."
41 2. Page 35, by inserting after line 14 the
42 following:

43 "Sec. _____. INITIAL APPOINTMENTS. Of the four
44 gubernatorial appointees to the board of directors of
45 the foundation established pursuant to section 261.2,
46 subsection 9, enacted in this Act, the governor shall
47 appoint two individuals to three-year terms, one
48 individual to a two-year term, and one individual to a
49 one-year term."

50 3. By renumbering as necessary.

CHAMBERS of O'Brien

H-8211

1 Amend the amendment, H-8147, to House File 2627 as
2 follows:

3 1. Page 7, by inserting after line 23 the
4 following:

5 "Sec. _____. Section 99G.39, Code 2005, is amended
6 by adding the following new subsection:

7 **NEW SUBSECTION.** 4. Notwithstanding any provision
8 of this section to the contrary, of the lottery
9 revenues derived from monitor vending machines and
10 otherwise required by law to be transferred to the
11 general fund for each fiscal year beginning on or
12 after July 1, 2006, the first twenty million dollars
13 of the revenues derived during the fiscal year shall
14 not be transferred to the general fund but shall be
15 transferred to the Iowa department of public health to
16 be allocated to counties based upon population for

- 17 substance abuse programs."
 18 2. By renumbering as necessary.

FORD of Polk

H-8222

- 1 Amend House File 2734 as follows:
 2 1. Page 3, line 16, by striking the figure
 3 "1,866,264" and inserting the following: "2,341,264".
 4 2. Page 3, by inserting after line 27 the
 5 following:
 6 "Of the funds appropriated in this subsection,
 7 \$150,000 shall be used for the access to baby and
 8 child dentistry (ABCD) program to improve child dental
 9 care by reaching all Iowa counties with a demonstrated
 10 oral health program for children from birth through
 11 five years of age.
 12 Of the funds appropriated in this subsection,
 13 \$325,000 shall be used to address the healthy mental
 14 development of children from birth through five years
 15 of age through local level evidence-based strategies
 16 that engage both the public and private sectors in
 17 promoting healthy development, prevention, and
 18 treatment for all children."
 19 3. Page 15, line 16, by striking the figure
 20 "708,671,610" and inserting the following:
 21 "708,821,610".
 22 4. Page 18, by inserting after line 5 the
 23 following:
 24 "____. Of the funds appropriated in this section,
 25 \$150,000 shall be used to provide adult periodontal
 26 services to medical assistance recipients."

MASCHER of Johnson

H-8223

- 1 Amend the amendment, H-8147, to House File 2627 as
 2 follows:
 3 1. Page 3, line 30, by striking the word
 4 "subsection" and inserting the following:
 5 "subsections".
 6 2. Page 4, by inserting after line 7 the
 7 following:
 8 "NEW SUBSECTION. 4B. To establish a cohesive
 9 strategy for gambling in Iowa in consultation with the
 10 racing and gaming commission and under the direction
 11 of the department of inspections and appeals. The
 12 strategy shall consider appropriate products and
 13 merchandising of gambling products, including lottery
 14 games, and the appropriate administration of gambling.

- 15 If appropriate, the strategy may consider on-lotto
16 games separately from other lottery games and other
17 gambling activities."
18 3. By renumbering as necessary.

JENKINS of Black Hawk
KURTENBACH of Story

H-8224

- 1 Amend the amendment, H-8215, to House File 2527 as
2 follows:
3 1. Page 1, by striking lines 4 through 20 and
4 inserting the following:
5 ""The state board of regents shall not circumvent
6 the requirements of section 270.10 or otherwise change
7 the current status of the Iowa braille and sight
8 saving school.""

PETTENGILL of Benton

H-8226

- 1 Amend the amendment, H-8147, to House File 2627 as
2 follows:
3 1. Page 5, by striking lines 3 through 7 and
4 inserting the following: "permitted or offered for
5 use by a retailer that is a fraternal or charitable
6 organization in any single location or premises for
7 which a class "A" or class "C" liquor control license
8 has been issued pursuant to chapter 123."
9 2. Page 5, line 11, by striking the word "one"
10 and inserting the following: "four".
11 3. Page 5, line 12, by striking the word
12 "machine" and inserting the following: "machines".
13 4. Page 5, line 13, by striking the word
14 "machine" and inserting the following: "machines".
15 5. Page 5, line 16, by striking the word
16 "machine" and inserting the following: "machines".

D. TAYLOR of Linn

H-8227

- 1 Amend House File 2678 as follows:
2 1. Page 3, by striking lines 2 through 11.
3 2. By renumbering as necessary.

ALONS of Sioux

H-8230

1 Amend House File 2664 as follows:

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

4 "Sec. ___. Section 321G.1, subsection 9, Code
5 Supplement 2005, is amended to read as follows:

6 9. "Nonambulatory person" means an individual with
7 paralysis of the lower half of the body with the
8 involvement of both legs, usually caused by disease of
9 or injury to the spinal cord, or ~~caused by an~~
10 individual who has suffered the loss of one or both
11 legs or the loss of a part of both legs thereof.

12 Sec. ___. Section 321G.13, subsection 2, Code
13 Supplement 2005, is amended to read as follows:

14 2. A person shall not operate or ride a snowmobile
15 with a firearm in the person's possession unless it is
16 unloaded and enclosed in a carrying case. However, a
17 nonambulatory person may carry an uncased and loaded
18 or unloaded firearm while operating or riding a
19 snowmobile."

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

22 "Sec. ___. Section 321I.1, subsection 8, Code
23 2005, is amended to read as follows:

24 8. "Nonambulatory person" means an individual with
25 paralysis of the lower half of the body with the
26 involvement of both legs, usually caused by disease of
27 or injury to the spinal cord, or ~~caused by an~~
28 individual who has suffered the loss of one or both
29 legs or the loss of a part of both legs thereof.

30 3. Page 7, by inserting after line 5 the
31 following:

32 "Sec. ___. Section 321I.14, subsection 2, Code
33 2005, is amended to read as follows:

34 2. A person shall not operate or ride an all-
35 terrain vehicle with a firearm in the person's
36 possession unless it is unloaded and enclosed in a
37 carrying case. However, a nonambulatory person may
38 carry an uncased and loaded or unloaded firearm while
39 operating or riding an all-terrain vehicle."

40 4. Page 9, by inserting after line 32 the
41 following:

42 "Sec. ___. Section 481A.120, Code 2005, is amended
43 by striking the section and inserting in lieu thereof
44 the following:

45 481A.120 HUNTING FROM MOTORIZED VEHICLES OR
46 AIRCRAFT PROHIBITED – EXCEPTION.

47 1. A person, either singly or as one of a group of
48 persons, shall not intentionally kill or wound,
49 attempt to kill or wound, or pursue any animal, fowl,
50 or fish from or with an aircraft of any kind or a

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- 1 motor-driven land conveyance on public or private
 2 land.
- 3 2. Notwithstanding subsection 1, a nonambulatory
 4 person may hunt game on public or private land from a
 5 stationary motor-driven land conveyance, as provided
 6 by the commission by rules adopted pursuant to chapter
 7 17A. For the purposes of this subsection,
 8 "nonambulatory person" means an individual with
 9 paralysis of the lower half of the body with the
 10 involvement of both legs, usually caused by disease of
 11 or injury to the spinal cord, or an individual who has
 12 suffered the loss of one or both legs or part thereof.
- 13 3. For the purposes of this section, a "motor-
 14 driven land conveyance" includes but is not limited to
 15 a motor vehicle as defined in section 321.1, an all-
 16 terrain vehicle as defined in section 321I.1, and a
 17 snowmobile as defined in section 321G.1."
- 18 5. Title page, line 1, by striking the words "of
 19 all-terrain" and inserting the following: "and use of
 20 certain".
- 21 6. Title page, line 1, by inserting after the
 22 word "vehicles," the following: "including the
 23 possession of and use of firearms while riding on
 24 certain motorized vehicles,".
- 25 7. By renumbering as necessary.

BAUDLER of Adair

H-8231

- 1 Amend House File 2703 as follows:
- 2 1. Page 1, by inserting before line 1 the
 3 following:
- 4 "Section 1. NEW SECTION. 459.203A SWINE
 5 FARROWING AND GESTATING OPERATIONS – SPECIAL
 6 BIOSECURITY SEPARATION DISTANCES.
- 7 1. A county board of supervisors may adopt a swine
 8 biosecurity ordinance requiring a separation distance
 9 in feet between an animal feeding operation
 10 maintaining swine and a structure which houses more
 11 than twenty-five animal units and is part of a swine
 12 farrowing and gestating operation located in the
 13 county. If the animal feeding operation or the
 14 structure is located in a different county, the joint
 15 boards of supervisors of the different counties may
 16 adopt the biosecurity ordinance. On the effective
 17 date of the ordinance requiring a separation distance,
 18 except as provided in subsection 2 and section
 19 459.205, the animal feeding operation shall not be
 20 established or expanded within that separation

21 distance.

22 2. a. An animal feeding operation established or
23 expanded prior to the date that a separation distance
24 became effective as provided in a biosecurity
25 ordinance and which does not comply with the
26 separation distance may continue to operate regardless
27 of the separation distance requirement.

28 b. An animal feeding operation may be expanded
29 within a separation distance required in a biosecurity
30 ordinance if the expansion is in accordance with the
31 terms and conditions of a variance granted by the
32 county board of supervisors which adopted the
33 biosecurity ordinance.

34 Sec. 2. Section 459.205, subsection 3, Code 2005,
35 is amended to read as follows:

36 3. a. A confinement feeding operation structure
37 which is constructed or expanded within any distance
38 from a any of the following:

39 (1) A residence, educational institution,
40 commercial enterprise, or bona fide religious
41 institution, city, or public use area, if the
42 residence, educational institution, commercial
43 enterprise, or bona fide religious institution was
44 constructed or expanded, or the boundaries of the city
45 or public use area were expanded, after the date that
46 the confinement feeding operation was established.

47 (2) A city or public use area, if the boundaries
48 of the city or public use area were expanded after the
49 date that the confinement feeding operation was
50 established.

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1 (3) A swine farrowing and gestating operation, if
2 the swine farrowing and gestating operation was
3 constructed or expanded after the date that the
4 confinement feeding operation was established.

5 b. The date the confinement feeding operation was
6 established is the date on which the confinement
7 feeding operation commenced operating. A change in
8 ownership or expansion of the confinement feeding
9 operation shall not change the established date of
10 operation.

11 Sec. 3. Section 459.303, subsection 1, unnumbered
12 paragraph 1, Code 2005, is amended to read as follows:
13 The department shall approve or disapprove
14 applications for permits for the construction,
15 including the expansion, of confinement feeding
16 operation structures, as provided by rules adopted
17 pursuant to this chapter. The department's decision
18 ~~to department shall~~ approve or disapprove a permit for
19 the construction of a confinement feeding operation

20 structure shall be based on whether the application is
 21 submitted according to procedures required by the
 22 department and the application meets the requirements
 23 of this chapter, including standards established by
 24 the department and separation distance requirements
 25 for the construction and expansion of confinement
 26 feeding operation structures. A person shall not
 27 begin construction of a confinement feeding operation
 28 structure requiring a permit under this section,
 29 unless the department first approves the person's
 30 application and issues to the person a construction
 31 permit. The department shall provide conditions for
 32 requiring when a person must obtain a construction
 33 permit."

34 2. Page 1, by inserting after line 27 the
 35 following:

36 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
 37 of immediate importance, takes effect upon enactment."

38 3. Title page, line 2, by inserting before the
 39 word "complaints" the following: "separation distance
 40 requirements and procedures for".

41 4. Title page, line 2, by inserting after the
 42 word "complaints" the following: ", and providing an
 43 effective date".

44 5. By renumbering as necessary.

WHITAKER of Van Buren

H-8234

1 Amend Senate File 2330, as amended, passed and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 25, by striking the word "forty-
 4 five" and inserting the following: "ninety".

5 2. Page 2, line 23, by striking the word "forty-
 6 five" and inserting the following: "ninety".

7 3. Page 2, line 24, by striking the word "forty-
 8 five" and inserting the following: "ninety".

HEATON of Henry
 HORBACH of Tama
 GRANZOW of Hardin

H-8236

1 Amend Senate File 2330, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 26 the
 4 following:

5 "Sec. ____ MONITOR VENDING MACHINES -
 6 REIMBURSEMENT FUND.

7 1. Notwithstanding any provision of section

8 99G.39, subsection 3, to the contrary, the lottery
9 revenues derived from monitor vending machines and
10 otherwise required by law to be deposited in the
11 general fund of the state for the fiscal year
12 commencing July 1, 2005, and ending June 30, 2006,
13 shall not be deposited in the general fund of the
14 state but shall be deposited in a monitor vending
15 machine reimbursement fund which is created in the
16 state treasury under the control of the Iowa lottery
17 authority. In addition, if such revenues have been
18 deposited in the general fund of the state, there is
19 appropriated from the general fund of the state to the
20 monitor vending machine reimbursement fund an amount
21 equal to the revenues derived from monitor vending
22 machines for the fiscal period commencing July 1,
23 2005, and ending forty-five days following the
24 effective date of this Act. Notwithstanding section
25 12C.7, subsection 2, interest or earnings on moneys
26 deposited in the monitor vending machine reimbursement
27 fund shall be credited to the monitor vending machine
28 reimbursement fund. Notwithstanding section 8.33,
29 moneys credited to the monitor vending machine
30 reimbursement fund for the fiscal period commencing
31 July 1, 2005, and ending forty-five days following the
32 effective date of this Act shall not revert to the
33 general fund of the state.

34 2. Moneys in the reimbursement fund shall be
35 disbursed to participating aggrieved retailers
36 pursuant to the requirements of this section. For
37 purposes of this section, a participating aggrieved
38 retailer is a retailer who owns no more than three
39 businesses and who had purchased or leased a monitor
40 vending machine prior to the effective date of this
41 Act but is no longer eligible to offer a monitor
42 vending machine to the public after forty-five days
43 following the effective date of this Act and who has
44 made an application to the authority by July 1, 2007.

45 3. The Iowa lottery shall establish an application
46 process for retailers that have acquired or leased a
47 monitor vending machine prior to the effective date of
48 this Act, as well as manufacturers and distributors of
49 machines offered to the public prior to the effective
50 date of this Act, to obtain a monitor vending machine

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1 reimbursement grant from the monitor vending machine
2 reimbursement fund. As a condition of a retailer,
3 manufacturer, or distributor receiving a grant
4 pursuant to this section, the applicable retailer,
5 manufacturer, or distributor shall waive any and all
6 claims any party may have against the Iowa lottery and

- 7 the state arising out of the operation of this Act."
8 2. Title page, line 2, by inserting after the
9 word "tax" the following: ", an appropriation,".
10 3. By renumbering as necessary.

FALLON of Polk

H-8237

- 1 Amend the amendment, H-8147, to House File 2627 as
2 follows:
3 1. By striking page 1, line 4, through page 3,
4 line 18.
5 2. Page 3, line 25, by striking the word "for"
6 and inserting the following: "and in".
7 3. Page 3, line 25, by striking the words "The
8 board" and inserting the following: "Conversely, the
9 racing and gaming commission shall adopt rules to
10 provide that the name of a gambling game operated for
11 use pursuant to chapter 99F shall not be the same as a
12 game operated on a monitor vending machine."
13 4. Page 3, by striking lines 26 through 28.
14 5. Page 3, lines 33 and 34, by striking the words
15 "purchasing a lottery ticket or share for lottery
16 games authorized by this chapter" and inserting the
17 following: "claiming a prize for winning a game on a
18 monitor vending machine at a lottery retail outlet or
19 lottery regional office or any lottery prize at a
20 lottery regional office".
21 6. Page 3, line 35, by striking the word
22 "division" and inserting the following: "authority".
23 7. Page 3, line 39, by striking the word
24 "division" and inserting the following: "authority".
25 8. Page 3, line 45, by striking the word
26 "division" and inserting the following: "authority".
27 9. Page 3, line 50, by striking the word
28 "division" and inserting the following: "authority".
29 10. Page 4, by striking lines 8 through 31.
30 11. Page 4, line 34, by striking the words
31 "authority division" and inserting the following:
32 "authority".
33 12. Page 4, line 37, by striking the words
34 "authority division" and inserting the following:
35 "authority".
36 13. Page 4, by striking lines 40 through 44.
37 14. Page 4, line 50, by striking the word
38 "division" and inserting the following: "authority".
39 15. Page 5, line 9, by striking the word "twenty"
40 and inserting the following: "five".
41 16. Page 5, line 11, by striking the word "one"
42 and inserting the following: "four".
43 17. Page 5, line 12, by striking the word

- 44 "machine" and inserting the following: "machines".
 45 18. Page 5, line 13, by striking the word
 46 "machine" and inserting the following: "machines".
 47 19. Page 5, line 15, by striking the word
 48 "division" and inserting the following: "authority".
 49 20. Page 5, line 16, by striking the word
 50 "machine" and inserting the following: "machines".

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- 1 21. Page 5, line 17, by striking the word
 2 "division" and inserting the following: "authority".
 3 22. Page 5, line 23, by striking the word
 4 "division" and inserting the following: "authority".
 5 23. Page 5, lines 25 and 26, by striking the
 6 words "a blank" and inserting the following: "an
 7 inactive".
 8 24. Page 5, by striking lines 27 through 30 and
 9 inserting the following: "activated by a player. In
 10 addition,".
 11 25. Page 5, line 33, by striking the word
 12 "division" and inserting the following: "authority".
 13 26. Page 5, by striking lines 39 through 41.
 14 27. Page 5, line 42, by striking the word "g."
 15 and inserting the following: "f."
 16 28. Page 5, line 43, by striking the words
 17 "brochures concerning available".
 18 29. By striking page 5, line 46, through page 6,
 19 line 1.
 20 30. Page 6, line 2, by striking the word "i." and
 21 inserting the following: "g."
 22 31. Page 6, line 3, by striking the word
 23 "division" and inserting the following: "authority".
 24 32. Page 6, line 25, by striking the word
 25 "division" and inserting the following: "authority".
 26 33. Page 7, line 4, by inserting after the words
 27 "employment of" the following: "up to ten".
 28 34. Page 7, line 17, by inserting after the word
 29 "revenue" the following: "exclusive of monitor
 30 vending machine revenue".
 31 35. Page 7, line 19, by striking the word
 32 "However" and inserting the following: "In addition".
 33 36. By striking page 7, line 24, through page 9,
 34 line 14.
 35 37. Page 9, by striking lines 25 through 33.
 36 38. Page 9, lines 36 and 37, by striking the
 37 words "'e", "f", and "h'" and inserting the following:
 38 "and 'e'".
 39 39. By striking page 9, line 42, through page 11,
 40 line 2.
 41 40. Page 11, line 5, by striking the words

- 42 "relating to the operation of the lottery".
43 41. By renumbering as necessary.

ELGIN of Linn

H-8238

- 1 Amend House File 2674 as follows:
2 1. Page 1, by striking lines 4 through 9 and
3 inserting the following:
4 "1. An owner, manager, or person who exercises
5 direct control over a place of business ~~required to~~
6 ~~obtain a sales tax permit~~ shall be guilty of a serious
7 misdemeanor under any of the ~~following~~ circumstances
8 described in subsection 1A, paragraphs "a" through
9 "f", if the place of business is one of the following:
10 a. Required to obtain a sales tax permit.
11 b. Allows an open or unsealed bottle, can, jar, or
12 other receptacle containing an alcoholic beverage on
13 the premises.
14 c. Operates as a single place of business with an
15 adjacent place of business required to obtain a sales
16 tax permit.
17 ~~4. 1A. a.~~ If such person allows or permits the
18 actual or".
19 2. Page 2, line 8, by striking the words "The
20 court".
21 3. Page 2, by striking lines 9 through 11 and
22 inserting the following: "In".
23 4. Page 2, line 13, by striking the words "of
24 experts".
25 5. Page 2, by inserting after line 17 the
26 following:
27 "d. The nexus, including the unity of interest,
28 ownership, management, and operations between the
29 premises where the challenged circumstance occurred
30 and an adjacent place of business."
31 6. By renumbering as necessary.

ANDERSON of Page

H-8242

- 1 Amend House File 2738 as follows:
2 1. Page 6, by inserting after line 10 the
3 following:
4 "Sec. . Section 714.16, subsection 1, paragraph
5 o, Code 2005, is amended to read as follows:
6 o. "Water treatment system" means a device or
7 assembly for which a claim is made that it will
8 improve the quality of drinking water by reducing one
9 or more contaminants through mechanical, physical,

10 chemical, or biological processes or combinations of
 11 the processes. As used in this paragraph and in
 12 subsection 2, paragraph "h", each model of a water
 13 treatment system shall be deemed a distinct water
 14 treatment system. As used in this paragraph and in
 15 subsection 2, paragraph "h", a water treatment system
 16 does not include a portable filtration system
 17 certified as a microbiological water purifier by the
 18 United States environmental protection agency. The
 19 Iowa department of public health shall establish rules
 20 exempting portable filtration systems that meet these
 21 standards."
 22 2. By renumbering as necessary.

LALK of Fayette

H-8243

1 Amend House File 2734 as follows:

2 1. Page 3, line 16, by striking the figure
 3 "1,866,264" and inserting the following: "2,201,264".

4 2. Page 3, by inserting after line 27 the
 5 following:

6 "Of the funds appropriated in this subsection,
 7 \$100,000 shall be allocated to the university of Iowa
 8 hospitals and clinics, children's hospital of Iowa,
 9 department of pediatrics, division of pediatric
 10 nutrition, for operational costs of the mother's milk
 11 bank of Iowa.

12 Of the funds appropriated in this subsection,
 13 \$235,000 shall be used for the access to baby and
 14 child dentistry (ABCD) program to improve child dental
 15 care by reaching all Iowa counties with a demonstrated
 16 oral health program for children from birth through
 17 five years of age and to address the healthy mental
 18 development of children from birth through five years
 19 of age through local level evidence-based strategies
 20 that engage both the public and private sectors in
 21 promoting healthy development, prevention, and
 22 treatment for all children."

23 3. Page 3, line 32, by striking the figure
 24 "1,442,840" and inserting the following: "1,792,840".

25 4. Page 3, line 35, by striking the figure
 26 "100,000" and inserting the following: "280,000".

27 5. Page 4, by inserting after line 2 the
 28 following:

29 "Of the funds appropriated in this subsection,
 30 \$170,000 is allocated for the department to enter into
 31 a contract with the university of Iowa hospitals and
 32 clinics to implement and administer the prescription
 33 drug donation repository program authorized pursuant
 34 to chapter 135M."

- 35 6. Page 4, line 7, by striking the figure
 36 "1,418,662" and inserting the following: "1,593,662".
 37 7. Page 4, by inserting after line 12, the
 38 following:
 39 "Of the funds appropriated in this subsection,
 40 \$175,000 is allocated for the creation of two
 41 additional psychiatric residency slots at the
 42 university of Iowa college of medicine. In order to
 43 be eligible for the residency program funds, a
 44 resident shall agree to work in an Iowa mental health
 45 shortage area for five years upon completion of the
 46 program."
 47 8. Page 15, line 16, by striking the figure
 48 "708,671,610" and inserting the following:
 49 "708,811,610".
 50 9. Page 18, by inserting after line 5, the

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- 1 following:
 2 " _____. Of the funds appropriated in this section,
 3 \$140,000 shall be used to provide adult periodontal
 4 services to medical assistance recipients."
 5 10. Page 28, line 5, by striking the figure
 6 "31,746,063" and inserting the following:
 7 "31,446,063".
 8 11. Page 31, line 31, by striking the figure
 9 "14,506,583" and inserting the following:
 10 "14,006,583".
 11 12. Page 33, line 9, by striking the figure
 12 "10,786,619" and inserting the following:
 13 "10,586,619".
 14 13. Page 45, line 22, by striking the figure
 15 "1,700,000" and inserting the following: "2,000,000".
 16 14. Page 46, by inserting after line 3 the
 17 following:
 18 "Sec. _____. 2005 Iowa Acts, chapter 175, section
 19 22, subsection 1, is amended by adding the following
 20 new unnumbered paragraph:
 21 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections
 22 8.33 and 222.92, \$1,000,000 of the revenues available
 23 to the state resource center at Glenwood that remain
 24 unencumbered or unobligated at the close of the fiscal
 25 year shall not revert but shall remain available for
 26 expenditure for the purposes of the state resource
 27 center until the close of the succeeding fiscal year.
 28 Sec. _____. 2005 Iowa Acts, chapter 175, section 23,
 29 is amended by adding the following new subsection:
 30 NEW SUBSECTION. 3. Notwithstanding section 8.33,
 31 \$200,000 of the moneys appropriated in this section
 32 that remain unencumbered or unobligated at the close
 33 of the fiscal year shall not revert but shall remain

34 available for expenditure for the purposes designated
 35 until the close of the succeeding fiscal year."
 36 15. Page 47, by inserting after line 31 the
 37 following:
 38 "____. The provision amending 2005 Iowa Acts,
 39 chapter 175, section 22.
 40 _____. The provision amending 2005 Iowa Acts,
 41 chapter 175, section 23."
 42 16. By renumbering as necessary.

FOEGE of Linn

H-8244

1 Amend House File 2738 as follows:
 2 1. Page 3, line 9, by inserting after the word
 3 "requirements." the following: "The age restrictions
 4 and parental consent requirements otherwise applicable
 5 pursuant to this section shall be waived if
 6 utilization of a tanning device by a minor is
 7 authorized pursuant to a prescription by a physician
 8 licensed pursuant to chapter 148, 150, or 150A."

ROBERTS of Carroll
 HEDDENS of Story

H-8245

1 Amend House File 2730 as follows:
 2 1. Page 1, line 4, by striking the words "office
 3 of the treasurer" and inserting the following: "Iowa
 4 public employees' retirement system".
 5 2. Page 1, line 26, by striking the words
 6 "treasurer of the state" and inserting the following:
 7 "chief executive officer of the Iowa public employees'
 8 retirement system".
 9 3. Page 3, line 1, by striking the words "office
 10 of the treasurer" and inserting the following: "Iowa
 11 public employees' retirement system".
 12 4. Page 3, line 8, by striking the words "office
 13 of the treasurer" and inserting the following: "Iowa
 14 public employees' retirement system".
 15 5. Page 3, line 13, by striking the words "office
 16 of the treasurer" and inserting the following: "Iowa
 17 public employees' retirement system".
 18 6. Page 3, line 18, by striking the words "OFFICE
 19 OF THE TREASURER" and inserting the following: "IOWA
 20 PUBLIC EMPLOYEES' RETIREMENT SYSTEM".
 21 7. Page 3, line 20, by striking the words "office
 22 of the treasurer" and inserting the following: "Iowa
 23 public employees' retirement system".
 24 8. Page 3, line 22, by striking the words "office

- 25 of the treasurer" and inserting the following: "Iowa
26 public employees' retirement system".
27 9. Page 3, line 30, by striking the words "office
28 of the treasurer" and inserting the following: "Iowa
29 public employees' retirement system".
30 10. Page 3, line 34, by striking the words
31 "office of the treasurer" and inserting the following:
32 "Iowa public employees' retirement system".
33 11. Page 4, line 3, by striking the words "office
34 of the treasurer" and inserting the following: "Iowa
35 public employees' retirement system".
36 12. Page 4, line 5, by striking the words "office
37 of the treasurer" and inserting the following: "Iowa
38 public employees' retirement system".
39 13. Page 4, line 13, by striking the words
40 "office of the treasurer" and inserting the following:
41 "Iowa public employees' retirement system".
42 14. Page 5, line 16, by striking the words
43 "office of the treasurer" and inserting the following:
44 "Iowa public employees' retirement system".
45 15. Page 5, line 23, by striking the words
46 "office of the treasurer" and inserting the following:
47 "Iowa public employees' retirement system".
48 16. Page 5, line 25, by striking the words
49 "office of the treasurer" and inserting the following:
50 "Iowa public employees' retirement system".

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- 1 17. Page 5, line 27, by striking the words
2 "office of the treasurer" and inserting the following:
3 "Iowa public employees' retirement system".
4 18. Page 5, line 31, by striking the words
5 "office of the treasurer" and inserting the following:
6 "Iowa public employees' retirement system".
7 19. Page 6, line 1, by striking the words "office
8 of the treasurer" and inserting the following: "Iowa
9 public employees' retirement system".
10 20. Page 6, lines 11 and 12, by striking the
11 words "office of the treasurer" and inserting the
12 following: "Iowa public employees' retirement
13 system".
14 21. Page 6, line 32, by striking the words
15 "office of the treasurer" and inserting the following:
16 "Iowa public employees' retirement system".
17 22. Page 6, line 34, by striking the words
18 "office of the treasurer" and inserting the following:
19 "Iowa public employees' retirement system".
20 23. Page 7, line 5, by striking the words "office
21 of the treasurer" and inserting the following: "Iowa
22 public employees' retirement system".
23 24. Page 7, lines 11 and 12, by striking the

24 words "office of the treasurer" and inserting the
 25 following: "Iowa public employees' retirement
 26 system".
 27 25. Page 7, line 13, by striking the words
 28 "office of the treasurer" and inserting the following:
 29 "Iowa public employees' retirement system".
 30 26. Page 7, line 28, by striking the words
 31 "office of the treasurer" and inserting the following:
 32 "Iowa public employees' retirement system".
 33 27. Page 7, line 31, by striking the words
 34 "office of the treasurer" and inserting the following:
 35 "Iowa public employees' retirement system".

WENDT of Woodbury
 JOCHUM of Dubuque

H-8246

1 Amend House File 2671 as follows:
 2 1. Page 3, by inserting after line 31 the
 3 following:
 4 "Sec. __. Sections 1.18 and 4.14, Code 2005, are
 5 repealed."
 6 2. Title page, line 4, by inserting after the
 7 word "employment," the following: "repealing official
 8 English language requirements,".
 9 3. By renumbering as necessary.

FORD of Polk

H-8247

1 Amend House File 2637 as follows:
 2 1. Page 2, by inserting after line 9, the
 3 following:
 4 "() A doctoral level psychologist licensed
 5 pursuant to chapter 154B."
 6 2. By renumbering as necessary.

CARROLL of Poweshiek

H-8249

1 Amend House File 2627 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 99G.9, Code 2005, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4A. To establish a process to
 7 allow a person to be voluntarily excluded for life
 8 from purchasing a lottery ticket or share for lottery
 9 games authorized by this chapter. The process

10 established shall require that the authority
11 disseminate information regarding persons voluntarily
12 excluded to all retailers under this chapter and, if
13 applicable, to licensees under chapters 99D and 99F.
14 The state, the authority, retailers under this
15 chapter, and, if applicable, any licensee under
16 chapter 99D or 99F shall not be liable to any person
17 for any claim which may arise from this process. In
18 addition to any other penalty provided by law, any
19 money or thing of value that has been obtained by, or
20 is owed to, a voluntarily excluded person by the
21 authority as a result of playing any lottery game by
22 the person after the person has been voluntarily
23 excluded shall not be paid to the person but shall be
24 deposited into the gambling treatment fund created in
25 section 135.150. The authority shall coordinate with
26 the racing and gaming commission to establish a
27 unified process for allowing persons to be excluded
28 for life under this chapter and chapters 99D and 99F,
29 and to establish a statewide database of persons
30 excluded under this process and those excluded under
31 the process for racetrack enclosures and all other
32 licensed facilities under chapters 99D and 99F.

33 Sec. 2. Section 99G.30, subsection 4, Code 2005,
34 is amended to read as follows:

35 4. Except for the authority, a retailer shall only
36 sell lottery products on the licensed premises and not
37 through the mail or by technological means except as
38 the authority may provide or authorize and subject to
39 the requirements of section 99G.30A.

40 Sec. 3. Section 99G.30, Code 2005, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 8. Lottery products or shares
43 shall only be sold by a person at least eighteen years
44 of age.

45 Sec. 4. NEW SECTION. 99G.30A MONITOR VENDING
46 MACHINES – RESTRICTIONS.

47 1. It shall be lawful for a retailer to sell
48 lottery products or tickets by means of a monitor
49 vending machine pursuant to the requirements of the
50 authority, but only if all of the following conditions

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1 are met:

- 2 a. A monitor vending machine shall only be
- 3 permitted or offered for use by a retailer in any
- 4 single location or premises for which a class "A",
- 5 class "B", class "C", special class "C", or class "D"
- 6 liquor control license or class "B" or class "C" beer
- 7 permit has been issued pursuant to chapter 123.
- 8 b. A monitor vending machine shall not be located

9 on the premises of a retailer within twenty feet of an
10 automated teller machine.

11 c. A retailer that is a fraternal or charitable
12 organization or that locates monitor vending machines
13 in an age-restricted area may locate no more than four
14 monitor vending machines at the retailer's premises,
15 and any other retailer may locate no more than two
16 monitor vending machines at the retailer's premises.
17 For purposes of this paragraph, an "age-restricted
18 area" is a retailer premises in which persons younger
19 than twenty-one years of age are not allowed or an
20 area in a premises in which persons younger than
21 twenty-one years of age are allowed if access to the
22 area is restricted by a permanent physical barrier, as
23 approved by the authority.

24 d. The authority shall not advertise or promote
25 the availability of monitor vending machines to the
26 public. In addition, a person or retailer shall not
27 advertise or promote the availability of a monitor
28 vending machine to the public as anything other than a
29 monitor vending machine dispensing lottery products or
30 tickets pursuant to rules adopted by the authority.

31 e. A monitor vending machine offered to the public
32 shall be designed so as to be inaudible and with a
33 blank video monitor screen until the machine is
34 activated by a player. To activate a machine, a
35 player shall be required to obtain a code or similar
36 activating device from the retailer each time a player
37 wishes to activate and play a machine. In addition,
38 each machine shall be designed to require each player
39 to affirmatively respond to questions on the machine
40 as determined by the authority prior to playing the
41 machine. The questions shall require responses
42 related to the minimum age required to play the
43 machine, the consequences if a person excluded from
44 purchasing lottery products plays the machine, and the
45 availability of gambling treatment programs.

46 f. The minimum cost for a person to activate and
47 play a game on a monitor vending machine shall be no
48 less than one dollar.

49 g. A retailer with a monitor vending machine shall
50 make brochures concerning available gambling treatment

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1 information readily available to players of the
2 machine.

3 h. A retailer offering a monitor vending machine
4 to the public shall require that all employees
5 authorized to provide the code or similar activating
6 device to persons prior to activating and playing a
7 monitor vending machine shall be at least eighteen

8 years of age.

9 i. The number of monitor vending machines
 10 authorized by the authority and offered to the public
 11 shall not exceed the number of monitor vending
 12 machines that had been authorized and either located
 13 on the licensed premises of a retailer or ordered by a
 14 retailer from an authorized manufacturer as of January
 15 7, 2006.

16 j. A monitor vending machine shall not be located
 17 in any county in which the result of the most recent
 18 referendum conducted in that county pursuant to
 19 section 99G.30C was a defeat of a proposal to
 20 authorize monitor vending machines in that county.

21 2. For purposes of this section, "monitor vending
 22 machine" means a machine or other similar electronic
 23 device that includes a video monitor and audio
 24 capabilities that dispenses to a purchaser lottery
 25 tickets that have been determined to be winning or
 26 losing tickets by a predetermined pool drawing machine
 27 prior to the dispensing of the tickets.

28 Sec. 5. NEW SECTION. 99G.30B AGE RESTRICTIONS –
 29 PENALTIES.

30 1. A person under the age of twenty-one years
 31 shall not purchase or attempt to purchase a lottery
 32 ticket or share. A person who violates this
 33 subsection commits a scheduled violation under section
 34 805.8C, subsection 5.

35 2. If any retailer, or employee of a retailer, is
 36 convicted or found in violation of section 99G.30,
 37 subsection 3, the authority shall, in addition to
 38 criminal penalties fixed for violation of that
 39 subsection, assess a civil penalty as follows:

40 a. A first violation shall subject the retailer to
 41 a civil penalty in the amount of five hundred dollars.

42 b. A second violation within two years shall
 43 subject the retailer to a thirty-day suspension of the
 44 retailer's license and a civil penalty in the amount
 45 of one thousand five hundred dollars.

46 c. A third violation within three years shall
 47 subject the retailer to a sixty-day suspension of the
 48 retailer's license and a civil penalty in the amount
 49 of one thousand five hundred dollars.

50 d. A fourth violation within three years shall

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1 result in revocation of the retailer's license.

2 e. For purposes of this subsection:

3 (1) The date of any violation shall be used in
 4 determining the period between violations.

5 (2) Suspension shall be limited to the specific
 6 license for the premises found in violation.

7 Sec. 6. NEW SECTION. 99G.30C MONITOR VENDING
8 MACHINES – REFERENDUM.

9 1. The board of supervisors of each county shall
10 direct the commissioner of elections to submit a
11 proposition concerning monitor vending machines to the
12 county electorate at the general election held in 2006
13 and at the general election held at each subsequent
14 ten-year interval.

15 2. The proposition to be submitted to the electors
16 shall be in the following form:

17 Should monitor vending machines approved by the
18 Iowa lottery be allowed for (name of applicable
19 county)?

20 3. If a majority of the county voters voting in
21 the most recent referendum on the proposition favors
22 allowing monitor vending machines, then retailers may
23 offer monitor vending machines to the public in that
24 county pursuant to the requirements of this chapter.
25 If a majority of the county voters voting in the most
26 recent referendum on the proposition does not favor
27 allowing monitor vending machines, then monitor
28 vending machines shall not be permitted in the county
29 and retailers shall not make any monitor vending
30 machines available to the public within sixty days
31 after the election.

32 Sec. 7. Section 99G.33, Code 2005, is amended to
33 read as follows:

34 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

35 The department of public safety, division of
36 criminal investigation, shall be the primary state
37 agency responsible for investigating criminal
38 violations under this chapter. The chief executive
39 officer shall contract with the department of public
40 safety for investigative services, including the
41 employment of special agents and support personnel,
42 and procurement of necessary equipment to carry out
43 the responsibilities of the division of criminal
44 investigation under the terms of the contract and this
45 chapter. The contract shall provide, at a minimum,
46 for random checks of retailers at all hours for
47 compliance with the provisions of this chapter,
48 especially as it relates to the purchase of lottery
49 products or access to monitor vending machines by a
50 person who has not reached the age of twenty-one.

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1 Sec. 8. Section 99G.39, subsection 1, paragraph a,
2 Code 2005, is amended to read as follows:

3 a. An amount equal to one-half of one percent of
4 the gross lottery revenue for the year shall be
5 deposited in the gambling treatment fund created in

6 section 135.150. However, an amount equal to one
 7 percent of the gross lottery revenue for the year
 8 derived from monitor vending machines shall be
 9 deposited in the gambling treatment fund created in
 10 section 135.150.

11 Sec. 9. Section 805.8C, subsection 5, Code
 12 Supplement 2005, is amended to read as follows:

13 5. GAMBLING VIOLATIONS. For violations of legal
 14 age for gambling wagering under section 99D.11,
 15 subsection 7, section 99F.9, subsection 5, section
 16 99G.30B, subsection 1, and section 725.19, subsection
 17 1, the scheduled fine is five hundred dollars.
 18 Failure to pay the fine by a person under the age of
 19 eighteen shall not result in the person being detained
 20 in a secure facility."

21 2. Title page, by striking lines 1 and 2 and
 22 inserting the following: "An Act concerning the Iowa
 23 lottery, including provisions on authorized lottery
 24 games and machines, and providing penalties."

25 3. By renumbering as necessary.

FORD of Polk

H-8252

1 Amend the amendment, H-8228, to Senate File 2330,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. By striking page 1, line 5, through page 2,
 5 line 19, and inserting the following:
 6 ""Section 1. Section 99G.3, subsection 7, Code
 7 2005, is amended to read as follows:
 8 7. "Lottery", "lotteries", "lottery game",
 9 "lottery games" or "lottery products" means any game
 10 of chance approved by the board and operated pursuant
 11 to this chapter and games using mechanical or
 12 electronic devices, provided that the authority shall
 13 not authorize a monitor vending machine or a player-
 14 activated gaming machine that utilizes an internal
 15 randomizer to determine winning and nonwinning plays
 16 and that upon random internal selection of a winning
 17 play dispenses coins, currency, or a ticket, credit,
 18 or token to the player that is redeemable for cash or
 19 a prize, and excluding gambling or gaming conducted
 20 pursuant to chapter 99B, 99D, or 99F.

21 Sec. 2. Section 99G.3, Code 2005, is amended by
 22 adding the following new subsection:
 23 NEW SUBSECTION. 8A. "Monitor vending machine"
 24 means a machine or other similar electronic device
 25 that includes a video monitor and audio capabilities
 26 that dispenses to a purchaser lottery tickets that
 27 have been determined to be winning or losing tickets

28 by a predetermined pool drawing machine prior to the
29 dispensing of the tickets.

30 Sec. 3. TRANSITION PROVISIONS – MONITOR VENDING
31 MACHINES.

32 1. Notwithstanding any provision of section 99G.3,
33 as amended by this Act, to the contrary, a retailer
34 that has acquired a monitor vending machine prior to
35 the effective date of this Act shall be allowed to
36 offer the machine to the public for only forty-five
37 days following the effective date of this Act. On or
38 after forty-five days following the effective date of
39 this Act, a retailer shall not make a monitor vending
40 machine available to the public except as provided in
41 subsection 2.

42 2. However, a retailer that has acquired a monitor
43 vending machine prior to the effective date of this
44 Act may continue to offer the machine to the public
45 until September 1, 2006, if prior to forty-five days
46 following the effective date of this Act a waiver has
47 been filed by the retailer with the Iowa lottery. The
48 waiver shall be signed by the retailer, and the
49 manufacturer and distributor of the machine to be
50 offered to the public pursuant to this subsection by

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1 the retailer, and provide that all parties agree to
2 waive any and all claims any party may have against
3 the Iowa lottery and the state arising out of the
4 operation of this Act.

5 3. Upon filing a waiver as provided by subsection
6 2, lottery revenues derived from monitor vending
7 machines of the retailer and otherwise required to be
8 payable to the Iowa lottery shall not be required to
9 be paid to the Iowa lottery for the period on or after
10 the date the waiver is filed and prior to September 1,
11 2006. Instead, revenues otherwise required to be paid
12 to the Iowa lottery shall be retained by the retailer
13 and allocated to the retailer, manufacturer, and
14 distributor of the machine in the same percentage as
15 revenues are to be allocated between the parties
16 pursuant to the contracts entered into by the parties.

17 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment."

19 _____. Title page, line 2, by striking the words
20 "excise tax and an".

QUIRK of Chickasaw

H-8253

1 Amend the amendment, H-8228, to Senate File 2330,
2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, line 44, by striking the word and
- 5 figure "September 15" and inserting the following:
- 6 "September 1".
- 7 2. Page 2, lines 9 and 10, by striking the word
- 8 and figure "September 15" and inserting the following:
- 9 "September 1".

QUIRK of Chickasaw

H-8254

1 Amend House File 2730 as follows:

- 2 1. Page 8, line 11, by striking the word
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 8, lines 13 and 14, by striking the words
- 6 "member in regular service" and inserting the
- 7 following: "person who is newly hired in a position
- 8 as an employee in regular service on or after July 1,
- 9 2007,".
- 10 3. Page 8, line 16, by striking the words
- 11 "continuing or".
- 12 4. By striking page 8, line 23, through page 9,
- 13 line 2, and inserting the following: "chapter, as set
- 14 forth in section 97B.11. A person who is newly hired
- 15 in a position as an".
- 16 5. Page 9, line 11, by inserting after the word
- 17 "system." the following: "For purposes of this
- 18 paragraph, "a person who is newly hired" does not
- 19 include a person who was previously a member of the
- 20 system prior to the date of hire."
- 21 6. Page 9, by striking lines 12 through 19.
- 22 7. Page 9, by inserting after line 33 the
- 23 following:
- 24 "Sec.____. DEFINED CONTRIBUTION PLAN
- 25 IMPLEMENTATION REPORT. The Iowa public employees'
- 26 retirement system (IPERS) and the office of the
- 27 treasurer shall each submit a report to the general
- 28 assembly by October 1, 2011, concerning the
- 29 implementation and effectiveness of the optional
- 30 defined contribution retirement program for employees
- 31 covered by the Iowa public employees' retirement
- 32 system as created by this Act. The reports shall
- 33 include, at a minimum, the percentage of new employees
- 34 choosing to remain in IPERS and the percentage of new
- 35 employees choosing the optional defined contribution
- 36 retirement plan, the average age of employees choosing
- 37 either retirement plan, and the costs to IPERS of

- 38 providing this option to new employees."
 39 8. By renumbering as necessary.

KURTENBACH of Story
 T. TAYLOR of Linn
 TOMENGA of Polk

H-8255

- 1 Amend House File 2621 as follows:
 2 1. Page 1, line 15, by striking the word "four"
 3 and inserting the following: "three".
 4 2. Page 1, by striking line 17 and inserting the
 5 following: "the Iowa and national percentile rank and
 6 the Iowa and national grade level equivalency in each
 7 of the".
 8 3. Page 1, line 22, by inserting after the word
 9 "includes" the following: "Iowa and national".
 10 4. Page 1, line 25, by striking the words "by
 11 percentile rank" and inserting the following: "at the
 12 six achievement levels provided by the Iowa testing
 13 program".
 14 5. Title page, line 3, by striking the words
 15 "equivalency levels" and inserting the following:
 16 "level equivalency".

KAUFMANN of Cedar

H-8257

- 1 Amend the amendment, H-8228, to Senate File 2330,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by striking lines 4 through 15 and
 5 inserting the following:
 6 "Sec. __. MONITOR VENDING MACHINES --
 7 REIMBURSEMENT FUND.
 8 1. Notwithstanding any provision of section
 9 99G.39, subsection 3, to the contrary, the lottery
 10 revenues derived from monitor vending machines and
 11 otherwise required by law to be deposited in the
 12 general fund of the state for the fiscal period
 13 beginning with the effective date of this Act and
 14 ending September 15, 2006, shall not be deposited in
 15 the general fund of the state but shall be deposited
 16 in a monitor vending machine reimbursement fund which
 17 is created in the state treasury under the control of
 18 the Iowa lottery authority. Notwithstanding section
 19 12C.7, subsection 2, interest or earnings on moneys
 20 deposited in the monitor vending machine reimbursement
 21 fund shall be credited to the monitor vending machine
 22 reimbursement fund. Notwithstanding section 8.33,

23 moneys credited to the monitor vending machine
 24 reimbursement fund pursuant to this subsection shall
 25 not revert to the general fund of the state until all
 26 claims against the reimbursement fund are paid.
 27 2. Moneys in the reimbursement fund shall be
 28 disbursed to participating aggrieved retailers
 29 pursuant to the requirements of this section. For
 30 purposes of this section, a participating aggrieved
 31 retailer is a retailer or Iowa-based distributor who
 32 owns no more than three businesses and who had
 33 purchased or leased a monitor vending machine prior to
 34 the effective date of this Act but is no longer
 35 eligible to offer a monitor vending machine to the
 36 public after September 15, 2006, and who has made an
 37 application to the authority by December 31, 2006.
 38 3. The Iowa lottery authority shall establish an
 39 application process for aggrieved retailers and Iowa-
 40 based distributors that have acquired or leased a
 41 monitor vending machine prior to the effective date of
 42 this Act to obtain a monitor vending machine
 43 reimbursement grant from the monitor vending machine
 44 reimbursement fund for losses suffered by the
 45 retailer. In determining losses, the application
 46 shall include information on the cost of the lease or
 47 purchase, the cost to dispose of the machine, and
 48 other costs associated with the machine."
 49 2. By renumbering as necessary.

FALLON of Polk

H-8259

1 Amend House File 2648 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 730.5, subsection 1,
 5 paragraphs b and k, Code Supplement 2005, are amended
 6 to read as follows:
 7 b. "Confirmed positive test result" means, except
 8 for alcohol testing conducted pursuant to subsection
 9 7, paragraph "f", subparagraph (2), the results of a
 10 blood, urine, ~~or~~ oral fluid, or other permissible test
 11 in which the level of controlled substances or
 12 metabolites in the specimen analyzed meets or exceeds
 13 nationally accepted standards for determining
 14 detectable levels of controlled substances as adopted
 15 by the federal substance abuse and mental health
 16 services administration. If nationally accepted
 17 standards for oral fluid tests have not been adopted
 18 by the federal substance abuse and mental health
 19 services administration, the standards for determining
 20 detectable levels of controlled substances for

21 purposes of determining a confirmed positive test
 22 result shall be the same standard that has been
 23 established by the federal food and drug
 24 administration for the measuring instrument used to
 25 perform the oral fluid test. For purposes of this
 26 paragraph, "other permissible test" means any test on
 27 a sample that is utilized by an agency of this state
 28 for the purpose of detecting illegal drugs.
 29 k. "Sample" means such sample from the human body
 30 capable of revealing the presence of alcohol or other
 31 drugs, or their metabolites, which shall include only
 32 urine, saliva, breath, and blood, and any other
 33 permissible sample. However, "sample" does not mean
 34 blood except as authorized pursuant to subsection 7,
 35 paragraph "l". For purposes of this paragraph, "other
 36 permissible sample" means any sample from the human
 37 body that is utilized by an agency of this state for
 38 the purpose of detecting illegal drugs."
 39 2. By renumbering as necessary.

STRUYK of Pottawattamie

H-8267

1 Amend House File 2734 as follows:
 2 1. Page 59, by inserting after line 27 the
 3 following:
 4 "Sec. ____ Section 249J.5, Code Supplement 2005,
 5 is amended by adding the following new subsection:
 6 **NEW SUBSECTION. 9.** Following initial enrollment,
 7 an expansion population shall reenroll annually by the
 8 last day of the month in which the expansion
 9 population member initially enrolled.
 10 Sec. ____ Section 249J.6, subsection 2, paragraph
 11 a, Code Supplement 2005, is amended to read as
 12 follows:
 13 a. Beginning no later than March 1, 2006, within
 14 Within ninety days of initial enrollment and within
 15 ninety days of each reenrollment in the expansion
 16 population, each expansion population member shall
 17 participate, in conjunction with receiving a single
 18 comprehensive medical examination and completing a
 19 personal health improvement plan, in a health risk
 20 assessment coordinated by a health consortium
 21 representing providers, consumers, and medical
 22 education institutions. An expansion population
 23 member who initially enrolls in the expansion
 24 population prior to March 1, 2006, shall participate
 25 in the health risk assessment, receive the single
 26 comprehensive medical examination, and complete the
 27 personal health improvement plan by June 1, 2006. The
 28 criteria for the health risk assessment, the

29 comprehensive medical examination, and the personal
 30 health improvement plan shall be developed and applied
 31 in a manner that takes into consideration cultural
 32 variations that may exist within the expansion
 33 population."

34 2. Page 60, by inserting after line 3 the
 35 following:

36 "Sec. ____ Section 249J.24, subsection 6, Code
 37 Supplement 2005, is amended to read as follows:

38 6. Notwithstanding any provision to the contrary,
 39 from each semiannual collection of taxes levied under
 40 section 347.7 for which the collection is performed
 41 after July 1, 2005, the county treasurer of a county
 42 with a population over three hundred fifty thousand in
 43 which a publicly owned acute care teaching hospital is
 44 located shall transfer the proceeds collected pursuant
 45 to section 347.7 in a total amount of thirty-four
 46 million dollars annually, which would otherwise be
 47 distributed to the county hospital, to the treasurer
 48 of state for deposit in the IowaCare account under
 49 this section. The county treasurer shall transfer the
 50 total amount of the proceeds specified above to the

Page 2

1 treasurer of state, semiannually, in two equal
 2 installments of seventeen million dollars. All
 3 proceeds collected pursuant to section 347.7 in excess
 4 of the seventeen million dollars collected
 5 semiannually and not transferred to the treasurer of
 6 state shall be distributed by the county treasurer
 7 directly to the publicly owned acute care teaching
 8 hospital. The board of trustees of the acute care
 9 teaching hospital identified in this subsection and
 10 the department shall execute an agreement under
 11 chapter 28E by July 1, 2005, and annually by July 1,
 12 thereafter, to specify the requirements relative to
 13 transfer of the proceeds and the distribution of
 14 moneys to the hospital from the IowaCare account. The
 15 agreement shall include provisions relating to
 16 exceptions to the deadline for submission of clean
 17 claims as required pursuant to section 249J.7 and
 18 provisions relating to data reporting requirements
 19 regarding the expansion population. The agreement may
 20 also include a provision allowing such hospital to
 21 limit access to such hospital by expansion population
 22 members based on residency of the member, if such
 23 provision reflects the policy of such hospital
 24 regarding indigent patients existing on April 1, 2005,
 25 as adopted by its board of hospital trustees pursuant
 26 to section 347.14, subsection 4. Notwithstanding the
 27 specified amount of proceeds to be transferred under

28 this subsection, if the amount allocated that does not
 29 require federal matching funds under an appropriation
 30 in a subsequent fiscal year to such hospital for
 31 medical and surgical treatment of indigent patients,
 32 for provision of services to expansion population
 33 members, and for medical education, is reduced from
 34 the amount allocated that does not require federal
 35 matching funds under the appropriation for the fiscal
 36 year beginning July 1, 2005, the amount of proceeds
 37 required to be transferred under this subsection in
 38 that subsequent fiscal year shall be reduced in the
 39 same amount as the amount allocated that does not
 40 require federal matching funds under that
 41 appropriation."

42 3. Page 60, by inserting after line 31 the
 43 following:

44 "Sec. ___. EFFECTIVE DATE. The provisions of this
 45 division of this Act amending sections 249J.5, 249J.6,
 46 and 249J.24, being deemed of immediate importance,
 47 take effect upon enactment."

UPMEYER of Hancock

H-8270

1 Amend the amendment, H-8210, to House File 2527 as
 2 follows:

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

5 " ___. Page 2, by inserting after line 20 the
 6 following:

7 "7. TWENTY-FIRST CENTURY IOWA SCHOLARS PROGRAM
 8 PROMOTION AND SUPPORT STUDY

9 For the twenty-first century Iowa scholars program
 10 promotion and support study:

11 \$ 100,000

12 The college student aid commission shall conduct a
 13 study of the promotional and support components needed
 14 to make Iowa students who are potentially eligible for
 15 the twenty-first century Iowa scholars program aware
 16 of the program and enthusiastic about participating in
 17 the program. The commission shall also develop a plan
 18 to promote the program, provide information about the
 19 program and easy access to program forms and
 20 applications, and encourage participation in the
 21 program by potentially eligible students. The plan
 22 shall provide for a web page, special scholar
 23 publication, a toll-free telephone number, and the
 24 placement and utilization of up to fifteen regional
 25 program support sites. The regional support sites
 26 shall provide tutoring, mentoring, summer camps,
 27 cultural and arts outings, sports and recreational

28 activities, college visits, career preparation, job
 29 shadowing, internships, study skills, literacy
 30 programs, newsletters, community service projects, and
 31 parent activities. The commission shall identify the
 32 amount anticipated to be necessary to provide funding
 33 for the scholarships, based on the results of the
 34 study and preliminary estimates of the number of
 35 eligible eighth grade pupils. The commission shall
 36 submit its plan, findings, recommendations, and a
 37 fiscal analysis of the plan to the senate and house of
 38 representatives standing committees on education not
 39 later than December 15, 2006.""

40 2. Page 1, by inserting after line 40 the
 41 following:

42 "____. Page 27, by inserting after line 28 the
 43 following:

44 "Sec.____. NEW SECTION. 261.27 TWENTY-FIRST
 45 CENTURY IOWA SCHOLARS PROGRAM AND FUND.

46 1. PROGRAM – ELIGIBILITY. A twenty-first century
 47 Iowa scholars program is established to be
 48 administered by the college student aid commission. A
 49 person who meets the following requirements is
 50 eligible for the program:

Page 2

1 a. Is a resident of Iowa and a citizen of the
 2 United States or a lawful permanent resident.

3 b. Is a student enrolled in grade seven or grade
 4 eight in a school district or accredited nonpublic
 5 school in Iowa, and agrees in writing, on a document
 6 also signed by the student's parent or guardian, that
 7 the student will:

8 (1) Graduate from a public or accredited nonpublic
 9 high school in Iowa whose curricula meets the
 10 admission criteria of a community college, an
 11 institution of higher learning under the control of
 12 the state board of regents, or an accredited private
 13 institution as defined in section 261.9.

14 (2) Achieve a cumulative grade point average upon
 15 graduation of at least 2.0 on a 4.0 grading scale, or
 16 its equivalent if another grading scale is used, for
 17 courses taken by the student in grades nine through
 18 twelve.

19 (3) Not illegally use controlled substances as
 20 defined in section 124.101.

21 (4) Not use tobacco products.

22 (5) Not operate a motor vehicle while intoxicated
 23 as prohibited by section 321J.2 or 321J.2A.

24 (6) Not commit a delinquent act as defined in
 25 section 232.2; or become a runaway child as defined in
 26 section 710.8; or a truant, as defined in section

27 299.8.

28 c. Is a child receiving foster care services paid
29 for by the state under section 234.35 or funded in
30 whole or in part under Title IV-E of the federal
31 Social Security Act; or is a child eligible for free
32 or reduced price meals under the federal National
33 School Lunch Act and the federal Child Nutrition Act
34 of 1966, 42 U.S.C. § 1751-1785.

35 d. Applies in a timely manner for admission to a
36 community college, an institution of higher learning
37 under the control of the state board of regents, or an
38 accredited private institution as defined in section
39 261.9 and is accepted for admission.

40 e. Applies in a timely manner for any federal and
41 state student financial assistance available to the
42 student to attend a community college, an institution
43 of higher learning under the control of the state
44 board of regents, or an accredited private institution
45 as defined in section 261.9.

46 f. Files a new application, and parents'
47 confidential statement, as applicable, annually on the
48 basis of which the applicant's eligibility for a
49 renewed scholarship will be evaluated and determined.
50 2. FUND ESTABLISHED. A twenty-first century Iowa

Page 3

1 scholars fund is created in the state treasury as a
2 separate fund under the control of the commission.
3 All moneys deposited or paid into the fund are
4 appropriated and made available to the college student
5 aid commission to be used for scholarships for
6 students meeting all of the requirements of this
7 section, including meeting the requirements agreed to
8 in subsection 1, paragraph "b". The commission shall
9 deposit refunds paid to the commission in accordance
10 with subsection 3 into the twenty-first century Iowa
11 scholars fund. Notwithstanding section 8.33, any
12 balance in the fund on June 30 of each fiscal year
13 shall not revert to the general fund of the state, but
14 shall be available for the purposes of this section in
15 subsequent fiscal years. Scholarships awarded
16 pursuant to this section shall not exceed the resident
17 tuition rate and mandatory fees for the program of
18 enrollment established for institutions of higher
19 learning under the control of the state board of
20 regents.

21 3. DISCONTINUATION OF ATTENDANCE - REMITTANCE.

22 If the commission finds that a student receiving a
23 scholarship under the program discontinues attendance
24 before the end of any academic period or has violated
25 the agreement signed pursuant to subsection 1, but the

26 discontinuance or violation of the agreement occurs
 27 after scholarship moneys have been paid for the
 28 academic period, the entire amount of any refund due
 29 the student, up to the amount of any payments made by
 30 the state, shall be remitted by the postsecondary
 31 institution to the commission.

32 4. EXTENT OF SCHOLARSHIP. A qualified resident
 33 student in good standing at a community college, an
 34 institution of higher learning under the control of
 35 the state board of regents, or an accredited private
 36 institution as defined in section 261.9 may receive
 37 scholarships for not more than eight semesters of
 38 undergraduate study or the trimester or quarter
 39 equivalent if attending the institution on a full-time
 40 basis, or for not more than sixteen semesters of
 41 undergraduate study or the trimester or quarter
 42 equivalent if attending on a part-time basis. A
 43 qualified resident student may defer acceptance of
 44 scholarships awarded under this section for up to two
 45 years following the student's graduation from high
 46 school in order that the student may pursue military
 47 or other obligations.

48 5. MENTORING PROGRAMS OFFERED BY INSTITUTIONS.
 49 Each community college, institution of higher learning
 50 under the control of the state board of regents, or

Page 4

1 accredited private institution which enrolls a student
 2 receiving a scholarship in accordance with this
 3 section shall develop a specific mentoring program to
 4 assist the scholarship recipients through
 5 particularized academic and social counseling.""

6 3. By renumbering as necessary.

PETERSEN of Polk
 WISE of Lee
 SWAIM of Davis
 WHITAKER of Van Buren
 REASONER of Union
 KUHN of Floyd
 FREVERT of Palo Alto
 PETTENGILL of Benton
 MURPHY of Dubuque

HEDDENS of Story
 SMITH of Marshall
 THOMAS of Clayton
 FOEGE of Linn
 D. OLSON of Boone
 REICHERT of Muscatine
 GASKILL of Wapello
 OLDSOON of Polk
 KRESSIG of Black Hawk

H-8273

1 Amend the amendment, H-8213, to House File 2527 as
 2 follows:

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

5 "___". Page 15, by inserting after line 19 the

6 following:

7 "The state board of regents shall require the
8 institutions of higher education under its control to
9 establish transfer and articulation agreements with
10 the community colleges that offer vocational-
11 technical programs which are part of the department of
12 workforce development's apprenticeship programs or
13 which offer an associate degree program as part of an
14 apprenticeship program.""

15 2. By renumbering as necessary.

QUIRK of Chickasaw

H-8277

1 Amend the amendment, H-8255, to House File 2621 as
2 follows:

3 1. Page 1, line 2, by striking the words "word
4 "four"" and inserting the following: "words "four
5 through nine"".

6 2. Page 1, line 3, by inserting after the word
7 "three" the following: "through eight".

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

10 "___ Page 1, by striking line 16 and inserting
11 the following: "the Iowa test of basic skills,.""

12 4. Page 1, by inserting after line 7 the
13 following:

14 "___ Page 1, line 18, by striking the words "The
15 school".

16 ___ Page 1, by striking lines 19 and 20."

17 5. Page 1, by striking lines 10 through 12 and
18 inserting the following:

19 "___ Page 1, by striking line 25 and inserting
20 the following: "number and percentages of each grade
21 level in each of the proficiency categories provided
22 by the Iowa testing,.""

23 6. By renumbering, redesignating, and correcting
24 internal references as necessary.

MASCHER of Johnson

H-8287

1 Amend the amendment, H-8235, to House File 2734 as
2 follows:

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

5 "___ Page 56, by inserting after line 14 the
6 following:

7 "Sec. ___. ALLOWED GROWTH FUNDING STUDY. A study
8 committee shall be established by the legislative

9 council for the 2006 legislative interim to review the
 10 formulas used for distribution of state mental health,
 11 mental retardation, and developmental disabilities
 12 services allowed growth factor funding to counties.
 13 The purpose of the review is to determine whether the
 14 formulas are effective in distributing funds to
 15 counties in a manner that best serves Iowans with
 16 disabilities while enabling the state and counties to
 17 budget effectively for providing the services. The
 18 study committee shall hear testimony and provide an
 19 opportunity for discussion with counties, advocates
 20 for persons with disabilities, and other interested
 21 parties.""

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

24 "____. Page 56, by inserting before line 15 the
 25 following:

26 "Sec.____. 2005 Iowa Acts, chapter 179, section 1,
 27 subsection 1, unnumbered paragraph 2, is amended to
 28 read as follows:

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

35 \$ 35,788,041
 36 43,788,041"

37 _____. Page 56, by inserting after line 20 the
 38 following:

39 "Sec.____. 2005 Iowa Acts, chapter 179, section 1,
 40 subsection 2, paragraph b, is amended to read as
 41 follows:

42 b. For deposit in the per capita expenditure
 43 target pool created in the property tax relief fund
 44 and for distribution in accordance with section
 45 426B.5, subsection 1:

46 \$ 19,361,148
 47 27,361,148"

48 3. Page 1, line 10, by striking the figure
 49 "25,925,724" and inserting the following:
 50 "33,925,724".

Page 2

1 4. By renumbering as necessary.

WINCKLER of Scott
 WHITEAD of Woodbury
 SHOULTZ of Black Hawk
 LENSING of Johnson
 WENDT of Woodbury

LYKAM of Scott
 JOCUM of Dubuque
 T. TAYLOR of Linn
 WESSEL-KROESCHELL of Story
 BERRY of Black Hawk

KRESSIG of Black Hawk
 JACOBY of Johnson
 HUNTER of Polk

HOGG of Linn
 R. OLSON of Polk
 MASCHER of Johnson

H-8291

- 1 Amend House File 2522 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "dollars" the following: "except as otherwise
- 4 provided in this paragraph".
- 5 2. Page 1, line 8, by inserting after the figure
- 6 "602.8109." the following: "However, a fee shall not
- 7 be assessed against a political subdivision of the
- 8 state if the political subdivision of the state is
- 9 collecting a delinquent obligation owed the state."

J.R. VAN FOSSEN of Scott

H-8293

- 1 Amend House File 2671 as follows:
- 2 1. Page 1, by striking lines 1 through 7.
- 3 2. Page 3, by striking lines 17 through 31.
- 4 3. Title page, by striking lines 1 through 4 and
- 5 inserting the following: "An Act relating to the
- 6 employment of illegal aliens in the United States and
- 7 providing penalties."
- 8 4. By renumbering as necessary.

FORD of Polk

H-8294

- 1 Amend House File 2671 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. **NEW SECTION. 13.6A SPECIAL ASSISTANT**
- 5 **- HUMAN TRAFFICKING AND RELATED OFFENSES -**
- 6 **EMPLOYMENT OF UNAUTHORIZED ALIENS.**
- 7 The attorney general shall appoint a special
- 8 assistant attorney general for claims who shall, under
- 9 the direction of the attorney general, investigate and
- 10 prosecute all claims relating to the crime of human
- 11 trafficking and related offenses pursuant to sections
- 12 710A.2, 710A.3, and 710A.4 and the employment of
- 13 unauthorized aliens pursuant to section 91F.2. The
- 14 special assistant attorney general appointed pursuant
- 15 to this section shall work with the director of
- 16 revenue and the commissioner of insurance in
- 17 investigating the employment of unauthorized aliens,
- 18 including the examination of certain tax and insurance
- 19 documents."

20 2. Page 2, line 35, by inserting after the figure
 21 "91F.2" the following: ", 710A.2, 710A.3, or 710A.4".
 22 3. Page 3, by inserting after line 31 the
 23 following:
 24 "Sec. __. NEW SECTION. 710A.1 DEFINITIONS.
 25 As used in this chapter:
 26 1. "Commercial sexual activity" means any sex act
 27 on behalf of which anything of value is given,
 28 promised to, or received by any person and includes,
 29 but is not limited to, prostitution, participation in
 30 the production of pornography, and performance in
 31 strip clubs.
 32 2. "Forced labor or services" means labor or
 33 services that are performed or provided by another
 34 person and that are obtained or maintained through any
 35 of the following:
 36 a. Causing or threatening to cause serious
 37 physical injury to any person.
 38 b. Physically restraining or threatening to
 39 physically restrain another person.
 40 c. Abusing or threatening to abuse the law or
 41 legal process.
 42 d. Knowingly destroying, concealing, removing,
 43 confiscating, or possessing any actual or purported
 44 passport or other immigration document, or any other
 45 actual or purported government identification
 46 document, of another person.
 47 3. "Labor" means work of economic or financial
 48 value.
 49 4. "Maintain" means, in relation to labor and
 50 services, to secure continued performance thereof,

Page 2

1 regardless of any initial agreement on the part of the
 2 victim to perform such type of services.
 3 5. "Minor" means a person under the age of
 4 eighteen years.
 5 6. "Obtain" means, in relation to labor or
 6 services, to secure performance thereof.
 7 7. "Services" means an ongoing relationship
 8 between a person and the actor in which the person
 9 performs activities under the supervision of or for
 10 the benefit of the actor, including commercial sexual
 11 activity and sexually explicit performances.
 12 8. "Sexually explicit performance" means a live or
 13 public act or show intended to arouse or satisfy the
 14 sexual desires or appeal to the prurient interest of
 15 patrons.
 16 9. "Venture" means any group of two or more
 17 persons associated in fact, whether or not a legal
 18 entity.

19 10. "Victim" means a person subjected to the
 20 practices set forth in section 710A.2, 710A.3, or
 21 710A.4.

22 Sec. . NEW SECTION. 710A.2 FORCED LABOR AND
 23 SERVICES.

24 1. A person who knowingly subjects, attempts to
 25 subject, or engages in a conspiracy to subject another
 26 person to forced labor or services by causing or
 27 threatening to cause serious physical injury to that
 28 other person is guilty of a class "B" felony, except
 29 that if that other person is a minor, a person who
 30 violates this subsection is guilty of a class "A"
 31 felony.

32 2. A person who knowingly subjects, attempts to
 33 subject, or engages in a conspiracy to subject another
 34 person to forced labor or services by physically
 35 restraining or threatening to physically restrain that
 36 other person is guilty of a class "C" felony, except
 37 that if that other person is a minor, a person who
 38 violates this subsection is guilty of a class "B"
 39 felony.

40 3. A person who knowingly subjects, attempts to
 41 subject, or engages in a conspiracy to subject another
 42 person to forced labor or services by abusing or
 43 threatening to abuse the law or legal process is
 44 guilty of a class "D" felony, except that if that
 45 other person is a minor, a person who violates this
 46 subsection is guilty of a class "C" felony.

47 4. A person who knowingly subjects, attempts to
 48 subject, or engages in a conspiracy to subject another
 49 person to forced labor or services by knowingly
 50 destroying, concealing, removing, confiscating, or

Page 3

1 possessing any actual or purported passport or other
 2 immigration document, or any other actual or purported
 3 government identification document, of that other
 4 person is guilty of a class "D" felony, except that if
 5 that other person is a minor, a person who violates
 6 this subsection is guilty of a class "C" felony.

7 Sec. . NEW SECTION. 710A.3 HUMAN TRAFFICKING
 8 – FORCED LABOR AND SERVICES.

9 1. A person shall not knowingly recruit, entice,
 10 harbor, transport, provide, or obtain by any means, or
 11 attempt to recruit, entice, harbor, transport,
 12 provide, or obtain by any means, another person, with
 13 the intent that the other person be subjected to
 14 forced labor or services.

15 2. A person shall not knowingly benefit,
 16 financially or by receiving anything of value, from
 17 participation in a venture that involves a violation

18 of this section.

19 3. A person who violates this section is guilty of
20 a class "B" felony, except that if the other person is
21 a minor, a person who violates this section is guilty
22 of a class "A" felony.

23 Sec. . NEW SECTION. 710A.4 HUMAN TRAFFICKING
24 – SEXUAL EXPLOITATION OF A MINOR.

25 1. A person shall not knowingly recruit, entice,
26 harbor, transport, provide, or obtain by any means, or
27 attempt to recruit, entice, harbor, transport,
28 provide, or obtain by any means, a minor, with the
29 intent that the minor be subjected to sexual
30 exploitation in violation of section 728.12.

31 2. A person shall not knowingly benefit,
32 financially or by receiving anything of value, from
33 participation in a venture that involves a violation
34 of section 728.12.

35 3. A person who violates this section is guilty of
36 a class "A" felony.

37 Sec. . NEW SECTION. 710A.5 SENTENCING
38 ENHANCEMENTS.

39 1. If a violation of section 710A.2 or 710A.3
40 results in the death of the person or if the person is
41 kidnapped in violation of section 710.2 or 710.3, the
42 defendant is guilty of a class "A" felony.

43 2. In sentencing a person for a violation of
44 section 710A.2, 710A.3, or 710A.4, the court shall
45 sentence the defendant to an additional term of
46 confinement of ten years in cases in which the victim
47 was maintained or held for a period greater than one
48 hundred eighty days or if the offense involved more
49 than ten victims.

50 Sec. . NEW SECTION. 710A.6 CORPORATE

Page 4

1 LIABILITY.

2 If a corporation is convicted of an offense
3 pursuant to section 710A.2, 710A.3, or 710A.4, in
4 addition to any other penalties provided in this
5 chapter, the court shall, where appropriate, do any of
6 the following:

7 1. Order the corporation's dissolution or
8 reorganization.

9 2. Order the suspension or revocation of any
10 license, permit, or prior approval granted by a state
11 agency.

12 3. Order the surrender of the corporation's
13 organizational authority if organized under state law
14 or revocation of the corporation's authority to
15 conduct business in this state.

16 Sec. . NEW SECTION. 710A.7 RESTITUTION AND

17 ADDITIONAL FINE.

18 In addition to any fine or penalty imposed under
 19 this chapter, the court shall order a defendant
 20 convicted of a violation of this chapter to make
 21 restitution for damages resulting directly from the
 22 violation, to the victim, pursuant to chapter 910, and
 23 shall include an additional fine of the greater of
 24 either the gross income or value of the victim's labor
 25 or services or the value of the victim's wages of not
 26 less than the applicable federal minimum wage under
 27 the federal Fair Labor Standards Act.

28 Sec. __. NEW SECTION. 915.51 GENERAL RIGHTS OF
 29 HUMAN TRAFFICKING VICTIMS.

30 1. In addition to other victim rights provided in
 31 this chapter, including the right to receive victim
 32 compensation pursuant to section 915.84 and the right
 33 to exert victim counseling privileges pursuant to
 34 section 915.20A, victims of a crime described in
 35 section 710A.2, 710A.3, or 710A.4 shall have the
 36 following rights without regard to their immigration
 37 status:

38 a. The right to receive prompt medical care
 39 including mental health care, food, shelter, and other
 40 assistance, if necessary.

41 b. The right to have access to legal assistance
 42 and translation services, if necessary.

43 c. The right to receive reasonable police
 44 protection if a victim's safety is at risk or if there
 45 is any danger of additional harm, including measures
 46 to protect victims and their family members from
 47 intimidation and threats of reprisals from traffickers
 48 and their associates and ensuring that the names and
 49 identifying information of victims and their family
 50 members are not disclosed to the public.

Page 5

1 2. The departments of human services, human
 2 rights, health, public safety, justice, and other
 3 public state agencies shall provide the requisite
 4 services to assist in the administration of this
 5 section."

6 4. Title page, line 4, by inserting after the
 7 word "employment," the following: "relating to human
 8 trafficking,".

9 5. By renumbering as necessary.

H-8296

- 1 Amend the amendment, H-8271, to House File 2661 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "___ Page 3, by striking line 2 and inserting
- 6 the following: "businesses which are fifty-one
- 7 percent or more owned, operated, and actively managed
- 8 by one or more women or minority persons. A."
- 9 2. By renumbering as necessary.

LUKAN of Dubuque

H-8298

- 1 Amend the amendment, H-8220, to House File 2671, as
- 2 follows:
- 3 1. Page 1, by inserting after line 7 the
- 4 following:
- 5 "___ Page 3, by inserting after line 31 the
- 6 following:
- 7 "If a person who has agreed to buy residential real
- 8 property is denied a first mortgage loan pursuant to
- 9 this section and cannot otherwise comply with the
- 10 terms of the agreement, the seller of the property
- 11 shall be entitled to any down payment, earnest money,
- 12 or other trust funds held by a real estate broker
- 13 pursuant to section 543B.46 paid by the person or on
- 14 behalf of the person pursuant to the agreement.""

WISE of Lee
QUIRK of Chickasaw

H-8301

- 1 Amend the amendment, H-8220, to House File 2671, as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "___ Page 1, by striking lines 1 through 7."
- 6 2. Page 1, line 2, by striking the figures and
- 7 words "19 through 22 and" and inserting the following:
- 8 "17 through 31."
- 9 3. Page 1, by striking lines 3 through 7 and
- 10 inserting the following:
- 11 "___ Title page, by striking lines 1 through 4
- 12 and inserting the following: "An Act relating to the
- 13 employment of illegal aliens in the United States and
- 14 providing for penalties.""
- 15 4. By renumbering as necessary.

FORD of Polk

H-8306

- 1 Amend House File 2725 as follows:
- 2 1. Page 2, by striking lines 6 through 8 and
- 3 inserting the following: "of outstanding shares
- 4 having not less than ~~ninety~~ fifty percent of the vote
- 5 entitled to be cast at a".
- 6 2. Title page, by striking lines 2 and 3 and
- 7 inserting the following: "entities, including
- 8 corporations, limited liability companies, and
- 9 nonprofit".

PAULSEN of Linn

H-8308

- 1 Amend House File 2637 as follows:
- 2 1. Page 1, by inserting after line 1, the
- 3 following:
- 4 "____. "Common patient identifier system" means a
- 5 system that utilizes a unique number to identify an
- 6 individual that belongs solely to that individual."
- 7 2. Page 1, line 16, by striking the words
- 8 "provide for" and inserting the following:
- 9 "investigate and facilitate".
- 10 3. Page 1, by striking line 29, and inserting the
- 11 following: "to oversee the investigation and
- 12 facilitation".
- 13 4. Page 1, lines 33 and 34, by striking the words
- 14 "governor as follows:" and inserting the following:
- 15 "governor:".
- 16 5. Page 1, line 35, by striking the words "or
- 17 health system".
- 18 6. Page 2, by inserting after line 2, the
- 19 following:
- 20 "(____) An administrator of an integrated
- 21 healthcare system containing multiple hospitals and
- 22 physicians with experience in the implementation of
- 23 electronic health records.
- 24 (____) An administrator of an academic hospital
- 25 with experience in the implementation of electronic
- 26 health records."
- 27 7. By striking page 2, line 27, through page 3,
- 28 line 2.
- 29 8. Page 4, by striking lines 1 through 5, and
- 30 inserting the following:
- 31 "____. The director of human services shall act as
- 32 the chairperson of the council. A majority of the
- 33 voting members of the council shall constitute a
- 34 quorum. The department of human services shall
- 35 provide staff support to the council."
- 36 9. Page 4, by striking lines 14 and 15, and

37 inserting the following: "governor on issues
38 concerning the development of an electronic health
39 records system."

40 10. Page 4, by striking lines 16 through 31, and
41 inserting the following:

42 "____. Create a process for the development and
43 implementation of a common patient identifier system
44 for all of the following populations:

45 (1) The expansion population as defined in section
46 249J.3.

47 (2) Residents, patients, or inmates of state
48 institutions.

49 (3) State employees as described in chapter 70A,
50 and including employees covered under a collective

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1 bargaining agreement, unless the agreement provides
2 otherwise, but not including employees of the state
3 board of regents or elected officials.

4 (4) Medical assistance program recipients pursuant
5 to chapter 249A.

6 (5) Hawk-i program recipients pursuant to chapter
7 514I.

8 _____. Submit an annual progress report to the
9 general assembly and the governor."

10 11. By striking page 5, line 2, through page 6,
11 line 22.

12 12. By renumbering as necessary.

CARROLL of Poweshiek

H-8309

1 Amend House File 2716 as follows:

2 1. Page 4, by inserting after line 13 the
3 following:

4 "Sec.____. Section 515F.5, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 1A. The commissioner shall
7 provide written notice to the public, as provided in
8 rules adopted under chapter 17A, that an insurer has
9 made a rate filing pursuant to this section, including
10 the proposed effective date of the filing, and the
11 character and extent of the coverage contemplated."

12 2. Page 5, by inserting after line 4 the
13 following:

14 "Sec.____. Section 622.10, subsection 3, paragraph
15 d, Code 2005, is amended to read as follows:

16 d. Any physician or surgeon, physician assistant,
17 advanced registered nurse practitioner, or mental
18 health professional who provides records or consults

19 with the counsel for the adverse party shall be
 20 entitled to charge a reasonable fee for production of
 21 the records, diagnostic imaging, and consultation.
 22 Any party seeking consultation shall be responsible
 23 for payment of all charges. ~~The fee for copies of any~~
 24 ~~records shall be based upon actual cost of production.~~
 25 Upon written request from a party or a party's
 26 representative accompanied by a legally sufficient
 27 patient's waiver, copies of the requested records or
 28 diagnostic images shall be provided to the party or
 29 the party's representative within thirty days of
 30 receipt of the written request. A fee shall be
 31 charged for the cost of producing such copies but the
 32 fee shall not exceed the following:
 33 (1) For printed or photocopied records, twelve
 34 cents per single-sided page or seventeen cents per
 35 double-sided page based upon a page measuring eight
 36 and one-half inches by eleven inches or less.
 37 (2) For X rays, diagnostic images, photographs, or
 38 other graphic image records, the actual cost of
 39 materials and supplies used to produce the copies of
 40 such images or ten dollars per item, whichever is
 41 less.
 42 (3) For electronically scanned or produced
 43 records, the actual cost of the materials and supplies
 44 incurred in producing the records, or five dollars,
 45 whichever is less.
 46 (4) If applicable, reasonable and actual costs of
 47 postage or delivery charges.
 48 Fees charged pursuant to this subsection are not
 49 subject to a sales or use tax. A physician or
 50 surgeon, physician assistant, advanced registered

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1 nurse practitioner, or mental health professional may
 2 require payment in advance if the copies are requested
 3 in writing and fees are itemized."
 4 3. Page 5, line 5, by striking the words "REGRET
 5 OR" and inserting the following "REGRET."
 6 4. Page 5, by striking line 6.
 7 5. Page 5, line 13, by inserting after the word
 8 "occupation," the following: "that portion of".
 9 6. Page 5, line 14, by striking the word
 10 "apology".
 11 7. By striking page 5, line 22, through page 6,
 12 line 6, and inserting the following:
 13 "Sec. ____ . CLOSED-CLAIM REPORT. An insurer
 14 providing medical malpractice insurance coverage to a
 15 health care provider or a health care provider who
 16 maintains professional liability insurance coverage
 17 through a self-insurance plan shall file annually with

18 the commissioner of insurance on or before March 15 a
19 report of all medical malpractice insurance closed
20 claims during the preceding calendar year. In
21 addition, any insurer who provided medical malpractice
22 insurance coverage to a health care provider or a
23 health care provider who maintained professional
24 liability coverage through a self-insurance plan
25 between January 1, 1991, and December 31, 2005, shall
26 file a report with the commissioner of all medical
27 malpractice closed claims during the period. The
28 commissioner shall prepare a comprehensive analysis of
29 the closed claim data for that period for submission
30 to the general assembly on or before January 15,
31 2007."

32 8. By renumbering as necessary.

JOCHUM of Dubuque

H-8310

1 Amend the amendment, H-8190, to House File 2662, as
2 follows:

3 1. Page 1, by striking lines 4 through 41 and
4 inserting the following:

5 ""Sec. . NEW SECTION. 17A.5A AUTOMATIC SUNSET
6 AND LEGISLATIVE REAUTHORIZATION.

7 1. Commencing July 1, 2007, each rule adoption
8 shall expire on June 30, at least one year following
9 the initial effective date of the rule adoption.

10 2. By the second Monday in January of each year
11 each agency shall prepare a listing of those rule
12 adoptions which will expire on June 30 and submit that
13 list to the president of the senate and the speaker of
14 the house of representatives, who shall refer the list
15 to the appropriate standing committees of the general
16 assembly. A standing committee shall review the list
17 within twenty-one days after it is referred to the
18 committee by the speaker of the house of
19 representatives or the president of the senate and
20 shall take formal committee action by proposing
21 legislation to extend the effective date of some or
22 all of the rule adoptions contained on that list for
23 an additional specified period or make the rule
24 adoption permanent.

25 3. Any rule adoption which has not had its
26 effective date extended as provided in subsection 2 is
27 void the following June 30 and the administrative code
28 editor shall remove it from the Iowa administrative
29 code.

30 4. This section does not apply to rule adoptions
31 by the department of revenue, the state board of
32 regents, or a licensing board as described in section

33 272C.1, or any rule adoption that is required by a
 34 federal law and that does not exceed the minimum scope
 35 and intent of that federal law.""

36 2. Page 1, by striking lines 46 through 50 and
 37 inserting the following:

38 "____. Title page, by striking lines 1 and 2 and
 39 inserting the following: "An Act providing for the
 40 automatic expiration of all administrative rule
 41 adoptions, for their reauthorization by the general
 42 assembly, and providing additional legislative
 43 review.""

44 3. By renumbering as necessary.

J.K. VAN FOSSEN of Scott

H-8315

1 Amend House File 2750 as follows:

2 1. Page 4, by striking line 34 and inserting the
 3 following: "In addition to any enrollment fee, the
 4 district department may require a person to pay a fee
 5 to the district department to offset the costs of
 6 providing sex offender treatment programming to that
 7 person."

HORBACH of Tama

H-8317

1 Amend the amendment, H-8254, to House File 2730 as
 2 follows:

3 1. Page 1, by striking lines 2 through 4.

4 2. Page 1, line 5, by striking the word
 5 "striking" and inserting the following: "inserting
 6 after".

7 3. Page 1, line 6, by striking the words "and
 8 inserting".

9 4. Page 1, line 7, by inserting before the word
 10 "person" the following: "on July 1, 2007, who is not
 11 a vested member, or a".

12 5. Page 1, by striking lines 10 through 15 and
 13 inserting the following:

14 "____. Page 8, line 23, by inserting after the
 15 word "member" the following: "on July 1, 2007, who is
 16 not a vested member".

17 _____. Page 8, line 24, by striking the word "may"
 18 and inserting the following: "shall".

19 _____. Page 8, line 28, by inserting after the word
 20 "member" the following: "who is not a vested member
 21 and".

22 6. Page 1, by striking line 21.

23 7. Page 1, line 33, by inserting after the word

- 24 "new" the following: "and nonvested".
 25 8. Page 1, line 34, by inserting after the word
 26 "new" the following: "and nonvested".
 27 9. By renumbering as necessary.

ROBERTS of Carroll

H-8322

1 Amend House File 2716 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 147.139, Code 2005, is amended
 5 to read as follows:

6 147.139 EXPERT WITNESS STANDARDS.

7 If the standard of care given by a physician ~~and or~~
 8 surgeon licensed pursuant to chapter 148, or
 9 osteopathic physician ~~and or~~ surgeon licensed pursuant
 10 to chapter 150A, or a dentist licensed pursuant to
 11 chapter 153, is at issue, the court shall only allow a
 12 person to qualify as an expert witness and to testify
 13 on the issue of the appropriate standard of care if
 14 ~~the person's medical or dental qualifications relate~~
 15 ~~directly to the medical problem or problems at issue~~
 16 ~~and the type of treatment administered in the case,~~
 17 ~~breach of the standard of care, or proximate cause if~~
 18 ~~all of the following qualifications are established:~~

19 1. The expert is licensed to practice medicine,
 20 osteopathic medicine, or dentistry and in the three
 21 years preceding the allegedly negligent act, engaged
 22 in the active practice of medicine, osteopathic
 23 medicine, or dentistry, or was a qualified instructor
 24 at an accredited university of medicine and surgery,
 25 osteopathic medicine and surgery, or dentistry.

26 2. The expert practices in the same or
 27 substantially similar specialty as the defendant.

28 3. If the defendant is board certified in a
 29 specialty, the expert is also certified in that
 30 specialty by a board recognized by the American board
 31 of medical specialties and is licensed and in good
 32 standing in each state of licensure, and has not had
 33 the expert's license revoked or suspended in the past
 34 five years.

35 Sec. 2. NEW SECTION. 147.140 EVIDENCE OF REGRET
 36 OR APOLOGY.

37 In any civil action for personal injury or wrongful
 38 death or in any arbitration proceeding relating to
 39 such a civil action against any physician or surgeon
 40 licensed pursuant to chapter 148, osteopathic
 41 physician or surgeon licensed pursuant to chapter
 42 150A, or dentist licensed pursuant to chapter 153,
 43 based upon the alleged negligence of the licensee in

44 the practice of that profession or occupation, any
45 statement, affirmation, gesture, or conduct expressing
46 apology, sympathy, commiseration, condolence,
47 compassion, or a general sense of benevolence that was
48 made by a physician and surgeon, osteopathic physician
49 and surgeon, or dentist to the patient, relative of
50 the patient, or decision maker for the patient that

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1 relates to the discomfort, pain, suffering, injury, or
2 death of the patient as a result of an unanticipated
3 outcome of medical care is inadmissible as evidence of
4 an admission of liability or as evidence of an
5 admission against interest.
6 Sec. 3. NEW SECTION. 147.141 NOTICE OF CLAIM AND
7 CERTIFICATE OF MERIT REQUIREMENT.
8 1. At least thirty days prior to filing a civil
9 action for personal injury or wrongful death against a
10 licensed health care provider, based upon the alleged
11 negligence of the licensed health care provider in the
12 practice of that profession, a plaintiff shall serve
13 by certified mail, return receipt requested, a notice
14 of claim upon the licensed health care provider. The
15 notice of claim shall include a statement of the
16 theory of liability upon which the cause of action is
17 based and include a list of all persons to whom
18 notices have been sent, together with a certificate of
19 merit, if necessary, as specified in subsection 2.
20 2. a. The certificate of merit shall be signed
21 under oath by an expert who, in the three years
22 preceding the allegedly negligent act, either
23 practiced or instructed in the same or substantially
24 similar field of medicine as the defendant.
25 b. The certificate of merit shall contain
26 information relating to all of the following:
27 (1) The expert's familiarity with the applicable
28 standard of care.
29 (2) The expert's qualifications.
30 (3) The expert's statement that the appropriate
31 standard of care was breached by the health care
32 provider named in the complaint.
33 (4) The expert's statement of the actions that the
34 health care provider should have taken or failed to
35 take to have complied with the standard of care.
36 (5) A statement of the manner in which the breach
37 of the standard of care was the cause of the injury
38 alleged in the complaint.
39 c. A separate certificate of merit shall be
40 completed for each defendant named in the notice of
41 claim.
42 d. If a plaintiff or plaintiff's counsel asserts

43 in good faith that the plaintiff has insufficient time
44 to obtain a certificate of merit prior to the
45 expiration of the period of limitation in subsection
46 1, the plaintiff shall provide notice of intent to
47 provide a certificate of merit to the defendant within
48 sixty days of the date the defendant receives the
49 notice of the claim.
50 3. Notwithstanding subsection 2, if a plaintiff

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1 believes that a certificate of merit is not necessary
2 because the plaintiff's cause of action against a
3 health care provider is based upon a well-established
4 legal theory of liability which does not require
5 expert testimony supporting a breach of the applicable
6 standard of care, the plaintiff shall file a statement
7 setting forth the basis for the alleged liability of
8 the health care provider in lieu of the certificate of
9 merit.

10 4. Except as otherwise provided in this section,
11 the applicable statute of limitations in a civil cause
12 of action against a health care provider upon whom a
13 notice of claim is served pursuant to this section
14 shall be tolled from the date the notice of claim is
15 mailed.

16 5. If the plaintiff fails to provide a notice of
17 claim and a certificate of merit, or a statement of
18 the legal theory upon which the claim is based, the
19 claim shall be dismissed with prejudice.

20 6. For purposes of this section, "health care
21 provider" means a physician or surgeon, osteopath,
22 osteopathic physician or surgeon, dentist, podiatric
23 physician, optometrist, pharmacist, chiropractor, or
24 nurse licensed in this state, a hospital licensed
25 pursuant to chapter 135B, or a health care facility
26 licensed pursuant to chapter 135C."

27 2. Title page, by striking lines 1 through 3 and
28 inserting the following: "An Act relating to medical
29 malpractice actions."

30 3. By renumbering as necessary.

UPMEYER of Hancock

H-8324

1 Amend House File 2716 as follows:

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

4 "Section 1. NEW SECTION. 147.140 EVIDENCE OF
5 REGRET OR APOLOGY.

6 In any civil action for personal injury or wrongful

7 death or in any arbitration proceeding relating to
 8 such a civil action against any physician or surgeon
 9 licensed pursuant to chapter 148, osteopathic
 10 physician or surgeon licensed pursuant to chapter
 11 150A, or dentist licensed pursuant to chapter 153,
 12 based upon the alleged negligence of the licensee in
 13 the practice of that profession or occupation, any
 14 statement, affirmation, gesture, or conduct expressing
 15 apology, sympathy, commiseration, condolence,
 16 compassion, or a general sense of benevolence that was
 17 made by a physician and surgeon, osteopathic physician
 18 and surgeon, or dentist to the patient, relative of
 19 the patient, or decision maker for the patient that
 20 relates to the discomfort, pain, suffering, injury, or
 21 death of the patient as a result of an unanticipated
 22 outcome of medical care is inadmissible as evidence of
 23 an admission of liability or as evidence of an
 24 admission against interest.

25 Sec. 2. **NEW SECTION.** 147.141 NOTICE OF CLAIM AND
 26 CERTIFICATE OF MERIT REQUIREMENT.

- 27 1. At least thirty days prior to filing a civil
 28 action for personal injury or wrongful death against a
 29 licensed health care provider, based upon the alleged
 30 negligence of the licensed health care provider in the
 31 practice of that profession, a plaintiff shall serve
 32 by certified mail, return receipt requested, a notice
 33 of claim upon the licensed health care provider. The
 34 notice of claim shall include a statement of the
 35 theory of liability upon which the cause of action is
 36 based and include a list of all persons to whom
 37 notices have been sent, together with a certificate of
 38 merit, if necessary, as specified in subsection 2.
 39 2. a. The certificate of merit shall be signed
 40 under oath by an expert who meets the expert witness
 41 standards in section 147.139.
 42 b. The certificate of merit shall contain
 43 information relating to all of the following:
 44 (1) The expert's familiarity with the applicable
 45 standard of care.
 46 (2) The expert's qualifications.
 47 (3) The expert's statement that the appropriate
 48 standard of care was breached by the health care
 49 provider named in the complaint.
 50 (4) The expert's statement of the actions that the

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- 1 health care provider should have taken or failed to
 2 take to have complied with the standard of care.
 3 (5) A statement of the manner in which the breach
 4 of the standard of care was the cause of the injury
 5 alleged in the complaint.

6 c. A separate certificate of merit shall be
7 completed for each defendant named in the notice of
8 claim.

9 d. If a plaintiff or plaintiff's counsel asserts
10 in good faith that the plaintiff has insufficient time
11 to obtain a certificate of merit prior to the
12 expiration of the period of limitation in subsection
13 1, the plaintiff shall provide notice of intent to
14 provide a certificate of merit to the defendant within
15 sixty days of the date the defendant receives the
16 notice of the claim.

17 3. Notwithstanding subsection 2, if a plaintiff
18 believes that a certificate of merit is not necessary
19 because the plaintiff's cause of action against a
20 health care provider is based upon a well-established
21 legal theory of liability which does not require
22 expert testimony supporting a breach of the applicable
23 standard of care, the plaintiff shall file a
24 declaration setting forth the basis for the alleged
25 liability of the health care provider in lieu of the
26 certificate of merit.

27 4. Except as otherwise provided in this section,
28 the applicable statute of limitations in a civil cause
29 of action against a health care provider upon whom a
30 notice of claim is served pursuant to this section
31 shall be tolled from the date the notice of claim is
32 mailed.

33 5. If the plaintiff fails to provide a notice of
34 claim and a certificate of merit, or a declaration of
35 the legal theory upon which the claim is based
36 pursuant to subsection 3, the claim shall be dismissed
37 with prejudice. A failure to provide a notice of
38 claim and certificate of merit or a declaration of the
39 legal theory upon which the claim is based shall be
40 the only basis for dismissal under this subsection.
41 The insufficiency of such items shall not provide a
42 basis for objection, a bar to expansion of the claim,
43 or a limitation on the scope of discovery.

44 6. For purposes of this section, "health care
45 provider" means a physician or surgeon, osteopath,
46 osteopathic physician or surgeon, dentist, podiatric
47 physician, optometrist, pharmacist, chiropractor, or
48 nurse licensed in this state, a hospital licensed
49 pursuant to chapter 135B, or a health care facility
50 licensed pursuant to chapter 135C."

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1 2. Title page, line 2, by striking the words
2 "evidentiary, reporting," and inserting the following:

- 3 "evidentiary".
 4 3. By renumbering as necessary.

UPMEYER of Hancock

H-8325

1 Amend House File 2716 as follows:

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

4 "Section 1. Section 147.139, Code 2005, is amended
 5 to read as follows:

6 147.139 EXPERT WITNESS STANDARDS.

7 If the standard of care given by a physician and or
 8 surgeon licensed pursuant to chapter 148, or
 9 osteopathic physician and or surgeon licensed pursuant
 10 to chapter 150A, or a dentist licensed pursuant to
 11 chapter 153, is at issue, the court shall only allow a
 12 person to qualify as an expert witness and to testify
 13 on the issue of the appropriate standard of care if
 14 the person's medical or dental qualifications relate
 15 directly to the medical problem or problems at issue
 16 and the type of treatment administered in the case,
 17 breach of the standard of care, or proximate cause if
 18 all of the following qualifications are established:

19 1. The expert is licensed to practice medicine,
 20 osteopathic medicine, or dentistry and in the three
 21 years preceding the allegedly negligent act, engaged
 22 in the active practice of medicine, osteopathic
 23 medicine, or dentistry, or was a qualified instructor
 24 at an accredited university of medicine and surgery,
 25 osteopathic medicine and surgery, or dentistry.

26 2. The expert practices in the same or
 27 substantially similar specialty as the defendant.

28 3. If the defendant is board certified in a
 29 specialty, the expert is also certified in that
 30 specialty by a board recognized by the American board
 31 of medical specialties and is licensed and in good
 32 standing in each state of licensure, and has not had
 33 the expert's license revoked or suspended in the past
 34 five years.

35 Sec. 2. NEW SECTION. 147.140 EVIDENCE OF REGRET
 36 OR APOLOGY.

37 In any civil action for personal injury or wrongful
 38 death or in any arbitration proceeding relating to
 39 such a civil action against any physician or surgeon
 40 licensed pursuant to chapter 148, osteopathic
 41 physician or surgeon licensed pursuant to chapter
 42 150A, or dentist licensed pursuant to chapter 153,
 43 based upon the alleged negligence of the licensee in
 44 the practice of that profession or occupation, any
 45 statement, affirmation, gesture, or conduct expressing

46 apology, sympathy, commiseration, condolence,
47 compassion, or a general sense of benevolence that was
48 made by a physician and surgeon, osteopathic physician
49 and surgeon, or dentist to the patient, relative of
50 the patient, or decision maker for the patient that

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1 relates to the discomfort, pain, suffering, injury, or
2 death of the patient as a result of an unanticipated
3 outcome of medical care is inadmissible as evidence of
4 an admission of liability or as evidence of an
5 admission against interest."

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

8 "Sec. 3. NEW SECTION. 147.141 CONFIDENTIALITY
9 OF".

10 3. Page 1, by striking line 19 and inserting the
11 following:

12 "Sec. 4. NEW SECTION. 147.142 INITIAL DISCLOSURE
13 OF".

14 4. By striking page 2, line 31, through page 4,
15 line 6, and inserting the following:

16 "Sec. NEW SECTION. 147.143 NOTICE OF CLAIM
17 AND CERTIFICATE OF MERIT REQUIREMENT.

18 1. At least thirty days prior to filing a civil
19 action for personal injury or wrongful death against a
20 licensed health care provider, based upon the alleged
21 negligence of the licensed health care provider in the
22 practice of that profession, a plaintiff shall serve
23 by certified mail, return receipt requested, a notice
24 of claim upon the licensed health care provider. The
25 notice of claim shall include a statement of the
26 theory of liability upon which the cause of action is
27 based and include a list of all persons to whom
28 notices have been sent, together with a certificate of
29 merit, if necessary, as specified in subsection 2.

30 2. a. The certificate of merit shall be signed
31 under oath by an expert who, in the three years
32 preceding the allegedly negligent act, either
33 practiced or instructed in the same or substantially
34 similar field of medicine as the defendant.

35 b. The certificate of merit shall contain
36 information relating to all of the following:

37 (1) The expert's familiarity with the applicable
38 standard of care.

39 (2) The expert's qualifications.

40 (3) The expert's statement that the appropriate
41 standard of care was breached by the health care
42 provider named in the complaint.

43 (4) The expert's statement of the actions that the
44 health care provider should have taken or failed to

45 take to have complied with the standard of care.
46 (5) A statement of the manner in which the breach
47 of the standard of care was the cause of the injury
48 alleged in the complaint.
49 c. A separate certificate of merit shall be
50 completed for each defendant named in the notice of

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1 claim.
2 d. If a plaintiff or plaintiff's counsel asserts
3 in good faith that the plaintiff has insufficient time
4 to obtain a certificate of merit prior to the
5 expiration of the period of limitation in subsection
6 1, the plaintiff shall provide notice of intent to
7 provide a certificate of merit to the defendant within
8 sixty days of the date the defendant receives the
9 notice of the claim.
10 3. Notwithstanding subsection 2, if a plaintiff
11 believes that a certificate of merit is not necessary
12 because the plaintiff's cause of action against a
13 health care provider is based upon a well-established
14 legal theory of liability which does not require
15 expert testimony supporting a breach of the applicable
16 standard of care, the plaintiff shall file a statement
17 setting forth the basis for the alleged liability of
18 the health care provider in lieu of the certificate of
19 merit.
20 4. Except as otherwise provided in this section,
21 the applicable statute of limitations in a civil cause
22 of action against a health care provider upon whom a
23 notice of claim is served pursuant to this section
24 shall be tolled from the date the notice of claim is
25 mailed.
26 5. If the plaintiff fails to provide a notice of
27 claim and a certificate of merit, or a statement of
28 the legal theory upon which the claim is based, the
29 claim shall be dismissed with prejudice.
30 6. For purposes of this section, "health care
31 provider" means a physician or surgeon, osteopath,
32 osteopathic physician or surgeon, dentist, podiatric
33 physician, optometrist, pharmacist, chiropractor, or
34 nurse licensed in this state, a hospital licensed
35 pursuant to chapter 135B, or a health care facility
36 licensed pursuant to chapter 135C."
37 5. Page 5, by striking lines 5 through 21.
38 6. By renumbering as necessary.

H-8326

1 Amend the amendment, H-8180, to House File 2650 as
2 follows:

3 1. Page 1, by inserting after line 10 the
4 following:

5 "____. Page 2, by inserting after line 13 the
6 following:

7 "Sec.____. Section 331.655, subsection 1, Code
8 2005, is amended by adding the following new
9 paragraph:

10 NEW PARAGRAPH. p. For serving notice of denial,
11 cancellation, suspension, disqualification, or bar of
12 a person's driver's license or operating privilege,
13 the fees provided pursuant to chapter 321 and this
14 section. The sheriff may refuse to serve any notice
15 of denial, cancellation, suspension, disqualification,
16 or bar until the fees and estimated mileage for
17 service have been paid.""

18 2. By renumbering as necessary.

ALONS of Sioux

H-8328

1 Amend House File 2750 as follows:

2 1. Page 1, by striking lines 1 through 9.

3 2. By striking page 2, line 16, through page 3,
4 line 5.

5 3. Title page, by striking lines 3 through 6 and
6 inserting the following: "correctional services, and
7 providing for a fee."

WISE of Lee
T. TAYLOR of Linn

H-8329

1 Amend the amendment, H-8312, to House File 2729, as
2 follows:

3 1. Page 1, by striking lines 2 through 20 and
4 inserting the following:

5 "____. By striking page 1, line 17, through page
6 2, line 24, and inserting the following:

7 "(1) The director of an area agency on aging who
8 is also the chairperson of the national association of
9 area agencies on aging.

10 (2) Four consumers selected by the co-chairpersons
11 of the senate standing committee on human resources
12 and the chairperson and ranking member of the house of
13 representatives standing committee on human resources.

14 (3) The co-chairpersons of the senate standing

15 committee on human resources and the chairperson and
 16 ranking member of the house of representatives
 17 standing committee on human resources."
 18 _____. Page 2, by striking lines 29 and 30, and
 19 inserting the following:
 20 "(1) Hold at least two public meetings to
 21 receive".
 22 _____. Page 3, line 5, by striking the figure
 23 "2007" and inserting the following: "2006".
 24 2. By renumbering as necessary.

UPMEYER of Hancock

H-8331

1 Amend the amendment, H-8320, to House File 2716 as
 2 follows:
 3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:
 5 "_____. By striking page 1, line 1, through page 5,
 6 line 4.
 7 _____. Page 5, by striking lines 7 through 11 and
 8 inserting the following:
 9 "In any civil action for professional negligence,
 10 personal injury, or wrongful death or in any
 11 arbitration proceeding for professional negligence,
 12 personal injury, or wrongful death against a person in
 13 a profession represented by the examining boards
 14 listed in section 272C.1 and any other licensed
 15 profession recognized in this state, a hospital
 16 licensed pursuant to chapter 135B, or a health care
 17 facility licensed pursuant to chapter 135C, based upon
 18 the".
 19 _____. Page 5, by striking lines 13 and 14 and
 20 inserting the following: "occupation, any portion of
 21 a statement, affirmation, gesture, or conduct
 22 expressing sorrow, sympathy, commiseration,
 23 condolence".
 24 _____. Page 5, by striking lines 22 and 23 and
 25 inserting the following:
 26 "Sec. _____. NEW SECTION. 519.14 ACTUARIAL STUDY.
 27 The commissioner of insurance shall conduct an
 28 actuarial study on all medical malpractice".
 29 _____. Page 6, by striking lines 3 and 4 and
 30 inserting the following: "and commerce, regulation
 31 and labor annually no later than January 15. The
 32 commissioner's report shall be open to the public".
 33 _____. Title page, by striking lines 2 and 3 and
 34 inserting the following: "including certain
 35 evidentiary and reporting requirements."
 36 2. By renumbering as necessary.

PAULSEN of Linn

H-8334

- 1 Amend House File 2753 as follows:
 2 1. Page 4, by striking lines 33 and 34 and
 3 inserting the following: "that issued the permit to
 4 carry a weapon recognizes such permits issued in Iowa
 5 and has weapons permit restrictions that are as strict
 6 as the requirements of this state as determined by the
 7 commissioner of public safety."
 8 2. By renumbering as necessary.

SHOULTZ of Black Hawk
 HOGG of Linn

H-8335

- 1 Amend the amendment, H-8309, to House File 2716, as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "___ Page 1, by inserting before line 1 the
 6 following:
 7 "Section 1. NEW SECTION. 135N.1 TITLE.
 8 This chapter shall be known and may be cited as the
 9 "Patient Safety and Quality Assurance Act".
 10 Sec. 2. NEW SECTION. 135N.2 DEFINITIONS.
 11 As used in this chapter:
 12 1. "Action plan" means a written plan prepared
 13 after a root cause analysis that identifies strategies
 14 that a health care provider intends to implement to
 15 reduce the risk and reoccurrence of actual and
 16 potential risks to patient safety. The plan shall
 17 address health care provider responsibility for
 18 implementation, oversight, pilot testing as
 19 appropriate, timelines, and strategies for measuring
 20 the effectiveness of the actions.
 21 2. "Health care provider" means a physician or
 22 surgeon, osteopath, osteopathic physician or surgeon,
 23 dentist, podiatric physician, optometrist, pharmacist,
 24 chiropractor, or nurse licensed in this state, a
 25 hospital licensed pursuant to chapter 135B, or a
 26 health care facility licensed pursuant to chapter
 27 135C.
 28 3. "Health care provider leaders" means a health
 29 care provider, executive, physician as defined in
 30 section 135C.1, registered or licensed practical nurse
 31 or nurse practitioner, or health care provider
 32 administrator.
 33 4. "Quality assessment and assurance activities"
 34 means the procedure by which a quality assessment and
 35 assurance committee monitors, evaluates, recommends,
 36 and implements actions to improve and assure the

37 delivery and quality of services and patient safety
38 through identification, correction, and prevention of
39 sentinel events.
40 5. "Quality assessment and assurance committee"
41 means a committee of a health care provider consisting
42 of individuals responsible for the identification of
43 sentinel events that may adversely impact the health
44 and safety of patients, and for the development of
45 root cause analyses, action plans, and other plans to
46 correct identified quality of care issues. The
47 quality assessment and assurance committee shall
48 include health care provider leaders, including but
49 not limited to the health care provider administrator
50 and the director of nursing.

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1 6. "Quality assessment and assurance committee
2 records" means complaint files, investigation files,
3 reports, and other investigative information relating
4 to licensee discipline or professional competence in
5 the possession of a quality assessment and assurance
6 committee or an employee of the committee.
7 7. "Risk of death or serious injury" means any
8 variation in a process related to quality of care or
9 patient safety which may result in a serious adverse
10 outcome.
11 8. "Root cause analysis" means the process for
12 identifying causal factors that relate to any
13 variation in the delivery and quality of services and
14 patient safety, including the occurrence or possible
15 occurrence of a sentinel event. A root cause analysis
16 focuses primarily on systems and processes, and not on
17 individual performances.
18 9. "Sentinel event" means an unexpected occurrence
19 resulting in the death or serious physical or
20 psychological injury of a patient of a health care
21 provider, or a risk of death or serious physical or
22 psychological injury to a patient of a health care
23 provider.
24 10. "Unanticipated outcome" means a result that
25 differs significantly from what was anticipated to be
26 the result of a treatment or procedure, including an
27 outcome caused by an error of an employee of a health
28 care provider or an independent practitioner who
29 provides medical services at a health care provider's
30 facility.

31 Sec. 3. **NEW SECTION. 135N.3 ACCOUNTABILITY OF**
32 **HEALTH CARE PROVIDER LEADERS.**

33 The health care provider leaders, including the
34 health care provider administrator and director of
35 nursing, and the quality assessment and assurance

36 committee, are responsible for all of the following:
37 1. Assuring the implementation of an integrated
38 patient safety program throughout the health care
39 provider facility. The patient safety program shall
40 include, at a minimum, all of the following:
41 a. A designation of one or more qualified
42 individuals or an interdisciplinary group to manage
43 the health care provider safety program.
44 b. A definition of the scope of the program
45 activities, including the types of occurrences to be
46 addressed.
47 c. A procedure for immediate response to medical
48 or health care errors or patient abuse, including care
49 of an affected patient, containment of risk to others,
50 and the preservation of factual information for

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1 subsequent analysis.
2 d. A system for internal and external reporting of
3 information relating to medical and health care errors
4 or patient abuse.
5 e. A defined mechanism for support of staff
6 involved in a sentinel event.
7 f. An annual report to the department of
8 inspections and appeals concerning medical or health
9 care errors and patient neglect or abuse, and actions
10 taken to improve patient safety, both proactively and
11 in response to actual occurrences.
12 2. Defining and implementing processes for
13 identifying and managing sentinel events, including
14 establishing processes for the identification,
15 reporting, analysis, and prevention of sentinel events
16 and assuring the consistent and effective
17 implementation of a mechanism to accomplish those
18 activities.
19 3. Establishing a continuous proactive program for
20 identifying risks to patient safety and reducing
21 medical and health care errors and patient neglect or
22 abuse.
23 4. Allocating adequate resources for measuring,
24 assessing, and improving patient safety.
25 5. Assigning personnel to participate in
26 activities to improve patient safety and providing
27 adequate time for personnel to participate in such
28 activities.
29 6. Providing staff training on the improvement of
30 patient safety.
31 7. Allocating physical and financial resources to
32 support safety improvement.
33 8. Analyzing undesirable patterns or trends in
34 staff performance and sentinel events.

35 9. Assuring the health care provider identifies
 36 changes for improved patient safety.
 37 Sec. 4. NEW SECTION. 135N.4 PATIENT RIGHTS AND
 38 DUTY OF DISCLOSURE.
 39 1. Patients and their immediate families have a
 40 right to know about the quality of care outcomes
 41 involved in patient care, including unanticipated
 42 outcomes and sentinel events.
 43 2. The health care provider leaders shall fully
 44 disclose all of the facts and circumstances relating
 45 to a sentinel event or an unanticipated outcome.
 46 Sec. 5. NEW SECTION. 135N.5 SENTINEL EVENT
 47 REPORTING.
 48 1. A health care provider involved in a sentinel
 49 event shall submit a root cause analysis and an action
 50 plan that describes the health care provider's risk

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1 reduction strategy and a strategy for evaluating the
 2 effectiveness of the risk reduction strategy to the
 3 department of inspections and appeals.
 4 2. A root cause analysis shall contain an analysis
 5 focusing primarily on systems and processes involved
 6 in quality of care and patient safety which includes
 7 changes that may be made to such systems and
 8 processes, and shall be thorough, credible, and
 9 acceptable as defined by industry standards.
 10 Sec. 6. NEW SECTION. 135N.6 CONFIDENTIALITY OF
 11 RECORDS.
 12 1. Quality assessment and assurance committee
 13 records shall be confidential and privileged and shall
 14 not be subject to discovery or subpoena.
 15 2. Information or documents discoverable from
 16 sources other than a quality assessment and assurance
 17 committee, a health care provider, or the department
 18 of inspections and appeals do not become
 19 nondiscoverable from the other sources because they
 20 are subject to a claim of confidentiality under this
 21 section."
 22 2. By renumbering as necessary.

R. OLSON of Polk

H-8337

1 Amend House File 2634 as follows:
 2 1. Page 1, line 1, by inserting before the word
 3 "FINDINGS" the following: "NEW SECTION. 171.1".
 4 2. Page 1, by inserting after line 11 the
 5 following:
 6 "___ Feral swine damage or destroy cropland and

7 row crops, including but not limited to corn and
8 soybeans."

9 3. Page 1, line 25, by striking the figure
10 "171.5" and inserting the following: "171.6".

11 4. Page 1, line 26, by striking the figure
12 "171.1" and inserting the following: "171.2".

13 5. Page 1, by inserting after line 31 the
14 following:

15 "___." "Custody or control" means any of the
16 following:

17 a. Keeping swine in a manner that prevents the
18 release or escape of the swine from containment at all
19 times, including keeping swine for breeding, growing,
20 or transport.

21 b. Using due diligence to return escaped swine to
22 containment and in compliance with any applicable
23 fencing requirements."

24 6. By striking page 1, line 35, through page 2,
25 line 2, and inserting the following:

26 "___." "Feral swine" means swine that is currently
27 or has been out of the custody and control of the
28 swine's owner or that has no owner, including but not
29 limited to swine of either sex commonly known as
30 Russian boar or European boar, and that is not being
31 raised solely for personal consumption or marketing
32 through established livestock auctions or slaughter
33 plants. "Feral swine" includes swine, whether or not
34 the swine is in containment, that has been released
35 for the purpose of hunting or to breed and live
36 freely."

37 7. Page 2, line 19, by striking the figure
38 "171.4" and inserting the following: "171.5".

39 8. Page 2, by striking line 20 and inserting the
40 following:

41 "___." "Take" means to kill or injure a feral
42 swine".

43 9. Page 2, line 22, by striking the figure
44 "171.2" and inserting the following: "171.3".

45 10. Page 3, line 11, by striking the figure
46 "171.3" and inserting the following: "171.4".

47 11. Page 3, line 31, by striking the words
48 "control or custody" and inserting the following:
49 "custody or control".

50 12. Page 3, line 34, by striking the figure

Page 2

1 "171.4" and inserting the following: "171.5".

2 13. Page 5, line 6, by striking the figure
3 "171.5" and inserting the following: "171.6".

4 14. Page 5, line 8, by inserting after the word
5 "into" the following: "or within".

- 6 15. Page 5, by inserting after line 8 the
7 following:
8 "___ Release or allow the escape of swine from
9 the person's custody or control except when the person
10 has exercised due diligence in maintaining the swine
11 in containment or to return the swine to containment."
12 16. Page 5, line 17, by striking the figure
13 "171.6" and inserting the following: "171.7".
14 17. Page 5, line 20, by striking the figure
15 "171.5" and inserting the following: "171.6".
16 18. Page 5, line 24, by striking the figure
17 "171.7" and inserting the following: "171.8".
18 19. Page 5, by striking line 26 and inserting the
19 following: "A person".
20 20. Page 5, line 27, by striking the figure
21 "171.5" and inserting the following: "171.6".
22 21. Page 5, line 30, by inserting after the word
23 "investigative" the following: "and eradivative".
24 22. Page 5, line 31, by inserting after the word
25 "authority." the following: "The amount of the
26 indemnification shall not exceed ten thousand dollars
27 for each swine involved in the violation."
28 23. Page 5, line 33, by inserting after the word
29 "investigation" the following: "or eradication".
30 24. Page 5, line 35, by inserting after the word
31 "investigation" the following: "or eradication".
32 25. Page 6, line 4, by striking the figure
33 "171.5" and inserting the following: "171.6".
34 26. Page 6, line 10, by striking the figure
35 "171.8" and inserting the following: "171.9".
36 27. Page 6, by striking line 12 and inserting the
37 following:
38 "If a person is".
39 28. Page 6, line 13, by striking the figure
40 "171.5" and inserting the following: "171.6".
41 29. Page 6, line 18, by striking the figure
42 "171.9" and inserting the following: "171.10".
43 30. Page 6, line 24, by striking the figure
44 "171.10" and inserting the following: "171.11".
45 31. Page 6, line 24, by striking the word "OF"
46 and inserting the following: "OR CAPTURING".
47 32. Page 6, line 26, by inserting after the word
48 "take" the following: "or capture".
49 33. Page 6, by striking lines 30 and 31 and
50 inserting the following:

Page 3

- 1 "2. If the authorized department or local
2 authority has credible reason to believe that feral
3 swine is on land, the authorized department or local".
4 34. Page 7, line 3, by striking the figure

- 5 "171.11" and inserting the following: "171.12".
6 35. Page 7, line 15, by inserting after the word
7 "swine" the following: "except pursuant to the
8 approval of an authorized department or a local
9 authority".
10 36. Page 8, line 4, by striking the figure
11 "171.5" and inserting the following: "171.6".
12 37. Page 8, line 11, by striking the figure
13 "171.5" and inserting the following: "171.6".
14 38. Page 8, by inserting after line 11 the
15 following:
16 "Sec.____. EFFECTIVE DATE. This Act, being deemed
17 of immediate importance, takes effect upon enactment."
18 39. Title page, line 1, by striking the word
19 "and".
20 40. Title page, line 2, by inserting after the
21 word "penalties" the following: ", and providing an
22 effective date".
23 41. By renumbering as necessary.

GREINER of Washington

H-8340

- 1 Amend House File 2634 as follows:
2 1. Page 5, line 13, by striking the figure "2."
3 and inserting the following: "____. a."
4 2. Page 5, by inserting after line 16, the
5 following:
6 "b. A person who violates subsection 1 shall not
7 be eligible to hold a license, certificate, or permit
8 to hunt, fish, or trap in this state as provided in
9 section 481A.138."
10 3. Page 7, by inserting after line 22, the
11 following:
12 "Sec.____. NEW SECTION. 481A.138 VIOLATIONS OF
13 PROVISIONS RELATING TO FERAL SWINE.
14 A person who is convicted of violating section
15 171.5 shall immediately surrender all licenses,
16 certificates, and permits to hunt, fish, or trap in
17 the state to the department. The person shall not be
18 eligible to obtain a license, permit, or certificate
19 or enjoy the privileges associated with such license,
20 permit, or certificate for twenty years following the
21 person's conviction."
22 4. By renumbering as necessary.

WHITAKER of Van Buren

H-8341

1 Amend House File 2658 as follows:

2 1. Page 1, by striking lines 8 through 12, and
 3 inserting the following: "Relative to the request for
 4 joint physical care, the court shall consider the
 5 specific circumstances of the parties before the court
 6 including the living situation of each parent, the
 7 ability of each parent to meet the needs of the child
 8 including the psychological needs of the child, the
 9 history of each parent in offering or providing
 10 financial support to the child, any criminal record or
 11 history of domestic or child abuse involving either
 12 parent, and any other factor deemed relevant by the
 13 court. Prior to ruling on the request for the".

FORD of Polk

H-8342

1 Amend House File 2634 as follows:

2 1. Page 7, by inserting after line 22 the
 3 following:
 4 "Sec.____. NEW SECTION. 171.12 SCHEDULE OF HUNTS
 5 - PENALTY.
 6 1. A person maintaining custody or control of
 7 feral swine on land as part of a business which
 8 provides persons with the opportunity to hunt the
 9 feral swine shall not provide for a hunt of the feral
 10 swine if the person sold or offered to sell the hunt,
 11 or scheduled a date or time for the hunt, on or after
 12 March 1, 2006.
 13 2. A person maintaining custody or control of
 14 feral swine on land as part of a business which
 15 provides persons with the opportunity to hunt the
 16 feral swine shall report the schedule of all hunts of
 17 the feral swine to the department not later than May
 18 15, 2006, according to procedures required by the
 19 department.
 20 3. A person who violates this section is subject
 21 to a civil penalty of not more than one thousand
 22 dollars.
 23 4. This section is repealed on July 1, 2007."
 24 2. Page 8, by inserting after line 11 the
 25 following:
 26 "Sec.____. EFFECTIVE DATE. The section of this
 27 Act creating section 171.12, being deemed of immediate
 28 importance, takes effect upon enactment."
 29 3. Title page, lines 1 and 2, by striking the
 30 words "and providing penalties" and inserting the
 31 following: "providing penalties, and providing an

32 effective date".

33 4. By renumbering as necessary.

MERTZ of Kossuth

H-8344

1 Amend House File 2622 as follows:

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

4 "Sec. ____ Section 256.7, Code Supplement 2005, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 27. Adopt rules establishing
7 proficiency levels and definitions for students at
8 grade levels four, eight, and eleven for reading and
9 mathematics and at grade levels eight and eleven for
10 science.

11 Sec. ____ NEW SECTION. 279.63 PROFICIENCY LEVELS
12 AND DEFINITIONS.

13 The board of directors of a school district shall
14 publish on the school district's web page the
15 proficiency levels and definitions established by the
16 state board of education pursuant to section 256.7,
17 subsection 27; and shall include the proficiency
18 levels and definitions in all academic reports
19 submitted to the parents and guardians of students
20 enrolled in the school district and to the local
21 community, as well as the web address to the school
22 district web page containing the proficiency levels
23 and definitions."

24 2. Title page, line 1, by striking the word
25 "establishing" and inserting the following: "relating
26 to the establishment of".

27 3. By renumbering as necessary.

TYMESON of Madison

H-8345

1 Amend House File 2710 as follows:

2 1. Page 1, line 34, by striking the word "and".

3 2. Page 1, line 35, by striking the words "and
4 community leaders" and inserting the following:
5 "community leaders, and two youth representatives with
6 one representative a current high school student and
7 one representative a recent high school dropout".

FORD of Polk

H-8346

1 Amend House File 2710 as follows:

2 1. Page 1, line 35, by inserting after the word

3 "leaders." the following: "In selecting members of
4 the task force, the department shall include
5 individuals reflecting a variety of ethnic and racial
6 minorities in the state."

FORD of Polk

H-8350

1 Amend the amendment, H-8337, to House File 2634 as
2 follows:
3 1. Page 1, by striking lines 26 through 36, and
4 inserting the following:
5 ""_. "Feral swine" means swine, including a
6 Russian boar or European wild boar, that does not have
7 an easily discernible ear tag affixed in either ear of
8 the swine or other form of conspicuous identification
9 and that is roaming freely on private land or public
10 land without the landowner's consent.""
11 2. By renumbering as necessary.

HORBACH of Tama

H-8351

1 Amend House File 2634 as follows:
2 1. By striking page 1, line 35, through page 2,
3 line 2, and inserting the following:
4 ""_. "Feral swine" means swine, including a
5 Russian boar or European wild boar, that does not have
6 an easily discernible ear tag affixed in either ear of
7 the swine or other form of conspicuous identification
8 and that is roaming freely on private land or public
9 land without the landowner's consent."
10 2. By renumbering as necessary.

HORBACH of Tama

H-8352

1 Amend House File 2753 as follows:
2 1. Page 4, by striking lines 33 and 34 and
3 inserting the following: "that issued the permit to
4 carry a weapon recognizes such permits issued in Iowa
5 and has weapons permit requirements that are as strict
6 as the requirements of this state as determined by the
7 commissioner of public safety."
8 2. By renumbering as necessary.

SHOULTZ of Black Hawk
HOGG of Linn

H-8353

- 1 Amend House File 2658 as follows:
2 1. Page 1, by striking lines 8 through 12 and
3 inserting the following: "Prior to ruling on the
4 request for the".

CARROLL of Poweshiek

H-8356

- 1 Amend Senate File 2320, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 256.11, subsection 5, Code
6 Supplement 2005, is amended by adding the following
7 new paragraph:
8 NEW PARAGRAPH. k. One-half unit of personal
9 finance literacy, the curriculum of which shall
10 include but not be limited to the use of common
11 banking instruments such as checking accounts; credit;
12 debit cards; compound interest; mortgage, auto, and
13 personal loans; investment basics, including stocks,
14 bonds, and index funds; credit scores; budgeting;
15 saving and debt management; retirement planning and
16 savings; and insurance. All students shall complete
17 at least one-half unit of personal finance literacy as
18 a condition of graduation."
19 2. Page 3, by inserting after line 23 the
20 following:
21 "Sec. _____. EFFECTIVE DATE. The section of this
22 Act amending section 256.11 takes effect July 1,
23 2007."
24 3. Title page, line 1, by inserting after the
25 word "to" the following: "school district education
26 curricula, by providing for".
27 4. Title page, line 3, by inserting after the
28 word "committee" the following: "and requiring that
29 the educational program include coursework in personal
30 finance literacy, and providing an effective date".
31 5. By renumbering as necessary.

PETTENGILL of Benton
KRESSIG of Black Hawk
REICHERT of Muscatine

H-8357

- 1 Amend House File 2636 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:

- 4 "Section 1. Section 256.11, subsection 5, Code
 5 Supplement 2005, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. k. One-half unit of personal
 8 finance literacy, the curriculum of which shall
 9 include but not be limited to the use of common
 10 banking instruments such as checking accounts; credit;
 11 debit cards; compound interest; mortgage, auto, and
 12 personal loans; investment basics, including stocks,
 13 bonds, and index funds; credit scores; budgeting;
 14 saving and debt management; retirement planning and
 15 savings; and insurance. All students shall complete
 16 at least one-half unit of personal finance literacy as
 17 a condition of graduation."
 18 2. Page 3, by inserting after line 23 the
 19 following:
 20 "Sec. _____. EFFECTIVE DATE. The section of this
 21 Act amending section 256.11 takes effect July 1,
 22 2007."
 23 3. Title page, line 1, by inserting after the
 24 word "to" the following: "school district education
 25 curricula, by providing for".
 26 4. Title page, line 3, by inserting after the
 27 word "committee" the following: "and requiring that
 28 the educational program include coursework in personal
 29 finance literacy, and providing an effective date".
 30 5. By renumbering as necessary.

PETTENGILL of Benton
 KRESSIG of Black Hawk
 REICHERT of Muscatine

H-8358

- 1 Amend the amendment, H-8337, to House File 2634 as
 2 follows:
 3 1. Page 1, by striking lines 30 through 36 and
 4 inserting the following: "Russian boar or European
 5 boar."
 6 2. Page 1, line 41, by striking the word "injure"
 7 and inserting the following: "attempt to kill".
 8 3. Page 1, by inserting after line 46 the
 9 following:
 10 "____. Page 3, by striking lines 28 and 29 and
 11 inserting the following: "evidence of ownership."
 12 4. Page 1, by inserting after line 49 the
 13 following:
 14 "____. Page 3, by striking lines 32 and 33 and
 15 inserting the following: "responsible party."
 16 5. Page 3, by inserting after line 9 the
 17 following:
 18 "____. Page 7, by inserting after line 22 the

19 following:

20 "Sec.____. NEW SECTION. 171.12 FERAL SWINE
21 INDEMNITY FUND.

22 1. A feral swine indemnity fund is created as a
23 separate fund in the state treasury under the control
24 of the department. The general fund of the state is
25 not liable for claims presented against the indemnity
26 fund.

27 2. a. The feral swine indemnity fund consists of
28 any moneys appropriated by the general assembly and
29 any other moneys available to and obtained or accepted
30 by the department from the federal government or
31 private sources for placement in the fund.
32 Notwithstanding section 12C.7, subsection 2, interest
33 or earnings on moneys deposited in the fund shall be
34 credited to the fund.

35 3. The moneys deposited in the feral swine
36 indemnity fund are appropriated to the department
37 exclusively for paying claims of persons who purchased
38 feral swine on or before the effective date of this
39 Act for purposes of maintaining custody or control of
40 the feral swine on land as part of a business, if the
41 business's purpose is to do any of the following:

42 a. Provide persons with the opportunity to hunt
43 the feral swine on the land.

44 b. Breed the swine for transfer to a person
45 described in paragraph "a".

46 4. In order to be eligible to file a claim for
47 indemnification, a person shall do all of the
48 following:

49 a. File an application, including supporting
50 documentation, with the department as required by the

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1 department pursuant to procedures established by the
2 department. The application shall state the amount of
3 the claim. The application shall be filed with the
4 department not later than August 1, 2006.

5 b. Relinquish custody or control of the feral
6 swine to an authorized department or a local
7 authority, as required by the department of
8 agriculture and land stewardship.

9 5. The department shall determine the validity of
10 a claim which is submitted by an eligible person as
11 part of the application for indemnification as
12 provided in this section. The dollar value of a claim
13 is one dollar per pound for each feral swine which the
14 person relinquishes custody or control of to an
15 authorized department or a local authority as provided
16 in this section.

17 6. Upon a determination that the amount claimed in

18 a person's application is valid, the department shall
19 provide for payment of one hundred percent of the
20 amount claimed. The department shall pay all valid
21 claims not later than September 15, 2006. If the
22 department determines that there are insufficient
23 moneys in the feral swine indemnity fund to fully
24 satisfy the amounts claimed in valid applications
25 submitted by all eligible persons, the department
26 shall prorate the amount paid to all eligible persons.

27 7. A person's submission of an application under
28 this section constitutes a waiver of any further claim
29 by the person against the state regarding the feral
30 swine.

31 8. This section is repealed on September 16, 2006.
32 Any moneys remaining in the feral swine indemnity fund
33 on that date shall be distributed as follows:

34 a. The amount of moneys which were contributed to
35 the fund by persons other than a state or federal
36 government source shall be refunded to the respective
37 persons. If the department determines that there are
38 insufficient moneys in the fund to fully satisfy the
39 amounts for refunds to all persons, the department
40 shall prorate the amount of refunds paid to those
41 persons based on their contributions.

42 b. Any remaining moneys that were appropriated by
43 a state or federal government source shall be repaid
44 to that source. If the department determines that
45 there are insufficient moneys in the fund to fully
46 satisfy the amounts for repayments to these sources,
47 the department shall prorate the amounts repaid to
48 those sources based on the amounts appropriated.

49 9. This section does not imply any guarantee or
50 obligation on the part of the state of Iowa, the

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1 department of agriculture and land stewardship, or any
2 state agency, employee, or official, either elective
3 or appointive.""

4 6. Page 3, by inserting after line 15 the
5 following:

6 ""Sec.____. ADOPTION OF RULES. The department of
7 agriculture and land stewardship shall adopt all rules
8 necessary to administer this Act by July 1, 2006. If
9 the department adopts the rules pursuant to section
10 17A.4, subsection 2, and section 17A.5, subsection 2,
11 it shall immediately readopt the rules as provided in
12 section 17A.4, subsection 1, and section 17A.5,

13 subsection 1."
 14 7. By renumbering as necessary.

GREINER of Washington
 WHITAKER of Van Buren

H-8362

1 Amend the amendment, H-8349, to Senate File 2183,
 2 as passed by the Senate, as follows:
 3 1. Page 2, by striking lines 6 through 11 and
 4 inserting the following: "this subsection. For the
 5 fiscal period".
 6 2. Page 3, line 2, by striking the word and
 7 figure "subsection 2B" and inserting the following:
 8 "subsections 2 and 2B".
 9 3. Page 3, by striking lines 10 through 12 and
 10 inserting the following: "certification until one
 11 year following the publication of the 2010 federal
 12 census. Any state or local".

STRUYK of Pottawattamie

H-8364

1 Amend Senate File 2346, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by inserting after line 18 the
 4 following:
 5 "Sec. ____ . Section 321.284, Code 2005, is amended
 6 to read as follows:
 7 321.284 OPEN CONTAINERS IN MOTOR VEHICLES –
 8 DRIVERS.
 9 1. A driver of a motor vehicle upon a public
 10 street or highway shall not possess in the passenger
 11 area of the motor vehicle an open or unsealed bottle,
 12 can, jar, or other receptacle containing an alcoholic
 13 beverage. "Passenger area" means the area designed to
 14 seat the driver and passengers while the motor vehicle
 15 is in operation and any area that is readily
 16 accessible to the driver or a passenger while in their
 17 seating positions, including the glove compartment.
 18 An open or unsealed receptacle containing an alcoholic
 19 beverage may be transported in the trunk of the motor
 20 vehicle. An unsealed receptacle containing an
 21 alcoholic beverage may be transported behind the last
 22 upright seat of the motor vehicle if the motor vehicle
 23 does not have a trunk. A person convicted of a
 24 violation of this ~~section~~ subsection is guilty of a
 25 simple misdemeanor punishable as a scheduled violation
 26 under section 805.8A, subsection 14, paragraph "e".
 27 2. a. A peace officer shall make a reasonable

28 effort to identify a person under the age of eighteen
29 who violates subsection 1 and, if the person is not
30 referred to juvenile court, the law enforcement agency
31 of which the peace officer is an employee shall make a
32 reasonable attempt to notify the person's custodial
33 parent or legal guardian of the violation, whether or
34 not the person is taken into custody, unless the
35 officer has reasonable grounds to believe that
36 notification is not in the best interests of the
37 person or will endanger that person.
38 b. The peace officer shall also make a reasonable
39 effort to identify the elementary or secondary school
40 which the person attends if the person is enrolled in
41 elementary or secondary school and to notify the
42 superintendent or the superintendent's designee of the
43 school which the person attends, or the authorities in
44 charge of the nonpublic school which the person
45 attends, of the violation. If the person is taken
46 into custody, the peace officer shall notify a
47 juvenile court officer who shall make a reasonable
48 effort to identify the elementary or secondary school
49 the person attends, if any, and to notify the
50 superintendent of the school district or the

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1 superintendent's designee, or the authorities in
2 charge of the nonpublic school, of the violation. A
3 reasonable attempt to notify the person includes but
4 is not limited to a telephone call or notice by first-
5 class mail.

6 Sec. ___. Section 321.284A, Code 2005, is amended
7 to read as follows:

8 321.284A OPEN CONTAINERS IN MOTOR VEHICLES –
9 PASSENGERS.

10 1. a. A passenger in a motor vehicle upon a
11 public street or highway shall not possess in the
12 passenger area of the motor vehicle an open or
13 unsealed bottle, can, jar, or other receptacle
14 containing an alcoholic beverage. "Passenger area"
15 means the area of a motor vehicle designed to seat the
16 driver and passengers while the motor vehicle is in
17 operation and any area that is readily accessible to
18 the driver or a passenger while in their seating
19 positions, including the glove compartment. An open
20 or unsealed receptacle containing an alcoholic
21 beverage may be transported in the trunk of the motor
22 vehicle. An unsealed receptacle containing an
23 alcoholic beverage may be transported behind the last
24 upright seat of the motor vehicle if the motor vehicle
25 does not have a trunk.

26 2. b. This section subsection does not apply to a

27 passenger being transported in a motor vehicle
 28 designed, maintained, or used primarily for the
 29 transportation of persons for compensation, or a
 30 passenger being transported in the living quarters of
 31 a motor home, manufactured or mobile home, travel
 32 trailer, or fifth-wheel travel trailer.

33 3. c. A person convicted of a violation of this
 34 ~~section~~ subsection is guilty of a simple misdemeanor
 35 punishable as a scheduled violation under section
 36 805.8A, subsection 14, paragraph "e".

37 4. d. The department shall not include a
 38 conviction for a violation of this ~~section~~ subsection
 39 on the individual driving record of the person
 40 committing the violation and the conviction shall not
 41 be considered by the department in any proceeding for
 42 suspension, revocation, barring, or denying of the
 43 person's driver's license or upon any application for
 44 renewal of driving privileges.

45 2. a. A peace officer shall make a reasonable
 46 effort to identify a person under the age of eighteen
 47 who violates subsection 1 and, if the person is not
 48 referred to juvenile court, the law enforcement agency
 49 of which the peace officer is an employee shall make a
 50 reasonable attempt to notify the person's custodial

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1 parent or legal guardian of the violation, whether or
 2 not the person is taken into custody, unless the
 3 officer has reasonable grounds to believe that
 4 notification is not in the best interests of the
 5 person or will endanger that person.

6 b. The peace officer shall also make a reasonable
 7 effort to identify the elementary or secondary school
 8 which the person attends if the person is enrolled in
 9 elementary or secondary school and to notify the
 10 superintendent or the superintendent's designee of the
 11 school which the person attends, or the authorities in
 12 charge of the nonpublic school which the person
 13 attends, of the violation. If the person is taken
 14 into custody, the peace officer shall notify a
 15 juvenile court officer who shall make a reasonable
 16 effort to identify the elementary or secondary school
 17 the person attends, if any, and to notify the
 18 superintendent of the school district or the
 19 superintendent's designee, or the authorities in
 20 charge of the nonpublic school, of the violation. A
 21 reasonable attempt to notify the person includes but
 22 is not limited to a telephone call or notice by first-
 23 class mail."

24 2. Page 7, by inserting after line 15 the
 25 following:

26 "Sec.____. Section 805.8A, subsection 14,
 27 paragraph e, Code Supplement 2005, is amended to read
 28 as follows:
 29 e. OPEN CONTAINER VIOLATIONS. For violations
 30 under sections section 321.284, subsection 1, and
 31 section 321.284A, subsection 1, the scheduled fine is
 32 one hundred dollars."
 33 3. Title page, line 3, by inserting after the
 34 word "age," the following: "providing for parental
 35 and school notification regarding open container
 36 violations committed by persons under age eighteen."
 37 4. By renumbering as necessary.

ALONS of Sioux

H-8365

1 Amend House File 2761 as follows:
 2 1. Page 1, line 7, by striking the words "at
 3 least half of the amount of the full" and inserting
 4 the following: "the full amount of the".
 5 2. Page 1, by striking lines 25 through 28 and
 6 inserting the following: "school district that
 7 submitted claims as provided in subsection 3, from
 8 moneys appropriated to the department for this
 9 purpose, an amount up to the full amount of the
 10 advanced placement examination fees".
 11 3. Title page, lines 1 and 2, by striking the
 12 words "a portion of the advanced placement examination
 13 fee" and inserting the following: "the advanced
 14 placement fees".

MASCHER of Johnson

H-8366

1 Amend the amendment, H-8008, to the Senate
 2 amendment, H-1542, to House File 540, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, line 9, by inserting after the word
 5 "OFFICERS" the following: "OR OTHER EMERGENCY
 6 RESPONDERS".
 7 2. Page 1, line 12, by inserting after the word
 8 "officer" the following: "or other emergency
 9 responder".
 10 3. Page 1, line 13, by inserting after the word
 11 "officer's" the following: "or responder's".
 12 4. Page 1, line 14, by inserting after the word
 13 "officer's" the following: "or responder's".
 14 5. Page 1, line 17, by inserting after the word
 15 "vehicle" the following: "or during the responder's
 16 deployment on an emergency call. Such a certification

17 is effective only for the purposes of this section".

18 6. Page 1, line 22, by inserting after the word
19 "officer's" the following: "or responder's".

20 7. Page 1, line 24, by inserting after the word
21 "officer" the following: "or other emergency
22 responder".

23 8. Page 1, line 27, by inserting after the word
24 "officer" the following: "or other emergency
25 responder".

26 9. Page 1, line 28, by inserting after the word
27 "officer's" the following: "or responder's".

28 10. Page 1, by inserting after line 34, the
29 following:

30 "5. For the purposes of this section, "other
31 emergency responder" means a fire fighter certified as
32 a fire fighter I pursuant to rules adopted under
33 chapter 100B and trained in emergency driving or an
34 emergency medical responder certified under chapter
35 147A and trained in emergency driving."

36 _____. Title page, line 2, by inserting after the
37 word "officers" the following: "and other emergency
38 responders".

39 11. By renumbering as necessary.

THOMAS of Clayton

H-8367

1 Amend House File 2760 as follows:

2 1. Page 1, line 15, by striking the words
3 "twenty-five thousand five hundred" and inserting the
4 following: "thirty thousand".

5 2. Page 1, lines 21 and 22, by striking the words
6 "twenty-six thousand five hundred" and inserting the
7 following: "thirty-one thousand".

8 3. Page 1, line 23, by striking the words
9 "twenty-seven thousand five hundred" and inserting the
10 following: "thirty-two thousand".

MASCHER of Johnson

H-8368

1 Amend Senate File 367, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 26.

5 2. Page 2, by inserting before line 27, the
6 following:

7 "Sec. _____. Section 462A.5, subsection 1,
8 unnumbered paragraph 1, Code Supplement 2005, is
9 amended to read as follows:

10 The owner of each vessel required to be numbered by
11 this state shall register it every three years with
12 the department through the county recorder of the
13 county in which the owner resides, or, if the owner is
14 a nonresident, the owner shall register it in the
15 county in which such vessel is principally used. The
16 department shall develop and maintain an electronic
17 system for the registration of vessels pursuant to
18 this chapter. ~~The commission shall have supervisory~~
19 ~~responsibility over department shall establish forms~~
20 ~~and procedures as necessary for the registration of~~
21 ~~all vessels and shall provide each county recorder~~
22 ~~with registration forms and certificates and shall~~
23 ~~allocate identification numbers to each county.~~
24 Sec. _____. Section 462A.5, subsection 3, unnumbered
25 paragraph 2, Code Supplement 2005, is amended to read
26 as follows:

27 Every registration certificate and number issued
28 becomes delinquent at midnight April 30 of the last
29 calendar year of the registration period unless
30 terminated or discontinued in accordance with this
31 chapter. After January 1, 2007, an unregistered
32 vessel and a renewal of registration may be registered
33 for the three-year registration period beginning May 1
34 of that year. When unregistered vessels are
35 registered after May 1 of the second year of the
36 three-year registration period, such unregistered
37 vessels may be registered for the remainder of the
38 current registration period at ~~sixty-six percent two-~~
39 ~~thirds~~ of the appropriate registration fee. When
40 unregistered vessels are registered after May 1 of the
41 third year of the three-year registration period, such
42 unregistered vessels may be registered for the
43 remainder of the current registration period at
44 ~~thirty-three percent one-third~~ of the appropriate
45 registration fee."

46 3. Page 3, by inserting after line 19, the
47 following:

48 "Sec. _____. Section 462A.43, Code 2005, is amended
49 to read as follows:

50 462A.43 TRANSFER OF OWNERSHIP.

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1 Upon the transfer of ownership of any vessel, the
2 owner, except as otherwise provided by this chapter,
3 shall complete the form on the back of the
4 registration certificate and shall deliver it to the
5 purchaser or transferee at the time of delivering the
6 vessel. ~~All registrations must be valid for the~~
7 ~~current registration period prior to the transfer of~~
8 ~~any registration, including assignment to a dealer.~~

9 If a vessel has an expired registration at the time of
10 transfer, the transferee shall pay all applicable fees
11 for the current registration period, the appropriate
12 writing fee, and a penalty of five dollars, and a
13 transfer of number shall be awarded in the same manner
14 as provided for an original registration."

15 4. By striking page 3, line 20, through page 4,
16 line 5.

17 5. Title page, line 3, by striking the words
18 "modifying fees,".

Committee on Natural Resources

H-8369

1 Amend House File 2760 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:

4 "Sec. ___. DEPARTMENT OF EDUCATION – HIGH-RISK
5 TEACHER COMPENSATION GRANTS. There is appropriated
6 from the general fund of the state to the department
7 of education for the fiscal year beginning July 1,
8 2006, and ending June 30, 2007, the following amount,
9 or so much thereof as is necessary, to be used for the
10 purpose designated:

11 For high-risk teacher compensation grants to school
12 districts:

13 \$ 1,000,000

14 The department shall determine grant criteria for
15 the awarding of high-risk teacher compensation grants
16 to school districts on a competitive basis to pay
17 teachers who are employed by school districts in
18 attendance centers in high crime areas that have a
19 high incidence of police calls to the attendance
20 center and who have high numbers of student
21 suspensions. Individual teacher grant awards shall
22 not be more than \$5,000."

23 2. By renumbering as necessary.

FORD of Polk

H-8370

1 Amend House File 2760 as follows:

2 1. By striking page 1, line 24, through page 3,
3 line 20.

4 2. Title page, lines 2 and 3, by striking the
5 words "and creating a teacher shortage salary
6 supplement".

WISE of Lee

H-8372

1 Amend House File 2754 as follows:

2 1. Page 5, by inserting after line 12, the
3 following:

4 "Sec. ____ Section 214A.2, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 2B. a. Except as provided in
7 paragraph "b", a retail dealer shall not advertise for
8 sale, sell, or dispense gasoline other than ethanol
9 blended gasoline in this state.

10 b. A retail dealer may advertise for sale, sell,
11 or dispense gasoline, other than ethanol blended
12 gasoline, in this state if both of the following
13 apply:

14 (1) The gasoline is used to operate a motor which
15 powers any one of the following:

16 (a) An aircraft as defined in section 328.1.

17 (b) A motor vehicle used exclusively for motor
18 sports, including on a raceway, if the motor vehicle
19 cannot operate on a highway as provided in chapter 321
20 or rules adopted by the state department of
21 transportation.

22 (c) An antique vehicle registered under section
23 321.115.

24 (d) A snowmobile as defined in section 321G.1.

25 (e) An all-terrain vehicle as defined in section
26 321G.1.

27 (f) A watercraft as defined in section 462A.2.

28 (g) A lawnmower or other implement powered by a
29 small motor.

30 (2) The retail dealer does not use more than one
31 motor fuel pump located at a retail motor fuel site to
32 sell and dispense the gasoline."

33 2. Page 7, by inserting after line 24 the
34 following:

35 "Sec. ____ EFFECTIVE DATE. Section 214A.2,
36 subsection 2B, as enacted in this Act, takes effect
37 January 1, 2007."

38 3. Page 20, by striking lines 7 through 10, and
39 inserting the following: "section, if the taxpayer
40 claims an E-85 gasoline promotion tax credit as
41 provided in".

42 4. By striking page 20, line 17, through page 22,
43 line 29.

44 5. Page 24, by striking lines 9 through 13.

45 6. Page 24, line 14, by striking the word "b."
46 and inserting the following: "5."

47 7. Page 27, by striking lines 6 through 9, and
48 inserting the following: "subsection, if the taxpayer
49 claims an E-85 promotion tax credit as provided in
50 section".

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- 1 8. Page 27, line 17, by striking the word
- 2 "subsections" and inserting the following:
- 3 "subsection".
- 4 9. Page 27, by striking lines 18 through 33.
- 5 10. Page 28, by striking lines 32 and 33 and
- 6 inserting the following: "422.11O and 422.11P, as
- 7 enacted in this Act, and section 422.33, subsections
- 8 11B and 11C, as enacted in".
- 9 11. Page 29, by striking lines 16 through 29.
- 10 12. By striking page 30, line 34, through page
- 11 40, line 15.
- 12 13. Title page, line 5, by striking the words
- 13 "and excise taxes".
- 14 14. By renumbering as necessary.

SHOULTZ of Black Hawk
 KUHN of Floyd

H-8373

- 1 Amend House File 2759 as follows:
- 2 1. Page 1, by striking lines 3 through 23, and
- 3 inserting the following:
- 4 "a. For the fiscal period beginning July 1, ~~2005~~
- 5 2006, and ending June 30, 2015, there is appropriated
- 6 each fiscal year from the grow Iowa values fund
- 7 created in section 15G.108, to the department of
- 8 economic development ~~thirty five~~ thirty-three million
- 9 dollars for programs administered by the department of
- 10 economic development."
- 11 2. Page 1, line 27, by striking the figure "2009"
- 12 and inserting the following: "2015".
- 13 3. Page 1, line 33, by striking the figure "2009"
- 14 and inserting the following: "2015".

KUHN of Floyd

H-8374

- 1 Amend House File 2760 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "Sec.____. Section 261.111, subsections 4 and 5,
- 5 Code 2005, are amended to read as follows:
- 6 4. Forgivable loans to eligible students shall not
- 7 become due until after the student graduates or leaves
- 8 school. The individual's total loan amount, including
- 9 principal and interest, shall be reduced by twenty
- 10 percent for each year in which the individual remains
- 11 an Iowa resident and is employed in Iowa by a school

12 district or an accredited nonpublic school as a
 13 practitioner in the teacher shortage area for which
 14 the loan was approved. However, the individual's
 15 total loan amount, including principal and interest,
 16 shall be reduced by twenty-five percent for each year
 17 in which the individual remains an Iowa resident and
 18 is employed in Iowa by a school district or accredited
 19 nonpublic school as a practitioner if the individual
 20 is appropriately endorsed by the board of educational
 21 examiners and teaches mathematics or science for more
 22 than fifty percent of the individual's contracted
 23 time. If the commission determines that the person
 24 does not meet the criteria for forgiveness of the
 25 principal and interest payments, the commission shall
 26 establish a plan for repayment of the principal and
 27 interest over a ten-year period. If a person required
 28 to make the repayment does not make the required
 29 payments, the commission shall provide for payment
 30 collection.

31 5. The amount of a teacher shortage forgivable
 32 loan shall not exceed three thousand dollars annually,
 33 or the amount of the student's established financial
 34 need, whichever is less. However, if a student's
 35 major course of study is in mathematics or science
 36 leading to a baccalaureate or graduate degree, the
 37 amount of the teacher shortage forgivable loan shall
 38 not exceed five thousand dollars annually, or the
 39 amount of the student's established financial need,
 40 whichever is less."

41 2. By striking page 1, line 24, through page 3,
 42 line 20, and inserting the following:

43 "Sec. ___. Section 261.54, Code 2005, is
 44 repealed."

45 3. By renumbering as necessary.

MASCHER of Johnson

H-8375

1 Amend House File 2760 as follows:

2 1. Page 1, by inserting after line 23 the
 3 following:

4 "Sec. ___. Section 284.7, Code Supplement 2005, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 2A. The board of directors of a
 7 school district shall use the minimum salaries
 8 established pursuant to subsection 1 as the base
 9 salary generator for the teacher salary schedule
 10 adopted by the school board, unless the base salaries
 11 provided for under the school district's teacher
 12 salary schedule exceed the minimums established

- 13 pursuant to subsection 1."
 14 2. By renumbering as necessary.

MASCHER of Johnson

H-8378

- 1 Amend Senate File 98, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 1, by inserting after the word
 4 "Code" the following: "Supplement".
 5 2. By striking page 1, line 21, through page 2,
 6 line 6.
 7 3. By renumbering as necessary.

Committee on Ways and Means

H-8380

- 1 Amend Senate File 2272, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 12 the
 4 following:
 5 "Sec. ____ NEW SECTION. 256.24 TWENTY-FIRST
 6 CENTURY IOWA SCHOLARS PROGRAM AND FUND.
 7 1. PROGRAM - ELIGIBILITY. A twenty-first century
 8 Iowa scholars program is established to be
 9 administered by the department of education in
 10 consultation with the college student aid commission.
 11 A person who meets the following requirements is
 12 eligible for the program:
 13 a. Is a resident of Iowa and a citizen of the
 14 United States or a lawful permanent resident.
 15 b. Is a student enrolled in grade seven or grade
 16 eight in a school district or accredited nonpublic
 17 school in Iowa, and agrees in writing, on a document
 18 also signed by the student's parent or guardian, that
 19 the student will:
 20 (1) Graduate from a public or accredited nonpublic
 21 high school in Iowa whose curricula meets the
 22 admission criteria of a community college, an
 23 institution of higher learning under the control of
 24 the state board of regents, or an accredited private
 25 institution as defined in section 261.9.
 26 (2) Achieve a cumulative grade point average upon
 27 graduation of at least 2.0 on a 4.0 grading scale, or
 28 its equivalent if another grading scale is used, for
 29 courses taken by the student in grades nine through
 30 twelve.
 31 (3) Not illegally use controlled substances as
 32 defined in section 124.101.
 33 (4) Not use tobacco products.

- 34 (5) Not operate a motor vehicle while intoxicated
 35 as prohibited by section 321J.2 or 321J.2A.
- 36 (6) Not commit a delinquent act as defined in
 37 section 232.2; or become a runaway child as defined in
 38 section 710.8; or a truant, as defined in section
 39 299.8.
- 40 c. Is a child receiving foster care services paid
 41 for by the state under section 234.35 or funded in
 42 whole or in part under Title IV-E of the federal
 43 Social Security Act; or is a child eligible for free
 44 or reduced price meals under the federal National
 45 School Lunch Act and the federal Child Nutrition Act
 46 of 1966, 42 U.S.C. § 1751-1785.
- 47 d. Applies in a timely manner for admission to a
 48 community college, an institution of higher learning
 49 under the control of the state board of regents, or an
 50 accredited private institution as defined in section

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- 1 261.9 and is accepted for admission.
- 2 e. Applies in a timely manner for any federal and
 3 state student financial assistance available to the
 4 student to attend a community college, an institution
 5 of higher learning under the control of the state
 6 board of regents, or an accredited private institution
 7 as defined in section 261.9.
- 8 f. Files a new application, and parents'
 9 confidential statement, as applicable, annually on the
 10 basis of which the applicant's eligibility for a
 11 renewed scholarship will be evaluated and determined.
- 12 2. **FUND ESTABLISHED.** A twenty-first century Iowa
 13 scholars fund is created in the state treasury as a
 14 separate fund under the control of the department of
 15 education. All moneys deposited or paid into the fund
 16 are appropriated and made available to the department
 17 to be used for scholarships for students meeting all
 18 of the requirements of this section, including meeting
 19 the requirements agreed to in subsection 1, paragraph
 20 "b". The department shall deposit refunds paid to the
 21 department in accordance with subsection 3 into the
 22 twenty-first century Iowa scholars fund.
- 23 Notwithstanding section 8.33, any balance in the fund
 24 on June 30 of each fiscal year shall not revert to the
 25 general fund of the state, but shall be available for
 26 the purposes of this section in subsequent fiscal
 27 years. Scholarships awarded pursuant to this section
 28 shall not exceed the resident tuition rate and
 29 mandatory fees for the program of enrollment
 30 established for institutions of higher learning under
 31 the control of the state board of regents.

32 3. DISCONTINUATION OF ATTENDANCE – REMITTANCE.

33 If the department of education, with the assistance of
 34 the college student aid commission, finds that a
 35 student receiving a scholarship under the program
 36 discontinues attendance before the end of any academic
 37 period or has violated the agreement signed pursuant
 38 to subsection 1, but the discontinuance or violation
 39 of the agreement occurs after scholarship moneys have
 40 been paid for the academic period, the entire amount
 41 of any refund due the student, up to the amount of any
 42 payments made by the state, shall be remitted by the
 43 postsecondary institution to the department.

44 4. EXTENT OF SCHOLARSHIP. A qualified resident
 45 student in good standing at a community college, an
 46 institution of higher learning under the control of
 47 the state board of regents, or an accredited private
 48 institution as defined in section 261.9 may receive
 49 scholarships for not more than eight semesters of
 50 undergraduate study or the trimester or quarter

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1 equivalent if attending the institution on a full-time
 2 basis, or for not more than sixteen semesters of
 3 undergraduate study or the trimester or quarter
 4 equivalent if attending on a part-time basis. A
 5 qualified resident student may defer acceptance of
 6 scholarships awarded under this section for up to two
 7 years following the student's graduation from high
 8 school in order that the student may pursue military
 9 or other obligations.

10 5. MENTORING PROGRAMS OFFERED BY INSTITUTIONS.

11 Each community college, institution of higher learning
 12 under the control of the state board of regents, or
 13 accredited private institution which enrolls a student
 14 receiving a scholarship in accordance with this
 15 section shall develop a specific mentoring program to
 16 assist the scholarship recipients through
 17 particularized academic and social counseling.

18 6. RULES. The state board of education, in
 19 consultation with the college student aid commission,
 20 shall adopt rules to administer this section."

21 2. Page 22, by inserting before line 10 the
 22 following:

23 "Sec. ____. TWENTY-FIRST CENTURY IOWA SCHOLARS
 24 PROGRAM PROMOTION AND SUPPORT STUDY. The department
 25 of education, in consultation with the college student
 26 aid commission, shall conduct a study of the
 27 promotional and support components needed to make Iowa
 28 students who are potentially eligible for the twenty-
 29 first century Iowa scholars program aware of the
 30 program and enthusiastic about participating in the

31 program. The department shall also develop a plan to
 32 promote the program, provide information about the
 33 program and easy access to program forms and
 34 applications, and encourage participation in the
 35 program by potentially eligible students. The plan
 36 shall provide for a web page, special scholar
 37 publication, a toll-free telephone number, and the
 38 placement and utilization of up to fifteen regional
 39 program support sites. The regional support sites
 40 shall provide tutoring, mentoring, summer camps,
 41 cultural and arts outings, sports and recreational
 42 activities, college visits, career preparation, job
 43 shadowing, internships, study skills, literacy
 44 programs, newsletters, community service projects, and
 45 parent activities. The department, with the
 46 assistance of the commission, shall identify the
 47 amount anticipated to be necessary to provide funding
 48 for the scholarships, based on the results of the
 49 study and preliminary estimates of the number of
 50 eligible eighth grade pupils. The department shall

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1 submit its plan, findings, recommendations, and a
 2 fiscal analysis of the plan to the senate and house of
 3 representatives standing committees on education not
 4 later than December 15, 2006."
 5 3. By renumbering as necessary.

PETERSEN of Polk
 WISE of Lee
 HEDDENS of Story

H-8381

1 Amend Senate File 2358, 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 7E.5, subsection 1, paragraph
 6 m, Code Supplement 2005, is amended to read as
 7 follows:
 8 m. The department of education, created in section
 9 256.1, which has primary responsibility for
 10 supervising public education at the elementary and
 11 secondary levels and for supervising the community
 12 colleges and the state board of regents.
 13 Sec. 2. Section 7E.5, subsection 1, paragraph t,
 14 Code Supplement 2005, is amended to read as follows:
 15 t. In the area of higher education, an agency
 16 headed by the state board of regents and including all
 17 the institutions administered by the state board of
 18 regents, which has primary responsibility for state

19 involvement in higher education and which is
 20 established as part of the department of education.

21 Sec. 3. Section 15H.3, subsection 1, paragraph e,
 22 Code Supplement 2005, is amended to read as follows:

23 e. ~~The executive secretary~~ A representative of the
 24 state board of regents, ~~or the executive secretary's~~
 25 ~~designee~~ designated by the director of the department
 26 of education.

27 Sec. 4. Section 261.1, subsection 1, Code 2005, is
 28 amended to read as follows:

29 1. A member of the state board of regents to be
 30 named by the board, or the ~~secretary thereof~~ director
 31 of the department of education, if so appointed by the
 32 board, who shall serve for a four-year term or until
 33 the expiration of the member's term of office. Such
 34 member shall convene the organizational meeting of the
 35 commission.

36 Sec. 5. Section 262.1, Code 2005, is amended to
 37 read as follows:

38 262.1 MEMBERSHIP.

39 The state board of regents is established as part
 40 of the department of education consists of nine
 41 members, eight of whom shall be selected from the
 42 state at large solely with regard to their
 43 qualifications and fitness to discharge the duties of
 44 the office. The ninth member shall be a student
 45 enrolled on a full-time basis in good standing at
 46 either the graduate or undergraduate level at one of
 47 the institutions listed in section 262.7, subsection
 48 1, 2, or 3, at the time of the member's appointment.
 49 Not more than five members shall be of the same
 50 political party.

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1 Sec. 6. Section 262.7, subsection 1, Code 2005, is
 2 amended to read as follows:

3 1. The state university of Iowa, including the
 4 university of Iowa hospitals and clinics.

5 Sec. 7. Section 262.8, Code 2005, is amended to
 6 read as follows:

7 262.8 MEETINGS.

8 The board shall meet four times a year. Special
 9 meetings may be called by the board, by the president
 10 of the board, or by the ~~secretary of the board~~
 11 director of the department of education upon written
 12 request of any five members thereof.

13 Sec. 8. Section 262.11, Code 2005, is amended to
 14 read as follows:

15 262.11 RECORD – ACTS AFFECTING PROPERTY.

16 All acts of the board relating to the management,
 17 purchase, disposition, or use of lands and other

18 property of said institutions shall be entered of
 19 record, which shall show the members present, and how
 20 each voted upon each proposition. The board may, in
 21 its discretion, delegate to each university the
 22 authority to approve leases.

23 Sec. 9. Section 262.34A, Code 2005, is amended to
 24 read as follows:

25 262.34A BID REQUESTS AND TARGETED SMALL BUSINESS
 26 PROCUREMENT.

27 1. The state board of regents shall request bids
 28 and proposals for materials, products, supplies,
 29 provisions, and other needed articles to be purchased
 30 at public expense, from Iowa state industries as
 31 defined in section 904.802, subsection 2, when the
 32 articles are available in the requested quantity and
 33 at comparable prices and quality.

34 2. Notwithstanding section 73.16, subsection 2,
 35 the board may issue electronic bid notices for
 36 distribution to the targeted small business internet
 37 site through internet links to each of the regents
 38 institutions.

39 3. Notwithstanding section 73.17, the board shall
 40 notify the director of the department of economic
 41 development of regents institutions' targeted small
 42 business purchases on an annual basis.

43 Sec. 10. Section 262.58, Code 2005, is amended to
 44 read as follows:

45 262.58 RATES AND TERMS OF BONDS OR NOTES.

46 Such bonds or notes may bear such date or dates,
 47 may bear interest at such rate or rates, payable
 48 semiannually, may mature at such time or times, may be
 49 in such form, carry such registration privileges, may
 50 be payable at such place or places, may be subject to

Page 3

1 such terms of redemption prior to maturity with or
 2 without premium, if so stated on the face thereof, and
 3 may contain such terms and covenants all as may be
 4 provided by the resolution of the board authorizing
 5 the issuance of the bonds or notes. In addition to
 6 the estimated cost of construction, the cost of the
 7 project shall be deemed to include interest upon the
 8 bonds or notes during construction and for six months
 9 after the estimated completion date, the compensation
 10 of a fiscal agent or adviser, and engineering,
 11 administrative and legal expenses. Such bonds or
 12 notes shall be executed by the president of the state
 13 board of regents and attested by the ~~secretary thereof~~
 14 the director of the department of education and the
 15 coupons thereto attached shall be executed with the
 16 original or facsimile signatures of said president and

17 ~~secretary~~ director. Any bonds or notes bearing the
18 signatures of officers in office on the date of the
19 signing thereof shall be valid and binding for all
20 purposes, notwithstanding that before delivery thereof
21 any or all such persons whose signatures appear
22 thereon shall have ceased to be such officers. Each
23 such bond or note shall state upon its face the name
24 of the institution on behalf of which it is issued,
25 that it is payable solely and only from the net rents,
26 profits and income derived from the operation of
27 residence halls or dormitories, including dining and
28 other incidental facilities, at such institution as
29 hereinbefore provided, and that it does not constitute
30 a charge against the state of Iowa within the meaning
31 or application of any constitutional or statutory
32 limitation or provision. The issuance of such bonds
33 or notes shall be recorded in the office of the
34 treasurer of the institution on behalf of which the
35 same are issued, and a certificate by such treasurer
36 to this effect shall be printed on the back of each
37 such bond or note.

38 Sec. 11. Section 262A.6, Code 2005, is amended to
39 read as follows:

40 262A.6 FORM AND CONDITION OF BONDS.

41 Such bonds may bear such date or dates, may bear
42 interest at such rate or rates, payable semiannually,
43 may mature at such time or times, may be in such form
44 and denominations, may carry such registration
45 privileges, may be payable at such place or places,
46 may be subject to such terms of redemption prior to
47 maturity with or without premium, if so stated on the
48 face thereof, and may contain such terms and
49 covenants, including the establishment of reserves,
50 all as may be provided by the resolution of the board

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1 authorizing the issuance of the bonds. In addition to
2 the estimated cost of construction, including site
3 costs, the cost of the project may include interest
4 upon the bonds during construction and for six months
5 after the estimated completion date, the compensation
6 of a fiscal agent or adviser, engineering,
7 architectural, administrative and legal expenses and
8 provision for contingencies. Such bonds shall be
9 executed by the president of the state board of
10 regents and attested by the ~~executive secretary~~
11 director, secretary or other official thereof
12 performing the duties of ~~secretary~~ director, and the
13 coupons thereto attached shall be executed with the
14 original or facsimile signatures of said president,
15 ~~executive secretary~~ director, secretary or other

16 official; provided, however, that the facsimile
 17 signature of either of such officers executing such
 18 bonds may be imprinted on the face of the bonds in
 19 lieu of the manual signature of such officer, but at
 20 least one of the signatures appearing on the face of
 21 each bond shall be a manual signature. Any bonds
 22 bearing the signatures of officers in office on the
 23 date of the signing thereof shall be valid and binding
 24 for all purposes, notwithstanding that before delivery
 25 thereof any or all such persons whose signatures
 26 appear thereon shall have ceased to be such officers.
 27 Each such bond shall state upon its face the name of
 28 the institution on behalf of which it is issued, that
 29 it is payable solely and only from the student fees
 30 and charges and institutional income received by such
 31 institution as hereinbefore provided, and that it does
 32 not constitute a debt of or charge against the state
 33 of Iowa within the meaning or application of any
 34 constitutional or statutory limitation or provision.
 35 The issuance of such bonds shall be recorded in the
 36 office of the treasurer of the institution on behalf
 37 of which the same are issued, and a certificate by
 38 such treasurer to this effect shall be printed on the
 39 back of each such bond.

40 Sec. 12. Section 263A.4, Code 2005, is amended to
 41 read as follows:

42 263A.4 BONDS OR NOTES PROVISIONS.

43 Such bonds or notes may bear such date or dates,
 44 may bear interest at such rate or rates, payable
 45 semiannually, may mature at such time or times, may be
 46 in such form and denominations, carry such
 47 registration privileges, may be payable at such place
 48 or places, may be subject to such terms of redemption
 49 prior to maturity with or without premium, if so
 50 stated on the face thereof, and may contain such terms

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1 and covenants, including the establishment of
 2 reserves, all as may be provided by the resolution of
 3 the board authorizing the issuance of the bonds or
 4 notes. In addition to the estimated cost of
 5 construction, including site costs, the cost of the
 6 project may include interest upon the bonds or notes
 7 during construction and for six months after the
 8 estimated completion date, the compensation of a
 9 fiscal agent or adviser, engineering, architectural,
 10 administrative, and legal expenses and provision for
 11 contingencies. Such bonds or notes shall be executed
 12 by the president of the state board of regents and
 13 attested by the ~~executive secretary~~ director,
 14 secretary, or other official thereof performing the

15 duties of ~~secretary~~ director, and the coupons thereto
 16 attached shall be executed with the original or
 17 facsimile signatures of said president, ~~executive~~
 18 secretary director, secretary, or other official;
 19 provided, however, that the facsimile signature of
 20 either of such officers executing such bonds may be
 21 imprinted on the face of the bonds in lieu of the
 22 manual signature of such officer, but at least one of
 23 the signatures appearing on the face of each bond
 24 shall be a manual signature. Any bonds or notes
 25 bearing the signatures of officers in office on the
 26 date of the signing thereof shall be valid and binding
 27 for all purposes, notwithstanding that before delivery
 28 thereof any or all such persons whose signatures
 29 appear thereon shall have ceased to be such officers.
 30 Each such bond or note shall state upon its face the
 31 name of the institution on behalf of which it is
 32 issued, that it is payable solely and only from
 33 hospital income received by such institution as
 34 provided in this chapter, and that it does not
 35 constitute a debt of or charge against the state of
 36 Iowa within the meaning or application of any
 37 constitutional or statutory limitation or provision.
 38 The issuance of such bonds or notes shall be recorded
 39 in the office of the treasurer of the institution, and
 40 a certificate by such treasurer to this effect shall
 41 be printed on the back of each such bond or note.
 42 Sec. 12. Section 262.29, Code 2005, is repealed."
 43 2. Title page, line 1, by inserting before the
 44 word "administrative" the following: "establishment
 45 and".

PETTENGILL of Benton
 STRUYK of Pottawattamie
 QUIRK of Chickasaw

H-8383

1 Amend House File 2744, as follows:
 2 1. Page 6, by inserting after line 4 the
 3 following:
 4 "Sec. NEW SECTION. 459.203A SWINE FARROWING,
 5 AND GESTATING OPERATIONS – SPECIAL BIOSECURITY
 6 SEPARATION DISTANCES.
 7 1. A county board of supervisors may adopt a swine
 8 biosecurity ordinance requiring a separation distance
 9 in feet between an animal feeding operation
 10 maintaining swine and a structure which houses more
 11 than twenty-five animal units and is part of a swine
 12 farrowing and gestating operation located in the
 13 county. If the animal feeding operation or the
 14 structure is located in a different county, the joint
 15 boards of supervisors of the different counties may

16 adopt the biosecurity ordinance. On the effective
 17 date of the ordinance requiring a separation distance,
 18 except as provided in subsection 2 and section
 19 459.205, the animal feeding operation shall not be
 20 established or expanded within that separation
 21 distance.

22 2. a. An animal feeding operation established or
 23 expanded prior to the date that a separation distance
 24 became effective as provided in a biosecurity
 25 ordinance and which does not comply with the
 26 separation distance may continue to operate regardless
 27 of the separation distance requirement.

28 b. An animal feeding operation may be expanded
 29 within a separation distance required in a biosecurity
 30 ordinance if the expansion is in accordance with the
 31 terms and conditions of a variance granted by the
 32 county board of supervisors which adopted the
 33 biosecurity ordinance.

34 Sec. __. Section 459.205, subsection 3, Code
 35 2005, is amended to read as follows:

36 3. a. A confinement feeding operation structure
 37 which is constructed or expanded within any distance
 38 from ~~a~~ any of the following:

39 (1) A residence, educational institution,
 40 commercial enterprise, or bona fide religious
 41 institution, ~~city, or public use area,~~ if the
 42 residence, educational institution, commercial
 43 enterprise, or bona fide religious institution was
 44 constructed or expanded, ~~or the boundaries of the city~~
 45 ~~or public use area were expanded,~~ after the date that
 46 the confinement feeding operation was established.

47 (2) A city or public use area, if the boundaries
 48 of the city or public use area were expanded after the
 49 date that the confinement feeding operation was
 50 established.

Page 2

1 (3) A swine farrowing and gestating operation, if
 2 the swine farrowing and gestating operation was
 3 constructed or expanded after the date that the
 4 confinement feeding operation was established.

5 b. The date the confinement feeding operation was
 6 established is the date on which the confinement
 7 feeding operation commenced operating. A change in
 8 ownership or expansion of the confinement feeding
 9 operation shall not change the established date of
 10 operation.

11 Sec. __. Section 459.303, subsection 1,
 12 unnumbered paragraph 1, Code 2005, is amended to read
 13 as follows:

14 The department shall approve or disapprove

15 applications for permits for the construction,
 16 including the expansion, of confinement feeding
 17 operation structures, as provided by rules adopted
 18 pursuant to this chapter. ~~The department's decision~~
 19 ~~to department shall~~ approve or disapprove a permit for
 20 the construction of a confinement feeding operation
 21 structure shall be based on whether the application is
 22 submitted according to procedures required by the
 23 department and the application meets the requirements
 24 of this chapter, including standards established by
 25 the department and separation distance requirements
 26 for the construction and expansion of confinement
 27 feeding operation structures. A person shall not
 28 begin construction of a confinement feeding operation
 29 structure requiring a permit under this section,
 30 unless the department first approves the person's
 31 application and issues to the person a construction
 32 permit. The department shall provide conditions for
 33 requiring when a person must obtain a construction
 34 permit.

35 Sec. __. EFFECTIVE DATE. The sections of this
 36 Act enacting section 459.203A and amending section
 37 459.205, subsection 3, and section 459.303, subsection
 38 1, unnumbered paragraph 1, being deemed of immediate
 39 importance, takes effect upon enactment."

40 2. Title page, line 1, by inserting after the
 41 word "Act" the following: "relating to environmental
 42 protection by".

43 3. Title page, line 3, by inserting after the
 44 word "reliance" the following: ", providing for swine
 45 operations, and providing an effective date".

46 4. By renumbering as necessary.

WHITAKER of Van Buren

H-8384

1 Amend the amendment, H-8349, to Senate File 2183,
 2 as passed by the Senate, as follows:

3 1. Page 3, by inserting after line 28 the
 4 following:

5 "Sec. __. Section 15E.194, subsection 1,
 6 unnumbered paragraph 1, Code 2005, is amended to read
 7 as follows:

8 An enterprise zone may be designated by a county
 9 which has one of the fifteen highest family poverty
 10 rates for counties in the state based on the 2000
 11 census or meets at least two of the following
 12 criteria:"

13 2. By renumbering as necessary.

ANDERSON of Page
 SWAIM of Davis

H-8385

1 Amend the Committee amendment, H-8368, to Senate
2 File 367, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 2, by striking line 16 and inserting the
5 following: "line 5, and inserting the following:
6 "Sec. ___. Section 462A.12, Code Supplement 2005,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. 14. A person shall not operate a
9 vessel on the waters of this state under the
10 jurisdiction of the commission unless every person on
11 board the vessel who is under thirteen years of age is
12 wearing a type I, II, III, or V personal flotation
13 device, including "float coats" that meet this
14 definition, that is approved by the United States
15 coast guard, while the vessel is under way. This
16 subsection does not apply when the person under
17 thirteen years of age is in an enclosed cabin or below
18 deck, or is a passenger on a commercial vessel with a
19 passenger capacity of twenty-five persons or more."

20 ___. Page 6, by inserting after line 17, the
21 following:
22 "Sec. ___. WARNING CITATIONS – TWELVE-MONTH
23 PERIOD. During the twelve-month period beginning on
24 the effective date of this section of this Act, peace
25 officers shall issue only warning citations for
26 violations of section 462A.12, new subsection 14, as
27 enacted by this Act.

28 Sec. ___. EFFECTIVE DATE. The sections of this
29 Act creating new section 462A.12, subsection 14, and
30 providing for warning citations for violations of that
31 provision, being deemed of immediate importance, take
32 effect upon enactment.""

33 2. Page 2, line 18, by inserting after the word
34 "fees," the following: "and providing an effective
35 date".

36 3. By renumbering as necessary.

FREVERT of Palo Alto
REICHERT of Muscatine

H-8388

1 Amend Senate File 2217, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "Sec. ___. EMERGENCY RULES. The mental health,
6 mental retardation, developmental disabilities, and
7 brain injury commission may adopt administrative rules
8 under section 17A.4, subsection 2, and section 17A.5,

9 subsection 2, paragraph "b", to implement the
 10 provisions of this Act, and the rules shall become
 11 effective immediately upon filing or on a later
 12 effective date specified in the rules, unless the
 13 effective date is delayed by the administrative rules
 14 review committee. Any rules adopted in accordance
 15 with this section shall not take effect before the
 16 rules are reviewed by the administrative rules review
 17 committee. The delay authority provided to the
 18 administrative rules review committee under section
 19 17A.4, subsection 5, and section 17A.8, subsection 9,
 20 shall be applicable to a delay imposed under this
 21 section, notwithstanding a provision in those sections
 22 making them inapplicable to section 17A.5, subsection
 23 2, paragraph "b". Any rules adopted in accordance
 24 with the provisions of this section shall also be
 25 published as notice of intended action as provided in
 26 section 17A.4.

27 Sec. ___. USE OF CLIENT IDENTIFIER. The client
 28 identifier established pursuant to section 225C.6A,
 29 subsection 2, paragraph "c", subparagraph (2), as
 30 enacted by this Act, shall be used beginning with the
 31 data for disability services provided in the fiscal
 32 year beginning July 1, 2005, that is submitted by
 33 counties in December 2006."

34 2. By renumbering as necessary.

HEATON of Henry

H-8390

1 Amend House File 2764 as follows:

2 1. Page 2, by inserting after line 24 the
 3 following:

4 "Sec. ___. TAX INCREMENT FINANCING STUDY. The
 5 department of economic development shall contract with
 6 members of the faculty of one or more Iowa
 7 institutions of higher education under the control of
 8 the state board of regents for the purpose of
 9 evaluating the use of tax increment financing for
 10 economic development outside of areas designated as
 11 slum and blighted areas as opposed to areas designated
 12 as slum and blighted areas. The evaluation shall
 13 include an analysis as to whether approved projects
 14 were likely to have been financially feasible or
 15 likely to have occurred without the use of tax
 16 increment financing outside of areas designated as
 17 slum and blighted areas as opposed to areas designated
 18 as slum and blighted areas and whether availability of
 19 tax increment financing for economic development
 20 projects outside of areas designated as slum and
 21 blighted areas diminishes the ability to promote the

- 22 economic recovery of slum and blighted areas. The
 23 department shall report concerning the results of the
 24 study on or before December 1, 2006, to the governor
 25 and to any legislative interim committee addressing
 26 economic development or taxation issues."
 27 2. Title page, line 1, by inserting after the
 28 word "Act" the following: "relating to certain
 29 incremental property taxes by".
 30 3. Title page, line 2, by inserting after the
 31 word "district" the following: "and by requiring a
 32 study of tax increment financing for purposes of urban
 33 renewal".
 34 4. By renumbering as necessary.

FORD of Polk

H-8393

- 1 Amend House File 2759 as follows:
 2 1. Page 1, by inserting before line 34 the
 3 following:
 4 "Sec. . NEW SECTION. 15G.115 BIOREFINERY
 5 TECHNOLOGY PROJECTS FUND -SUPPORT OF PROJECTS.
 6 A biorefinery technology projects fund is created
 7 in the state treasury under the control of the
 8 department of economic development. The fund is
 9 separate from the general fund of the state.
 10 1. Moneys in the biorefinery technology projects
 11 fund are appropriated to the Iowa economic development
 12 board exclusively to support persons engaged in the
 13 research, development, and commercialization of
 14 integrated biorefinery technology projects. A project
 15 must further the production of liquid renewable fuels
 16 and other high-value coproducts that use nonfood
 17 agricultural crops as biofuel stock. The board shall
 18 award moneys to eligible persons in the form of a
 19 grant, loan, or no-interest loan based on terms and
 20 conditions as established by the board.
 21 2. a. Payments of interest, the recapture of
 22 awards or penalties, or other repayments of moneys
 23 originating from moneys awarded to support the
 24 biorefinery technology projects fund shall be
 25 deposited into the biorefinery technology projects
 26 fund.
 27 b. Notwithstanding section 8.33, any unexpended
 28 balance in the fund at the end of a fiscal year shall
 29 be retained in the fund.
 30 c. Notwithstanding section 12C.7, subsection 2,
 31 interest, earnings on investments, or time deposits of
 32 the moneys in the fund shall be credited to the fund.
 33 Sec. . Section 452A.2, as amended by 2006 Iowa
 34 Acts, House File 2754, if enacted, is amended by

35 adding the following new subsection:

36 NEW SUBSECTION. 24C. "Sever" means the physical
 37 removal of a natural resource, including a crop as
 38 defined in section 717A.1, from land located within
 39 the territory of this state.

40 Sec.____. NEW SECTION. 452A.41 BIOFUEL SEVERANCE
 41 TAX.

42 1. A person who processes a severed natural
 43 resource for the production of a biofuel which may be
 44 used as a component of a renewable fuel as defined in
 45 section 214A.1, if 2006 Iowa Acts, House File 2754, is
 46 enacted, is subject to a severance tax as provided in
 47 this section. The severance tax is imposed at a rate
 48 of five cents per each gallon of biofuel that is
 49 transported to a destination outside of this state for
 50 sale.

Page 2

1 2. A person subject to the severance tax shall
 2 maintain an inventory of gallons of biofuel which is
 3 taxable under this section. The person shall report
 4 the biofuel gallonage and pay the severance tax based
 5 on that inventory on a monthly or quarterly basis as
 6 determined by rules adopted by the department. The
 7 exclusive method of determining gallonage is on a
 8 gross volume basis.

9 3. The department shall adopt rules necessary to
 10 administer this section and to collect the severance
 11 tax, and may require that records such as invoices,
 12 bills of lading, or other documents of sale or
 13 purchase and returns be made and maintained by a
 14 person who produces, processes, purchases, sells, or
 15 transports the biofuel.

16 4. This section does not impose a tax or require
 17 that records be made or maintained by a person who
 18 produces or severs the natural resource.

19 5. Of the moneys collected from the severance tax
 20 as provided in this section, the department shall
 21 deposit the moneys as follows:

22 a. One-half of the moneys into the renewable fuel
 23 infrastructure fund as created in section 455G.32, if
 24 enacted in 2006 Iowa Acts, House File 2754.

25 b. One-half of the moneys into the biorefinery
 26 technology projects fund created in section 15G.115."

27 2. Title page, line 1, by inserting after the
 28 words "for the" the following: "imposition of a
 29 severance tax and".

30 3. By renumbering as necessary.

H-8396

1 Amend House File 2759 as follows:

2 1. Page 1, by inserting before line 24 the
3 following:

4 "Sec. ___. Section 15G.111, subsection 1, Code
5 Supplement 2005, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. h. (1) Of the moneys appropriated
8 in paragraph "a", for each fiscal year of the period
9 beginning July 1, 2006, and ending June 30, 2011, the
10 Iowa economic development board may allocate up to
11 five million dollars to support persons engaged in the
12 research, development, and commercialization of
13 integrated biorefinery technology projects. A project
14 must further the production of liquid renewable fuels
15 and other high-value coproducts that use nonfood
16 agricultural crops as biofuel stock.

17 (2) An application for an integrated biorefinery
18 technology project must be filed with the department
19 as required by the department and must at a minimum
20 include all of the following:

21 (a) A business plan that demonstrates managerial
22 and technical expertise.

23 (b) A fundraising plan that demonstrates private
24 investment contributions and possible federal
25 government contributions.

26 (c) The probability of the future creation of new
27 high-quality jobs.

28 (d) The probability of improvements to the
29 environment.

30 (e) The probability of reductions in fossil fuel
31 use.

32 (f) The use of research or technology developed in
33 this state by a college, university, business, or
34 governmental agency.

35 (g) The potential for further technological
36 development in this state.

37 (h) The feasibility that a proposed biorefinery
38 will remain a viable enterprise in the state.

39 (i) Any other component that the Iowa economic
40 development board determines to be reasonable and
41 necessary to promote the viability of the project and
42 further the public interest.

43 (3) The Iowa economic development board may
44 establish terms and conditions for the allocation of
45 the moneys."

46 2. Page 2, line 7, by striking the words "This
47 Act is" and inserting the following: "The sections of
48 this Act amending section 15G.111, subsection 1,

49 paragraph "a", and enacting section 15G.111,
 50 subsection 6A, are effective".

JACOBY of Johnson

H-8401

1 Amend House File 2752 as follows:
 2 1. Page 1, by striking lines 16 through 18 and
 3 inserting the following: "services shall be procured
 4 as provided in subsection 3, paragraph "b". The rules
 5 may include the use of a master contract."
 6 2. Page 2, by striking lines 20 and 21 and
 7 inserting the following: "services shall be procured
 8 on the basis of competence and qualifications and for
 9 a fair and reasonable price and shall not be based on
 10 competitive".
 11 3. Page 3, by striking lines 21 and 22 and
 12 inserting the following: "services shall be procured
 13 on the basis of competence and qualifications and for
 14 a fair and reasonable price and shall not be based on
 15 competitive".
 16 4. Page 4, by striking lines 15 and 16 and
 17 inserting the following: "services shall be procured
 18 on the basis of competence and qualifications and for
 19 a fair and reasonable price and shall not be based on
 20 competitive".

ALONS of Sioux

H-8402

1 Amend House File 2760 as follows:
 2 1. Page 1, by striking lines 30 through 33 and
 3 inserting the following: "the teacher shortage
 4 signing bonuses set forth in section 284.14, which may
 5 include an amount sufficient to pay any".
 6 2. Page 2, line 2, by striking the word "the" and
 7 inserting the following: "a district."
 8 3. Page 2, by striking lines 3 through 6.
 9 4. Page 2, by striking line 8 and inserting the
 10 following: "SIGNING BONUSSES."
 11 5. Page 2, line 14, by striking the word
 12 "encourage" and inserting the following: "assist".
 13 6. Page 2, by striking lines 15 through 25 and
 14 inserting the following: "districts to recruit
 15 qualified practitioners for traditionally hard-to-
 16 staff schools and to alleviate subject-area teacher
 17 shortages.
 18 2. The state board of education shall adopt rules
 19 establishing criteria for distribution of the moneys
 20 allocated in section 284.13, subsection 1, paragraph

- 21 "bb". The criteria shall include but not be limited
 22 to a requirement that practitioners paid a signing
 23 bonus pursuant to section 284.13 and this section
 24 possess an".
- 25 7. Page 2, line 28, by inserting after the word
 26 "in" the following: "foreign language,".
- 27 8. Page 2, line 30, by striking the words "who
 28 is" and inserting the following: "be".
- 29 9. Page 2, line 31, by striking the word
 30 "science" and inserting the following: "foreign
 31 language, science,".
- 32 10. By striking page 2, line 32, through page 3,
 33 line 4, and inserting the following: "nine, ten,
 34 eleven, or twelve."
- 35 11. Page 3, line 5, by striking the word "each"
 36 and inserting the following: "a".
- 37 12. Title page, line 3, by striking the words
 38 "salary supplement" and inserting the following:
 39 "signing bonus".

WISE of Lee

H-8404

- 1 Amend the amendment, H-8349, to Senate File 2183,
 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 45, by striking the word
 4 "subsections" and inserting the following:
 5 "subsection".
- 6 2. Page 2, by striking lines 6 through 11 and
 7 inserting the following: "this subsection. For the
 8 fiscal year".
- 9 3. Page 2, by striking lines 18 through 30 and
 10 inserting the following: "pursuant to this
 11 subsection. For purposes of this subsection".
- 12 4. Page 2, by striking lines 34 through 42.
- 13 5. Page 2, lines 47 and 48, by striking the words
 14 and figures "~~at any time prior to March 1, 2006~~" and
 15 inserting the following: "at any time prior to ~~March~~
 16 ~~1, 2006~~ July 1, 2010".
- 17 6. Page 3, line 2, by striking the word and
 18 figure "subsection 2B" and inserting the following:
 19 "subsection 2".
- 20 7. Page 3, by striking lines 10 through 12 and
 21 inserting the following: "~~certification until one~~
 22 year following the complete publication of the 2010
 23 federal census. Any state or local".
- 24 8. Page 4, by striking lines 3 through 5.
- 25 9. By striking page 4, line 48, through page 5,
 26 line 2, and inserting the following:
 27 "Sec.____. REPORT. By December 31, 2006, the
 28 department of economic development shall submit a

29 written report to the general assembly regarding the
 30 enterprise zone program and other programs
 31 administered by the department. The report shall
 32 include an analysis of the impact the enterprise zone
 33 program has on the state's economy and the economy of
 34 the cities and counties where enterprise zones are and
 35 have been located, how the enterprise zone program
 36 integrates with other programs administered by the
 37 department, whether other programs administered by the
 38 department are used to focus assistance on
 39 economically distressed areas of the state, and any
 40 changes to the enterprise zone program or any other
 41 programs administered by the department necessary to
 42 better serve the needs of the economically distressed
 43 areas of the state.

44 Sec.____. EFFECTIVE AND RETROACTIVE APPLICABILITY
 45 DATES.

- 46 1. The section of this Act amending section
 47 15E.192, subsection 4, being deemed of immediate
 48 importance, takes effect upon enactment and applies
 49 retroactively to May 14, 1997.
 50 2. The remaining sections of this Act, being

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- 1 deemed of immediate importance, take effect upon
 2 enactment and apply retroactively to March 1, 2006."
 3 10. By renumbering as necessary.

STRUYK of Pottawattamie
 JENKINS of Black Hawk

H-8408

- 1 Amend Senate File 2272, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, line 17, by inserting after the word
 4 "school." the following: "A school district that
 5 maintained a continuous school calendar during the
 6 2005-2006 school year or will use a continuous school
 7 calendar during the 2006-2007 school year and which
 8 received a school start date waiver prior to January
 9 1, 2006, from the director of the department of
 10 education under section 279.10, subsection 4, Code
 11 2003, is not subject to the start date established
 12 pursuant to this subsection, or to the provisions of
 13 subsection 3 or section 256.20."

RAECKER of Polk

H-8410

- 1 Amend the amendment, H-8397, to House File 2755 as
 2 follows:
 3 1. By striking page 1, line 2, through page 2,
 4 line 3, and inserting the following:
 5 "____. Page 2, by inserting after line 3 the
 6 following:
 7 "Sec.____. Section 459.312, Code 2005, is amended
 8 by adding the following new subsection:
 9 NEW SUBSECTION. 4A. The department shall provide
 10 for the receipt and processing of manure management
 11 plans, including updates to manure management plans,
 12 in an electronic format pursuant to section 459.302,
 13 not later than July 1, 2008. After that time, a
 14 person required to submit a manure management plan
 15 under this section may submit the manure management
 16 plan to the department and to the county board of
 17 supervisors in an electronic format."
 18 _____. Title page, line 1, by inserting after the
 19 word "by" the following: "providing for the receipt
 20 and processing of manure management plans and"."
 21 2. By renumbering as necessary.

RAYHONS of Hancock

H-8413

- 1 Amend the amendment, H-8349, to Senate File 2183,
 2 as passed by the Senate, as follows:
 3 1. Page 3, by inserting after line 16 the
 4 following:
 5 "Sec.____. Section 15E.193, subsection 1, Code
 6 2005, is amended by adding the following new
 7 paragraph:
 8 NEW PARAGRAPH. f. Follows guidelines of the
 9 federal equal employment opportunity commission
 10 designed to encourage the employment of minorities and
 11 persons with disabilities."
 12 2. By renumbering as necessary.

FORD of Polk

H-8415

- 1 Amend Senate File 2346, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 35 the
 4 following:
 5 "Sec.____. Section 123.50, subsection 1, Code
 6 2005, is amended to read as follows:
 7 1. Any A person who violates any of the provisions

8 of section 123.49, except subsection 2, paragraph "h",
9 ~~shall be guilty of or who fails to affix upon sale,~~
10 ~~defaces, or fails to record a keg identification~~
11 ~~sticker or produce a record of keg identification~~
12 stickers pursuant to section 123.138, commits a simple
13 misdemeanor. A person who violates section 123.49,
14 subsection 2, paragraph "h", commits a simple
15 misdemeanor punishable as a scheduled violation under
16 section 805.8C, subsection 2."

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

19 "Sec. ____ Section 123.138, Code 2005, is amended
20 to read as follows:

21 123.138 BOOKS OF ACCOUNT REQUIRED.

22 1. Each class "A" or special class "A" permittee
23 shall keep proper books of account and records showing
24 the amount of beer sold by the permittee, and these
25 books of account shall be at all times open to
26 inspection by the administrator and to other persons
27 pursuant to section 123.30, subsection 1. Each class
28 "B" and class "C" permittee shall keep proper books of
29 account and records showing each purchase of beer made
30 by the permittee, and the date and the amount of each
31 purchase and the name of the person from whom each
32 purchase was made, which books of account and records
33 shall be open to inspection pursuant to section
34 123.30, subsection 1, during normal business hours of
35 the permittee.

36 2. Each class "B", "C", or special class "C"
37 liquor control licensee and class "B" or "C" beer
38 permittee who sells beer for off-premises consumption
39 shall affix to each keg of beer an identification
40 sticker provided by the administrator. For the
41 purposes of this section, "keg" means all durable and
42 disposable containers with a liquid capacity of five
43 gallons or more. Each class "B", "C", or special
44 class "C" liquor control licensee and class "B" or "C"
45 beer permittee shall also keep a record of the
46 identification sticker number of each keg of beer sold
47 by the licensee or permittee with the name and address
48 of the purchaser and the number of the purchaser's
49 driver's license, nonoperator's identification card,
50 or military identification card, if the military

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1 identification card contains a picture and signature.
2 This information shall be retained by the licensee or
3 permittee for a minimum of ninety days. The records
4 kept pursuant to this section shall be available for
5 inspection by any law enforcement officer during
6 normal business hours.

7 3. The division shall provide the keg
8 identification stickers described in subsection 2.
9 Each sticker shall contain a number and the following
10 statement: "It is unlawful to sell, give, or
11 otherwise supply any alcoholic beverage, wine, or beer
12 to any person under legal age. Any person who defaces
13 this sticker shall be guilty of criminal mischief
14 punishable pursuant to section 716.6 and shall cause
15 the forfeiture of any deposit, if applicable." The
16 identification sticker shall be placed on the keg at
17 the time of retail sale. The licensee or permittee
18 shall purchase the stickers referred to in this
19 section from the division and shall remit to the
20 division deposits forfeited pursuant to this
21 subsection due to defacement. The cost of the
22 stickers to licensees and permittees shall not exceed
23 the division's cost of producing and distributing the
24 stickers. The moneys collected by the division
25 relating to the sale of stickers and forfeited
26 deposits shall be credited to the beer and liquor
27 control fund.

28 4. Enforcement of this section shall be
29 implemented uniformly throughout the state. For
30 purposes of uniform implementation, a county or
31 municipality shall not set requirements or establish a
32 penalty which is higher or more stringent than the
33 requirements or penalties enumerated in this section,
34 section 123.50, and section 716.6. The division shall
35 establish by rule procedures relating to the
36 forfeiture and remittance of deposits pursuant to
37 subsection 3."

38 3. Title page, line 3, by inserting after the
39 word "age," the following: "providing for an
40 identification number on kegs of beer,".

41 4. By renumbering as necessary.

HUNTER of Polk

H-8416

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 4 through 33.
4 2. Page 7, line 24, by inserting after the word
5 "education." the following: "In its review of driver
6 education, the committee shall consider the value of
7 current driver education curricula, potential matters
8 for inclusion in an approved driver education course,
9 and requirements for hours of classroom and laboratory
10 instruction."

11 3. Page 8, line 12, by inserting after the figure
12 "2006." the following: "In addition, the committee

13 shall submit its recommendations concerning driver
14 education in a proposal for legislation, presented in
15 bill draft format, to the chairpersons of the house
16 and senate standing committees on transportation, for
17 consideration by the general assembly during the 2007
18 legislative session."

19 4. Page 8, line 14, by striking the words and
20 figure "amending section 321.178 and".

21 5. By renumbering as necessary.

HUNTER of Polk

H-8417

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 8, by inserting after the word
4 "belts" the following: "and to no more than one
5 passenger under twenty-one years of age other than the
6 licensee's immediate family members".

HUNTER of Polk

H-8418

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 18 the
4 following:

5 "Sec. . NEW SECTION. 321.363A CELL PHONE USE
6 BY DRIVER UNDER EIGHTEEN PROHIBITED.

7 A person under eighteen years of age shall not
8 operate or utilize a mobile telephone, two-way radio,
9 wireless electronic mail device, two-way pager, or any
10 other device used for remote two-way communication
11 while operating a motor vehicle on the roadway."

12 2. Page 7, by inserting after line 15 the
13 following:

14 "Sec. . Section 805.8A, subsection 14, Code
15 Supplement 2005, is amended by adding the following
16 new paragraph:

17 NEW PARAGRAPH. j. CELL PHONE VIOLATIONS. For
18 violations under section 321.363A, the scheduled fine
19 is \$30."

20 3. Title page, line 5, by inserting after the
21 word "provisions," the following: "cell phone use
22 restrictions,".

23 4. By renumbering as necessary.

HUNTER of Polk
HOGG of Linn

H-8423

1 Amend Senate File 2219, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 16.181, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 3A. Funds allocated from the
8 housing trust fund shall not be used for the provision
9 of rental housing for persons who are not lawfully
10 present in the United States. This subsection does
11 not apply to funds allocated to homeless shelters."

12 2. Page 1, by inserting after line 7 the
13 following:

14 "Sec. ____ NEW SECTION. 91F.1 DEFINITIONS.

15 As used in this chapter:

16 1. "Commissioner" means the labor commissioner.

17 2. "Employee" means a natural person who is
18 employed in this state for wages paid on an hourly
19 basis by an employer.

20 3. "Employer" means a person, as defined in
21 section 4.1, who in this state employs for wages, paid
22 on an hourly basis, one or more natural persons. An
23 employer does not include a client, patient, customer,
24 or other person who obtains professional services from
25 a licensed person who provides the services on a fee
26 service basis or as an independent contractor, or the
27 state, or an agency or governmental subdivision of the
28 state.

29 4. "Unauthorized alien" means a person who is not
30 lawfully present in the United States.

31 Sec. ____ NEW SECTION. 91F.2 UNAUTHORIZED ALIENS

32 - EMPLOYER PROHIBITION.

33 An employer shall not knowingly employ as an
34 employee an unauthorized alien. For purposes of this
35 section, "knowingly employ as an employee an
36 unauthorized alien" means an employer has actual
37 knowledge that a person is an unauthorized alien and
38 employs the person as an employee. An employer who
39 obtains a verification of employment eligibility form
40 required by the federal Immigration Reform and Control
41 Act of 1986, 8 U.S.C. § 1324a, shall not be considered
42 in violation of this chapter.

43 Sec. ____ NEW SECTION. 91F.3 PENALTIES.

44 1. An employer who violates section 91F.2 is
45 subject to a civil penalty of up to one thousand
46 dollars.

47 2. A corporate officer of an employer who, by
48 knowingly directing the repeated violation of section
49 91F.2, demonstrates a pattern of employing
50 unauthorized aliens commits a serious misdemeanor.

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1 3. An employer who, through repeated violation of
2 section 91F.2, demonstrates a pattern of employing
3 unauthorized aliens may be ordered to pay punitive
4 damages.

5 Sec.____. NEW SECTION. 91F.4 DUTIES AND
6 AUTHORITY OF THE COMMISSIONER – ENFORCEMENT BY
7 ATTORNEY GENERAL.

8 1. The commissioner shall adopt rules to implement
9 and enforce this chapter.

10 2. In order to carry out the purposes of this
11 chapter, the commissioner or the commissioner's
12 representative, upon presenting appropriate
13 credentials to an employer's owner, operator, or agent
14 in charge, may:

15 a. Inspect employment records relating to the
16 employees of the employer.

17 b. Interview an employer, owner, operator, agent,
18 or employee, during working hours or at other
19 reasonable times.

20 3. If the commissioner has reason to believe than
21 an employer may be in violation of this chapter, the
22 commissioner shall notify the attorney general, and
23 provide the attorney general with any supporting
24 information, for prosecution of the violation by the
25 attorney general.

26 Sec.____. NEW SECTION. 91F.5 PROHIBITIONS
27 RELATING TO CERTAIN ACTIONS BY EMPLOYEES – PENALTY –
28 CIVIL REMEDY.

29 1. An employer shall not discharge an employee or
30 take or fail to take action regarding an employee's
31 appointment or proposed appointment or promotion or
32 proposed promotion, or regarding any advantage of an
33 employee as a reprisal for a failure by that employee
34 to inform the employer that the employee made a
35 disclosure of information to any law enforcement
36 agency if the employee reasonably believes the
37 information evidences a violation of section 91F.2.

38 2. Subsection 1 does not apply if the disclosure
39 of the information is prohibited by statute.

40 3. An employer who violates subsection 1 commits a
41 simple misdemeanor.

42 4. Subsection 1 may be enforced through a civil
43 action.

44 a. An employer who violates subsection 1 is liable
45 to an aggrieved employee for affirmative relief,
46 including reinstatement, with or without back pay, or
47 any other equitable relief the court deems
48 appropriate, including attorney fees and costs.

49 b. If an employer commits, is committing, or
50 proposes to commit an act in violation of subsection

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1 1, an injunction may be granted through an action in
2 district court to prohibit the person from continuing
3 such acts. The action for injunctive relief may be
4 brought by an aggrieved employee or the attorney
5 general.

6 5. An employer shall not discharge an employee or
7 take or fail to take action regarding an employee's
8 appointment or proposed appointment or promotion or
9 proposed promotion, or regarding any advantage of an
10 employee, or make a report regarding the status of the
11 employee as an unauthorized alien to any federal
12 department or agency as a reprisal against an employee
13 that made a report to a law enforcement agency that
14 the employee has been a victim of sexual abuse or
15 sexual harassment by another employee of the employer.
16 A law enforcement agency that accepts a report of
17 sexual abuse or sexual harassment as described in this
18 subsection shall not make a report regarding the
19 status of the victim as an unauthorized alien to any
20 federal department or agency.

21 Sec. ____ NEW SECTION. 535B.11A MORTGAGES TO
22 PERSONS UNLAWFULLY PRESENT.

23 A licensee or other mortgagee shall not knowingly
24 originate a first mortgage loan for residential real
25 estate located in this state on or after July 1, 2007,
26 that is intended to be used as a primary residence in
27 this state of a person who is not lawfully present in
28 the United States. The enforcement provisions of
29 section 535B.13 shall not apply to a violation under
30 this section. The attorney general may file an action
31 for injunctive relief against a licensee or other
32 mortgagee who violates this section. A licensee or
33 other mortgagee who complies with the customer
34 identification program requirements under 31 U.S.C. §
35 5318(l) shall not be considered in violation of this
36 section.

37 If a person who has agreed to buy residential real
38 property is denied a first mortgage loan pursuant to
39 this section and cannot otherwise comply with the
40 terms of the agreement, the seller of the property
41 shall be entitled to any earnest money or other trust
42 funds held by a real estate broker pursuant to section
43 543B.46 paid by the person or on behalf of the person
44 pursuant to the agreement."

45 3. Title page, line 1, by inserting after the
46 word "to" the following: "the labor and housing of
47 persons including".

48 4. Title page, line 2, by striking the word
49 "including" and inserting the following: "the
50 employment of unauthorized aliens, the allocation of

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- 1 housing trust fund moneys and first mortgages for
- 2 unauthorized aliens,".
- 3 5. By renumbering as necessary.

DIX of Butler

H-8425

- 1 Amend Senate File 2309, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 13 and 14 and
- 4 inserting the following:
- 5 "b. Create endowed chair positions at each of the
- 6 regents universities and employ persons with
- 7 entrepreneurial expertise. Financial assistance from
- 8 a venture resources corporation may only be used to
- 9 partially fund an endowed chair position if
- 10 significant private contributions and contributions
- 11 from foreign governments are used to fund the
- 12 position. Not more than fifty percent of the cost of
- 13 funding an endowed chair position shall be paid with
- 14 financial assistance awarded from a venture resources
- 15 corporation."
- 16 2. Page 2, by striking lines 27 through 33 and
- 17 inserting the following: "In cooperation with".
- 18 3. Page 3, by striking lines 5 through 10 and
- 19 inserting the following: "regents. The state board
- 20 of regents shall review the recommendations and may
- 21 approve or deny the recommendations. If the
- 22 recommendations are denied, the state board of regents
- 23 shall state a reason for the denial. The state".
- 24 4. Page 3, lines 21 and 22, by striking the words
- 25 "approval, denial, or modification", and inserting the
- 26 following: "approval or denial".
- 27 5. Page 4, line 22, by inserting after the figure
- 28 "2.32." the following: "The initial appointee under
- 29 this paragraph shall serve a one-year term and every
- 30 appointee thereafter shall serve a three-year term."
- 31 6. Page 6, by inserting after line 22 the
- 32 following:
- 33 "5. As a condition of the receipt of moneys from
- 34 the corporation, the corporation shall require
- 35 recipients to enter into agreements specifying
- 36 compliance reporting requirements. If a recipient of
- 37 moneys fails to comply with a reporting requirement or
- 38 does not meet other compliance requirements in an
- 39 agreement, the recipient is subject to repayment of
- 40 all or a portion of the moneys received. An agreement
- 41 between the corporation and a recipient shall specify
- 42 the method for determining the amount of moneys which

43 will be repaid in the event of failure to comply with
44 the requirements of an agreement."

JENKINS of Black hawk
HOFFMAN of Crawford

H-8427

1 Amend Senate File 2363, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec.____. Section 455B.173, subsection 3,
6 unnumbered paragraph 3, Code 2005, is amended to read
7 as follows:
8 A publicly owned treatment works whose discharge
9 meets the final effluent limitations which were
10 contained in its discharge permit on the date that
11 construction of the publicly owned treatment works was
12 approved by the department shall not be required to
13 meet more stringent effluent limitations for a period
14 of ten years from the date the construction was
15 completed and accepted but not longer than twelve
16 years from the date that construction was approved by
17 the department. In addition, such publicly owned
18 treatment works shall not be required to build
19 additional treatment facilities for a period of twenty
20 years from the date the construction was completed."
21 2. By renumbering as necessary.

DOLECHECK of Ringgold

H-8429

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 33 the
4 following:
5 "Sec.____. NEW SECTION. 321.178A DRIVER
6 EDUCATION -- TEACHING PARENT.
7 1. TEACHING PARENT. As an alternative to the
8 driver education requirements under section 321.178, a
9 teaching parent may instruct a student in a driver
10 education course that meets the requirements of this
11 section and provide evidence that the requirements
12 under this section have been met.
13 2. DEFINITIONS. For purposes of this section:
14 a. "Approved course" means driver education
15 curriculum approved by the department pursuant to
16 rules adopted under chapter 17A. An approved course
17 shall, at a minimum, meet the requirements of
18 subsection 3 and be appropriate for teaching-parent-

19 directed driver education and related street or
20 highway instruction. Driver education materials that
21 meet or exceed standards established by the department
22 for an approved course in driver education for a
23 public or private school shall be approved unless
24 otherwise determined by the department. The list of
25 approved courses shall be posted on the department's
26 website.

27 b. "Student" means a person who is at least
28 fourteen but not yet eighteen years of age who is
29 within the custody and control of the teaching parent
30 and who satisfies preliminary licensing requirements
31 of the department.

32 c. "Teaching parent" means a parent, guardian, or
33 legal custodian of a student who is currently
34 providing competent private instruction to the student
35 pursuant to section 299A.2 or 299A.3 and who provided
36 such instruction to the student during the previous
37 year; who has a valid driver's license, other than a
38 motorized bicycle license or a temporary restricted
39 license, that permits unaccompanied driving; and who
40 has maintained a clear driving record for the previous
41 two years. For purposes of this paragraph, "clear
42 driving record" means the individual has not been
43 identified as a candidate for suspension of a driver's
44 license under the habitual offender provisions of this
45 chapter; is not subject to a driver's license
46 suspension, revocation, denial, cancellation,
47 disqualification, or bar; and has no record of a
48 conviction for a moving traffic violation determined
49 to be the cause of a motor vehicle accident.

50 3. COURSE OF INSTRUCTION. An approved course

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1 administered by a teaching parent shall consist of but
2 not be limited to the following:

3 a. Thirty clock hours of classroom instruction.

4 b. Fifty hours of street or highway driving while
5 accompanied by the teaching parent, including six
6 hours of driving after sunset and before sunrise.

7 c. Twelve hours of classroom instruction
8 concerning substance abuse, including the effects of
9 alcohol consumption on a person's driving skills.

10 d. A minimum of twenty minutes of instruction
11 concerning railroad crossing safety.

12 e. Instruction relating to becoming an organ donor
13 under the uniform anatomical gift Act.

14 f. Instruction concerning driver distractions,
15 including the use of a cell phone while driving.

16 g. Behind-the-wheel instruction in defensive
17 driving techniques, driving in adverse weather

18 conditions, and driving on gravel roads.

19 The content of the course of instruction required
20 under this subsection shall be equivalent to that
21 required under section 321.178. However, reference
22 and study materials, physical classroom requirements,
23 and extra vehicle safety equipment required for
24 instruction under section 321.178 shall not be
25 required for the course of instruction provided under
26 this section.

27 4. COURSE COMPLETION AND CERTIFICATION. Upon
28 application by a student for an intermediate license,
29 the teaching parent shall provide evidence showing the
30 student's completion of an approved course and
31 substantial compliance with the requirements of
32 subsection 3 by affidavit signed by the teaching
33 parent on a form to be provided by the department.

34 The evidence shall include all of the following:

35 a. Documentation that the instructor is a teaching
36 parent as defined in subsection 2.

37 b. Documentation that the student is receiving
38 competent private instruction under section 299A.2 or
39 the name of the school district within which the
40 student is receiving instruction under section 299A.3.

41 c. The name of the approved course completed by
42 the student.

43 d. An affidavit attesting to satisfactory
44 completion of course work and street or highway
45 driving instruction.

46 e. Copies of written tests completed by the
47 student.

48 f. A statement of the number of classroom hours of
49 instruction.

50 g. A log of completed street or highway driving

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1 instruction including the dates when the lessons were
2 conducted, the student's and the teaching parent's
3 name and initials noted next to each entry, notes on
4 driving activities including a list of driving
5 deficiencies and improvements, and the duration of the
6 driving time for each session.

7 5. INTERMEDIATE LICENSE. Any student who
8 successfully completes an approved course as provided
9 in this section, passes a driving test to be
10 administered by the department, and is otherwise
11 qualified under section 321.180B, subsection 2, shall
12 be eligible for an intermediate license pursuant to
13 section 321.180B. Thirty of the fifty hours of street
14 or highway driving instruction required under
15 subsection 3, paragraph "b", may be utilized to
16 satisfy the requirement of section 321.180B,

17 subsection 2, paragraph "a".

18 6. FULL LICENSE. A student must comply with
19 section 321.180B, subsection 4, to be eligible for a
20 full driver's license pursuant to section 321.180B."

21 2. Page 5, line 3, by inserting after the figure
22 "321.178" the following: "or 321.178A".

23 3. Page 6, by inserting after line 18 the
24 following:

25 "Sec. ___. Section 321.194, subsection 1,
26 unnumbered paragraph 1, Code Supplement 2005, is
27 amended to read as follows:

28 Upon certification of a special need by the school
29 board, superintendent of the applicant's school, or
30 principal, if authorized by the superintendent, the
31 department may issue a class C or M driver's license
32 to a person between the ages of fourteen and eighteen
33 years whose driving privileges have not been
34 suspended, revoked, or barred under this chapter or
35 chapter 321J during, and who has not been convicted of
36 a moving traffic violation or involved in a motor
37 vehicle accident for, the six-month period immediately
38 preceding the application for the special minor's
39 license and who has successfully completed an approved
40 driver education course other than a course taught
41 pursuant to section 321.178A. However, the completion
42 of a course is not required if the applicant
43 demonstrates to the satisfaction of the department
44 that completion of the course would impose a hardship
45 upon the applicant. The department shall adopt rules
46 defining the term "hardship" and establish procedures
47 for the demonstration and determination of when
48 completion of the course would impose a hardship upon
49 an applicant."

50 4. By renumbering as necessary.

TYMESON of Madison
PAULSEN of Linn

H-8430

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 4 through 33.

4 2. Page 4, line 3, by striking the word "shall"
5 and inserting the following: "may be required to".

6 3. Page 4, line 7, by striking the words
7 "required under this section".

8 4. Page 4, lines 11 and 12, by striking the words
9 "penalty, sanction, or educational requirement" and
10 inserting the following: "penalty or sanction".

11 5. Page 5, by striking lines 8 through 12 and
12 inserting the following: "number of passenger safety

13 belts."

14 6. Page 6, line 23, by inserting after the word
15 "bicycle," the following: "or, if the driver of such
16 motor vehicle is under eighteen years of age, the
17 driver and all occupants of the vehicle".

18 7. Page 6, line 26, by striking the words "~~eleven~~
19 ~~eighteen~~" and inserting the following: "eleven".

20 8. Page 6, by inserting after line 27 the
21 following:

22 "Sec.____. Section 321.445, subsection 2,
23 paragraphs a, b, and f, Code 2005, are amended to read
24 as follows:

25 a. The driver or ~~front seat~~ occupants of a motor
26 vehicle which is not required to be equipped with
27 safety belts or safety harnesses.

28 b. The driver and ~~front seat~~ occupants of a motor
29 vehicle who are actively engaged in work which
30 requires them to alight from and reenter the vehicle
31 at frequent intervals, providing the vehicle does not
32 exceed twenty-five miles per hour between stops.

33 f. ~~Front seat occupants~~ Occupants of an authorized
34 emergency vehicle while they are being transported in
35 an emergency. However, this exemption does not apply
36 to the driver of the authorized emergency vehicle.

37 Sec.____. Section 321.445, subsections 3 and 5,
38 Code 2005, are amended to read as follows:

39 3. The driver and ~~front seat~~ passengers may be
40 each charged separately for improperly used or nonused
41 equipment under subsection 2. The owner of the motor
42 vehicle may be charged for equipment violations under
43 subsection 1.

44 5. The department shall adopt rules pursuant to
45 chapter 17A providing exceptions from application of
46 subsections 1 and 2 for ~~front seats and front seat~~
47 passengers of motor vehicles owned, leased, rented, or
48 primarily used by persons with physical disabilities
49 who use collapsible wheelchairs."

50 9. By striking page 6, line 28, through page 7,

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1 line 1.

2 10. Page 7, by striking lines 2 through 15 and
3 inserting the following:

4 "Sec.____. NEW SECTION. 321J.2C EDUCATION FOR
5 PERSONS UNDER AGE TWENTY-ONE.

6 Notwithstanding any other provision, a person under
7 twenty-one years of age who operates a motor vehicle
8 in violation of section 321J.2 or 321J.2A shall
9 complete a course of program in accordance with the
10 provisions of section 321J.22. In addition, the
11 person may be required to complete a classroom course

12 approved by the department consisting of behavior-
13 based training designed to promote positive and safe
14 decision making. The classroom course shall be the
15 "alive at 25" course developed by the national safety
16 council, or a course that contains equivalent
17 curriculum and meets the goals of the "alive at 25"
18 course.

19 Sec. ___. Section 321J.25, Code Supplement 2005,
20 is repealed."

21 11. Page 7, line 24, by inserting after the word
22 "education." the following: "In its review of driver
23 education, the committee shall consider the value of
24 current driver education curricula, potential matters
25 for inclusion in an approved driver education course,
26 and requirements for hours of classroom and laboratory
27 instruction."

28 12. Page 8, by inserting after line 7, the
29 following:

30 "1. The Iowa state troopers association."

31 13. Page 8, line 12, by inserting after the
32 figure "2006." the following: "In addition, the
33 committee shall submit its recommendations concerning
34 driver education in a proposal for legislation,
35 presented in bill draft format, to the chairpersons of
36 the house and senate standing committees on
37 transportation, for consideration by the general
38 assembly during the 2007 legislative session."

39 14. Page 8, line 14, by striking the words and
40 figure "amending section 321.178 and".

41 15. By renumbering as necessary.

BUKTA of Clinton
TJEPKES of Webster

H-8435

1 Amend Senate File 2346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 4 through 33.

4 2. Page 4, line 3, by striking the word "shall"
5 and inserting the following: "may be required to".

6 3. Page 4, line 7, by striking the words
7 "required under this section".

8 4. Page 4, lines 11 and 12, by striking the words
9 "penalty, sanction, or educational requirement" and
10 inserting the following: "penalty or sanction".

11 5. Page 5, by striking lines 8 through 12 and
12 inserting the following: "number of passenger safety
13 belts."

14 6. By striking page 6, line 19, through page 7,
15 line 1, and inserting the following:

16 "Sec. ___. Section 321.445, Code 2005, is amended

17 by adding the following new subsection:

18 **NEW SUBSECTION. 6.** Notwithstanding subsection 2,
19 if the driver of a motor vehicle is under eighteen
20 years of age, the requirements and related provisions
21 of this section applicable to front seat occupants
22 apply to all persons eleven years of age or older who
23 are occupants of the vehicle, regardless of seating
24 position."

25 7. Page 7, by striking lines 2 through 15 and
26 inserting the following:

27 "Sec. __. **NEW SECTION. 321J.2C EDUCATION FOR**
28 **PERSONS UNDER AGE TWENTY-ONE.**

29 Notwithstanding any other provision, a person under
30 twenty-one years of age who operates a motor vehicle
31 in violation of section 321J.2 or 321J.2A shall
32 complete a course or program in accordance with the
33 provisions of section 321J.22. In addition, the
34 person may be required to complete a classroom course
35 approved by the department consisting of behavior-
36 based training designed to promote positive and safe
37 decision making. The classroom course shall be the
38 "alive at 25" course developed by the national safety
39 council, or a course that contains equivalent
40 curriculum and meets the goals of the "alive at 25"
41 course.

42 Sec. __. Section 321J.25, Code Supplement 2005,
43 is repealed."

44 8. Page 7, line 24, by inserting after the word
45 "education." the following: "In its review of driver
46 education, the committee shall consider the value of
47 current driver education curricula, potential matters
48 for inclusion in an approved driver education course,
49 and requirements for hours of classroom and laboratory
50 instruction."

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

3 "1. The Iowa state troopers association."

4 10. Page 8, line 12, by inserting after the
5 figure "2006." the following: "In addition, the
6 committee shall submit its recommendations concerning
7 driver education in a proposal for legislation,
8 presented in bill draft format, to the chairpersons of
9 the house and senate standing committees on
10 transportation, for consideration by the general
11 assembly during the 2007 legislative session."

12 11. Page 8, line 14, by striking the words and

13 figure "amending section 321.178 and".

14 12. By renumbering as necessary.

BUKTA of Clinton
TJEPKES of Webster

H-8437

1 Amend House File 2769 as follows:

2 1. Page 3, line 29, by inserting before the word
3 "At" the following: "In addition, the plan may
4 provide for provision of before and after school
5 programs for school-age children."

6 2. Page 4, line 7, by inserting after the word
7 "age" the following: "and before and after school
8 programs for school-age children."

FORD of Polk

H-8439

1 Amend House File 2750 as follows:

2 1. Page 1, by striking lines 1 through 9 and
3 inserting the following:
4 "Section 1. Section 709.16, Code 2005, is amended
5 to read as follows:

6 709.16 SEXUAL MISCONDUCT WITH OFFENDERS AND
7 JUVENILES.

8 1. An officer, employee, contractor, vendor,
9 volunteer, or agent of the department of corrections,
10 or an officer, employee, contractor, vendor,
11 volunteer, or agent of a judicial district department
12 of correctional services, who engages in a sex act
13 with an individual ~~committed to the custody of the~~
14 ~~department of corrections~~ known to be confined at a
15 correctional institution or known to reside in a
16 residential facility operated by a judicial district
17 department of correctional services commits an
18 aggravated misdemeanor.

19 2. An officer, employee, contractor, vendor,
20 volunteer, or agent of a juvenile placement facility
21 who engages in a sex act with a juvenile known to be
22 placed at such facility commits an aggravated
23 misdemeanor.

24 For purposes of this subsection, a "juvenile
25 placement facility" means any of the following:

26 a. A child foster care facility licensed under
27 section 237.4.

28 b. Institutions controlled by the department of
29 human services listed in section 218.1.

30 c. Juvenile detention and juvenile shelter care
31 homes approved under section 232.142.

- 32 d. Psychiatric medical institutions for children
 33 licensed under chapter 135H.
 34 e. Substance abuse facilities as defined in
 35 section 125.2.
 36 3. An officer, employee, contractor, vendor,
 37 volunteer, or agent of a county who engages in a sex
 38 act with a prisoner known to be incarcerated in a
 39 county jail commits an aggravated misdemeanor."
 40 2. Title page, line 3, by striking the words
 41 "increasing the penalty for" and inserting the
 42 following: "modifying the crime of".

R. OLSON of Polk

H-8441

- 1 Amend Senate File 2364, as passed by the Senate, as
 2 follows:
 3 1. Page 10, line 13, by striking the words
 4 "contract or" and inserting the following:
 5 "contractor".

STRUYK of Pottawattamie
 KURTENBACH of Story

H-8442

- 1 Amend House File 2664 as follows:
 2 1. Page 10, by striking lines 1 through 17, and
 3 inserting the following:
 4 "a. For registration or user permit violations
 5 under ~~sections section~~ section 321G.3 ~~and 321H.3~~, the
 6 scheduled fine is ~~twenty~~ fifty dollars. When the
 7 scheduled fine is paid, the violator shall submit
 8 sufficient proof that a valid registration or user
 9 permit has been obtained.
 10 b. (1) For operating violations under section
 11 321G.9, subsections 1, 2, 3, 4, 5, 6, and 7, sections
 12 the scheduled fine is fifty dollars.
 13 (2) For operating violations under sections
 14 321G.11, and 321G.13, subsection 1, paragraph "d",
 15 sections 321H.10, 321H.12, and 321H.14, subsection 1,
 16 paragraph "d", the scheduled fine is twenty dollars.
 17 (3) For operating violations under section
 18 321G.13, subsection 1, paragraphs "a", "b", "e", "f",
 19 "g", and "h", and subsections 2 and 3, the scheduled
 20 fine is one hundred dollars.
 21 c. For improper or defective equipment under
 22 ~~sections section~~ section 321G.12 ~~and 321H.13~~, the scheduled
 23 fine is twenty dollars.
 24 d. For violations of ~~sections section~~ section 321G.19 ~~and~~
 25 ~~321H.20~~, the scheduled fine is twenty dollars.

- 26 e. For identification violations under ~~sections~~
 27 section 321G.5 and 321I.6, the scheduled fine is
 28 twenty dollars.
 29 f. For stop signal violations under section
 30 321G.17, the scheduled fine is one hundred dollars.
 31 g. For violations of section 321G.20, the
 32 scheduled fine is fifty dollars."
 33 2. Page 11, by striking lines 13 through 23.
 34 3. Title page, line 2, by inserting after the
 35 word "penalties" the following: "for violations
 36 committed by snowmobile or all-terrain vehicle
 37 operators".
 38 4. By renumbering as necessary.

TJEPKES of Webster

H-8444

- 1 Amend the amendment, H-8378, to Senate File 98, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 5 and 6.
 4 2. By renumbering as necessary.

REASONER of Union

H-8446

- 1 Amend House File 2785 as follows:
 2 1. Page 1, line 2, by inserting after the word
 3 "LICENSE" the following: "AND INSPECTIONS".
 4 2. Page 1, line 3, by inserting before the words
 5 "The state" the following: "1."
 6 3. Page 1, line 8, by striking the words "and
 7 for".
 8 4. Page 1, line 9, by inserting after the words
 9 "suspension of a license" the following: ", and proof
 10 of financial responsibility, including but not limited
 11 to a surety bond, liability insurance, or another form
 12 of liability coverage".
 13 5. Page 1, by inserting after line 12 the
 14 following:
 15 "2. The state fire marshal shall adopt rules to
 16 allow for inspections of events permitted pursuant to
 17 section 727.2 if the applicable city or county does
 18 not perform an inspection, and charge a fee reasonably
 19 related to the costs to the state fire marshal for
 20 providing the inspections. The rules shall require
 21 that the applicable city or county notify the state
 22 fire marshal if the city or county will not perform an
 23 inspection. Inspection fees received shall be
 24 retained by the state fire marshal for this purpose."
 25 6. Page 1, line 23, by inserting after the word

- 26 "preserves." the following: "The permit shall require
 27 that the person issued the fireworks operator license
 28 be physically present when fireworks are used pursuant
 29 to the permit."
- 30 7. Page 2, line 9, by striking the word "with"
 31 and inserting the following: "who was issued".
- 32 8. Page 2, line 9, by striking the words "issued
 33 pursuant" and inserting the following: "pursuant".
- 34 9. Page 2, line 14, by striking the word "with"
 35 and inserting the following: "who was issued".
- 36 10. Page 2, line 15, by striking the word
 37 "issued".
- 38 11. Page 2, by inserting after line 16 the
 39 following:
 40 "Sec.____. EFFECTIVE DATE. This Act takes effect
 41 on January 1, 2007."
- 42 12. Title page, line 1, by inserting after the
 43 word "licensure" the following: "and inspection".
- 44 13. Title page, line 2, by inserting after the
 45 word "applicable" the following: "and providing an
 46 effective date".
- 47 14. By renumbering as necessary.

REASONER of Union
 TOMENGA of Polk

H-8448

- 1 Amend House File 2771 as follows:
- 2 1. By striking page 3, line 29, through page 4,
 3 line 28.
- 4 2. By striking page 7, line 26, through page 8,
 5 line 25.
- 6 3. Page 14, by striking lines 11 and 12 and
 7 inserting the following: "industrial property in the
 8 same manner it is applied to commercial property."
 9 4. By striking page 14, line 16, through page 16,
 10 line 5.
- 11 5. Title page, lines 5 and 6, by striking the
 12 words "requiring funding of real property-related
 13 services,".
- 14 6. Title page, lines 9 and 10, by striking the
 15 words "abolishing county compensation boards,".
- 16 7. By renumbering as necessary.

PAULSEN of Linn

H-8451

- 1 Amend House File 2763 as follows:
- 2 1. Page 1, line 3, by striking the word "The" and
 3 inserting the following:

- 4 "a. Subject to paragraph "b", the".
 5 2. Page 1, line 7, by striking the word "a." and
 6 inserting the following: "(1)".
 7 3. Page 1, line 8, by striking the word "b." and
 8 inserting the following: "(2)".
 9 4. Page 1, line 10, by striking the word "c." and
 10 inserting the following: "(3)".
 11 5. Page 1, line 13, by striking the word "d." and
 12 inserting the following: "(4)".
 13 6. Page 1, line 16, by striking the word "e." and
 14 inserting the following: "(5)".
 15 7. Page 1, by inserting after line 17 the
 16 following:
 17 "b. The items designated in paragraph "a",
 18 subparagraphs (1) through (5), are only exempt if the
 19 sales occurs during the fiscal year for which the
 20 appropriations to the division of vocational
 21 rehabilitation services of the department of education
 22 for that fiscal year are sufficient to provide the
 23 maximum funds needed to match the total federal
 24 vocational rehabilitation allocation available to the
 25 state as certified by the department of education."

WINCKLER of Scott
 JOCHUM of Dubuque

H-8453

- 1 Amend House File 2752 as follows:
 2 1. Page 2, by inserting after line 9 the
 3 following:
 4 "Sec. ____ Section 8A.321, subsection 7, Code
 5 Supplement 2005, is amended to read as follows:
 6 7. a. Unless otherwise provided by law,
 7 coordinate the location, design, plans and
 8 specifications, construction, and ultimate use of the
 9 real or personal property to be purchased by a state
 10 agency for whose benefit and use the property is being
 11 obtained. If the purchase of real or personal
 12 property is to be financed pursuant to section 12.28,
 13 the department shall cooperate with the treasurer of
 14 state in providing the information necessary to
 15 complete the financing of the property.
 16 A contract for acquisition, construction, erection,
 17 demolition, alteration, or repair by a private person
 18 of real or personal property to be lease-purchased by
 19 the treasurer of state pursuant to section 12.28 is
 20 exempt from section 8A.311, subsections 1 and 10,
 21 unless the lease-purchase contract is funded in
 22 advance by a deposit of the lessor's moneys to be
 23 administered by the treasurer of state under a lease-
 24 purchase contract which requires rent payments to

25 commence upon delivery of the lessor's moneys to the
26 lessee.

27 b. Prior to entering into a contract for the
28 acquisition of real property intended to be used for
29 the construction or location of a facility at which
30 services shall be offered or provided by a state
31 agency primarily for public use and access, the
32 director shall conduct a public hearing on the
33 question of location selection. The director shall
34 coordinate with the director of the department for the
35 blind, the director of transportation, and the
36 executive secretary of the state board of regents if
37 and to the extent that a proposed acquisition of real
38 property involves public use relating to a function or
39 service falling within the scope of chapters 216B,
40 307, and 262, respectively. The state agency shall
41 cause a notice of the public hearing to be published
42 once in a newspaper of general circulation in the
43 county or city where the location has been proposed.
44 The notice shall be published at least four but no
45 more than twenty days before the public hearing is
46 held. The published notice shall, at a minimum,
47 include the following information:
48 (1) The general nature of the proposed project and
49 rationale for the selection of the proposed location
50 for the project.

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1 (2) The process proposed to be followed in making
2 the final selection of the site location and funding
3 the final site-specific design.
4 (3) The time and place of the public hearing at
5 which an opportunity is provided for public input into
6 the location decision.
7 (4) The name, address, telephone number, and
8 electronic mail address, if applicable, of the contact
9 person regarding the location decision.
10 c. If the director or directors determine that
11 input received during the public hearing demonstrates
12 that a significant degree of public opposition or
13 concern appears to exist regarding the location
14 decision, the director or directors shall delay the
15 execution of a contract by the state agency pending
16 departmental review and subsequent referral to the
17 executive council for a recommendation relating to the
18 decision.
19 d. The public hearing requirements of paragraph
20 "b" shall not apply during the existence of an
21 emergency requiring construction or location in
22 situations where failure to immediately construct or
23 locate would result in immediate danger to public

24 health, safety, or welfare."

25 2. Page 5, by inserting after line 31 the
26 following:

27 "Sec. __. APPLICABILITY. This section of this
28 Act providing for a public hearing procedure prior to
29 the selection of a location for services accessed by
30 the public is applicable to the acquisition of real
31 property intended to be used for the construction or
32 location of a facility at which services shall be
33 offered or provided primarily for public use by state
34 agencies entering into contracts under the purview of
35 the department of administrative services, and the
36 department for the blind, the state department of
37 transportation, the state board of regents, and any
38 other acquisition relating to public use facilities
39 made by or on behalf of the state."

40 3. Title page, line 1, by inserting after the
41 word "bidding" the following: "and service location".

42 4. Title page, line 1, by inserting after the
43 word "purchases" the following: "and public services
44 and including an applicability provision".

PETERSEN of Polk

H-8454

1 Amend the amendment, H-8435, to Senate File 2346,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 " __. Page 3, by inserting before line 34 the
7 following:

8 "Sec. __. NEW SECTION. 321.178A DRIVER
9 EDUCATION – TEACHING PARENT.

10 1. TEACHING PARENT. As an alternative to the
11 driver education requirements under section 321.178, a
12 teaching parent may instruct a student in a driver
13 education course that meets the requirements of this
14 section and provide evidence that the requirements
15 under this section have been met.

16 2. DEFINITIONS. For purposes of this section:

17 a. "Approved course" means driver education
18 curriculum approved by the department pursuant to
19 rules adopted under chapter 17A. An approved course
20 shall, at a minimum, meet the requirements of
21 subsection 3 and be appropriate for teaching-parent-
22 directed driver education and related street or
23 highway instruction. Driver education materials that
24 meet or exceed standards established by the department
25 for an approved course in driver education for a
26 public or private school shall be approved unless

27 otherwise determined by the department. The list of
28 approved courses shall be posted on the department's
29 website.

30 b. "Student" means a person who is at least
31 fourteen but not yet eighteen years of age who is
32 within the custody and control of the teaching parent
33 and who satisfies preliminary licensing requirements
34 of the department.

35 c. "Teaching parent" means a parent, guardian, or
36 legal custodian of a student who is currently
37 providing competent private instruction to the student
38 pursuant to section 299A.2 or 299A.3 and who provided
39 such instruction to the student during the previous
40 year; who has a valid driver's license, other than a
41 motorized bicycle license or a temporary restricted
42 license, that permits unaccompanied driving; and who
43 has maintained a clear driving record for the previous
44 two years. For purposes of this paragraph, "clear
45 driving record" means the individual has not been
46 identified as a candidate for suspension of a driver's
47 license under the habitual offender provisions of this
48 chapter; is not subject to a driver's license
49 suspension, revocation, denial, cancellation,
50 disqualification, or bar; and has no record of a

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1 conviction for a moving traffic violation determined
2 to be the cause of a motor vehicle accident.

3 3. COURSE OF INSTRUCTION. An approved course
4 administered by a teaching parent shall consist of but
5 not be limited to the following:

6 a. Thirty clock hours of classroom instruction.

7 b. Fifty hours of street or highway driving while
8 accompanied by the teaching parent, including six
9 hours of driving after sunset and before sunrise.

10 c. Four hours of classroom instruction concerning
11 substance abuse, including the effects of alcohol
12 consumption on a person's driving skills.

13 d. A minimum of twenty minutes of instruction
14 concerning railroad crossing safety.

15 e. Instruction relating to becoming an organ donor
16 under the uniform anatomical gift Act.

17 The content of the course of instruction required
18 under this subsection shall be equivalent to that
19 required under section 321.178. However, reference
20 and study materials, physical classroom requirements,
21 and extra vehicle safety equipment required for
22 instruction under section 321.178 shall not be
23 required for the course of instruction provided under
24 this section.

25 4. COURSE COMPLETION AND CERTIFICATION. Upon

26 application by a student for an intermediate license,
 27 the teaching parent shall provide evidence showing the
 28 student's completion of an approved course and
 29 substantial compliance with the requirements of
 30 subsection 3 by affidavit signed by the teaching
 31 parent on a form to be provided by the department.
 32 The evidence shall include all of the following:
 33 a. Documentation that the instructor is a teaching
 34 parent as defined in subsection 2.
 35 b. Documentation that the student is receiving
 36 competent private instruction under section 299A.2 or
 37 the name of the school district within which the
 38 student is receiving instruction under section 299A.3.
 39 c. The name of the approved course completed by
 40 the student.
 41 d. An affidavit attesting to satisfactory
 42 completion of course work and street or highway
 43 driving instruction.
 44 e. Copies of written tests completed by the
 45 student.
 46 f. A statement of the number of classroom hours of
 47 instruction.
 48 g. A log of completed street or highway driving
 49 instruction including the dates when the lessons were
 50 conducted, the student's and the teaching parent's

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1 name and initials noted next to each entry, notes on
 2 driving activities including a list of driving
 3 deficiencies and improvements, and the duration of the
 4 driving time for each session.

5 5. INTERMEDIATE LICENSE. Any student who
 6 successfully completes an approved course as provided
 7 in this section, passes a driving test to be
 8 administered by the department, and is otherwise
 9 qualified under section 321.180B, subsection 2, shall
 10 be eligible for an intermediate license pursuant to
 11 section 321.180B. Thirty of the fifty hours of street
 12 or highway driving instruction required under
 13 subsection 3, paragraph "b", may be utilized to
 14 satisfy the requirement of section 321.180B,
 15 subsection 2, paragraph "a".

16 6. FULL LICENSE. A student must comply with
 17 section 321.180B, subsection 4, to be eligible for a
 18 full driver's license pursuant to section 321.180B."

19 2. Page 1, by inserting after line 10 the
 20 following:

21 "____. Page 5, line 3, by inserting after the
 22 figure "321.178" the following: "or 321.178A".

23 3. Page 1, by inserting before line 16 the
 24 following:

25 ""Sec. __. Section 321.194, subsection 1,
26 unnumbered paragraph 1, Code Supplement 2005, is
27 amended to read as follows:

28 Upon certification of a special need by the school
29 board, superintendent of the applicant's school, or
30 principal, if authorized by the superintendent, the
31 department may issue a class C or M driver's license
32 to a person between the ages of fourteen and eighteen
33 years whose driving privileges have not been
34 suspended, revoked, or barred under this chapter or
35 chapter 321J during, and who has not been convicted of
36 a moving traffic violation or involved in a motor
37 vehicle accident for, the six-month period immediately
38 preceding the application for the special minor's
39 license and who has successfully completed an approved
40 driver education course other than a course taught
41 pursuant to section 321.178A. However, the completion
42 of a course is not required if the applicant
43 demonstrates to the satisfaction of the department
44 that completion of the course would impose a hardship
45 upon the applicant. The department shall adopt rules
46 defining the term "hardship" and establish procedures
47 for the demonstration and determination of when
48 completion of the course would impose a hardship upon
49 an applicant."

50 4. By renumbering as necessary.

TYMESON of Madison
PAULSEN of Linn

H-8456

1 Amend Senate File 2352, as passed by the Senate, as
2 follows:

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

5 "Sec. __. Section 321G.1, subsection 9, Code
6 Supplement 2005, is amended to read as follows:
7 9. "Nonambulatory person" means an individual with
8 paralysis of the lower half of the body with the
9 involvement of both legs, usually caused by disease of
10 or injury to the spinal cord, or caused by an
11 individual who has suffered the loss of one or both
12 legs or the loss of a part of both legs thereof.

13 Sec. __. Section 321G.13, subsection 2, Code
14 Supplement 2005, is amended to read as follows:

15 2. A person shall not operate or ride a snowmobile
16 with a firearm in the person's possession unless it is
17 unloaded and enclosed in a carrying case. However, a
18 nonambulatory person may carry an uncased and loaded
19 or unloaded firearm while operating or riding a
20 snowmobile on land other than a street or highway."

21 2. Page 3, by inserting after line 1 the
 22 following:
 23 "Sec. ___. Section 321I.1, subsection 8, Code
 24 2005, is amended to read as follows:
 25 8. "Nonambulatory person" means an individual with
 26 paralysis of the lower half of the body with the
 27 involvement of both legs, usually caused by disease of
 28 or injury to the spinal cord, or ~~caused by an~~
 29 individual who has suffered the loss of one or both
 30 legs or the loss of a part of both legs thereof."

31 3. Page 7, by inserting after line 5 the
 32 following:
 33 "Sec. ___. Section 321I.14, subsection 2, Code
 34 2005, is amended to read as follows:

35 2. A person shall not operate or ride an all-
 36 terrain vehicle with a firearm in the person's
 37 possession unless it is unloaded and enclosed in a
 38 carrying case. However, a nonambulatory person may
 39 carry an uncased and loaded or unloaded firearm while
 40 operating or riding an all-terrain vehicle on land
 41 other than a street or highway."

42 4. Page 9, by inserting after line 32 the
 43 following:
 44 "Sec. ___. Section 481A.120, Code 2005, is amended
 45 by striking the section and inserting in lieu thereof
 46 the following:
 47 481A.120 HUNTING FROM MOTORIZED VEHICLES OR
 48 AIRCRAFT PROHIBITED – EXCEPTION.

49 1. A person, either singly or as one of a group of
 50 persons, shall not intentionally kill or wound,

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1 attempt to kill or wound, or pursue any animal, fowl,
 2 or fish from or with an aircraft of any kind or a
 3 motor-driven land conveyance on public or private
 4 land.

5 2. Notwithstanding subsection 1, a nonambulatory
 6 person may hunt game on public or private land, other
 7 than a street or highway, from a stationary motor-
 8 driven land conveyance, as provided by the commission
 9 by rules adopted pursuant to chapter 17A. For the
 10 purposes of this subsection, the following definitions
 11 apply:

12 a. "Nonambulatory person" means an individual with
 13 paralysis of the lower half of the body with the
 14 involvement of both legs, usually caused by disease of
 15 or injury to the spinal cord, or an individual who has
 16 suffered the loss of one or both legs or part thereof.

17 b. "Street" or "highway" means the entire width
 18 between property lines of every way or place of
 19 whatever nature when any part thereof is open to the

- 20 use of the public, as a matter of right, for purposes
 21 of vehicular travel, except in public areas in which
 22 the boundary shall be thirty-three feet each side of
 23 the center line of the roadway.
- 24 3. For the purposes of this section, a "motor-
 25 driven land conveyance" includes but is not limited to
 26 a motor vehicle as defined in section 321.1, an all-
 27 terrain vehicle as defined in section 321I.1, an all-
 28 terrain utility vehicle as defined in section 321I.1,
 29 and a snowmobile as defined in section 321G.1."
- 30 5. Title page, line 1, by striking the words "of
 31 all-terrain" and inserting the following: "and use of
 32 certain".
- 33 6. Title page, line 1, by inserting after the
 34 word "vehicles," the following: "including the
 35 possession of and use of firearms while riding on
 36 certain motorized vehicles,".
- 37 7. By renumbering as necessary.

BAUDLER of Adair

H-8457

- 1 Amend the amendment, H-8369, to House File 2760, as
 2 follows:
- 3 1. Page 1, line 21, by inserting after the word
 4 "suspensions." the following: "Grants shall be
 5 awarded to small, medium-sized, and large school
 6 districts. For purposes of this section, a large
 7 school district is a district with an actual
 8 enrollment of five thousand or more pupils, a medium-
 9 sized school district is a district with an actual
 10 enrollment of at least one thousand two hundred but
 11 not more than four thousand nine hundred ninety-nine
 12 pupils, and a small school district is a district with
 13 an actual enrollment of one thousand one hundred
 14 ninety-nine or fewer pupils."

FORD of Polk

H-8459

- 1 Amend House File 2780 as follows:
- 2 1. Page 10, by inserting after line 23 the
 3 following:
- 4 "DIVISION ____
 5 ALLOWED GROWTH FUNDING
 6 Sec. ____ Section 426B.5, subsection 1, Code
 7 Supplement 2005, is amended to read as follows:
 8 1. PER CAPITA EXPENDITURE TARGET POOL.
 9 a. A per capita expenditure target pool is created
 10 in the property tax relief fund. The pool shall

11 consist of the moneys credited to the pool by law.
 12 b. For the purposes of this subsection:
 13 (1) "Budget year" means the fiscal year for which
 14 moneys are appropriated by the general assembly for
 15 distribution to the counties meeting eligibility
 16 requirements under this subsection.

17 (2) "Ending balance percentage" means the amount
 18 of a county's mental health, mental retardation, and
 19 developmental disabilities services fund fiscal year
 20 ending balance under generally accepted accounting
 21 principles expressed as a percentage of the county's
 22 actual gross expenditures from the services fund for
 23 that fiscal year.

24 (3) "Five-year rolling average ending balance
 25 percentage" means the average of a county's ending
 26 balance percentages over the five fiscal years
 27 immediately preceding the budget year.

28 b. c. A statewide per capita expenditure target
 29 amount is established. The statewide per capita
 30 expenditure target amount shall be equal to the one-
 31 hundredth percentile of all county per capita
 32 expenditures in the fiscal year beginning July 1,
 33 1997, and ending June 30, 1998.

34 e. d. Moneys available in the per capita
 35 expenditure pool for a fiscal year shall be
 36 distributed to those counties that meet all of the
 37 following eligibility requirements:

38 ~~(1) The county is levying the maximum amount~~
 39 ~~allowed for the county's mental health, mental~~
 40 ~~retardation, and developmental disabilities services~~
 41 ~~fund under section 331.424A.~~

42 (2) The county's per capita expenditure in the
 43 latest fiscal year for which the actual expenditure
 44 information is available is equal to or less than the
 45 statewide per capita expenditure target amount.

46 ~~(3) (2) In the fiscal year that commenced two~~
 47 ~~years prior to the fiscal year of distribution, the~~
 48 ~~county's mental health, mental retardation, and~~
 49 ~~developmental disabilities services fund ending~~
 50 ~~balance under generally accepted accounting principles~~

Page 2

1 ~~was The county's five-year rolling average ending~~
 2 ~~balance percentage as of the budget year is equal to~~
 3 ~~or less than twenty-five percent of the county's~~
 4 ~~actual gross expenditures for the fiscal year that~~
 5 ~~commenced two years prior to the fiscal year of~~
 6 ~~distribution.~~

7 (4) ~~(3)~~ The county is in compliance with the
 8 filing date requirements under section 331.403.

9 ~~d. e.~~ The distribution amount a county receives

10 from the moneys available in the pool shall be
 11 determined based upon the county's proportion of the
 12 general population of the counties eligible to receive
 13 moneys from the pool for that fiscal year. ~~However, a~~
 14 ~~county shall not receive moneys in excess of the~~
 15 ~~amount which would cause the county's per capita~~
 16 ~~expenditure to exceed the statewide per capita~~
 17 ~~expenditure target.~~ Moneys credited to the per capita
 18 expenditure target pool which remain unobligated or
 19 unexpended at the close of a fiscal year shall remain
 20 in the pool for distribution in the succeeding fiscal
 21 year.
 22 e. f. The department of human services shall
 23 annually calculate the amount of moneys due to
 24 eligible counties in accordance with this subsection.
 25 The department shall authorize the issuance of
 26 warrants payable to the county treasurer for the
 27 amounts due and the warrants shall be issued in
 28 January."
 29 2. By renumbering as necessary.

WHITAKER of Van Buren

H-8465

1 Amend the amendment H-8435 to Senate File 2346, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 11 through 24.
 5 2. By renumbering as necessary.

MASCHER of Johnson

H-8466

1 Amend House File 845, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "appointment" the following: "prior to the fourth
 5 Monday in January of the first regular session of each
 6 general assembly and".
 7 2. Page 1, line 10, by striking the words and
 8 figures "sections 333A.2 and 455A.8" and inserting the
 9 following: "section 333A.2".
 10 3. Page 1, by striking lines 21 and 22.
 11 4. Page 3, by striking lines 2 through 29.
 12 5. Page 3, line 30, by inserting after the word
 13 "Code" the following: "Supplement".
 14 6. Page 5, line 13, by inserting after the word
 15 "Code" the following: "Supplement".
 16 7. Page 5, by striking lines 15 through 21, and
 17 inserting the following:

18 "a. "Authority" means a department, or public or
 19 quasi-public instrumentality of the state including,
 20 but not limited to, the authority created under
 21 chapter 12E, 16, ~~46A~~, 175, 257C, 261A, 327I, or 463C,
 22 which has the power to issue obligations, except that
 23 "authority" does not include the state board of
 24 regents or the Iowa finance authority to the extent it
 25 acts pursuant to chapter 260C. "Authority" also
 26 includes a port authority created under chapter 28J."

27 8. Page 6, line 23, by inserting after the word
 28 "Code" the following: "Supplement".

29 9. Page 7, by striking lines 18 through 30.

30 10. Page 8, line 10, by inserting after the word
 31 "Code" the following: "Supplement".

32 11. By striking page 11, line 25, through page
 33 13, line 1, and inserting the following:

34 "Sec.____. Section 249A.4B, subsection 2,
 35 paragraph g, unnumbered paragraph 1, Code Supplement
 36 2005, is amended to read as follows:

37 The following members of the general assembly, each
 38 for a term of two years as provided in section
 39 69.16B:"

40 12. Page 13, by inserting before line 2, the
 41 following:

42 "Sec.____. Section 249J.20, Code Supplement 2005,
 43 is amended by adding the following new subsection:
 44 **NEW SUBSECTION.** 1A. The members of the council
 45 shall serve terms as provided in section 69.16B and
 46 are eligible for per diem and expenses as provided in
 47 section 2.10."

48 13. Page 14, by inserting after line 28, the
 49 following:

50 "Sec.____. Section 261D.3, subsection 3, Code

Page 2

1 Supplement 2005, is amended to read as follows:

2 3. The Nonlegislative members shall serve two-year
 3 terms except as otherwise provided under the terms of
 4 the compact. Legislative members shall serve two-year
 5 terms as provided in section 69.16B. Nonlegislative
 6 members shall serve without compensation, but shall
 7 receive their actual and necessary expenses and
 8 travel. Legislative members shall receive actual and
 9 necessary expenses pursuant to sections 2.10 and 2.12.
 10 Vacancies on the commission shall be filled for the
 11 unexpired portion of the term in the same manner as
 12 the original appointments. If a member ceases to be a
 13 member of the general assembly, the member shall no
 14 longer serve as a member of the commission."

15 14. Page 15, by inserting after line 15, the
 16 following:

17 "Sec. __. Section 280A.2, subsection 8, Code
18 Supplement 2005, is amended to read as follows:
19 8. TERMS OF MEMBERS. The members shall be
20 appointed to three-year staggered terms and the terms
21 shall commence and end as provided by section 69.19,
22 except that the appointment and terms of legislators
23 shall be as provided in section 69.16B. If a vacancy
24 occurs, a successor shall be appointed to serve the
25 unexpired term. A successor shall be appointed in the
26 same manner and subject to the same qualifications as
27 the original appointment to serve the unexpired term."

28 15. Page 16, by striking lines 1 through 19, and
29 inserting the following:

30 "1. The Brushy creek recreation trails advisory
31 board shall be organized within the department and
32 shall be composed of ten members including but not
33 limited to the following: the director of the
34 department or the director's designee who shall serve
35 as a nonvoting ex officio member, the park ranger
36 responsible for the Brushy creek recreation area, a
37 member of the state advisory board for preserves
38 established under chapter 465C, and a person appointed
39 by the governor, ~~and six persons appointed by the~~
40 ~~legislative council.~~ Each ~~The~~ person appointed by the
41 governor ~~or legislative council~~ must actively
42 participate in recreational trail activities such as
43 hiking, an equestrian sport, or a winter sport at the
44 Brushy creek recreation area. The voting members
45 shall elect a chairperson at the board's first meeting
46 each year."

47 16. Page 16, by inserting before line 20, the
48 following:

49 "Sec. __. Section 466A.3, subsection 2, paragraph
50 a, Code Supplement 2005, is amended to read as

Page 3

1 follows:

2 a. The nonlegislator voting members of the board
3 shall serve three-year staggered terms commencing and
4 ending as provided in section 69.19. Legislator
5 voting members of the board shall serve two-year terms
6 as provided in section 69.16B. If a vacancy occurs, a
7 successor shall be appointed in the same manner and
8 subject to the same qualifications as the original
9 appointment, to serve the remainder of the term."

10 17. Page 16, line 20, by inserting after the word
11 "Code" the following: "Supplement".

12 18. By renumbering as necessary.

H-8470

- 1 Amend House File 2782 as follows:
- 2 1. Page 4, by inserting after line 34 the
- 3 following:
- 4 "Sec.____. There is appropriated from the rebuild
- 5 Iowa infrastructure fund to the department of economic
- 6 development for the fiscal year beginning July 1,
- 7 2007, and ending June 30, 2008, the following amount,
- 8 or so much thereof as is necessary, to be used for the
- 9 purposes designated:
- 10 For allocation to the world food prize for purposes
- 11 of renovating the former state library in Des Moines:
- 12 \$ 500,000"
- 13 2. By renumbering as necessary.

THOMAS of Clayton

H-8471

- 1 Amend House File 2752 as follows:
- 2 1. By striking page 3, line 11, through page 4,
- 3 line 3.
- 4 2. Page 5, by striking lines 18 and 19 and
- 5 inserting the following: "and other institutions."
- 6 3. By renumbering as necessary.

LENSING of Johnson
JENKINS of Black Hawk
UPMEYER of Hancock

H-8472

- 1 Amend House File 2782 as follows:
- 2 1. Page 2, line 13, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 2, by inserting after line 17 the
- 5 following:
- 6 "b. For providing a grant to the Grout museum
- 7 district for infrastructure needs in establishing a
- 8 veterans database and interpretive exhibits at the
- 9 Sullivan brothers veterans museum in order to honor
- 10 Iowa veterans and their many contributions:
- 11 \$ 1,000,000"
- 12 3. By renumbering as necessary.

SHOULTZ of Black Hawk
BERRY of Black Hawk

H-8476

- 1 Amend House File 2782 as follows:
- 2 1. Page 28, by inserting after line 13 the
- 3 following:

4 "DIVISION IX
 5 MISCELLANEOUS CHANGES
 6 Sec. __. Section 103A.10, subsection 2, Code
 7 2005, is amended by adding the following new
 8 paragraph:
 9 NEW PARAGRAPH. c. To all newly constructed
 10 buildings and structures the construction of which is
 11 paid for in whole or in part with money appropriated
 12 by the state. If a municipality has adopted a
 13 building code, such a new building or structure shall
 14 be built to comply to that standard, but if a
 15 municipality has not adopted a building code, such a
 16 new building or structure must be built to comply with
 17 the state building code and the project will be
 18 assessed a fee for the employment of an independent
 19 building inspector."
 20 2. By renumbering as necessary.

HUSER of Polk

H-8480

1 Amend the amendment, H-8462, to House File 2782 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 " __. Page 2, by inserting after line 30 the
 6 following:
 7 " __. DEPARTMENT OF PUBLIC SAFETY
 8 For the planning, design, and construction of a law
 9 enforcement driving safety training facility in the
 10 same location as the automobile racetrack facility, as
 11 defined in section 423.4, subsection 5:
 12 \$ 800,000"
 13 2. Page 1, line 10, by striking the figure
 14 "10,000,000" and inserting the following:
 15 "9,200,000".
 16 3. By renumbering as necessary.

BELL of Jasper
HUSER of Polk

H-8481

1 Amend House File 2782 as follows:
 2 1. Page 2, line 13, by inserting before the word
 3 "For" the following: "a."
 4 2. Page 2, by inserting after line 17 the
 5 following:
 6 "b. For allocation to the world food prize for
 7 purposes of renovating the former Des Moines public
 8 library:

9 \$ 500,000"
 10 3. By renumbering as necessary.

THOMAS of Clayton

H-8486

1 Amend the amendment, H-8475 to House File 2782 as
 2 follows:
 3 1. Page 1, line 6, by striking the figure
 4 "1,800,000" and inserting the following:
 5 "21,250,000".
 6 2. Page 1, by inserting after line 6 the
 7 following:
 8 "____. Page 2, by inserting after line 17 the
 9 following:
 10 "____. DEPARTMENT OF EDUCATION
 11 For administrative costs including FTEs for a
 12 preschool initiative located in a county with a
 13 population of at least 86,000 residents but not more
 14 than 88,000 residents, notwithstanding section 8.57,
 15 subsection 6, paragraph "c":
 16 \$ 750,000"
 17 3. Page 1, line 18, by striking the figure
 18 "14,600,000" and inserting the following:
 19 "24,435,000".
 20 4. By renumbering and correcting internal
 21 references as necessary.

STRUYK of Pottawattamie

H-8487

1 Amend the amendment, H-8475, to House File 2782 as
 2 follows:
 3 1. Page 1, line 6, by striking the figure
 4 "1,800,000" and inserting the following: "1,300,000".
 5 2. Page 1, by inserting after line 6 the
 6 following:
 7 "____. Page 2, line 23, by inserting before the
 8 word "To" the following: "a."
 9 _____. Page 2, by inserting after line 26 the
 10 following:
 11 "b. To clean up asbestos on land that can be used
 12 for public purposes in the city of Letts:
 13 \$ 500,000"
 14 3. Page 1, line 18, by striking the figure
 15 "14,600,000" and inserting the following:
 16 "15,100,000".
 17 4. By renumbering as necessary.

SANDS of Louisa

H-8489

- 1 Amend House File 2767 as follows:
 2 1. Page 1, by striking lines 3 through 6 and
 3 inserting the following:
 4 "NEW SUBSECTION. 89. The sales price of tangible
 5 personal property representing services rendered,
 6 furnished, or performed for the production of master
 7 audio, video, film, or digital tape recordings or
 8 similar media for which a business expense deduction
 9 is allowable for income tax purposes."
 10 2. Title page, by striking line 1 and inserting
 11 the following: "An Act exempting tangible personal
 12 property representing services".

BOAL of Polk

H-8491

- 1 Amend House File 2782 as follows:
 2 1. Page 28, by inserting after line 13 the
 3 following:
 4 "DIVISION IX
 5 MISCELLANEOUS CHANGES
 6 Sec. __. Section 103A.10, subsection 2, Code
 7 2005, is amended by adding the following new
 8 paragraph:
 9 NEW PARAGRAPH. c. To all newly constructed
 10 buildings and structures the construction of which is
 11 paid for in whole or in part with money appropriated
 12 by the state. If a municipality has adopted a
 13 building code, electrical code, mechanical code, and
 14 plumbing code, and performs inspections pursuant to
 15 such codes, such a new building or structure shall be
 16 built to comply to such codes, but if a municipality
 17 has not adopted a building code, electrical code,
 18 mechanical code, and plumbing code, or does not
 19 perform inspections pursuant to such codes, such new
 20 building or structure shall be built to comply with
 21 the state building code and such building shall be
 22 subject to a plan review and inspection by the state
 23 building code commissioner or an independent building
 24 inspector appointed by the state building code
 25 commissioner, and a fee, established by rule, shall be
 26 assessed for the cost of plan review and the cost of
 27 inspection."
 28 2. By renumbering as necessary.

HUSER of Polk
QUIRK of Chickasaw

H-8492

- 1 Amend the amendment, H-8475, to House File 2782, as
- 2 follows:
- 3 1. Page 1, line 18, by striking the figure
- 4 "14,600,000" and inserting the following:
- 5 "14,900,000".
- 6 2. Page 1, by inserting after line 35 the
- 7 following:
- 8 "____. Page 12, by inserting after line 13 the
- 9 following:
- 10 "____. DEPARTMENT OF EDUCATION
- 11 For renovations and maintenance projects associated
- 12 with a career vision academy in a school district
- 13 served by area education agency 13:
- 14 \$ 300,000"
- 15 3. Page 2, line 37, by striking the figure
- 16 "38,485,000" and inserting the following:
- 17 "38,185,000".
- 18 4. By renumbering, redesignating, and correcting
- 19 internal references as necessary.

STRUYK of Pottawattamie

H-8496

- 1 Amend the House amendment, H-8475, to House File
- 2 2782 as follows:
- 3 1. Page 1, line 6, by striking the figure
- 4 "1,800,000" and inserting the following: "300,000".
- 5 2. Page 1, by inserting after line 6 the
- 6 following:
- 7 "____. Page 2, by inserting after line 17 the
- 8 following:
- 9 "____. DEPARTMENT OF HUMAN SERVICES
- 10 For construction costs associated with the
- 11 construction of a multiagency human services campus in
- 12 a city with a population of at least 58,000 residents
- 13 but not more than 59,000 residents:
- 14 \$ 1,500,000"
- 15 3. Page 1, line 18, by striking the figure
- 16 "14,600,000" and inserting the following:
- 17 "16,100,000".
- 18 4. By renumbering and correcting internal
- 19 references as necessary.

STRUYK of Pottawattamie

H-8503

- 1 Amend Senate File 2268, as passed by the Senate, as
- 2 follows:

- 3 1. By striking page 4, line 29, through page 5,
 4 line 28, and inserting the following:
 5 "Sec.____. EFFECTIVE DATE AND RETROACTIVE
 6 APPLICABILITY PROVISIONS. This Act takes effect
 7 January 1, 2007, and is applicable to tax years
 8 beginning on or after that date."
 9 2. Title page, by striking lines 2 through 4, and
 10 inserting the following: "agricultural production, by
 11 providing for a tax credit to facilitate the transfer
 12 of assets, and including an effective and
 13 applicability date."
 14 3. By renumbering as necessary.

FREVERT of Palo Alto
 KUHN of Floyd
 SWAIM of Davis

H-8508

- 1 Amend Senate File 2319, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 11 through 13 and
 4 inserting the following: "of such moneys shall be
 5 deposited in the general fund of the county in which
 6 the violation occurred."

PETTENGILL of Benton
 MERTZ of Kossuth

H-8511

- 1 Amend House File 2770 as follows:
 2 1. By striking page 1, line 1, through page 2,
 3 line 24, and inserting the following:
 4 "Sec.____. NEW SECTION. 15.361 UNIVERSITY
 5 TECHNOLOGY TRANSFER AND COMMERCIALIZATION REVIEW
 6 COMMITTEE.
 7 1. The general assembly finds and declares that
 8 the public good requires that Iowa successfully
 9 participate and compete in the emerging world economy
 10 and that this participation and competition is a
 11 public purpose. A university technology transfer and
 12 commercialization review committee is established for
 13 the public purpose of assisting the universities under
 14 the control of the state board of regents in securing
 15 additional investment in research infrastructure and
 16 information technology and in enhancing the commercial
 17 potential of proposals for research infrastructure and
 18 information technology submitted to the state board of
 19 regents for funding.
 20 2. The committee shall consist of all of the
 21 following members:

- 22 a. Three members of the state board of regents
 23 appointed by the state board of regents.
 24 b. Two members appointed by a single bioscience
 25 development organization identified by the department
 26 pursuant to section 15G.111, subsection 2.
 27 c. Five members appointed by the governor and
 28 confirmed by the senate pursuant to section 2.32 as
 29 follows:
 30 (1) Two members with expertise in advanced
 31 manufacturing.
 32 (2) Two members with expertise in information
 33 technology.
 34 (3) One member who shall serve as the chairperson
 35 of the committee.
 36 3. In reviewing proposals by the universities
 37 under the control of the state board of regents, the
 38 committee shall do all of the following:
 39 a. Review the proposals for their applicability to
 40 the targeted areas of biosciences, advanced
 41 manufacturing, or information technology.
 42 b. Review the potential of the proposals to
 43 increase economic activity in the state through job
 44 creation, wealth creation, or the creation of new
 45 businesses.
 46 c. Identify additional sources of research
 47 financing for the proposals from private sector
 48 businesses or other nonstate sources.
 49 d. Identify individuals or companies that are
 50 potential research or commercialization collaborators

Page 2

- 1 in the proposals.
 2 e. Within forty-five days of receiving a proposal,
 3 prepare and forward to the state board of regents a
 4 written review of the proposal including
 5 recommendations for approval, denial, or modification
 6 of the proposal.
 7 The state board of regents shall review the
 8 recommendations of the committee and shall approve,
 9 deny, or modify the recommendations. If the board
 10 modifies or denies the recommendation, the proposal
 11 shall be resubmitted to the committee for
 12 consideration. The board may award financial
 13 assistance to approved proposals.
 14 Sec. . **NEW SECTION.** 15.362 ENDOWED CHAIRS.
 15 1. The state board of regents may create endowed
 16 chair positions at each of the regents universities
 17 using, in part, moneys appropriated to the state board
 18 of regents for purposes of implementing
 19 recommendations provided in separate consultant
 20 reports on bioscience, advanced manufacturing, and

21 information technology submitted to the department of
 22 economic development in the calendar years 2004 and
 23 2005. Such moneys may only be used to partially fund
 24 an endowed chair position if significant private
 25 contributions and contributions from governmental
 26 entities other than the state and political
 27 subdivisions of the state are used to fund the
 28 position. Not more than fifty percent of the cost of
 29 funding an endowed chair position shall be paid with
 30 such moneys.

31 2. The state board of regents shall not use moneys
 32 appropriated to the board for purposes of implementing
 33 recommendations provided in separate consultant
 34 reports on bioscience, advanced manufacturing, and
 35 information technology submitted to the department of
 36 economic development in the calendar years 2004 and
 37 2005 to pay the salary of a salaried employee, but may
 38 use the moneys to pay the salary of a contract
 39 employee provided that the employment contract is for
 40 not more than five years."

41 2. Title page, by striking lines 1 and 2 and
 42 inserting the following: "An Act relating to economic
 43 development by creating a university technology
 44 transfer and commercialization review committee,
 45 providing tax incentive provisions".

46 3. By renumbering as necessary.

HUSER of Polk
 WISE of Lee
 THOMAS of Clayton

H-8513

1 Amend the amendment, H-8505, to Senate File 2364,
 2 as passed by the Senate, as follows:

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

5 "____. Page 72, line 3, by striking the word
 6 "subsections" and inserting the following:
 7 "subsection"."

8 2. Page 1, by striking line 3 and inserting the
 9 following:

10 "____. Page 72, by striking lines 4 through 9."

11 3. By renumbering as necessary.

KURTENBACH of Story

H-8514

1 Amend the amendment, H-8471, to House File 2752 as
 2 follows:

3 1. Page 1, by striking lines 2 through 6 and

4 inserting the following:
 5 "____. Page 3, by striking lines 29 and 30 and
 6 inserting the following: "shall be maintained in the
 7 central office of the board in a master contract file.
 8 A".

ALONS of Sioux

H-8517

1 Amend the amendment, H-8510, to House File 2770 as
 2 follows:
 3 1. Page 1, line 7, by striking the figure "1."
 4 2. Page 1, by striking lines 27 through 36.

RAECKER of Polk

H-8524

1 Amend the amendment, H-8510, to House File 2770 as
 2 follows:
 3 1. By striking page 1, line 2, through page 3,
 4 line 30, and inserting the following:
 5 "____. By striking page 1, line 1, through page 2,
 6 line 24, and inserting the following:
 7 "Sec.____. NEW SECTION. 15.361 UNIVERSITY
 8 TECHNOLOGY TRANSFER AND COMMERCIALIZATION REVIEW
 9 COMMITTEE.
 10 1. The general assembly finds and declares that
 11 the public good requires that Iowa successfully
 12 participate and compete in the emerging world economy
 13 and that this participation and competition is a
 14 public purpose. A university technology transfer and
 15 commercialization review committee is established for
 16 the public purpose of assisting the universities under
 17 the control of the state board of regents in securing
 18 additional investment in research infrastructure and
 19 information technology and in enhancing the commercial
 20 potential of proposals for research infrastructure and
 21 information technology submitted to the state board of
 22 regents for funding.
 23 2. The committee shall consist of all of the
 24 following members:
 25 a. Three members of the state board of regents
 26 appointed by the state board of regents.
 27 b. Two members appointed by a single bioscience
 28 development organization identified by the department
 29 pursuant to section 15G.111, subsection 2.
 30 c. Five members appointed by the governor and
 31 confirmed by the senate pursuant to section 2.32 as
 32 follows:
 33 (1) Two members with expertise in advanced

34 manufacturing.
35 (2) Two members with expertise in information
36 technology.
37 (3) One member who shall serve as the chairperson
38 of the committee.
39 3. In reviewing proposals by the universities
40 under the control of the state board of regents, the
41 committee shall do all of the following:
42 a. Review the proposals for their applicability to
43 the targeted areas of biosciences, advanced
44 manufacturing, or information technology.
45 b. Review the potential of the proposals to
46 increase economic activity in the state through job
47 creation, wealth creation, or the creation of new
48 businesses.
49 c. Identify additional sources of research
50 financing for the proposals from private sector

Page 2

1 businesses or other nonstate sources.
2 d. Identify individuals or companies that are
3 potential research or commercialization collaborators
4 in the proposals.
5 e. Within forty-five days of receiving a proposal,
6 prepare and forward to the state board of regents a
7 written review of the proposal including
8 recommendations for approval, denial, or modification
9 of the proposal.
10 The state board of regents shall review the
11 recommendations of the committee and shall approve,
12 deny, or modify the recommendations. If the board
13 modifies or denies the recommendation, the proposal
14 shall be resubmitted to the committee for
15 consideration. The board may award financial
16 assistance to approved proposals.
17 Sec. . NEW SECTION. 15.362 ENDOWED CHAIRS.
18 1. The state board of regents may create endowed
19 chair positions at each of the regents universities
20 using, in part, moneys appropriated to the state board
21 of regents for purposes of implementing
22 recommendations provided in separate consultant
23 reports on bioscience, advanced manufacturing, and
24 information technology submitted to the department of
25 economic development in the calendar years 2004 and
26 2005. Such moneys may only be used to partially fund
27 an endowed chair position if significant private
28 contributions and contributions from governmental
29 entities other than the state and political
30 subdivisions of the state are used to fund the
31 position. Not more than fifty percent of the cost of
32 funding an endowed chair position shall be paid with

33 such moneys.
 34 2. The state board of regents shall not use moneys
 35 appropriated to the board for purposes of implementing
 36 recommendations provided in separate consultant
 37 reports on bioscience, advanced manufacturing, and
 38 information technology submitted to the department of
 39 economic development in the calendar years 2004 and
 40 2005 to pay the salary of a salaried employee, but may
 41 use the moneys to pay the salary of a contract
 42 employee provided that the employment contract is for
 43 not more than five years."
 44 2. Page 3, by striking lines 39 through 42 and
 45 inserting the following:
 46 "___, Title page, by striking lines 1 and 2 and
 47 inserting the following: "An Act relating to economic
 48 development by creating a university technology
 49 transfer and commercialization review committee,
 50 providing tax incentive provisions"."

Page 3

1 3. By renumbering as necessary.

HUSER of Polk
 WISE of Lee
 THOMAS of Clayton

H-8527

1 Amend the amendment, H-8523, to House File 2790 as
 2 follows:
 3 1. Page 3, line 33, by inserting after the word
 4 "section." the following: "The commissioner shall
 5 offer the Iowa association of business and industry,
 6 the Iowa association of realtors, the Iowa motor truck
 7 association, the associated builders and contractors
 8 of Iowa, and the Iowa retail federation the
 9 opportunity to participate in the pilot project before
 10 selecting any other bona fide association to
 11 participate in the project."

STRUYK of Pottawattamie

H-8531

1 Amend Senate File 2301, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 29, by striking the words "past
 4 and".

ANDERSON of Page
 SWAIM of Davis

H-8533

- 1 Amend the amendment, H-8516, to Senate File 2369,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 37, by striking the word "Two"
- 4 and inserting the following: "Four".
- 5 2. Page 2, line 1, by striking the word "five"
- 6 and inserting the following: "three".
- 7 3. Page 2, line 2, by inserting after the words
- 8 "implemented to" the following: "contain the
- 9 stockpiled solids, including but not limited to using
- 10 hay bales or other effective measures, and to".
- 11 4. By renumbering as necessary.

DOLECHECK of Ringgold

H-8534

- 1 Amend House File 2794 as follows:
- 2 1. Page 16, by striking lines 16 through 21 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 8. Storing tangible personal
- 5 property in a warehouse located in Iowa which is not
- 6 owned by the corporation provided that not more than
- 7 twenty-five percent of the dollar amount of the goods
- 8 are delivered or shipped so as to be included in the
- 9 gross sales of the corporation within this state as
- 10 provided in section 422.33, subsection 2, paragraph
- 11 "b", subparagraph (6), provided that not more than
- 12 twenty-five percent of the dollar amount of the goods
- 13 sold through the warehouse are sold to customers in
- 14 Iowa."

KURTENBACH of Story

H-8536

- 1 Amend House File 2750 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99F.15, subsection 1,
- 5 paragraphs a and b, Code 2005, are amended to read as
- 6 follows:
- 7 a. Operating a gambling excursion or racetrack
- 8 enclosure where wagering is used or to be used without
- 9 a license issued by the commission.
- 10 b. Operating a gambling excursion or racetrack
- 11 enclosure where wagering is permitted other than in
- 12 the manner specified by section 99F.9.
- 13 Sec. _____. Section 99F.15, subsection 4, unnumbered
- 14 paragraph 1, Code 2005, is amended to read as follows:
- 15 A person commits a class "D" felony and, in

16 addition, shall be barred for life from excursion
 17 gambling boats and racetrack enclosures conducting
 18 gambling games under the jurisdiction of the
 19 commission, if the person does any of the following:
 20 Sec.____. Section 99F.15, subsection 4, paragraphs
 21 a and b, Code 2005, are amended to read as follows:
 22 a. Offers, promises, or gives anything of value or
 23 benefit to a person who is connected with an excursion
 24 gambling boat or racetrack enclosure operator
 25 including, but not limited to, an officer or employee
 26 of a licensee or holder of an occupational license
 27 pursuant to an agreement or arrangement or with the
 28 intent that the promise or thing of value or benefit
 29 will influence the actions of the person to whom the
 30 offer, promise, or gift was made in order to affect or
 31 attempt to affect the outcome of a gambling game, or
 32 to influence official action of a member of the
 33 commission.
 34 b. Solicits or knowingly accepts or receives a
 35 promise of anything of value or benefit while the
 36 person is connected with an excursion gambling boat or
 37 racetrack enclosure including, but not limited to, an
 38 officer or employee of a licensee, or holder of an
 39 occupational license, pursuant to an understanding or
 40 arrangement or with the intent that the promise or
 41 thing of value or benefit will influence the actions
 42 of the person to affect or attempt to affect the
 43 outcome of a gambling game, or to influence official
 44 action of a member of the commission."
 45 2. Title page, by striking lines 1 through 6 and
 46 inserting the following: "An Act relating to criminal
 47 penalties for violations committed by personnel and
 48 agents of the department of corrections and judicial
 49 district department of correctional services and at
 50 racetrack enclosures conducting casino games, and to

Page 2

1 the practices and procedures of the department of
 2 corrections and the judicial district department of
 3 correctional services, and providing for a fee."

4 3. By renumbering as necessary.

HUSER of Polk

H-8540

1 Amend Senate File 2312, as amended, passed, and
 2 reprinted by the Senate, as follows:

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

5 "Sec.____. COUNTY GRANT PROGRAM FOR VETERANS -

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

12 For providing matching grants to counties to
 13 provide improved services to veterans:
 14 \$ 1,000,000

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

28 2. Title page, line 1, by inserting after the
 29 word "grants" the following: "to counties to provide
 30 veterans services and grants".

31 3. By renumbering as necessary.

TYMESON of Madison
 CHAMBERS of O'Brien

H-8543

1 Amend House File 2794 as follows:

2 1. Page 34, by inserting after line 11 the
 3 following:

4 "Sec. ___. Section 476B.6, subsection 5, Code
 5 Supplement 2005, is amended by striking the subsection
 6 and inserting in lieu thereof the following:

7 5. A tax credit certificate may be filed pursuant
 8 to any of the following, to the extent applicable:

9 a. If the tax credit application is filed by a
 10 partnership, limited liability company, S corporation,
 11 estate, trust, or other reporting entity all of the
 12 income of which is taxed directly to its equity
 13 holders or beneficiaries, for the taxes imposed under
 14 chapter 422, division II or III, the tax credit
 15 certificate shall be issued directly to equity holders
 16 or beneficiaries of the applicant in proportion to
 17 their pro rata share of the income of such entity.
 18 The applicant shall, in the application made under
 19 this section, identify its equity holders or
 20 beneficiaries, and the percentage of such entity's

21 income that is allocable to each equity holder or
22 beneficiary.

23 b. If the tax credit applicant under this section
24 is eligible to receive renewable electricity
25 production credits authorized under section 45 of the
26 Internal Revenue Code, as amended, and the tax credit
27 applicant is a partnership, limited liability company,
28 S corporation, estate, trust, or other reporting
29 entity all of the income of which is taxed directly to
30 its equity holders or beneficiaries, for the taxes
31 imposed under chapter 422, division II or III, the tax
32 credit certificate may be issued to a partner if the
33 business is a partnership, a shareholder if the
34 business is an S corporation, or a member if the
35 business is a limited liability company in the amounts
36 designated by the eligible partnership, S corporation,
37 or limited liability company. In absence of such
38 designation, the credits under this section shall flow
39 through to the partners, shareholders, or members in
40 accordance with their pro rata share of the income of
41 the entity.

42 The applicant shall, in the application made under
43 this section, identify the holders or beneficiaries
44 that are to receive the tax credit certificates and
45 the percentage of the tax credit that is allocable to
46 each holder or beneficiary.

47 c. If an applicant under this section is eligible
48 to receive renewable electricity production credits
49 authorized under section 45 of the Internal Revenue
50 Code, as amended, and the tax credit applicant is a

Page 2

1 partnership, limited liability company, S corporation,
2 estate, trust, or other reporting entity all of the
3 income of which is taxed directly to its equity
4 holders or beneficiaries, for the taxes imposed under
5 chapter 422, division II or III, the tax credit
6 certificates and all future rights to the tax credit
7 in this section may be distributed to an equity holder
8 or beneficiary as a liquidating distribution or
9 portion thereof, of a holder or beneficiary's interest
10 in the applicant entity.

11 The applicant shall, in the application made under
12 this section, designate the percentage of the tax
13 credit allocable to the liquidating equity holder or
14 beneficiary that is to receive the current and future
15 tax credit certificates under this section.

16 d. If the tax credit application is filed by a
17 partnership, limited liability company, S corporation,
18 estate, trust, or other reporting entity, all of whose
19 income is taxed directly to its equity holders or

20 beneficiaries for the taxes imposed under chapter 422,
 21 division V, or under chapter 432, the tax credit
 22 certificate shall be issued directly to the
 23 partnership, limited liability company, S corporation,
 24 estate, trust, or other reporting entity."

KURTENBACH of Story

H-8547

1 Amend House File 2739 as follows:
 2 1. Page 2, by striking lines 19 through 34 and
 3 inserting the following:
 4 "NEW SUBSECTION. 15. The debtor's interest in
 5 payments reasonably necessary for the support of the
 6 debtor or the debtor's dependents to or for the
 7 benefit of the debtor or the debtor's dependents,
 8 including structured settlements, resulting from the
 9 wrongful death of a decedent upon which the debtor or
 10 the debtor's dependents were dependent."
 11 2. By renumbering as necessary.

ANDERSON of Page

H-8548

1 Amend House File 2794 as follows:
 2 1. By striking page 25, line 35, through page 30,
 3 line 8.

WATTS of Dallas

H-8549

1 Amend House File 2794 as follows:
 2 1. Page 20, by striking lines 28 through 32 and
 3 inserting the following:
 4 "Sec. ____ . Section 423.6, subsection 10,
 5 unnumbered paragraph 1, Code 2005, is amended to read
 6 as follows:
 7 Vehicles subject to registration which are
 8 transferred from a business or individual conducting a
 9 business within this state as a sole proprietorship,
 10 partnership, or limited liability company to a
 11 corporation formed by the sole proprietorship,
 12 partnership, or limited liability company for the
 13 purpose of continuing the business when all of the
 14 stock of the corporation so formed is owned by the
 15 sole proprietor and the sole proprietor's spouse, by
 16 all the partners in the case of a partnership, or by
 17 all the members in the case of a limited liability
 18 company. For the purpose of this subsection, the

19 exemption applies without regard to the time the
20 corporation has been in existence. This exemption is
21 equally available where the vehicles subject to
22 registration are transferred from a corporation to a
23 sole proprietorship, partnership, or limited liability
24 company formed by that corporation for the purpose of
25 continuing the business when all of the incidents of
26 ownership are owned by the same person or persons who
27 were stockholders of the corporation."

WATTS of Dallas

H-8551

1 Amend House File 2794 as follows:
2 1. Page 34, by inserting after line 11 the
3 following:
4 "Sec. __. Section 468.55, Code 2005, is amended
5 to read as follows:
6 468.55 ASSESSMENTS – MATURITY AND COLLECTION.
7 If a landowner selects an option provided in
8 section 468.57, all drainage or levee tax assessments
9 become due and payable with the first half of ordinary
10 taxes, and shall be collected in the same manner with
11 the same interest for delinquency and the same manner
12 of enforcing collection by tax sales. As an
13 alternative, ~~the certifying authority may request that~~
14 ~~landowner may pay~~ the annual installment ~~be payable in~~
15 two equal payments, one-half with the September
16 payment of ordinary taxes and one-half payable with
17 the March payment of ordinary taxes. All drainage or
18 levee tax assessments not optioned for installment
19 payments by the landowner shall become due and payable
20 within thirty days after the levy of assessments."

MERTZ of Kossuth

H-8552

1 Amend House File 2769 as follows:
2 1. Page 5, by inserting after line 3 the
3 following:
4 "Sec. __. NEW SECTION. 28.11 PUBLIC-PRIVATE
5 PARTNERSHIPS FOR ECONOMIC DEVELOPMENT AND EARLY
6 CHILDHOOD EDUCATION.
7 1. FINDINGS. The general assembly finds all of
8 the following in regard to the relationship between
9 economic development efforts and early childhood
10 education:
11 a. That economic development and education are
12 intrinsically linked; one is not successful without
13 the other.

14 b. That strong economic growth cannot occur or be
 15 maintained without a strong early childhood education
 16 system that begins at birth and continues into older
 17 ages.

18 c. That investments in high-quality early
 19 childhood education will save significant costs by
 20 avoiding the future need for extensive special
 21 education, criminal justice, public assistance, and
 22 child welfare services.

23 d. That Iowa has a wide variety of investors in
 24 early childhood education, ranging from parents to
 25 federal and state governments and the private sector.

26 e. That the state's economic development and early
 27 childhood education efforts can be greatly improved by
 28 supporting public and private partnerships dedicated
 29 to enhancing early childhood education.

30 2. PUBLIC POLICY. The Iowa empowerment board, the
 31 community empowerment office, and the community
 32 empowerment assistance team shall give priority to
 33 supporting efforts at the state and community
 34 empowerment area levels to build public-private
 35 partnerships for economic development through
 36 enhancing early childhood education.

37 3. BLUE RIBBON COMMITTEE.

38 a. The Iowa empowerment board shall establish a
 39 blue ribbon public-private partnership committee to
 40 develop a framework for building integrated, high-
 41 quality early childhood education programs in all
 42 areas of the state. The blue ribbon committee shall
 43 be directed to report to the board, the governor, and
 44 the general assembly regarding the framework and other
 45 findings and recommendations on or before December 15,
 46 2006, so that the recommendations can be incorporated
 47 into the governor's budget proposal and the general
 48 assembly's budget deliberations for the 2007
 49 legislative session.

50 b. The membership of the blue ribbon committee

Page 2

1 shall include but is not limited to all of the
 2 following:

3 (1) The directors of the departments of economic
 4 development, education, human rights, human services,
 5 and public health, or their designees.

6 (2) Two representatives of private sector
 7 employers from nominations provided by the Iowa
 8 business council.

9 (3) One representative of for-profit organizations
 10 providing services to young children or early
 11 childhood education.

12 (4) One representative of nonprofit organizations

- 13 providing services to young children or early
14 childhood education.
- 15 (5) One representative of home-based providers of
16 services to young children or early childhood
17 education.
- 18 (6) One representative of religious organizations
19 providing services to young children.
- 20 (7) One representative of organizations providing
21 funding for services to young children or early
22 childhood education.
- 23 (8) One school superintendent from a rural area.
- 24 (9) One school superintendent from an urban area.
- 25 (10) One public school educator who works with
26 kindergarten-age and younger children.
- 27 (11) One parent who is involved with school
28 organizations such as the parent-teacher association.
- 29 c. The committee's deliberations and
30 recommendations shall include but are not limited to
31 all of the following:
- 32 (1) Identifying the types of programs that are
33 best for improving the quality of early childhood
34 education.
- 35 (2) A strategy for blending child care and
36 preschool into a seamless system.
- 37 (3) A best approach for identifying standards and
38 quality in early childhood education.
- 39 (4) A strategy for blending funding for early
40 childhood education services from the public sector
41 and the private sector, including but not limited to
42 the funding provided by businesses and individual
43 families.
- 44 (5) An approach for committing funding designated
45 for economic development to early childhood education,
46 including but not limited to funding from the vision
47 Iowa program, the grow Iowa values fund, and similar
48 sources.
- 49 (6) A strategy for community empowerment area
50 boards to develop and implement local public-private

Page 3

- 1 partnership networks and apply for state and private
2 funding to implement innovative childhood education
3 programming, or to be able to apply for competitive
4 grants to enhance the partnership networks. The
5 committee shall give consideration to adapting the
6 smart start approach utilized in North Carolina.
- 7 (7) A best process for evaluating early childhood
8 education services on an annual or other periodic
9 basis.
- 10 d. Staff and administrative support for the blue
11 ribbon committee shall be provided by the community

- 12 empowerment office and the community empowerment
 13 assistance team.
 14 e. This subsection is repealed July 1, 2008."
 15 2. By renumbering as necessary.

FOEGE of Linn
 HEATON of Henry
 BOAL of Polk

H-8553

- 1 Amend House File 2794 as follows:
 2 1. Page 30, by inserting after line 8 the
 3 following:
 4 "Sec. __. Section 423B.7, subsection 4, Code
 5 2005, is amended to read as follows:
 6 4. a. Twenty-five Except as provided in paragrah
 7 "b", twenty-five percent of each county's account
 8 shall be remitted based on the sum of property tax
 9 dollars levied by the board of supervisors if the tax
 10 was imposed in the unincorporated areas and each city
 11 in the county where the tax was imposed during the
 12 three-year period beginning July 1, 1982, and ending
 13 June 30, 1985, as follows:
 14 a. (1) To the board of supervisors a pro rata
 15 share based upon the percentage of the total property
 16 tax dollars levied by the board of supervisors during
 17 the above three-year period.
 18 b. (2) To each city council where the tax was
 19 imposed a pro rata share based upon the percentage of
 20 property tax dollars levied by the city during the
 21 above three-year period of the above total property
 22 tax dollars levied by the board of supervisors and
 23 each city where the tax was imposed during the above
 24 three-year period.
 25 b. In the case of a county where the tax is not
 26 imposed in any area of the county on June 30, 2006,
 27 and subsequently is imposed in an area of the county
 28 on or after July 1, 2006, twenty-five percent of each
 29 county's account shall be remitted based on the sum of
 30 property tax dollars levied by the board of
 31 supervisors if the tax was imposed in the
 32 unincorporated areas and each city in the county where
 33 the tax was imposed during the fiscal year ending
 34 after the most recent certified federal decennial
 35 census as follows:
 36 (1) To the board of supervisors a pro rata share
 37 based upon the percentage of the total property tax
 38 dollars levied by the board of supervisors during the
 39 above fiscal year.
 40 (2) To each city council where the tax was imposed
 41 a pro rata share based upon the percentage of property

42 tax dollars levied by the city during the above fiscal
 43 year of the above total property tax dollars levied by
 44 the board of supervisors and each city where the tax
 45 was imposed during the above fiscal year."

WATTS of Dallas

H-8555

- 1 Amend the amendment, H-8523, to House File 2790 as
 2 follows:
 3 1. Page 3, line 35, by striking the word "ten"
 4 and inserting the following: "fifteen".
 5 2. Page 4, line 4, by striking the figure "2011"
 6 and inserting the following: "2016".

WISE of Lee
 OLDSON of Polk
 PETTENGILL of Benton
 BERRY of Black Hawk
 COHOON of Des Moines
 FOEGE of Linn
 FREVERT of Palo Alto
 HEDDENS of Story
 HUNTER of Polk
 JOCHUM of Dubuque
 KUHN of Floyd
 MASCHER of Johnson
 MERTZ of Kossuth
 R. OLSON of Polk
 REICHERT of Muscatine
 SHOMSHOR of Pottawattamie
 SMITH of Marshall
 D. TAYLOR of Linn
 THOMAS of Clayton
 WHITAKER of Van Buren

PETERSEN of Polk
 QUIRK of Chickasaw
 BELL of Jasper
 BUKTA of Clinton
 DAVITT of Warren
 FORD of Polk
 GASKILL of Wapello
 HOGG of Linn
 JACOBY of Johnson
 KRESSIG of Black Hawk
 LYKAM of Scott
 McCARTHY of Polk
 MILLER of Webster
 REASONER of Union
 SCHUELLER of Jackson
 SHOULTZ of Black Hawk
 SWAIM of Davis
 T. TAYLOR of Linn
 WENDT of Woodbury
 WHITEAD of Woodbury

H-8558

- 1 Amend House File 2769 as follows:
 2 1. Page 2, by inserting after line 27 the
 3 following:
 4 "Sec. ____ Section 28.6, subsection 1, paragraph
 5 a, Code Supplement 2005, is amended to read as
 6 follows:
 7 a. Community empowerment area functions shall be
 8 performed under the authority of a community
 9 empowerment area board. A majority of the members of
 10 a community board shall be elected officials and
 11 members of the public who are not employed by a
 12 provider of services to or for the community board.
 13 At least one member shall be a service consumer or the

14 parent of a service consumer. At least one member
 15 shall be a provider of early care services. Terms of
 16 office of community board members shall be not more
 17 than three years and the terms shall be staggered.
 18 The membership of a community empowerment area board
 19 shall include members with early care, education,
 20 health, human services, business, faith, and public
 21 interests."

22 2. Page 3, line 23, by inserting after the word
 23 "age" the following: "who are not enrolled in
 24 elementary school".

25 3. By renumbering as necessary.

TYMESON of Madison

H-8559

1 Amend the amendment, H-8552, to House File 2769 as
 2 follows:

3 1. Page 1, line 5, by striking the words
 4 "ECONOMIC DEVELOPMENT AND".

5 2. Page 1, by striking lines 7 through 29.

6 3. Page 1, lines 32 and 33, by striking the words
 7 "give priority to supporting" and inserting the
 8 following: "support".

9 4. Page 1, line 35, by striking the words
 10 "economic development through".

11 5. Page 2, by inserting after line 24 the
 12 following:

13 "() One nonpublic school superintendent."

14 6. Page 2, by inserting after line 26 the
 15 following:

16 "() One nonpublic school educator who works
 17 with kindergarten-age and younger children."

18 7. Page 2, by striking lines 32 through 34.

19 8. Page 2, by striking lines 44 through 48.

20 9. Page 3, line 4, by striking the word "The".

21 10. Page 3, by striking lines 5 and 6.

22 11. Page 3, by inserting after line 9 the
 23 following:

24 "dd. The committee shall gather information on the
 25 total number of children in the state who are served
 26 by public and community preschool providers."

27 12. By renumbering as necessary.

TYMESON of Madison

H-8564

1 Amend Senate File 2364, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting after line 11 the

4 following:

5 Sec.____. Section 15G.111, subsection 1, paragraph
6 a, Code Supplement 2005, is amended to read as
7 follows:

8 a. For the fiscal period beginning July 1, ~~2005~~
9 2006, and ending June 30, 2015, there is appropriated
10 each fiscal year from the grow Iowa values fund
11 created in section 15G.108, to the department of
12 economic development ~~thirty-five~~ thirty million
13 dollars for programs administered by the department of
14 economic development.

15 Sec.____. Section 15G.111, Code Supplement 2005,
16 is amended by adding the following new subsection:
17 **NEW SUBSECTION. 1A.** For the fiscal period
18 beginning July 1, 2006, and ending June 30, 2015,
19 there is appropriated each fiscal year from the grow
20 Iowa values fund created in section 15G.108 to the
21 insurance division of the department of commerce five
22 million dollars for deposit in the small employer
23 health care reinsurance fund created in section
24 513B.13A for the purpose of administering the small
25 employer health care reinsurance program and fund
26 pursuant to section 513B.13A."

27 2. Page 30, by inserting after line 24 the
28 following:

29 "Sec.____. **NEW SECTION. 513B.13A SMALL EMPLOYER**
30 **HEALTH CARE REINSURANCE PROGRAM.**

31 1. **DEFINITIONS.**

32 As used in this section, unless the context
33 otherwise requires:

34 a. "Fund" means the small employer health care
35 reinsurance fund.

36 b. "Qualified carrier" means a carrier, as defined
37 in section 513B.2.

38 c. "Small employer group health insurance plan"
39 means a group health insurance plan that provides
40 health insurance coverage for employees of a small
41 employer.

42 2. **REINSURANCE FUND.**

43 a. A small employer health care reinsurance fund
44 is created as a separate fund in the state treasury
45 under the control of the commissioner of insurance.

46 b. The treasurer of state shall act as custodian
47 of the fund and shall disburse amounts contained in
48 the fund as directed by the commissioner.

49 c. The commissioner shall keep accounts in
50 relation to the appropriation of moneys to the fund

Page 2

1 and all amounts of approved vouchers for
2 reimbursements to qualified carriers chargeable to the

3 fund.

4 d. Notwithstanding section 12C.7, subsection 2,
5 interest or earnings on moneys deposited in the small
6 employer health care reinsurance fund shall be
7 credited to the small employer health care reinsurance
8 fund. Notwithstanding section 8.33, moneys credited
9 to the small employer health care reinsurance fund
10 shall not revert to the general fund of the state at
11 the close of a fiscal year.

12 **3. REINSURANCE PROGRAM.**

13 a. A reinsurance program is created in the
14 insurance division of the department of commerce to
15 administer the fund and to make expenditures from the
16 fund pursuant to this section.

17 b. Moneys in the fund shall be used to reimburse a
18 qualified carrier that offers a small employer group
19 health insurance plan in which at least eighty-five
20 percent of the eligible employees of the small
21 employer participate, for certain claims paid by the
22 qualified carrier. The amount of reimbursement shall
23 be fifty percent of the cost of each claim that
24 amounts to at least fifty thousand dollars that is
25 paid by a qualified carrier under such a plan in a
26 year.

27 c. The commissioner shall submit an annual report
28 not later than January 1 to the governor, the general
29 assembly, and the legislative services agency
30 evaluating the fund and reinsurance program, including
31 but not limited to consideration of the factors
32 contained in subsection 5, paragraph "b", summarizing
33 the status of the fund and reinsurance program, and
34 proposing modifications to or suspension of the
35 operation of the fund and reinsurance program as
36 deemed necessary by the commissioner.

37 **4. QUALIFIED CARRIERS.**

38 a. In order to qualify for participation in the
39 reinsurance program for the first time, a carrier
40 shall certify to the commissioner that the carrier
41 will immediately reduce its base premium rates or
42 otherwise demonstrate to the commissioner that the
43 carrier will immediately effectively reduce premiums,
44 according to accepted actuarial guidelines adopted by
45 the commissioner by rule under chapter 17A, for all
46 small employer group health insurance plans offered by
47 the carrier for the plan benefit year in an amount
48 that reflects the estimated reimbursement the carrier
49 will receive from participating in the reinsurance
50 program during that plan benefit year, as determined

2 guidelines adopted by rule under chapter 17A.

3 b. In order to qualify for continued participation
4 in the reinsurance program, a carrier shall certify to
5 the commissioner that for the plan benefit year for
6 which reimbursement from the fund is claimed, the
7 carrier reduced its base premium rates or otherwise
8 demonstrate to the commissioner that the carrier
9 effectively reduced premiums, according to accepted
10 actuarial guidelines adopted by the commissioner by
11 rule under chapter 17A, for all small employer group
12 health insurance plans offered by the carrier for that
13 plan benefit year.

14 c. A qualified carrier may claim reimbursement
15 from the fund for the cost of eligible claims
16 annually, by filing, with the commissioner, a claim in
17 a form prescribed by the commissioner by rule.

18 5. MONITORING AND EVALUATION.

19 a. The commissioner shall develop and implement
20 criteria to monitor and evaluate the fund and
21 reinsurance program on an ongoing basis and may make
22 recommendations to the general assembly, including
23 proposed modifications to or suspension of the
24 operation of the fund and reinsurance program.

25 b. In monitoring and evaluating the reinsurance
26 program, the commissioner shall consider such factors
27 as the population whose claims are being reimbursed by
28 the reinsurance program, the number and percentage of
29 qualified carriers electing to utilize the reinsurance
30 program, health care reform measures implemented in
31 the state, premium costs of small employer group
32 health insurance plans offered by qualified carriers
33 that participate in the reinsurance program compared
34 to carriers that do not, and other factors deemed
35 relevant by the commissioner."

36 3. Title page, line 10, by inserting after the
37 word "cemeteries" the following: ", and creating a
38 small employer health care reinsurance program and
39 fund, and providing an appropriation".

KAUFMANN of Cedar

H-8565

1 Amend Senate File 2272, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by striking lines 4 through 17.

4 2. By striking page 10, line 31, through page 11,
5 line 17, and inserting the following:

6 "1. The school year shall begin on the first day
7 of July and each regularly established elementary and
8 secondary school shall begin no sooner than a day
9 during the calendar week in which the first day of

10 September falls but no later than the first Monday in
11 December. However, if the first day of September
12 falls on a Sunday, school may begin on a day during
13 the calendar week which immediately precedes the first
14 day of September. School shall continue for at least
15 one hundred eighty days, except as provided in
16 subsection 3, and may be maintained during the entire
17 calendar year. However, if the board of directors of
18 a district extends the school calendar because
19 inclement weather caused the district to temporarily
20 close school during the regular school calendar, the
21 district may excuse a graduating senior who has met
22 district or school requirements for graduation from
23 attendance during the extended school calendar. A
24 school corporation may begin employment of personnel
25 for in-service training and development purposes
26 before the date to begin elementary and secondary
27 school. This subsection does not prohibit a school
28 board from holding athletic contests or practices
29 before the school start date or scheduling in-service
30 training or contract days for career development
31 before the school start date."

32 3. Page 11, line 22, by inserting after the word
33 "subsection" the following: "and inserting in lieu
34 thereof the following:

35 4. a. The board of directors of a school district
36 may commence its school calendar prior to the school
37 start date set forth in subsection 1 if it submits a
38 written request to the department of education for an
39 earlier school calendar start date and the department
40 determines there are extraordinary reasons for
41 granting the request. The department may grant the
42 request upon written findings based on consideration
43 of the following factors:

- 44 (1) The request was adopted as a written
45 resolution by the board of directors of the school
46 district at an open school board meeting.
47 (2) The request sets forth the reasons and other
48 relevant facts relating to the request for an earlier
49 school start date, including but not limited to the
50 extraordinary event, or chronology of events, leading

Page 2

1 to the request, and when the event or events occurred.

2 b. For purposes of this subsection, "extraordinary
3 reasons" includes any of the following:

- 4 (1) Major construction projects that cause the
5 school calendar to be altered and which necessitate an
6 earlier school start date for the entire school
7 district.
8 (2) Closure of school due to forces of nature;

9 code violations, or environmental orders.
 10 (3) The majority of the students enrolled in grade
 11 twelve in the school district are also enrolled in
 12 three or more credit hours offered by a community

H-8572

1 Amend Senate File 2393, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting after line 25 the
 4 following:

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

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

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

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

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

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

35 2. Title page, line 2, by inserting after the
 36 word "law" the following: "and campaign finance and
 37 disclosure law".

38 3. By renumbering as necessary.

H-8576

1 Amend Senate File 2272, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 10, line 34, by striking the figure "25"
4 and inserting the following: "22".

WILDERDYKE of Harrison

H-8578

1 Amend the amendment, H-8566, to House File 2794, as
2 follows:

3 1. Page 10, by striking lines 43 through 47 and
4 inserting the following: "development expenses. ~~In~~
5 ~~determining the amount of early childhood development~~
6 ~~expenses, such expenses paid during November and~~
7 ~~December of the previous tax year shall be considered~~
8 ~~paid in the tax year for which the tax credit is~~
9 ~~claimed.~~ This credit is".

10 2. Page 11, by inserting after line 6 the
11 following:

12 "Sec. ___. Section 422.12C, subsection 2,
13 paragraph b, Code Supplement 2005, is amended by
14 striking the paragraph."

15 3. Page 24, by inserting after line 31 the
16 following:

17 " ___. The sections of this division of this Act
18 amending section 422.12C, subsection 2, apply
19 retroactively to January 1, 2006, for tax years
20 beginning on or after that date."

HOGG of Linn

H-8579

1 Amend the amendment, H-8566, to House File 2794 as
2 follows:

3 1. Page 23, by inserting after line 5 the
4 following:

5 "Sec. ___. Section 523I.316, subsection 3, Code
6 Supplement 2005, is amended to read as follows:
7 3. DUTY TO PRESERVE AND PROTECT.

8 a. A governmental subdivision having a cemetery,
9 or a burial site that is not located within a
10 dedicated cemetery, within its jurisdiction, for which
11 preservation is not otherwise provided, shall preserve
12 and protect the cemetery or burial site as necessary
13 to restore or maintain its physical integrity as a
14 cemetery or burial site. The governmental subdivision
15 may enter into ~~an~~ a written agreement to delegate the
16 responsibility for the preservation and protection of
17 the cemetery or burial site to a the owner of the
18 property on which the cemetery or burial site is
19 located or to a public or private organization
20 interested in historical preservation. The

21 governmental subdivision shall not enter into an
22 agreement with a public or private organization to
23 preserve and protect the cemetery or burial site
24 unless the property owner has been offered the
25 opportunity to enter into such an agreement and has
26 declined to do so.

27 b. A governmental subdivision is authorized to
28 expend public funds, in any manner authorized by law,
29 in connection with such a cemetery or burial site,

30 c. If a governmental subdivision proposes to enter
31 into an agreement with a public or private
32 organization pursuant to this subsection to preserve
33 and protect a cemetery or burial site that is located
34 on property owned by another person within the
35 jurisdiction of the governmental subdivision, the
36 proposed agreement shall be written, and the
37 governmental subdivision shall provide written notice
38 by ordinary mail of the proposed agreement to the
39 property owner at least fourteen days prior to the
40 date of the meeting at which such proposed agreement
41 will be authorized. The notice shall include the
42 location of the cemetery or burial site and a copy of
43 the proposed agreement, and explain that the property
44 owner is required to permit members of the public or
45 private organization reasonable ingress and egress for
46 the purposes of preserving and protecting the cemetery
47 or burial site pursuant to the proposed agreement.
48 The notice shall also include the date, time, and
49 place of the meeting and a statement that the property
50 owner has a right to attend the meeting and to comment

Page 2

1 regarding the proposed agreement.

2 d. Subject to chapter 670, a governmental
3 subdivision that enters into an agreement with a
4 public or private organization pursuant to this
5 subsection is liable for any personal injury or
6 property damage that occurs in connection with the
7 preservation or protection of the cemetery or burial
8 site or access to the cemetery or burial site by the
9 governmental subdivision or the public or private
10 organization.

11 For the purposes of this paragraph, "liable" means
12 liability for every civil wrong which results in
13 wrongful death or injury to a person or injury to
14 property or injury to personal or property rights and
15 includes but is not restricted to actions based upon
16 negligence; error or omission; nuisance; breach of
17 duty, whether statutory or other duty; or denial or
18 impairment of any right under any constitutional
19 provision, statute, or rule of law.

20 e. A property owner who is required to permit
 21 members of a public or private organization reasonable
 22 ingress and egress for the purpose of preserving or
 23 protecting a cemetery or burial site on that owner's
 24 property and who acts in good faith and in a
 25 reasonable manner pursuant to this subsection is not
 26 liable for any personal injury or property damage that
 27 occurs in connection with the preservation or
 28 protection of the cemetery or burial site or access to
 29 the cemetery or burial site.

30 f. For the purposes of this subsection, reasonable
 31 ingress and egress to a cemetery or burial site shall
 32 include the following:

33 (1) A member of a public or private organization
 34 that has entered into a written agreement with the
 35 governmental subdivision who desires to visit such a
 36 cemetery or burial site shall give the property owner
 37 at least ten days' written notice of the intended
 38 visit.

39 (2) If the property owner cannot provide
 40 reasonable access to the cemetery or burial site on
 41 the desired date, the property owner shall provide
 42 reasonable alternative dates when the property owner
 43 can provide access to the member.

44 (3) A property owner is not required to make any
 45 improvements to that person's property to satisfy the
 46 requirement to provide reasonable access to a cemetery
 47 or burial site pursuant to this subsection."

48 2. Page 31, by inserting after line 18, the
 49 following:

50 "___ Title page, line 4, by inserting after the

Page 3

1 word "taxes," the following: "affecting the
 2 administration of certain cemetery property by
 3 governmental subdivisions,"

4 3. By renumbering as necessary.

HUSER of Polk
 LALK of Fayette
 SWAIM of Davis

KAUFMANN of Cedar
 SCHUELLER of Jackson

H-8583

1 Amend Senate File 2364, as passed by the Senate, as
 2 follows:

3 1. Page 10, by striking lines 18 through 26.

4 2. Page 30, by striking lines 23 and 24.

5 3. Page 39, line 3, by striking the words "or
 6 process" and inserting the following: "or process".

7 4. Page 40, line 1, by striking the words "or

- 8 process" and inserting the following: "or process".
- 9 5. Page 41, by striking lines 12 through 25.
- 10 6. Page 43, by striking lines 11 through 20.
- 11 7. By striking page 43, line 33, through page 44,
- 12 line 6.
- 13 8. By striking page 48, line 9, through page 50,
- 14 line 2, and inserting the following:
- 15 "Sec.____. Section 516E.3, subsection 1, paragraph
- 16 a, Code Supplement 2005, is amended to read as
- 17 follows:
- 18 a. A service contract shall not be issued, sold,
- 19 or offered for sale in this state unless a true and
- 20 correct copy of the service contract, and the service
- 21 company's reimbursement insurance policy, if
- 22 applicable, have been filed with the commissioner by
- 23 the service company.
- 24 Sec.____. Section 516E.3, subsection 2, paragraph
- 25 b, Code Supplement 2005, is amended to read as
- 26 follows:
- 27 b. A provider shall file a consent to service of
- 28 process on the commissioner, a notice with the name
- 29 and ownership of the provider, and such other
- 30 information as the commissioner requires, annually
- 31 with the commissioner no later than August 1. If
- 32 August 1 falls on a weekend or a holiday, the date for
- 33 filing shall be the next business day. In addition to
- 34 the annual filing, the provider shall promptly file
- 35 copies of any amended documents if material amendments
- 36 have been made in the materials on file with the
- 37 commissioner. If an annual filing is made after
- 38 August 1 and sales have occurred during the period
- 39 when the provider was in noncompliance with this
- 40 section, the commissioner shall assess an additional
- 41 filing fee that is two times the amount normally
- 42 required for an annual filing. A fee shall not be
- 43 charged for interim filings made to keep the materials
- 44 filed with the division current and accurate. The
- 45 annual filing shall be accompanied by a filing fee in
- 46 the amount of one hundred dollars."
- 47 9. Page 60, by striking lines 31 through 33 and
- 48 inserting the following: "the association or upon the
- 49 commissioner of insurance on its behalf. The
- 50 commissioner shall promptly transmit any notice served

Page 2

- 1 upon the commissioner to the association."
- 2 10. By striking page 60, line 34, through page
- 3 61, line 33.
- 4 11. By striking page 69, line 15, through page

- 5 70, line 16.
6 12. Page 78, by striking lines 2 through 16.

ANDERSON of Page
SWAIM of Davis
R. OLSON of Polk
HUSER of Polk

H-8588

- 1 Amend the amendment, H-8583, to Senate File 2364,
2 as passed by the Senate, as follows:
3 1. Page 2, line 6, by striking the figure "16."
4 and inserting the following: "16, and inserting the
5 following:
6 "Sec.____. Sections 509B.4, 521.9, 521.11, and
7 521.12, Code 2005, are repealed.
8 Sec.____. Section 516E.17, Code Supplement 2005,
9 is repealed.""

SWAIM of Davis

H-8590

- 1 Amend the amendment, H-8558, to House File 2769 as
2 follows:
3 1. Page 1, line 15, by inserting before the word
4 "Terms" the following: "Each community empowerment
5 area board is strongly encouraged to include members
6 who reflect the ethnic and racial diversity of the
7 community empowerment area."

FORD of Polk

H-8591

- 1 Amend Senate File 2364, as passed by the Senate, as
2 follows:
3 1. By striking page 75, line 9, through page 77,
4 line 26.
5 2. Page 78, by inserting after line 16 the
6 following:
7 "Sec.____. PUBLIC ACCESS TO CEMETERIES OR BURIAL
8 SITES - STUDY. The commissioner of insurance shall
9 study the legal ramifications of acquiring property
10 rights or rights of access through private property to
11 a cemetery or burial site that is not located within a
12 dedicated cemetery, for the purpose of preserving and
13 protecting the cemetery or burial site; the
14 appropriate size and location of such access rights;
15 and any other issues related to expanding access to
16 such a cemetery or burial site.

17 The commissioner shall submit a report of the
 18 results of the study to the general assembly and to
 19 the governor no later than December 15, 2006."
 20 3. By renumbering as necessary.

EICHHORN of Hamilton

H-8594

1 Amend the amendment, H-8566, to House File 2794 as
 2 follows:
 3 1. By striking page 3, line 43, through page 4,
 4 line 16.

FREVERT of Palo Alto

H-8600

1 Amend House File 2769 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "DIVISION I
 5 CODE CHANGES"
 6 2. Page 3, by striking lines 13 through 17 and
 7 inserting the following: "shall include but are not
 8 limited to home visitation. After a community
 9 empowerment area board has committed the portion of
 10 school ready grant funding that is designated or
 11 authorized by law to be used or set aside for a
 12 particular purpose, the community board shall commit
 13 approximately sixty percent of the remainder to family
 14 support services and parent education programs
 15 targeted to families with newborn and infant
 16 children."

17 3. Page 5, by inserting after line 30 the
 18 following:

19 "DIVISION II
 20 EARLY CHILDHOOD APPROPRIATIONS
 21 Sec. ___. FAMILY SUPPORT AND PARENT EDUCATION –
 22 FY 2006-2007 THROUGH FY 2008-2009. There is
 23 appropriated from the general fund of the state to the
 24 department of education for deposit in the school
 25 ready children grants account of the Iowa empowerment
 26 fund for each fiscal year of the period beginning July
 27 1, 2006, and ending June 30, 2009, the following
 28 amount, or so much thereof as is necessary, to be used
 29 for the purposes designated:
 30 For family support services and parent education
 31 programs targeted to families with newborn and infant
 32 children through age three, in accordance with this
 33 section:
 34 \$ 5,000,000

35 The amount appropriated in this section shall be
 36 distributed in each of the fiscal years as part of the
 37 school ready children grant program funding using the
 38 distribution formula approved by the Iowa empowerment
 39 board and shall be used by a community empowerment
 40 area only for family support services and parent
 41 education programs targeted to families with newborn
 42 and infant children through age three.
 43 Sec. ____ EARLY CHILDHOOD AND PRESCHOOL PROGRAMS
 44 - FY 2006-2007.

45 1. There is appropriated from the general fund of
 46 the state to the school ready children grants account
 47 of the Iowa empowerment fund for the fiscal year
 48 beginning July 1, 2006, and ending June 30, 2007, the
 49 following amount, or so much thereof as is necessary,
 50 to be used for the purposes designated:

Page 2

1 For early childhood and preschool programs, in
 2 accordance with this section:
 3 \$ 10,000,000

4 2. Of the amount appropriated in subsection 1,
 5 \$5,500,000 is allocated to increase the funding
 6 designated for distribution to community empowerment
 7 areas to assist low-income parents with preschool
 8 tuition in order to increase the basic family income
 9 eligibility requirement from not more than 185 percent
 10 of the federal poverty level to not more than 200
 11 percent of the federal poverty level. In addition, if
 12 sufficient funding is available after addressing the
 13 needs of those who meet the basic income eligibility
 14 requirement, a community empowerment area board may
 15 provide for eligibility for those with a family income
 16 in excess of the basic income eligibility requirement
 17 through use of a sliding scale or other copayment
 18 provision.

19 3. Of the amount appropriated in subsection 1,
 20 \$3,500,000 is allocated for efforts to improve the
 21 quality of early childhood and preschool programs.
 22 The Iowa empowerment board may reserve a portion of
 23 the allocation, not to exceed \$100,000 for the
 24 technical assistance expenses of the Iowa empowerment
 25 office and shall distribute the remainder to community
 26 empowerment areas for local quality improvement
 27 efforts through a methodology identified by the board
 28 to make the most productive use of the funding, which
 29 may include use of the distribution formula, grants,
 30 or other means.

31 4. a. Of the amount appropriated in subsection 1,
 32 \$1,000,000 shall be credited to the community
 33 empowerment gifts and grants account created in this

34 Act within the Iowa empowerment fund. The amount
35 credited shall be reserved for distribution to
36 implement those recommendations of the business
37 community investment advisory council created in this
38 subsection that are approved for implementation by the
39 Iowa empowerment board. Not more than 3 percent of
40 the amount allocated in this subsection shall be used
41 for the expenses of the advisory council created in
42 this subsection.

43 b. A business community investment advisory
44 council is created to advise the Iowa empowerment
45 board. The membership of the advisory council shall
46 be appointed by the governor in a manner to ensure
47 there is representation for rural and urban interests,
48 various geographic areas of the state, and different
49 sizes of businesses. The membership shall be
50 appointed as follows:

Page 3

1 (1) Two members from nominees provided by the Iowa
2 business council.

3 (2) Two members from nominees provided by the Iowa
4 association of business and industry.

5 (3) One member from nominees provided by the Iowa
6 chamber alliance.

7 (4) One member from nominees provided by the
8 professional developers of Iowa.

9 (5) Three members representing early childhood
10 services providers from nominees provided by the state
11 child care advisory council so that representation is
12 provided for for-profit child development home
13 providers, for-profit child care center providers, and
14 nonprofit child care center providers.

15 (6) One member representing school administrators
16 who have responsibilities involving a public preschool
17 program from nominees provided by the school
18 administrators of Iowa.

19 (7) One member representing kindergarten teachers
20 from nominees provided by the Iowa state education
21 association, professional educators of Iowa, and
22 nonpublic schools.

23 (8) One parent of a child from birth through age
24 five who is not attending kindergarten from nominees
25 submitted by a community empowerment area board.

26 (9) The directors of the state agencies
27 represented on the Iowa empowerment board may serve as
28 nonvoting, ex officio members of the advisory council.

29 c. The advisory council shall advise the Iowa
30 empowerment board on the best means to leverage
31 private investment in early childhood services and
32 provide options for creating model projects for

33 public-private partnerships to support quality early
 34 childhood programming in communities. The advisory
 35 council shall complete its deliberations by submitting
 36 a report with recommendations and findings to the Iowa
 37 empowerment board on or before December 31, 2006. The
 38 report shall address all of the following in addition
 39 to other items identified by the advisory council:
 40 (1) A strategy for blending funding for early
 41 childhood services from the public sector and the
 42 private sector, including but not limited to the
 43 funding provided by businesses and individual
 44 families. The advisory council shall consider an
 45 approach based on that used for the vision Iowa
 46 program, the grow Iowa values fund, and other economic
 47 models.
 48 (2) A strategy for community empowerment area
 49 boards to develop and implement local public-private
 50 partnership networks and apply for state and private

Page 4

1 funding to implement innovative early childhood
 2 programming, or to be able to apply for competitive
 3 grants to enhance such partnership networks. The
 4 advisory council shall give consideration to similar
 5 approaches that have been successful in other states.

6 (3) A strategy for requiring local match funding
 7 for a community empowerment area to access the funding
 8 allocated in this subsection.

9 (4) Accountability and evaluation measures.

10 (5) Provisions to ensure efficiency.

11 Sec. ____ EARLY CHILDHOOD AND PRESCHOOL PROGRAMS
 12 – FY 2007–2008 AND 2008–2009.

13 1. There is appropriated from the general fund of
 14 the state to the department of education for deposit
 15 in the school ready children grants account of the
 16 Iowa empowerment fund for each fiscal year of the
 17 fiscal period beginning July 1, 2007, and ending June
 18 30, 2009, the following amount, or so much thereof as
 19 is necessary, to be used for the purposes designated:

20 For early childhood and preschool programs, to
 21 continue programs and initiatives developed pursuant
 22 to the appropriation made in this division of this Act
 23 for this purpose for the fiscal year beginning July 1,
 24 2006:

25 \$ 15,000,000

26 2. Expenditure of the amounts appropriated in this
 27 section is subject to enactment of law specifying how
 28 the amounts are to be distributed. It is the intent
 29 of the general assembly that the increase in funding
 30 provided by this section of \$5,000,000 over the amount
 31 appropriated in this division of this Act for the same

32 purpose for the fiscal year beginning July 1, 2006,
 33 will be designated for the expansion of the
 34 initiatives implemented pursuant to the business
 35 community investment advisory council recommendations
 36 adopted pursuant to this Act.”

37 4. Title page, line 2, by striking the words “an
 38 appropriation” and inserting the following:
 39 “appropriations”.

40 5. By renumbering as necessary.

TYMESON of Madison
 FOEGE of Linn
 UPMEYER of Hancock
 HEATON of Henry

H-8601

1 Amend House File 2797 as follows:

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

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

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

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

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

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

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

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

34 b. Solicits or knowingly accepts or receives a
 35 promise of anything of value or benefit while the

36 person is connected with an excursion gambling boat or
 37 racetrack enclosure including, but not limited to, an
 38 officer or employee of a licensee, or holder of an
 39 occupational license, pursuant to an understanding or
 40 arrangement or with the intent that the promise or
 41 thing of value or benefit will influence the actions
 42 of the person to affect or attempt to affect the
 43 outcome of a gambling game, or to influence official
 44 action of a member of the commission."
 45 2. By renumbering as necessary.

HUSER of Polk

H-8604

1 Amend the amendment, H-8584, to Senate File 2272,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 12, by inserting after line 13 the
 5 following:
 6 "Sec. ____ DEPARTMENT OF EDUCATION GRADUATION
 7 REQUIREMENTS STUDY. The department of education shall
 8 review the graduation requirements established by the
 9 section of this division of this Act amending section
 10 256.7, subsection 26, if enacted. The department
 11 shall study measures the state may take to assist
 12 students and school districts to achieve the
 13 graduation requirements and increase the number of
 14 graduating high school students who have completed a
 15 rigorous core curriculum. The department shall submit
 16 its findings and recommendations in a report to the
 17 chairpersons and ranking members of the senate and
 18 house standing committees on education by January 10,
 19 2007."
 20 2. By renumbering as necessary.

FORD of Polk

H-8611

1 Amend House File 2796 as follows:
 2 1. Page 1, line 5, by striking the word
 3 "sixty-five" and inserting the following:
 4 "thirty-five".

SHOULTZ of Black Hawk

H-8612

1 Amend House File 2796 as follows:
 2 1. Page 2, by striking lines 8 through 11 and
 3 inserting the following: "one-half times the most

4 recently published federal poverty guidelines in the
5 federal register by the United States department of
6 health and human services."

JOCHUM of Dubuque

H-8613

1 Amend House File 2797 as follows:

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

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

6 543B.54 REAL ESTATE EDUCATION FUND.

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

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

45 education director and regulatory compliance
46 personnel."
47 2. By renumbering as necessary.

HUSER of Polk

H-8619

1 Amend House File 2796 as follows:
2 1. Page 2, line 12, by inserting after the word
3 "means" the following: "a public elementary or
4 secondary school in this state or".

WESSEL-KROESCHELL of Story

H-8620

1 Amend the amendment, H-8572, to Senate File 2393,
2 as passed by the Senate, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "section." the following: "This section shall not
5 apply to a bona fide public opinion poll which does
6 not attempt, in any way, to influence the recipient of
7 the call.""

WISE of Lee

H-8638

1 Amend House File 2792 as follows:
2 1. Page 1, by inserting after line 24 the
3 following:
4 "Sec. ____ DEPARTMENT OF EDUCATION GRADUATION
5 REQUIREMENTS STUDY. The department of education shall
6 review the graduation requirements established by the
7 section of this division of this Act amending section
8 256.7, subsection 26, if enacted. The department
9 shall study measures the state may take to assist
10 students and school districts to achieve the
11 graduation requirements and increase the number of
12 graduating high school students who have completed a
13 rigorous core curriculum. The department shall submit
14 its findings and recommendations in a report to the
15 chairpersons and ranking members of the senate and
16 house standing committees on education by January 10,
17 2007."
18 2. By renumbering as necessary.

FORD of Polk

H-8642

- 1 Amend House Resolution 176 as follows:
- 2 1. Page 3, by striking lines 11 and 12 and
- 3 inserting the following: "shall exist from the date
- 4 of passage of this Resolution until the day preceding
- 5 the commencement of the 2007 regular legislative
- 6 session."

ALONS of Sioux

H-8651

- 1 Amend House Resolution 176 as follows:
- 2 1. Page 4, by striking lines 6 through 25.
- 3 2. Page 5, lines 2 and 3, by striking the words
- 4 "and retention of outside special legal counsel".

D. OLSON of Boone

H-8653

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 28, by striking the words "five
- 4 hundred" and inserting the following: "fifty".
- 5 2. Page 2, line 31, by striking the words "five
- 6 hundred" and inserting the following: "fifty".

FORD of Polk

H-8654

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 12,
- 4 line 35.
- 5 2. Page 15, by striking lines 7 through 14 and
- 6 inserting the following:
- 7 "Sec. _____. Section 70A.29, subsection 1, Code
- 8 2005, is amended to read as follows:
- 9 1. A person shall not discharge an employee from
- 10 or take or fail to take action regarding an employee's
- 11 appointment or proposed appointment to, promotion or
- 12 proposed promotion to, or any advantage in, a position
- 13 in employment by a political subdivision of this state
- 14 or by an entity created under chapter 28E, as a
- 15 reprisal for a disclosure of any information by that
- 16 employee to a member or employee of the general
- 17 assembly, or an official of that political subdivision
- 18 or a state official or for a disclosure of information
- 19 to any other public official or law enforcement agency

20 if the employee reasonably believes the information
 21 evidences a violation of law or rule, mismanagement, a
 22 gross abuse of funds, an abuse of authority, or a
 23 substantial and specific danger to public health or
 24 safety. This section does not apply if the disclosure
 25 of the information is prohibited by statute.

26 Sec. _____. NEW SECTION. 70A.29A DISCLOSURE OF
 27 COMPENSATION.

28 By November 1 of each year, an employer, as defined
 29 by section 97B.1A, shall publish a report, in a local
 30 newspaper of general circulation, which contains the
 31 name, gender, county, or city of residence when
 32 possible, official title, salary received during the
 33 previous fiscal year, compensation as computed on July
 34 1 of the current fiscal year, and traveling and
 35 subsistence expense of the personnel of each employee
 36 of the employer covered by chapter 97B, except
 37 personnel who receive an annual salary of less than
 38 one thousand dollars. The number of the personnel and
 39 the total amount received by them shall be shown. All
 40 employees who have drawn salaries, fees, or expense
 41 allowances from more than one department or
 42 subdivision of an employer shall be listed separately
 43 under the proper departmental heading. The report
 44 shall be distributed upon request without charge in an
 45 electronic medium to each caucus of the general
 46 assembly, the legislative services agency, the chief
 47 clerk of the house of representatives, and the
 48 secretary of the senate. Copies of the report shall
 49 be made available to other persons in an electronic
 50 medium upon payment of a fee, which shall not exceed

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1 the cost of providing the copy of the report.
 2 Sections 22.2 through 22.6 apply to the report. This
 3 section shall not apply to employers whose employees'
 4 salaries and related information are already required
 5 to be published pursuant to section 8A.341."

6 3. Title page, by striking lines 1 through 9 and
 7 inserting the following: "An Act concerning
 8 disclosures of information by certain employers and
 9 providing for the disclosure of compensation by
 10 employees covered under the Iowa public employees'
 11 retirement system."

12 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H-8656

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting before line 1 the
4 following:
5 "Sec. _____. Section 2.12, unnumbered paragraph 4,
6 Code 2005, is amended to read as follows:
7 There is appropriated out of any funds in the state
8 treasury not otherwise appropriated such sums as may
9 be necessary for the fiscal year budgets of the
10 legislative services agency and the office of the
11 citizens' aide office and inspector general for
12 salaries, support, maintenance, and miscellaneous
13 purposes to carry out their statutory
14 responsibilities. The legislative services agency and
15 the office of the citizens' aide office and inspector
16 general shall submit their proposed budgets to the
17 legislative council not later than September 1 of each
18 year. The legislative council shall review and
19 approve the proposed budgets not later than December 1
20 of each year. The budget approved by the legislative
21 council for each of its statutory legislative agencies
22 shall be transmitted by the legislative council to the
23 department of management on or before December 1 of
24 each year for the fiscal year beginning July 1 of the
25 following year. The department of management shall
26 submit the approved budgets received from the
27 legislative council to the governor for inclusion in
28 the governor's proposed budget for the succeeding
29 fiscal year. The approved budgets shall also be
30 submitted to the chairpersons of the committees on
31 appropriations. The committees on appropriations may
32 allocate from the funds appropriated by this section
33 the funds contained in the approved budgets, or such
34 other amounts as specified, pursuant to a concurrent
35 resolution to be approved by both houses of the
36 general assembly. The director of the department of
37 administrative services shall issue warrants for
38 salaries, support, maintenance, and miscellaneous
39 purposes upon requisition by the administrative head
40 of each statutory legislative agency. If the
41 legislative council elects to change the approved
42 budget for a legislative agency prior to July 1, the
43 legislative council shall transmit the amount of the
44 budget revision to the department of management prior
45 to July 1 of the fiscal year, however, if the general
46 assembly approved the budget it cannot be changed
47 except pursuant to a concurrent resolution approved by
48 the general assembly.
49 Sec. _____. Section 2.42, subsection 14, Code 2005,
50 is amended to read as follows:

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1 14. To hear and act upon appeals of aggrieved
2 employees of the legislative services agency and the
3 office of the citizens' aide and inspector general
4 pursuant to rules of procedure established by the
5 council."

6 2. Page 13, by inserting after line 24 the
7 following:

8 "Sec. _____. Section 23A.4, unnumbered paragraph 3,
9 Code 2005, is amended to read as follows:

10 Chapter 17A and this section are the exclusive
11 remedy for violations of this chapter. However, the
12 office of the citizens' aide and inspector general may
13 review violations of this chapter and make
14 recommendations as provided in chapter 2C."

15 3. Page 15, by inserting after line 6 the
16 following:

17 "Sec. _____. Section 70A.28, subsection 7, Code
18 2005, is amended to read as follows:

19 7. The director of the department of
20 administrative services or, for employees of the
21 general assembly or of the state board of regents, the
22 legislative council or the state board of regents,
23 respectively, shall provide procedures for notifying
24 new state employees of the provisions of this section
25 and shall periodically conduct promotional campaigns
26 to provide similar information to state employees.
27 The information shall include the toll-free telephone
28 number of the office of the citizens' aide and
29 inspector general.

30 Sec. _____. Section 236.16, subsection 1, paragraph
31 c, Code 2005, is amended to read as follows:

32 c. Designate and award moneys for publicizing and
33 staffing a statewide, toll-free telephone hotline for
34 use by victims of domestic abuse. The department may
35 award a grant to a public agency or a private,
36 nonprofit organization for the purpose of operating
37 the hotline. The operation of the hotline shall
38 include informing victims of their rights and of
39 various community services that are available,
40 referring victims to service providers, receiving
41 complaints concerning misconduct by peace officers and
42 encouraging victims to refer such complaints to the
43 office of citizens' aide and inspector general,
44 providing counseling services to victims over the
45 telephone, and providing domestic abuse victim
46 advocacy.

47 Sec. _____. Section 252B.18, subsection 1, paragraph
48 a, Code 2005, is amended to read as follows:

49 a. The department shall establish a child support
50 advisory committee. Members shall include at least

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1 one district judge and representatives of custodial
 2 parent groups, noncustodial parent groups, the general
 3 assembly, the office of citizens' aide and inspector
 4 general, the Iowa state bar association, the Iowa
 5 county attorneys association, and other constituencies
 6 which have an interest in child support enforcement
 7 issues, appointed by the respective entity.
 8 Sec.____. AMENDMENTS CHANGING TERMINOLOGY –
 9 DIRECTIVE TO CODE EDITOR. The Iowa Code editor is
 10 directed to strike the words "citizens' aide" and
 11 insert the words "citizens' aide and inspector
 12 general" wherever the words "citizens' aide" appear in
 13 chapter 2C of the Code unless a contrary intent is
 14 clearly evident."
 15 4. By renumbering as necessary.

WISE of Lee
 BUKTA of Clinton
 FOEGE of Linn
 MURPHY of Dubuque

H-8657

1 Amend House File 2792, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 12 through 14 and
 4 inserting the following:
 5 "FY 2006-2007..... \$ 104,343,94
 6 FY 2007-2008..... \$139,343,84
 7 FY 2008-2009..... \$ 174,343,84"
 8 2. Page 1, lines 25 and 26, by striking the words
 9 "the individual leaves the employ of the school
 10 district" and inserting the following: "June 30,
 11 2011, if the individual is making annual progress
 12 toward meeting the requirements for a teacher
 13 librarian endorsement issued by the board of
 14 educational examiners under chapter 272. A school
 15 district that entered into a contract with an
 16 individual for employment as a media specialist or
 17 librarian who holds at least a master's degree in
 18 library and information studies shall be considered to
 19 be in compliance with this subsection until the
 20 individual leaves the employ of the school district."
 21 3. Page 18, line 21, by striking the words "must
 22 meet" and inserting the following: "should have".
 23 4. Page 18, line 29, by striking the words
 24 "engineers, who has" and inserting the following:
 25 "engineers. This individual should have".
 26 5. Page 20, line 24, by striking the word
 27 "Commencing".

28 6. Page 20, by striking lines 25 and 26 and
29 inserting the following: "The general assembly shall
30 consider implementing the pay-for-performance program
31 statewide for the 2009-2010 school year,".

32 7. Page 24, line 8, by striking the word "three"
33 and inserting the following: "five".

34 8. Page 25, by striking lines 9 through 11 and
35 inserting the following: "January 15, 2007."

36 9. Page 25, by inserting after line 35 the
37 following:

38 "Sec.____. STATE EDUCATIONAL ASSISTANCE --
39 CHILDREN OF DECEASED VETERANS. There is appropriated
40 from the general fund of the state to the department
41 of veterans affairs for the fiscal year beginning July
42 1, 2006, and ending June 30, 2007, the following
43 amount, or so much thereof as is necessary, for the
44 purpose designated:

45 For educational assistance pursuant to section
46 35.9:

47 \$ 27,000

48 Notwithstanding section 8.33, moneys appropriated
49 under this section that remain unexpended at the close
50 of the fiscal year shall not revert to any fund but

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1 shall remain available for the purpose designated
2 until the close of the succeeding fiscal year.

3 Sec.____. Section 35.8, Code Supplement 2005, is
4 amended to read as follows:

5 35.8 WAR ORPHANS EDUCATIONAL AID ASSISTANCE FUND.

6 A war orphans educational aid assistance fund is
7 created as a separate fund in the state treasury under
8 the control of the department of veterans affairs.

9 Any money appropriated for the purpose of aiding
10 assisting in the education of orphaned children of
11 veterans, as defined in section 35.1, or the education
12 of a child as provided in section 35.9, subsection 2,
13 shall be deposited in the war orphans educational aid
14 assistance fund.

15 Sec.____. Section 35.9, Code Supplement 2005, is
16 amended to read as follows:

17 35.9 EXPENDITURE BY COMMISSION.

18 1. a. The department of ~~veterans affairs~~ may
19 expend not more than six hundred dollars per year for
20 any one child who has lived in the state of Iowa for
21 two years preceding application for ~~aid~~ state
22 educational assistance, and who is the child of a
23 person who died prior to September 11, 2001, during
24 active federal military service while serving in the
25 armed forces or during active federal military service
26 in the Iowa national guard or other military component

27 of the United States, to defray the expenses of
 28 tuition, matriculation, laboratory and similar fees,
 29 books and supplies, board, lodging, and any other
 30 reasonably necessary expense for the child or children
 31 incident to attendance in this state at an educational
 32 or training institution of college grade, or in a
 33 business or vocational training school with standards
 34 approved by the department of veterans affairs.

35 b. A child eligible to receive funds under this
 36 section shall not receive more than three thousand
 37 dollars under this ~~section~~ subsection during the
 38 child's lifetime.

39 2. Upon application by a child who has lived in
 40 the state of Iowa for two years preceding application
 41 for state educational assistance, and who is the child
 42 of a person who died on or after September 11, 2001,
 43 during active federal military service while serving
 44 in the armed forces or during active federal military
 45 service in the Iowa national guard or other military
 46 component of the United States, the department shall
 47 provide state educational assistance in the amount of
 48 five thousand five hundred dollars per year or the
 49 amount of the child's established financial need,
 50 whichever is less, to defray the expenses of tuition,

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1 matriculation, laboratory and similar fees, books and
 2 supplies, board, lodging, and any other reasonably
 3 necessary expense for the child or children incident
 4 to attendance in this state at a community college
 5 established under chapter 260C or at an institution of
 6 higher education governed by the state board of
 7 regents. A child eligible to receive state
 8 educational assistance under this subsection shall not
 9 receive more than twenty-seven thousand five hundred
 10 dollars under this subsection during the child's
 11 lifetime. The college student aid commission may, if
 12 requested, assist the department in administering this
 13 subsection.

14 Sec. ____, Section 35.10, Code Supplement 2005, is
 15 amended to read as follows:

16 35.10 ELIGIBILITY AND PAYMENT OF AID ASSISTANCE.

17 Eligibility for aid assistance shall be determined
 18 upon application to the department of veterans
 19 affairs, whose decision is final. The eligibility of
 20 eligible applicants shall be certified by the
 21 department of veterans affairs to the director of the
 22 department of administrative services, and all amounts
 23 that are or become due to an individual or a training
 24 institution under this chapter shall be paid to the
 25 individual or institution by the director of the

26 department of administrative services upon receipt by
 27 the director of certification by the president or
 28 governing board of the educational or training
 29 institution as to accuracy of charges made, and as to
 30 the attendance of the individual at the educational or
 31 training institution. The department of veterans
 32 affairs may pay over the annual sum of ~~four hundred~~
 33 ~~dollars set forth in section 35.9~~ to the educational
 34 or training institution in a lump sum, or in
 35 installments as the circumstances warrant, upon
 36 receiving from the institution such written
 37 undertaking as the department may require to assure
 38 the use of funds for the child for the authorized
 39 purposes and for no other purpose. A person is not
 40 eligible for the benefits of this chapter until the
 41 person has graduated from a high school or educational
 42 institution offering a course of training equivalent
 43 to high school training."
 44 10. Page 26, by striking lines 1 through 8.
 45 11. Page 27, by inserting after line 35 the
 46 following:
 47 "Sec. _____. Section 261.1, subsection 5, Code 2005,
 48 is amended to read as follows:
 49 5. ~~Eight~~ Nine additional members to be appointed
 50 by the governor. One of the members shall be selected

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1 to represent private colleges, private universities
 2 and private junior colleges located in the state of
 3 Iowa. When appointing this member, the governor shall
 4 give careful consideration to any person or persons
 5 nominated or recommended by any organization or
 6 association of some or all private colleges, private
 7 universities and private junior colleges located in
 8 the state of Iowa. One of the members shall be
 9 selected to represent institutions located in the
 10 state of Iowa whose income is not exempt from taxation
 11 under section 501(c) of the Internal Revenue Code.
 12 One of the members shall be selected to represent
 13 community colleges located in the state of Iowa. When
 14 appointing this member, the governor shall give
 15 careful consideration to any person or persons
 16 nominated or recommended by any organization or
 17 association of Iowa community colleges. One member
 18 shall be enrolled as a student at a board of regents
 19 institution, community college, or accredited private
 20 institution. One member shall be a representative of
 21 a lending institution located in this state. One
 22 member shall be a representative of the Iowa student
 23 loan liquidity corporation. The other three members,
 24 none of whom shall be official board members or

25 trustees of an institution of higher learning or of an
 26 association of institutions of higher learning, shall
 27 be selected to represent the general public.
 28 Sec.____. Section 261.25, subsection 1A, as
 29 enacted by 2006 Iowa Acts, House File 2527, if
 30 enacted, is amended to read as follows:
 31 1A. There is appropriated from the general fund of
 32 the state to the commission for each fiscal year the
 33 sum of five million one hundred sixty-seven thousand
 34 three hundred fifty-eight dollars for ~~proprietary~~
 35 tuition grants for students attending for-profit
 36 accredited private institutions located in Iowa. A
 37 for-profit institution which, effective March 9, 2005,
 38 purchased an accredited private institution that was
 39 exempt from taxation under section 501(c) of the
 40 Internal Revenue Code, shall be an eligible
 41 institution under the tuition grant program. In the
 42 case of a qualified student who was enrolled in such
 43 accredited private institution that was purchased by
 44 the for-profit institution effective March 9, 2005,
 45 and who continues to be enrolled in the eligible
 46 institution in succeeding years, the amount the
 47 student qualifies for under this subsection shall be
 48 not less than the amount the student qualified for in
 49 the fiscal year beginning July 1, 2004. For purposes
 50 of the tuition grant program, "for-profit accredited

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1 private institution" means an accredited private
 2 institution which is not exempt from taxation under
 3 section 501(c)(3) but which otherwise meets the
 4 requirements of section 261.9, subsection 1, paragraph
 5 "b", and whose students were eligible to receive
 6 tuition grants in the fiscal year beginning July 1,
 7 2003."

8 12. Page 29, by inserting after line 8 the
 9 following:
 10 "Sec.____. LIMITED ENGLISH PROFICIENT WEIGHTING
 11 ADJUSTMENT. For the fiscal year beginning July 1,
 12 2006, and ending June 30, 2007, there shall be
 13 allocated to the department of education from the
 14 amount appropriated pursuant to section 257.16,
 15 subsection 1, based upon the increase from three to
 16 four years in the availability of supplementary
 17 weighting for instruction of limited English
 18 proficient students pursuant to section 280.4, an
 19 amount not to exceed three million, three hundred
 20 thousand dollars. The funds shall be used to adjust
 21 the weighted enrollment of a school district with
 22 students identified as limited English proficient on a
 23 prorated basis."

24 13. Page 30, by inserting after line 6 the
 25 following:
 26 "Sec.____. BOARD OF EDUCATIONAL EXAMINERS –
 27 TEACHER LIBRARIAN REVIEW. The board of educational
 28 examiners shall review the impact the enactment of
 29 section 256.11, subsection 9, if enacted, on school
 30 districts, media specialists, and librarians and shall
 31 submit its findings and recommendations in a report to
 32 the chairpersons and ranking members of the senate and
 33 house of representatives standing committees on
 34 education by January 1, 2007."

35 14. Page 31, line 29, by inserting after the word
 36 "circumstances," the following: "allocating funds for
 37 a limited English proficient weighting adjustment for
 38 the fiscal year beginning July 1, 2006, and ending
 39 June 30, 2007,".

40 15. Page 32, by inserting after line 2 the
 41 following:

42 "DIVISION

43 STATE AND LOCAL GOVERNMENT OPERATIONS

44 Sec.____. Section 8A.108, Code 2005, is amended to
 45 read as follows:

46 8A.108 ACCEPTANCE OF FUNDS.

47 1. The department may receive and accept
 48 donations, grants, gifts, and contributions in the
 49 form of moneys, services, materials, or otherwise,
 50 from the United States or any of its agencies, from

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1 this state or any of its agencies, or from any other
 2 person, and may use or expend such moneys, services,
 3 materials, or other contributions, or issue grants, in
 4 carrying out the operations of the department. All
 5 federal grants to and the federal receipts of the
 6 department are hereby appropriated for the purpose set
 7 forth in such federal grants or receipts. The
 8 department shall report annually to the general
 9 assembly on or before September 1 the donations,
 10 grants, gifts, and contributions with a monetary value
 11 of one thousand dollars or more that were received
 12 during the most recently concluded fiscal year.

13 2. a. The department may solicit donations,
 14 grants, gifts, and contributions in the form of
 15 moneys, services, materials, real property, or
 16 otherwise from any person for specific projects and
 17 improvements on or near the capitol complex. However,
 18 no less than twenty days prior to commencing any such
 19 solicitation, the department shall notify the
 20 executive council, the department of management, and
 21 the legislative council of the project for which the
 22 solicitation is proposed. The department is only

23 required to provide one notification for each project
 24 for which a solicitation is proposed.
 25 b. The department shall not accept any donation,
 26 grant, gift, or contribution in any form that includes
 27 any condition other than a condition to use the
 28 donation, grant, gift, or contribution for the project
 29 for which it was solicited. The department shall not
 30 confer any benefit upon or establish any permanent
 31 acknowledgement of the donor of the donation, grant,
 32 gift, or contribution unless specifically authorized
 33 by a constitutional majority of each house of the
 34 general assembly and approved by the governor or
 35 unless otherwise specifically authorized by law.
 36 Sec. ____ Section 8A.321, Code Supplement 2005, is
 37 amended by adding the following new subsection:
 38 NEW SUBSECTION. 8A. With the approval of the
 39 executive council pursuant to section 7D.29 or
 40 pursuant to other authority granted by law, acquire
 41 real property to be held by the department in the name
 42 of the state as follows:
 43 a. By purchase, lease, option, gift, grant,
 44 bequest, devise, or otherwise.
 45 b. By exchange of real property belonging to the
 46 state for property belonging to another person.
 47 Sec. ____ Section 68B.7, Code 2005, is amended by
 48 adding the following new unnumbered paragraph:
 49 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 50 provisions of this section, a person who has served as

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1 the workers' compensation commissioner, or any deputy
 2 thereof, may represent a claimant in a contested case
 3 before the division of workers' compensation at any
 4 point subsequent to termination of such service,
 5 regardless of whether the person charges a contingent
 6 fee for such representation, provided such case was
 7 not pending before the division during the person's
 8 tenure as commissioner or deputy.
 9 Sec. ____ Section 100B.13, Code Supplement 2005,
 10 is amended to read as follows:
 11 100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.
 12 1. A volunteer fire fighter preparedness fund is
 13 created as a separate and distinct fund in the state
 14 treasury under the control of the division of state
 15 fire marshal of the department of public safety.
 16 2. Revenue for the volunteer fire fighter
 17 preparedness fund shall include, but is not limited
 18 to, the following:
 19 a. Moneys credited to the fund pursuant to section
 20 422.12F.
 21 b. Moneys credited to the fund pursuant to section

22 422.12G.

23 b. c. Moneys in the form of a devise, gift,
24 bequest, donation, or federal or other grant intended
25 to be used for the purposes of the fund.

26 3. Moneys in the volunteer fire fighter
27 preparedness fund are not subject to section 8.33.
28 Notwithstanding section 12C.7, subsection 2, interest
29 or earnings on moneys in the fund shall be credited to
30 the fund.

31 4. Moneys in the volunteer fire fighter
32 preparedness fund are appropriated to the division of
33 state fire marshal of the department of public safety
34 to be used annually to pay the costs of providing
35 volunteer fire fighter training around the state and
36 to pay the costs of providing volunteer fire fighting
37 equipment.

38 Sec.____. Section 232.116, subsection 1, Code
39 2005, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. o. The parent has been convicted
42 of a felony offense that is a criminal offense against
43 a minor as defined in section 692A.1, the parent is
44 divorced from or was never married to the minor's
45 other parent, and the parent is serving a minimum
46 sentence of confinement of at least five years for
47 that offense.

48 Sec.____. Section 314.28, Code 2005, is amended to
49 read as follows:

50 314.28 KEEP IOWA BEAUTIFUL FUND.

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

12 Moneys in the fund that are authorized by the
13 department for expenditure are appropriated, and shall
14 be used, to educate and encourage Iowans to take
15 greater responsibility for improving their community
16 environment and enhancing the beauty of the state
17 through litter prevention, improving waste management
18 and recycling efforts, and beautification projects.

19 The department may authorize payment of moneys from
20 the fund upon approval of an application from a

21 private or public organization. The applicant shall
 22 submit a plan for litter prevention, improving waste
 23 management and recycling efforts, or a beautification
 24 project along with its application. The department
 25 shall establish standards relating to the type of
 26 projects available for assistance.
 27 Sec. __. NEW SECTION. 422.12G JOINT INCOME TAX
 28 REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND
 29 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

30 1. A person who files an individual or a joint
 31 income tax return with the department of revenue under
 32 section 422.13 may designate one dollar or more to be
 33 paid jointly to the keep Iowa beautiful fund created
 34 in section 314.28 and to the volunteer fire fighter
 35 preparedness fund created in section 100B.13. If the
 36 refund due on the return or the payment remitted with
 37 the return is insufficient to pay the additional
 38 amount designated by the taxpayer, the amount
 39 designated shall be reduced to the remaining amount of
 40 refund or the remaining amount remitted with the
 41 return. The designation of a contribution under this
 42 section is irrevocable.

43 2. The director of revenue shall draft the income
 44 tax form to allow the designation of contributions to
 45 the keep Iowa beautiful fund and to the volunteer fire
 46 fighter preparedness fund as one checkoff on the tax
 47 return. The department of revenue, on or before
 48 January 31, shall transfer one-half of the total
 49 amount designated on the tax return forms due in the
 50 preceding calendar year to the keep Iowa beautiful

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1 fund and the remaining one-half to the volunteer fire
 2 fighter preparedness fund. However, before a checkoff
 3 pursuant to this section shall be permitted, all
 4 liabilities on the books of the department of
 5 administrative services and accounts identified as
 6 owing under section 8A.504 and the political
 7 contribution allowed under section 68A.601 shall be
 8 satisfied.

9 3. The department of revenue shall adopt rules to
 10 administer this section.

11 4. This section is subject to repeal under section
 12 422.12E.

13 Sec. __. Section 427.1, subsection 21A, Code
 14 Supplement 2005, as amended by 2006 Iowa Acts, House
 15 File 2797, section 84, if enacted, is amended to read
 16 as follows:

17 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY
 18 HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit
 19 property owned and managed by a community housing

20 development organization, as recognized by the state
 21 of Iowa and the federal government pursuant to
 22 criteria for community housing development
 23 organization designation contained in the HOME program
 24 of the federal National Affordable Housing Act of
 25 1990, if the organization is also a nonprofit
 26 organization exempt from federal income tax under
 27 section 501(c)(3) of the Internal Revenue Code and
 28 owns and manages more than one hundred and fifty
 29 dwelling units that are located in a city with a
 30 population of more than one hundred ten thousand. For
 31 the 2005 and 2006 assessment years, an application is
 32 not required to be filed to receive the exemption.
 33 For the 2007 and subsequent assessment years, an
 34 application for exemption must be filed with the
 35 assessing authority not later than February 1 of the
 36 assessment year for which the exemption is sought.
 37 Upon the filing and allowance of the claim, the claim
 38 shall be allowed on the property for successive years
 39 without further filing as long as the property
 40 continues to qualify for the exemption.
 41 Sec.____. Section 600A.8, Code Supplement 2005, is
 42 amended by adding the following new subsection:
 43 NEW SUBSECTION. 10. The parent has been convicted
 44 of a felony offense that is a criminal offense against
 45 a minor as defined in section 692A.1, the parent is
 46 divorced from or was never married to the minor's
 47 other parent, and the parent is serving a minimum
 48 sentence of confinement of at least five years for
 49 that offense.
 50 Sec.____. Section 602.8108, subsection 8B, if

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1 enacted by 2006 Iowa Acts, House File 2789, section 8,
 2 is amended to read as follows:
 3 8B. The state court administrator shall allocate
 4 to the office of attorney general for the fiscal year
 5 beginning July 1, 2006, and for each fiscal year
 6 thereafter, ~~three~~ four hundred fifty thousand dollars
 7 of the moneys received annually under subsection 2, to
 8 be used for legal services for persons in poverty
 9 grants as provided in section 13.34.
 10 Sec.____. 2006 Iowa Acts, House File 2797, section
 11 43, subsection 1, paragraph a, if enacted, is amended
 12 by adding the following new subparagraphs:
 13 NEW SUBPARAGRAPH. (11) Sierra club - Iowa
 14 chapter.
 15 NEW SUBPARAGRAPH. (12) Izaak Walton league of
 16 Iowa.
 17 NEW SUBPARAGRAPH. (13) State conservation
 18 districts.

19 Sec.____. 2006 Iowa Acts, House File 2794, section
 20 58, if enacted, is repealed.

21 Sec.____. RETROACTIVE APPLICABILITY. The section
 22 of this Act enacting section 422.12G applies
 23 retroactively to tax years beginning on or after
 24 January 1, 2006."

25 16. Page 32, by inserting after line 2 the
 26 following:

27 "DIVISION

28 MISCELLANEOUS PROVISIONS

29 Sec.____. Section 8F.2, subsection 8, paragraph b,
 30 subparagraph (3), if enacted by 2006 Iowa Acts, Senate
 31 File 2410, is amended to read as follows:

32 (3) A contract for services provided for the
 33 operation, construction, or maintenance of a public or
 34 city utility, combined public or city utility, or a
 35 city enterprise as defined by section 384.24."

36 17. Title page, line 1, by striking the word
 37 "education" and inserting the following: "government
 38 operations and".

39 18. Title page, line 3, by inserting after the
 40 word "management," the following: "the department of
 41 veterans affairs,".

42 19. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

RESOLUTIONS ADOPTED

Resolutions adopted during the Eighty-first General Assembly,
2006 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 107
2 By Roberts
3 A concurrent resolution relating to the board of
4 correction's evaluation of the Iowa state penitentiary
5 in Fort Madison.
6 *Whereas*, the governor requested the board of
7 corrections to evaluate the condition of the Iowa
8 state penitentiary following the escape of two inmates
9 at the facility; and
10 *Whereas*, the governor requested the board to
11 evaluate whether a new facility should be constructed
12 to replace the existing Iowa state penitentiary,
13 whether the existing penitentiary should be upgraded,
14 or whether inmates should be transferred from the
15 penitentiary to other correctional institutions; and
16 *Whereas*, the governor requested the board of
17 corrections to report the board's recommendations to
18 the governor within 30 days of undertaking such an
19 evaluation; and
20 *Whereas*, the decision to replace the penitentiary,
21 or upgrade the facility, or to transfer inmates to
22 other correctional institutions is an extremely
23 important public safety issue for the citizens of
24 Iowa; *Now Therefore*,
25 *Be It Resolved By The House Of Representatives, The*
26 *Senate Concurring*, That the board of corrections
27 should undertake a more deliberative process and study
28 the future of the Iowa state penitentiary more
29 thoroughly before making any recommendations about the
30 future of an institution that has been serving Iowans

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1 for over 150 years; and
2 *Be It Further Resolved*, That the general assembly
3 requests that the governor order the board of
4 corrections to continue to study the future of the
5 Iowa state penitentiary and to allow the board more
6 time to finish such an important undertaking; and
7 *Be It Further Resolved*, That the board make
8 recommendations about the future of the penitentiary
9 to the general assembly by January 8, 2007.

HCR 107 filed April 3, 2006; adopted April 3, 2006.

1 House Concurrent Resolution 109
 2 By Rants and Murphy
 3 Be It Resolved By The House Of Representatives, The
 4 Senate Concurring, That a joint convention of the two
 5 houses of the 2006 session of the Eighty-first
 6 General Assembly be held on Monday, March 27, 2006,
 7 at 1:00 p.m.; and
 8 *Be It Further Resolved*, That Major General Ron Dardis
 9 be invited to present his message of the Condition of the
 10 Iowa National Guard at this convention.

HCR 109 filed March 27, 2006; adopted March 27, 2006.

1 House Concurrent Resolution 112
 2 By Huser, Struyk, Arnold, Van Engelenhoven,
 3 Rasmussen, Greiner, Pettengill, Lukan,
 4 J.R. Van Fossen, Carroll, Horbach, Dandekar,
 5 D. Olson, Thomas, Davitt, And Mertz
 6 A concurrent resolution designating May 2006 as
 7 Motorcycle Safety Awareness Month.
 8 *Whereas*, motorcycle riding is a popular form of
 9 recreation and transportation for thousands of people
 10 across Iowa and the nation; and
 11 *Whereas*, motorcycle riding can be an enjoyable
 12 activity when safety is of paramount consideration and
 13 all laws and regulations are observed; and
 14 *Whereas*, the safe operation of a motorcycle
 15 requires the use of special skills developed through a
 16 combination of training and experience, the use of
 17 good judgment, and a thorough knowledge of traffic
 18 laws and licensing requirements; and
 19 *Whereas*, the Motorcycle Safety Awareness Campaign
 20 is intended to reduce the number of accidents,
 21 injuries, and fatalities associated with motorcycling
 22 by encouraging motorcycle operators to participate in
 23 rider education programs, wear proper apparel, not
 24 drink and ride, and operate their vehicles defensively
 25 according to the rules of the road; and
 26 *Whereas*, motorcycle organizations, clubs,
 27 dealerships, and groups and highway safety officials
 28 in our state should join Iowa motorcyclists in
 29 actively promoting safe motorcycle operation,
 30 increased rider training, improved licensing efforts,

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1 and motorist awareness of motorcycles; and
 2 *Whereas*, the Motorcycle Safety Awareness Campaign
 3 encourages operators of other motor vehicles to be
 4 cautious and observe these smaller vehicles,
 5 especially during the seasonal return of motorcycles
 6 to Iowa's streets and highways; and
 7 *Whereas*, a motorcycle is a vehicle with all of the

8 privileges of any vehicle on the roadway, so a
 9 motorcyclist should be allowed the use of a full lane
 10 of travel; and
 11 *Whereas*, other motorists need to take a second look
 12 for motorcycles on the highway, at intersections, and
 13 when a motorcyclist may be changing lanes or making a
 14 left turn; and
 15 *Whereas*, other motorists should clearly signal
 16 their intentions, not follow motorcycles too closely,
 17 and allow enough room for motorcyclists to take
 18 evasive action by allowing plenty of space; and
 19 *Whereas*, obstructions that other motorists might
 20 ignore, such as debris and potholes, can be deadly for
 21 a motorcyclist, so other motorists should learn to
 22 predict when a motorcyclist might take evasive action;
 23 *Now Therefore*,
 24 *Be It Resolved By The House Of Representatives, The*
 25 *Senate Concurring*, That the General Assembly
 26 designates the month of May 2006 as Motorcycle Safety
 27 Awareness Month and encourages all Iowa motorists to
 28 strive to improve motorcycle safety in this state.

HCR 112 filed April 26, 2006; adopted April 26, 2006.

1 House Resolution 101
 2 By Wilderdyke
 3 A resolution to honor Whiting High School on being
 4 awarded the 2004-2005 No Child Left Behind Blue
 5 Ribbon Schools Award.
 6 *Whereas*, in 2002, the United States Department of
 7 Education created the No Child Left Behind Blue Ribbon
 8 Schools Program for schools which had attained the
 9 national education reform goals for high standards and
 10 accountability; and
 11 *Whereas*, that program was established to honor
 12 public and private K-12 schools that are either
 13 academically superior or that demonstrate dramatic
 14 gains in student achievement; and
 15 *Whereas*, Whiting High School students and staff
 16 have demonstrated outstanding improvements in academic
 17 achievement and superior academic performance within
 18 the State of Iowa; and
 19 *Whereas*, in 2005, Whiting High School was one of
 20 only five Iowa schools awarded the 2004-2005 No Child
 21 Left Behind Blue Ribbon Schools Award; *Now Therefore*,
 22 *Be It Resolved By The House Of Representatives*,
 23 That the House of Representatives congratulates the
 24 staff and students of Whiting High School on being
 25 awarded the 2004-2005 No Child Left Behind Blue Ribbon
 26 Schools Award and thanks the Whiting High School for
 27 its efforts in making Iowa a better place to learn and
 28 live.

HR 101 filed January 9, 2006; House adopted March 6, 2006.

1 House Resolution 102
2 By Upmeyer And Jacobs
3 A resolution to recognize and honor photographer
4 Robert Nandell.
5 *Whereas*, Robert Nandell began his distinguished
6 career as a photojournalist at the University of
7 Iowa's college newspaper; and
8 *Whereas*, for 41 years Mr. Nandell has worked as a
9 professional photographer, first working for the Mason
10 City Globe Gazette and the Milwaukee Journal, and for
11 the last 28 years serving as a photographer for the
12 Des Moines Register; and
13 *Whereas*, during his career, Mr. Nandell has taken
14 tens of thousands of photographs, providing a vast
15 archive which chronicles people, places, and events
16 over the decades; and
17 *Whereas*, in 1979, a photograph taken by Mr.
18 Nandell, showing an enthusiastic Iowa crowd
19 surrounding Pope John Paul II, ran as a full page in
20 the Des Moines Register; and
21 *Whereas*, Mr. Nandell photographed not just
22 celebrities and events in the news, but also delighted
23 in capturing images of Iowa's people and places; and
24 *Whereas*, on December 1, 2005, Mr. Nandell retired,
25 leaving a 41-year legacy of excellence in
26 photojournalism; NOW THEREFORE,
27 *Be It Resolved By The House Of Representatives*,
28 That the House of Representatives recognizes and
29 honors Robert Nandell for his distinguished career and
30 thanks him for chronicling Iowa and Iowans for these

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1 many decades in his photographs.

HR 102 filed January 10, 2006; House adopted January 11, 2006.

1 House Resolution 103
2 By Wendt, Whitead, Soderberg, And Rants
3 A resolution requesting that the United States Postal
4 Service retain the area mail processing center in
5 Sioux City, Iowa.
6 *Whereas*, the current area mail processing center in
7 Sioux City, Iowa, serves the fourth largest city in
8 Iowa and employs 150 people; and
9 *Whereas*, the United States Postal Service has
10 announced a study examining the feasibility of
11 centralizing Sioux City's mail processing in Sioux
12 Falls, South Dakota; and

13 *Whereas*, currently the mail service in Sioux City
 14 and the surrounding area is very prompt, providing
 15 one-day service locally and national service in two
 16 days; and
 17 *Whereas*, the people of the Siouxland area are
 18 justifiably proud of their 150-year-old postmark; and
 19 *Whereas*, loss of the Sioux City area mail
 20 processing center would degrade service to two days
 21 for the Siouxland area and to three days for other
 22 parts of the country; *Now Therefore*,
 23 *Be It Resolved By The House Of Representatives*,
 24 That the House of Representatives requests that the
 25 United States Postal Service retain the area mail
 26 processing center in Sioux City, Iowa; and
 27 *Be It Further Resolved*, That a copy of this
 28 resolution be sent to the Postmaster General and the
 29 Chief Executive Officer of the United States Postal
 30 Service, to the Hawkeye District Manager of the United

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1 States Postal Service, and to the Vice President of
 2 Operations of the United States Postal Service.

HR 103 filed January 12, 2006; adopted January 19, 2006.

1 House Resolution 105
 2 By Gipp and Murphy
 3 A resolution honoring James L. Brimeyer, the 2005 Iowa
 4 Professor of the Year.
 5 *Whereas*, career educator James L. Brimeyer received
 6 both his Bachelor of Arts and his Master of Arts
 7 degrees at Loras College in Dubuque; and
 8 *Whereas*, for 10 years Professor Brimeyer has been a
 9 composition and literature instructor at the Peosta
 10 Campus of Northeast Iowa Community College; and
 11 *Whereas*, out of 400 top professors nominated by
 12 colleges and universities across the country, the
 13 Carnegie Foundation for the Advancement of Teaching
 14 and the Council for Advancement and Support of
 15 Education have named Professor Brimeyer as the 2005
 16 Iowa Professor of the Year; and
 17 *Whereas*, Professor Brimeyer has received many
 18 accolades in the course of his career, including the
 19 Iowa State University Educational Leadership Award in
 20 2004, the Iowa Literacy Award for Contributions to
 21 Literacy and Learning in 2001, the National Institute
 22 for Staff and Organizational Development Teaching
 23 Excellence Award in 1997, the Northeast Iowa Community
 24 College Extra Effort Award in 2003, and a listing in
 25 the 58th Edition of Marquis Who's Who in America in
 26 2004; and

27 *Whereas*, Professor Brimeyer has dedicated his life
 28 to the education of generations of young Iowans,
 29 teaching at Wahlert High School in Dubuque for 25
 30 years before joining the Northeast Iowa Community

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1 College faculty in 1995; *Now Therefore*,
 2 *Be It Resolved By The House Of Representatives*,
 3 That the House of Representatives congratulates James
 4 L. Brimeyer on being named the 2005 Iowa Professor of
 5 the Year and honors his three decades of service to
 6 the education of Iowa's youth.

HR 105 filed January 25, 2006; adopted January 26, 2006.

1 House Resolution 107
 2 By Kaufmann, Gipp, Upmeyer, Frevert,
 3 Thomas and Jacoby
 4 A resolution congratulating Iowa's community colleges
 5 in their 40th anniversary year.
 6 *Whereas*, in 1966 the State Board of Education
 7 officially designated each of Iowa's 15 community
 8 colleges; and
 9 *Whereas*, 2005 fall term credit enrollments totaled
 10 82,681, and noncredit enrollments totaled in excess of
 11 300,000; and
 12 *Whereas*, the community colleges of Iowa have an
 13 exceptionally broad mission as identified in the Code
 14 of Iowa, and that mission is still fulfilled within
 15 the context of an open-door philosophy; and
 16 *Whereas*, the vast majority of community college
 17 graduates remain in Iowa following graduation; and
 18 *Whereas*, the community colleges of Iowa emphasize
 19 flexibility, adaptability, and high quality in their
 20 teaching philosophy and practice; and
 21 *Whereas*, the community colleges of Iowa provide
 22 innovation in achieving academic excellence, promoting
 23 economic development, establishing proactive
 24 vocational programming, and sustaining cooperative
 25 endeavors with secondary students; *Now Therefore*,
 26 *Be It Resolved By The House Of Representatives*,
 27 That the House of Representatives congratulates the 15
 28 community colleges of Iowa in their 40th anniversary
 29 year and their ongoing commitment to educational
 30 excellence and the students of Iowa.

HR 107 filed January 25, 2006; adopted January 26, 2006.

1 House Resolution 109
 2 By Kressig, Shoultz, Jenkins, Berry, Pettengill,

3 Davitt, Hutter, Gaskill, Jacoby, Whitaker, Bell,
 4 Winckler, Shomshor, May, Miller, Petersen,
 5 Lukan, Soderberg, Tjepkes, Murphy and Oldson
 6 A resolution honoring the University of Northern Iowa
 7 Football Team.
 8 *Whereas*, in 2005 the University of Northern Iowa
 9 Football Team, led by Coach Mark Farley, achieved an
 10 11-4 record and won the Gateway Football Conference
 11 Title; and
 12 *Whereas*, the Panthers have made 12 trips to
 13 National Collegiate Athletic Association Division 1-AA
 14 playoff games and six trips to the semifinal games;
 15 and
 16 *Whereas*, the Panthers football team in 2005
 17 advanced to the National Collegiate Athletic
 18 Association Division 1-AA championship game, played at
 19 Max Finley Stadium and Davenport Field in Chattanooga,
 20 Tennessee, before a record 20,236 fans; and
 21 *Whereas*, in a hard-fought championship game the
 22 Panthers football team was at last defeated by the
 23 Appalachian State University Mountaineers Football
 24 Team; and
 25 *Whereas*, as a result of their performance five
 26 players were named to Don Hansen's Football Gazette
 27 All-region Team and Coach Mark Farley was named the
 28 Northwest Region Coach of the Year; *Now Therefore*,
 29 *Be It Resolved By The House Of Representatives*,
 30 That the House of Representatives congratulates the

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1 members of the University of Northern Iowa Panthers
 2 Football Team and Coach Mark Farley for a great season
 3 of football and thanks them for the honor and
 4 recognition they have brought to the University of
 5 Northern Iowa and to the State of Iowa; and
 6 *Be It Further Resolved*, That, upon adoption, an
 7 official copy of this Resolution be prepared for
 8 presentation to Coach Farley and the members of the
 9 University of Northern Iowa Panthers Football Team.

HR 109 filed January 31, 2006; adopted February 6, 2006.

1 House Resolution 115
 2 By Berry, Jenkins, Kressig and Shoultz
 3 A resolution recognizing Ms. Effie Burt for her
 4 composition, "I'll Make Me a World in Iowa".
 5 *Whereas*, Ms. Effie Burt, an esteemed resident of
 6 Waterloo, Iowa, has composed "I'll Make Me a World in
 7 Iowa", a song reflecting on the best qualities of
 8 Iowa, to remind her daughter and others that Iowa is a
 9 state in which dreams may be dreamt and then achieved;

10 and

11 *Whereas*, Ms. Burt's initiative in composing "I'll
12 Make Me a World in Iowa" is both commendable and
13 inspirational and reflects a continuing dedication to
14 the values and traditions at the core of the Iowa
15 spirit; and

16 *Whereas*, Ms. Burt's composition is a worthy
17 companion to the official state song, "The Song of
18 Iowa", by S.H.M. Byers; *Now Therefore*,
19 *Be It Resolved By The House Of Representatives*,
20 That the House of Representatives recognizes Ms. Effie
21 Burt for her composition, "I'll Make Me a World in
22 Iowa", and thanks her for her initiative and ongoing
23 dedication to Iowa and for using her musical talent in
24 such a beneficial manner; and

25 *Be It Further Resolved*, That the House of
26 Representatives encourages the use of "I'll Make Me a
27 World in Iowa" as a companion to the official state
28 song and all contexts in which the state song is
29 presented; and

30 *Be It Further Resolved*, That, upon passage, the

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1 Chief Clerk of the House of Representatives shall cause
2 an official copy of this Resolution to be prepared for
3 presentation to Ms. Effie Burt.

HR 115 filed February 9, adopted February 27, 2006.

1 House Resolution 117

2 By Tymeson, Quirk, Baudler, Eichhorn, Hutter,
3 Huseman, Chambers, Tjepkes, Alons, Watts, De Boef,
4 Freeman, Carroll, Tomenga, Rayhons, Boal, Dix,
5 Paulsen, Upmeyer, Dolecheck, J.R. Van Fossen,
6 Elgin, Roberts, Arnold, Horbach, Van Engelenhoven,
7 Kurtenbach, Schickel, Sands, S. Olson, Jenkins,
8 May, Lalk, Rasmussen, Anderson, Soderberg, Gipp,
9 J.K. Van Fossen, Lukan, Jacobs, Hoffman, Struyk,
10 Greiner, Granzow, D. Taylor, Pettengill, Berry,
11 Hunter, Wendt, Thomas, Cohoon, Dandekar, Mertz,
12 Bell, Davitt, Swaim, Kuhn, Petersen, Mascher,
13 Winckler, Jochum, Lensing, Smith, Frevert,
14 D. Olson, Gaskill, Wessel-Kroeschell, Shomshor,
15 Reasoner, Schueller, Whitead, Shoultz, Reichert,
16 Whitaker and Raecker

17 A resolution honoring Sergeant Major (Select) Brad Kasal
18 for his rare courage and inspiring sacrifice in the
19 Iraq war.

20 *Whereas*, for over 200 years the Marines of the
21 United States Marine Corps have been known for their
22 bravery and devotion to duty; and

23 *Whereas*, Sergeant Major Brad Kasal has proven his
24 ability and displayed those qualities in serving our
25 nation in Iraq; and
26 *Whereas*, Sergeant Major Brad Kasal grew up on a
27 farm near Afton, Iowa, hunted and fished as a kid,
28 wrestled and played football in high school,
29 detasseled corn and managed a restaurant to earn
30 money; and

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1 *Whereas*, Sergeant Major Brad Kasal knew he wanted
2 to be a Marine in the eighth grade, joined the Marine
3 Corps straight out of East Union High School and
4 excelled in marksmanship and physical fitness in boot
5 camp; and
6 *Whereas*, in his 20 years of military service,
7 Sergeant Major Kasal did tours of duty in nearly 50
8 foreign lands, including Operation Desert Storm in
9 Kuwait, Operation Enduring Freedom in Afghanistan, and
10 Operation Iraqi Freedom; and
11 *Whereas*, during the early part of Operation Iraqi
12 Freedom Sergeant Major Kasal earned a Purple Heart for
13 wounds he suffered from enemy action but in his own
14 words, he "gutted it out and kept going like a lot of
15 Marines do", and he returned to duty and even
16 volunteered for a second tour of duty because he was a
17 leader and he felt he belonged with his young Marines;
18 and
19 *Whereas*, on November 13, 2004, during fierce
20 fighting in Fallujah, Iraq, he vowed to leave no
21 Marine behind, returned to save three wounded soldiers
22 trapped in a house crawling with insurgents, received
23 seven serious wounds from an automatic rifle, received
24 40 shrapnel wounds from an exploding grenade when he
25 shielded another Marine with his body and neglected
26 his own injuries to treat his fellow soldier, lost 60
27 percent of his body's blood without losing
28 consciousness, and did all this while guarding the
29 door and without loosening the grip on his gun; and
30 *Whereas*, as a result of those wounds, Sergeant

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1 Major Kasal spent 35 days over the holidays bedridden
2 and another 30 days at the Navy Hospital in Bethesda,
3 Maryland, endured 20 surgeries and expects a full
4 recovery because in his own words, "I'm a Kasal and
5 we're tough"; and
6 *Whereas*, in recognition for his heroism, sacrifice,
7 and devotion to duty Sergeant Major Kasal is under
8 consideration for the Congressional Medal of Honor,

9 America's highest award for bravery; and
10 *Whereas*, Iowa Families United for Our Troops and
11 Their Mission stands with steadfast support for
12 Sergeant Major Kasal and all men and women serving to
13 protect the freedom for all Americans, for the
14 families of our service men and women, and for the
15 families of our fallen heroes; *Now Therefore*,
16 *Be It Resolved By The House Of Representatives*,
17 That the House of Representatives, on behalf of all 3
18 million fellow Iowans and Iowa Families United for Our
19 Troops and Their Mission, honors Sergeant Major Brad
20 Kasal for his "Iowa Toughness and Tenacity", his
21 patriotic service to America, his devotion to the
22 highest principles of military service, and his
23 undaunted courage under hostile fire; and
24 *Be It Further Resolved*, That, upon adoption, an
25 official copy of this Resolution be prepared for
26 presentation to Sergeant Kasal so that he knows
27 without a doubt that Iowans are proud of him and his
28 fellow troops and look forward to welcoming him back
29 home when his military service is concluded.

HR 117 filed February 10, 2006; adopted February 13, 2006.

1 House Resolution 119
2 By Bell, Eichhorn, Dandekar, Roberts, Gipp,
3 Murphy, Carroll, Lykam and Huser
4 A resolution supporting a free trade agreement between
5 the Republic of China on Taiwan and the United States.
6 *Whereas*, the Republic of China on Taiwan and the
7 United States enjoy one of the most important economic
8 and strategic international relationships that exists
9 today; and
10 *Whereas*, together, Taiwan and the United States
11 promote a shared belief in freedom, democracy, and
12 market principles; and
13 *Whereas*, the level of mutual investment between
14 Taiwan and the United States is substantial; and
15 *Whereas*, streamlined foreign investment procedures
16 developed under a free trade agreement between Taiwan
17 and the United States would create new business
18 opportunities and new jobs; and
19 *Whereas*, a free trade agreement between Taiwan and
20 the United States would encourage greater innovations
21 and manufacturing efficiencies by stimulating joint
22 technological development, practical applications, and
23 new cooperative ventures; and
24 *Whereas*, a recent study by the United States
25 International Trade Commission supports the
26 negotiation of a free trade agreement between Taiwan
27 and the United States; and

28 *Whereas*, a free trade agreement between Taiwan and
29 the United States would build on the existing strong
30 relations between Taiwan and the United States to

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1 simultaneously boost Taiwan's security and democracy
2 and serve the broader interests of the United States
3 in the Asia-Pacific region; *Now Therefore*,

4 *Be It Resolved By The House Of Representatives*,
5 That the House of Representatives supports the
6 negotiation of a free trade agreement between the
7 Republic of China on Taiwan and the United States of
8 America; and

9 *Be It Further Resolved*, That upon adoption, an
10 official copy of this Resolution be prepared and

11 presented to the Taipei Economic and Cultural Office
12 located in Chicago, Illinois.

HR 119 filed February 15, 2006, adopted April 3, 2006.

1 House Resolution 122

2 By Bell, Eichhorn, Dandekar, Roberts, Gipp, Murphy,
3 Carroll, Lykam, and Huser

4 A resolution requesting the Congress of the United
5 States to give due consideration to the readiness
6 of the Republic of China on Taiwan for membership
7 in the United Nations.

8 *Whereas*, the Republic of China on Taiwan has
9 established a democratic, multiparty political system,
10 its diplomacy aimed at national unification
11 demonstrates its progressive spirit as a government
12 and a people, and its inclusion in the United Nations
13 would only further the universality of this essential
14 global forum; and

15 *Whereas*, already having provided many developing
16 nations with financial assistance, as well as overseas
17 aid, training, and disaster relief, Taiwan has amply
18 illustrated its concern for the welfare of the world;
19 and

20 *Whereas*, the government of Taiwan has accepted the
21 obligations contained in the United Nations Charter
22 and agrees to promote international peace and
23 security; and

24 *Whereas*, the fundamental right of the 21 million
25 citizens of Taiwan to be partners in the community of
26 nations should no longer be denied; **NOW THEREFORE**,
27 *be it resolved by the house of representatives*,
28 That the House of Representatives supports the
29 membership of the Republic of China on Taiwan in the
30 United Nations and urges due consideration by the

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1 Congress of the United States; and
2 *Be It Further Resolved*, That upon adoption, an
3 official copy of this Resolution be prepared and
4 presented to the President of the United States
5 Senate, the Secretary of the United States Senate, the
6 Speaker of the United States House of Representatives,
7 the Clerk of the United States House of
8 Representatives, the members of Iowa's congressional
9 delegation, and the Secretary General of the United
10 Nations.

HR 122 filed February 16, 2006; adopted April 3, 2006.

1 House Resolution 126
2 By Alons, Hutter, Frevert, Freeman, Pettengill,
3 Wendt, Arnold, De Boef, Jacoby, Kurtenbach,
4 Carroll, Watts, Chambers, D. Olson, Lukan,
5 Hoffman, Eichhorn, Huseman, Sands, Soderberg,
6 Wilderdyke, Tjepkes, and Heaton
7 A resolution to honor the service of the 185th Air
8 Refueling Wing, Iowa Air National Guard.
9 *Whereas*, the Iowa Air National Guard located in
10 America's heartland at Sioux Gateway Airport in Sioux
11 City, Iowa, houses the 185th Fighter Wing which was
12 originally established in December 1946 as the 174th
13 Fighter Squadron; and
14 *Whereas*, the unit originally was equipped with P-51
15 Mustangs and by 1991 was flying the famous F-16
16 fighter; and
17 *Whereas*, in 2003, the 185th Fighter Wing was
18 redesignated the 185th Air Refueling Wing ("ARW"),
19 Iowa Air National Guard, flying KC-135E refueling
20 tankers; and
21 *Whereas*, that redesignation, first announced in
22 2001, required the 185th to completely redesign its
23 facilities and design the unit's own training program,
24 recruit its own instructors, and, in many cases,
25 repair salvaged equipment, all while still fulfilling
26 its current mission of flying F-16 aircraft until
27 December 2002; and
28 *Whereas*, by the fall of 2004, the 185th was flying
29 KC-135E tankers out of Geilenkirchen, Germany,
30 supporting NATO AWACS refueling missions; and

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1 *Whereas*, in its 50-year history the 185th has
2 served the United States of America with distinction
3 and has garnered numerous awards, including the Air
4 Force Association's Outstanding Unit Award, 1956; the

5 Spaatz Trophy, recognizing the unit as the most
6 outstanding Air National Guard squadron in the nation
7 in 1956; the Presidential Unit Citation and Air Force
8 Outstanding Unit award during Viet Nam activation,
9 1968; the Air Force Outstanding Unit award five times
10 for exceptionally meritorious service, 1985, 1986,
11 1987, 1989, and 1991; the Maintenance Team Award
12 Gunsmoke, 1989; the Spaatz Trophy, won for a second
13 time, 1990; the Air Force Association's Outstanding
14 Unit Award, 1994; and the Winston P. Wilson Safety
15 Award, 1994; and
16 *Whereas*, the 185th Air Refueling Wing provided
17 critical domestic aid during the Katrina disaster in
18 2005, flying a total of 78 sorties, the most sorties
19 by any KC-135 unit, with 185 members of the 185th
20 supporting Katrina missions; and
21 *Whereas*, the vision of the 185th Air Refueling Wing
22 is to be the premier air refueling wing, ready to be
23 the first wing to be called up for service; to
24 preserve and enhance the value of the citizen soldier;
25 to be proactive in facing the changes in technology
26 and challenges of 21st Century; to reflect the
27 cultural diversity of the community; and to promote a
28 climate of diversity, growth, creativity, and
29 teamwork; *Now Therefore*,
30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives, on behalf of all
2 Iowans, congratulates the men and women of the 185th
3 Air Refueling Wing, Iowa Air National Guard, and their
4 commander Colonel John Janson for 50 years of
5 dedicated service and thanks them for their
6 selflessness and willingness to place themselves in
7 harm's way to protect the United States of America.

HR 126 filed February 20, 2006; adopted April 5, 2006.

1 House Resolution 130
2 By Upmeyer and Wise
3 A resolution honoring John G. Pappajohn, a 2006
4 nationally recognized Outstanding Community College
5 Alumnus.
6 *Whereas*, John G. Pappajohn graduated in 1948 from
7 Mason City Junior College, the predecessor of North
8 Iowa Area Community College (NIACC), and is among
9 NIACC's most accomplished alumni and top benefactors;
10 and
11 *Whereas*, Mr. Pappajohn joins a prestigious
12 contingent of community college alumni from across the
13 nation honored by the American Association of

14 Community Colleges for their outstanding professional
15 contributions and generous philanthropy; and
16 *Whereas*, Mr. Pappajohn has a dream to make Iowa the
17 most entrepreneurial state in the nation and
18 encourages and supports the development and growth of
19 new business ventures through John Pappajohn
20 Entrepreneurial Centers at NIACC and around the state;
21 and
22 *Whereas*, Mr. Pappajohn represents what community
23 colleges stand for and provides opportunities for new
24 Iowa entrepreneurs to live the American dream; and
25 *Whereas*, Mr. Pappajohn has achieved many honors and
26 accolades in the course of his career, including the
27 Iowa Business Leader of the Year, the Oscar C. Schmidt
28 Iowa Business Leadership Award, the Brotherhood Award,
29 the Hellenic Heritage Achievement Award, the Iowa
30 Business Hall of Fame, Entrepreneur of the Year, the

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1 Ellis Island Medal of Honor, the NIACC Outstanding
2 Alumni Award, and the Horatio Alger Award; NOW
3 *Therefore*,
4 *Be It Resolved By The House Of Representatives*,
5 That the House of Representatives recognizes John G.
6 Pappajohn for his 2006 National Outstanding Community
7 College Alumni Award and his vision and philanthropy
8 which will have long-lasting and far-reaching effects
9 in Iowa.

HR 130 filed February 24, 2006; adopted March 15, 2006.

1 House Resolution 131
2 By Smith, Hoffman, Baudler, and Wendt
3 A resolution to designate the month of June 2006 as Prostate
4 Cancer Awareness Month and to encourage all health
5 benefit plan providers to include annual screening
6 for prostate cancer as part of their coverage.
7 *Whereas*, over 200,000 men in the United States will
8 be diagnosed with prostate cancer each year; and
9 *Whereas*, the purpose of screening for cancer is to
10 detect the cancer at its earliest stages, before any
11 symptoms have developed; and
12 *Whereas*, screening for prostate cancer can be
13 performed quickly and easily in a physician's office
14 using two tests: the prostate specific antigen blood
15 test and the digital rectal examination; and
16 *Whereas*, when caught and treated early, prostate
17 cancer has a cure rate of over 90 percent; and
18 *Whereas*, the American Cancer Society recommends
19 that both the test and the examination should be
20 offered annually, and depending on individual

21 circumstances this testing should begin as early as 40
 22 years of age for certain high-risk men; *Now Therefore,*
 23 *Be It Resolved By The House Of Representatives,*
 24 That the House of Representatives designates the month
 25 of June 2006 as Prostate Cancer Awareness Month and
 26 encourages all health benefit plan providers to
 27 include annual screening for prostate cancer for men
 28 over 40 years of age as part of their coverage
 29 package, in accordance with the early detection
 30 guidelines of the National Comprehensive Cancer

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1 Network.

HR 131 filed February 24, 2006; adopted May 2, 2006.

1 House Resolution 136
 2 By Committee On Human Resources
 3 (Successor To HSB 690)
 4 A resolution recognizing the month of May 2006 as Iowa
 5 Heart Health Month.
 6 *Whereas,* cholesterol is an important part of a
 7 healthy body because it is used to form cell membranes
 8 and some hormones, and is needed for other functions;
 9 and
 10 *Whereas,* a high level of cholesterol in the blood
 11 is a major risk factor for coronary heart disease,
 12 which can lead to a heart attack; and
 13 *Whereas,* an expert panel on detection, evaluation
 14 and treatment of high blood cholesterol in adults
 15 recommends that everyone 20 years of age and older
 16 have a fasting "lipoprotein profile" every five years;
 17 and
 18 *Whereas,* this test gives information about total
 19 cholesterol, low-density lipoprotein (LDL) or "bad"
 20 cholesterol, high-density lipoprotein (HDL) or "good"
 21 cholesterol, and triglycerides (blood fats); and
 22 *Whereas,* there are no symptoms of high cholesterol
 23 and it can only be detected through a cholesterol
 24 test; and
 25 *Whereas,* treatment goals have been recommended by
 26 the National Cholesterol Education Program (NCEP); and
 27 *Whereas,* there are three main ways to fight high
 28 cholesterol or "get to goal": diet, exercise, and,
 29 when appropriate, medication; and
 30 *Whereas,* the only way to manage cholesterol is to

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1 know the goals and track progress; *Now Therefore,*
 2 *Be It Resolved By The House Of Representatives,*

3 That the House of Representatives hereby recognizes
 4 May 2006 as Iowa Heart Health Month and encourages its
 5 citizens to have their cholesterol tested and to "get
 6 to goal".

HR 136 filed March 2, 2006; adopted May 2, 2006.

1 House Resolution 137
 2 By Hoffman
 3 A resolution designating a Technology and Science Day
 4 in Iowa.
 5 *Whereas*, in the 21st century, growth and
 6 development in Iowa will increasingly depend on a
 7 technologically sophisticated workforce; and
 8 *Whereas*, information technology is a highly
 9 innovative industry in Iowa that is increasingly
 10 becoming the backbone of commerce, as scientists,
 11 engineers, and programmers develop new, faster, and
 12 more proficient methods of transferring and processing
 13 data and have become driving forces for promoting
 14 growth in Iowa's economy; and
 15 *Whereas*, information technology is an important
 16 sector for Iowa's economic future, providing well-
 17 paying jobs and the fundamental technological
 18 underpinning for advancement in a broad range of other
 19 sectors, from finance and insurance to manufacturing
 20 and the biosciences; and
 21 *Whereas*, Iowa's information technology sector shows
 22 significant promise for growth and has proven itself
 23 to be more robust than the national information
 24 technology sector in weathering downturns and
 25 challenges; and
 26 *Whereas*, a thriving technology sector relies on a
 27 skilled and productive workforce, and the availability
 28 of human capital will be a key factor in the success
 29 of the industry; and
 30 *Whereas*, future demand for computer specialists and

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1 engineers in Iowa will far outstrip supply, and
 2 production will move where these professionals are
 3 located; and
 4 *Whereas*, interest among students in becoming
 5 scientists or engineers has steadily declined, and the
 6 proportion of college students earning science and
 7 engineering degrees in the United States is lower than
 8 in almost all of its major trading partners; and
 9 *Whereas*, Iowa's middle and high school students
 10 will comprise the bulk of the future workforce and
 11 must be highly educated in the areas of science and
 12 technology, and aware of career opportunities in those

13 areas; *Now Therefore,*
 14 *Be It Resolved By The House Of Representatives,*
 15 That the House of Representatives declares Friday, May
 16 19, 2006, as Technology and Science Day in Iowa and
 17 urges all schools, educators, and guidance counselors
 18 to use this day to offer a competition, activity, or
 19 initiative to build student awareness and interest in
 20 science and technology and in the varied careers these
 21 fields offer students who will be tomorrow's workforce
 22 leaders.

HR 137 filed March 7, 2006; adopted April 18, 2006.

1 House Resolution 138
 2 By Mertz and Drake
 3 A resolution supporting the proposal of Iowa State
 4 University to pursue the location of the national
 5 bio and agro-defense facility at the site of the
 6 current National Center for Animal Health in Ames,
 7 Iowa.
 8 *Whereas,* the security of Iowa and the United States
 9 depends on an integrated national bio and agro-defense
 10 strategy; and
 11 *Whereas,* the federal Department of Homeland
 12 Security has determined an urgent need exists for a
 13 new integrated research infrastructure to provide
 14 research, development, testing, and evaluation that
 15 will enhance agricultural and public health; and
 16 *Whereas,* the Department of Homeland Security has
 17 proposed construction of a national bio and agro-
 18 defense facility which will be an integrated human,
 19 foreign animal, and zoonotic disease research and
 20 testing facility to support the complementary missions
 21 of the Department of Homeland Security, the United
 22 States Department of Health and Human Services, and
 23 the United States Department of Agriculture; and
 24 *Whereas,* the state of Iowa is a leading state in
 25 livestock production, a multibillion dollar industry
 26 of critical importance to the state's economy; and
 27 *Whereas,* the state of Iowa is already the location
 28 of several research assets of great importance to this
 29 new national effort, including the National Center for
 30 Animal Health, the National Animal Disease Center, the

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1 National Veterinary Services Laboratory, the Center
 2 for Veterinary Biologics, Iowa State University
 3 College of Agriculture, Iowa State University College
 4 of Veterinary Medicine, the University of Iowa College
 5 of Medicine, the University of Iowa College of Public

6 Health, the Iowa Hygienic Laboratory, and University
7 of Iowa Hospitals and Clinics; and
8 *Whereas*, these assets include state-of-the-art
9 facilities and laboratories which could greatly
10 enhance the efficiency and effectiveness of a national
11 bio and agro-defense facility; and
12 *Whereas*, the current site of the National Center
13 for Animal Health in Ames, Iowa, is undergoing a \$460
14 million remodelization and has a large number of
15 scientists and support staff for potential
16 collaborations, making the Ames location an ideal
17 choice for effective and efficient implementation of
18 an integrated bio and agro-defense facility; and
19 *Whereas*, Iowa State University of Science and
20 Technology intends to submit a proposal to the
21 Department of Homeland Security for the construction
22 and operation of the national bio and agro-defense
23 facility in Ames; and
24 *Whereas*, the Iowa State University proposal will
25 consist of a consortium of academic institutions and
26 industry, commodity, and professional organizations
27 from across the nation that brings together the
28 necessary research and development expertise to
29 address these high-consequence human, foreign animal,
30 and zoonotic pathogens; *Now Therefore*,

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1 *Be It Resolved By The House Of Representatives*,
2 That the House of Representatives supports the
3 proposal of Iowa State University to pursue the
4 location of the national bio and agro-defense facility
5 at the site of the current National Center for Animal
6 Health in Ames.

HR 138 filed March 7, 2006; adopted March 28, 2006.

1 House Resolution 142
2 By Raecker
3 A resolution to congratulate the Urbandale Senior League
4 All-Star Team for winning the 2005 Senior League
5 Baseball World Series Championship.
6 *Whereas*, the 12 players on the Urbandale Senior
7 League All-Star Team are athletes who participated in
8 the Urbandale Little League Senior League regular
9 season program; and
10 *Whereas*, players on the 2005 team include Darin
11 Davis, Matt Coffey, Alex Conlon, Stephen Englund, Mike
12 Hoberg, Tyler Miles, Jared Norris, Sean Raisch, Jeremy
13 Schuck, Brad Watson, Kelly Waddell, and Andrew Weeks;
14 and
15 *Whereas*, the 2005 Senior League Baseball World

16 Series took place from August 14 through August 20,
 17 2005, at Mansfield Stadium in Bangor, Maine, featuring
 18 athletes in the 14 through 16 age-bracket; and
 19 *Whereas*, on August 20, 2005, Urbandale won its
 20 fifth consecutive World Series game, seven to two over
 21 Pearl City, Hawaii, to win the 2005 World Series
 22 title; and
 23 *Whereas*, in the final game the Urbandale team made
 24 a 14-hit attack, while left-hander Jared Norris
 25 pitched Urbandale's second three-hitter in as many
 26 days for the complete game win; and
 27 *Whereas*, Urbandale's championship was the first for
 28 a United States Central team since Athens, Ohio, won
 29 the series in 1987; *Now Therefore*,
 30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives congratulates the
 2 players on the Urbandale Senior League All-Star Team,
 3 coaches Don Davis, Dan Schuck, and Shannon Waddell,
 4 and team manager John Hoberg for winning the 2005
 5 Senior League Baseball World Series Championship.

HR 142 filed March 4, 2006; adopted April 10, 2006.

1 House Resolution 145
 2 By Bell
 3 A resolution supporting a proposal to invite the
 4 Republic of China (Taiwan) to participate in the
 5 upcoming meeting of the World Health Assembly as an
 6 observer.
 7 *Whereas*, the next World Health Assembly meeting is
 8 scheduled to take place on May 18, 2006, in Geneva,
 9 Switzerland; and
 10 *Whereas*, the Republic of China, commonly known as
 11 Taiwan, was a founding member of the World Health
 12 Organization and participated for 24 years as a full
 13 member contributing to the achievement of the
 14 organization's objectives; and
 15 *Whereas*, in 1972, in the wake of the admission of
 16 the People's Republic of China to the United Nations,
 17 Taiwan's membership in the World Health Organization
 18 was discontinued; and
 19 *Whereas*, Taiwanese health officials and medical
 20 professionals have been unable to participate in World
 21 Health Organization forums and workshops regarding
 22 technological advances in the diagnosis, monitoring,
 23 and control of diseases since 1972, and have been
 24 denied the right to maintain contact and coordination
 25 with the World Health Organization in emergency

26 situations involving the containment and cure of
27 existing and newly emerging infectious diseases; and
28 *Whereas*, Taiwan's location at the juncture of
29 important maritime routes between northeast and
30 southeast Asia has resulted in extensive world trade

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1 with Taiwan, a thriving Taiwanese tourism industry,
2 and a large foreign migrant worker population in
3 Taiwan; and
4 *Whereas*, Taiwan's absence from the World Health
5 Organization system has become a missing link in the
6 global framework of providing health care; and
7 *Whereas*, the granting of observer status to Taiwan
8 would not constitute a challenge to participation by
9 the People's Republic of China in the World Health
10 Organization and would demonstrate that the
11 organization is inclusive with regard to Taiwan's 23
12 million inhabitants; and
13 *Whereas*, as a democratically elected government,
14 the government of Taiwan has a duty and responsibility
15 to ensure that the people of Taiwan are represented by
16 an organization which establishes and oversees an
17 international framework for the control of disease and
18 the promotion of universal health; and
19 *Whereas*, Taiwan has made substantial progress in
20 the health field, has one of the highest life
21 expectancy rates in Asia, has maternal and infant
22 mortality rates comparable to those in western
23 countries, has eradicated infectious diseases such as
24 cholera, smallpox, and the plague, and has been the
25 first country in the region to eradicate polio and
26 provide children with hepatitis B vaccinations; and
27 *Whereas*, Taiwan has expressed a willingness in
28 recent years to provide financial and technological
29 assistance in international aid and health activities
30 supported by the World Health Organization; *Now*

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1 *Therefore*,
2 *Be It Resolved By The House Of Representatives*,
3 That the House of Representatives supports the
4 granting of observer status to Taiwan during the World
5 Health Assembly to be held in May 2006; and
6 *Be It Further Resolved*, That an official copy of
7 this Resolution be prepared and forwarded by the Chief
8 Clerk of the House to the President of the United
9 States, the government of Taiwan, the Taipei economic
10 and cultural office, located in Chicago, Illinois, and

11 the governing authority of the World Health
12 Organization.

HR 145 filed March 17, 2006; adopted April 3, 2006.

1 House Resolution 149

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

20 A resolution to welcome the 2006 Special Olympics USA
21 National Games to Iowa.

22 *Whereas*, the 2006 Special Olympics USA National
23 Games, the first-ever United States national games,
24 will be held July 2 through July 7, 2006, at Iowa
25 State University in Ames, Iowa; and

26 *Whereas*, this major sports event will bring 3,000
27 Special Olympics athletes from across the United
28 States, 2,000 coaches and official delegates, 10,000
29 family members and friends, 8,000 volunteers, and
30 30,000 spectators; and

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1 *Whereas*, the festivities begin July 2, 2006, with
2 the opening ceremonies to be held in Hilton Coliseum,
3 including star-studded entertainment, the Parade of
4 Athletes, and the lighting of the torch; and

5 *Whereas*, a list of events for the 2006 USA National
6 Games includes aquatics, basketball, bocce, bowling,
7 golf, gymnastics, power-lifting, soccer, softball,
8 tennis, track and field, volleyball, and a motor
9 activity training program; and

10 *Whereas*, major sponsors and area businesses will
11 host the "festival village", where attendees can
12 gather information and participate in a variety of
13 activities; and

14 *Whereas*, Iowa has long shown its commitment to the

15 Special Olympics, first by the ongoing and unstinting
16 support of Iowans and Iowa businesses and also by
17 legislative appropriations of over \$1,000,000; NOW
18 *Therefore,*
19 *Be It Resolved By The House Of Representatives,*
20 That the House of Representatives takes great pleasure
21 in welcoming the 2006 Special Olympics USA National
22 Games to the campus of Iowa State University in Ames,
23 Iowa; and
24 *Be It Further Resolved,* That the House of
25 Representatives offers its thanks to those people and
26 organizations that have donated their time, money, and
27 energies toward bringing the first-ever United States
28 national games to Iowa.

HR 149 filed March 22, 2006; adopted April 4, 2006.

1 House Resolution 153
2 By Oldson, Petersen, Ford, R. Olson,
3 Hunter, Mccarthy, And Fallon
4 A resolution honoring the Des Moines Roosevelt High
5 School Girls' Basketball Team.
6 *Whereas,* the Des Moines Roosevelt High School
7 Girls' Basketball Team, the "Roughriders", completed
8 the 2005-2006 season with a record of 17 wins and four
9 losses and a postseason record of five wins and no
10 losses, for a final record of 22 wins and four losses;
11 and
12 *Whereas,* the Roosevelt Roughriders were ranked
13 fifth in the class 4-A division by the Iowa Girls High
14 School Athletic Union; and
15 *Whereas,* on Saturday, March 11, 2006, in front of
16 almost 12,000 fans at Wells Fargo Arena, the Roosevelt
17 Roughriders won the class 4-A championship at the 2006
18 Iowa Girls' State Basketball Tournament; and
19 *Whereas,* that championship was clinched with a
20 victory over Cedar Rapids Washington; and
21 *Whereas,* the Roosevelt Roughriders girls' state
22 championship is the first for a Des Moines school
23 since 1979, when an East High School team won a six-
24 player title in Veterans Memorial Auditorium; and
25 *Whereas,* Roughrider Charmaine Bell, a junior
26 forward who scored 15 points in the championship game
27 and was tournament leader in both points and assists,
28 was named captain of the all-tournament team and was
29 chosen for the Des Moines Register's Girls' Class 4-A
30 All-State Basketball Team; and

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1 *Whereas,* MyKenya Johnson, scoring a game-high 18
2 points, was also named to the all-tournament team; and

3 *Whereas*, both the freshman and junior varsity teams
4 contributed to this victory, assisting in practices
5 and providing material and emotional support to their
6 varsity teammates; and
7 *Whereas*, the Roosevelt community was also honored,
8 as principal Anita Micich accepted the class 4-A
9 sportsmanship award; *Now Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives congratulates the
12 members of the Des Moines Roosevelt High School Girls'
13 Basketball Team: Steph Fleckenstein, Emily Warford,
14 Whitney Brewer, Charmaine Bell, Leigh Hotchkiss, Sacha
15 Tyson, Ashley Tindrell, Samantha Tapscott, Megan
16 Pederson, Quinnetta Claytor, Taylor Gray, Emma Van
17 Winkle, Morgan Hamner, and MyKenya Johnson; their
18 coach, Tig Johnson; assistant coaches, James McNear,
19 Shawn McCurtain, Kevin Reed, and Mike Anderson; and
20 the team managers, Megan Ashley and Peri Baldwin, for
21 winning the class 4-A championship at the 2006 Iowa
22 Girls' State Basketball Tournament and for the honor
23 they have brought to their school and the residents of
24 Des Moines; and
25 *Be It Further Resolved*, That, upon adoption, an
26 official copy of this Resolution be prepared for
27 presentation to Coach Johnson and the members of the
28 Roosevelt Roughriders High School Girls' Basketball
29 Team.

HR 153 filed March 27, 2006; adopted March 28, 2006.

1 House Resolution 154
2 By Petersen, Oldson, Ford, R. Olson, Hunter,
3 McCarthy, And Fallon
4 A resolution congratulating the Des Moines Hoover High
5 School Boys' Basketball Team on winning the class 4-A
6 championship at the 2006 Iowa Boys' State Basketball
7 Tournament.
8 *Whereas*, the "Huskies", the Des Moines Hoover High
9 School Boys' Basketball Team, ended the 2005-2006
10 season with no losses and entered the 2006 State
11 Basketball Tournament as the top-ranked class 4-A
12 team; and
13 *Whereas*, on Saturday, March 18, 2006, at the first
14 boys' tournament held in the Wells Fargo Arena, the
15 Huskies won the class 4-A championship at the 2006
16 Iowa Boys' State Basketball Tournament before a crowd
17 of more than 9,000 fans; and
18 *Whereas*, that victory gave the Huskies a phenomenal
19 2005-2006 record of 26 wins and no losses; and
20 *Whereas*, that championship came after a ferocious
21 defensive battle with number three-ranked Pleasant
22 Valley, resulting in a win by the Huskies; and

23 *Whereas*, the Hoover Huskies state championship is
24 the first boys' championship for Hoover High School
25 and for a Des Moines school since a 1978 Roosevelt
26 High School championship; and
27 *Whereas*, Husky senior Ray Miller, a forward who
28 scored a game-high 14 points, was named to the Des
29 Moines Register's Boys' All-State Basketball First
30 Team and senior guard DeAnthony Zanders, scoring four

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1 points, was named to the all-state third team; and
2 *Whereas*, both team members Mr. Miller and Mr.
3 Zanders were also named to the 2006 class 4-A All-
4 Tournament Team; and
5 *Whereas*, the Hoover High School cheerleaders,
6 coached by Andrea Eustice, were presented, on behalf
7 of the school, the class 4-A sportsmanship award; *Now*
8 *Therefore*,
9 *Be It Resolved By The House Of Representatives*,
10 That the House of Representatives congratulates the
11 members of the Des Moines Hoover High School Boys'
12 Basketball Team: Chad Boston, Stefon Brown, DeAnthony
13 Zanders, Dylan Imhoff, James Wiggins, Jake Levine,
14 John Maahs, Tremaine Brown, Sasha Francic, David
15 Gross, Ray Miller, Joe Muldoon, Damir Dzafic, Robert
16 Patton, Robert Rockwell, coach Charles Zanders, Sr.,
17 assistant coaches Jamel Crawford, Chris McMahon, Pat
18 McMahon, Jason Karaidos, Pat Lawler, Troy Floyd,
19 practice players LeRay Shabazz, James Wilkerson,
20 Dantaze Richardson, Evan Eastman, and Ryan Parrish,
21 and varsity managers Kelsey Jones, Breanna Glenn,
22 Montique Hernandez, and Toiane Johnson for winning the
23 class 4-A championship at the 2006 Iowa State Boys'
24 Basketball Tournament and for the honor they have
25 brought to Des Moines and Hoover High School; and
26 *Be It Further Resolved*, That, upon adoption, an
27 official copy of this Resolution be prepared for
28 presentation to Coach Zanders and the members of the
29 Hoover Huskies High School Boys' Basketball Team.

HR 154 filed March 27, 2006; adopted March 28, 2006.

1 House Resolution 156
2 By Kuhn, Gipp, Swaim, Lensing, Davitt, Hunter, Bukta,
3 Miller, Mertz, Foege, Berry, Schickel, D. Olson,
4 Whitaker, Heddens, D. Taylor, Kressig, Gaskill,
5 Hutter, T. Taylor, Jochum, Wessel-Kroeschell,
6 Mascher, Winckler, Smith, Shomshor, Frevert,
7 Murphy, Pettengill, Jacoby, Oldson, Lykam, Whitead,
8 Huser, Mccarthy, R. Olson, Shoultz, Schueller,
9 Reichert, Quirk, Petersen, Wise, Wendt and Dandekar

10 A resolution recognizing March 29, 2006, as Advocating
 11 Change Day 2006 for persons with disabilities.
 12 *Whereas*, Wednesday, March 29, 2006, is Advocating
 13 Change Day 2006 at the Iowa State Capitol in Iowa; and
 14 *Whereas*, in the past, Iowa's 450,000 persons with
 15 disabilities have not fully participated in the
 16 political and civic processes due to physical
 17 barriers, lack of advocacy resources, lack of
 18 knowledge regarding the legislative process, and other
 19 factors; and
 20 *Whereas*, the General Assembly is in the process of
 21 considering a redesign of the financing and service
 22 delivery system for persons with chronic mental
 23 illness, mental retardation, developmental
 24 disabilities, and brain injury; and
 25 *Whereas*, the funding formula to pay for services
 26 for persons with disabilities is 10 years old and may
 27 need to be reconsidered so that Iowans can be
 28 confident that funding levels will be sufficient to
 29 ensure quality and availability of services; and
 30 *Whereas*, in the past, the Iowa State Capitol has

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1 not been properly equipped with facilities to
 2 accommodate persons with disabilities who work in the
 3 building or who wish to visit state offices; and
 4 *Whereas*, recent renovations to the Iowa State
 5 Capitol have included the construction of facilities
 6 to enable persons with disabilities to gain access to
 7 many areas of the building; and
 8 *Whereas*, efforts to meet the needs of people with
 9 disabilities and to provide access to the State
 10 Capitol to Iowans with disabilities must continue; *Now*
 11 *Therefore*,
 12 *Be It Resolved By The House Of Representatives*,
 13 That the House of Representatives recognizes March 29,
 14 2006, as Advocating Change Day 2006, and as a part of
 15 that recognition a trained individual will demonstrate
 16 the proper use of an evacuation chair in an emergency
 17 situation in the House of Representatives; and
 18 *Be It Further Resolved*, That the House of
 19 Representatives will continue to take the necessary
 20 steps to ensure that the chamber of the House of
 21 Representatives is accessible to the fullest extent
 22 possible and that persons with disabilities are
 23 welcome and safe in the chamber.

HR 156 filed March 28, 2006; adopted March 29, 2006.

3 A resolution honoring the Valley High School mock
4 trial program and congratulating its mock trial
5 team on winning the Iowa High School Mock Trial
6 State Tournament.
7 *Whereas*, the Iowa State Bar Association's high
8 school mock trial program is designed to introduce
9 students to the American legal system by providing a
10 challenging, academic competition; and
11 *Whereas*, lawyers and judges from communities
12 throughout Iowa contribute their time and talents as
13 coaches and judges at the tournaments; and
14 *Whereas*, the 24th annual Iowa High School Mock
15 Trial State Tournament was held March 16, 17, and 18
16 in Des Moines, with 32 teams from across Iowa emerging
17 from district competitions to earn the right to
18 compete at the state tournament; and
19 *Whereas*, four of these teams came from West Des
20 Moines, with three teams from West Des Moines Valley
21 High School and the fourth from Valley Southwoods
22 Freshman High School; and
23 *Whereas*, on Saturday, March 18, 2006, the West Des
24 Moines Valley team, which won the 2005 state
25 tournament, advanced to the finals, defeating a team
26 from Carroll High School; and
27 *Whereas*, two members of that team, Van Everett and
28 Elyse Lyons received outstanding attorney awards,
29 while a third member, Alex Salem, received an
30 outstanding witness award; and

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1 *Whereas*, the team will now represent Iowa in the
2 National High School Mock Trial Championship in
3 Oklahoma City, Oklahoma, May 11 through 14, 2006; *Now*
4 *Therefore*,
5 *Be It Resolved By The House Of Representatives*,
6 That the House of Representatives congratulates team
7 members Elizabeth Barrent, Ella Doerge, Van Everett,
8 Elyse Lyons, Amy Paul, Alex Salem, Philip Sandager,
9 Tracey Shi, and Nora Tobin (currently a Senate Page),
10 coaches Gordy Allen, Jim Holcomb, Kathy Paul, and
11 Maureen Tobin, along with educator coordinator Karen
12 Downing for their championship in the 24th annual Iowa
13 High School Mock Trial State Tournament; and
14 *Be It Further Resolved*, That, upon adoption, an
15 official copy of this Resolution be prepared for
16 presentation to the members of the 2006 Iowa High
17 School Mock Trial State Tournament team.

HR 158 filed March 28, 2006; adopted April 5, 2006.

1 House Resolution 162

2 By Heaton

3 A resolution honoring Coach Robert Hilmer, the "winningest"
4 coach in the history of Iowa boys' high school basketball.5 *Whereas*, Robert Hilmer was born in Mt. Pleasant,
6 Iowa, and grew up in Storm Lake, Iowa; and7 *Whereas*, Mr. Hilmer graduated from Cornell College
8 in Mt. Vernon, where he taught in the community high
9 school and began his coaching career as the boys'
10 assistant basketball coach; and11 *Whereas*, Coach Hilmer took his first head coaching
12 position at Fredericksburg, where in four years he
13 achieved a record of 56 wins and 25 losses, then was
14 the head coach at Forest City for 34 years, with a
15 record of 534 wins and 187 losses; and16 *Whereas*, capping a four-decade career, in January
17 2006 Coach Hilmer, as the coach at WACO of Wayland,
18 became the winningest coach in Iowa boys' basketball
19 history when the WACO Warriors defeated the Pekin
20 Panthers; and21 *Whereas*, in the 2005-2006 season, the Warriors went
22 on to place fourth in the class 1-A division at the
23 2006 Iowa Boys' State Basketball Tournament and to win
24 the class 1-A Sportsmanship Trophy; and25 *Whereas*, team member Travis Temple was named to the
26 Des Moines Register's Boys' All-State Basketball First
27 Team and team member Ryan Shelman was named to the
28 Register's All-State Third Team and to the All-
29 Tournament Team; and30 *Whereas*, Coach Hilmer now holds a career record of

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1 691 wins and 234 losses and a state championship in 43
2 years of coaching; and3 *Whereas*, the National Federation of State High
4 Schools Associations' Coaches Association named Coach
5 Hilmer the 2005 National Coach of the Year for boys
6 basketball, an award which is granted for a cumulative
7 career of accomplishments, not just those
8 accomplishments which take place on the court; and9 *Whereas*, in honor of this achievement, WACO High
10 School has named its basketball court the "Bob Hilmer
11 Court"; and12 *Whereas*, Coach Hilmer brings more than just
13 coaching experience to the game of basketball; he
14 brings integrity, and it is to that integrity that his
15 players respond; *Now Therefore*,16 *Be It Resolved By The House Of Representatives*,
17 That the House of Representatives honors Coach Robert
18 Hilmer as Iowa's "winningest" boys' basketball coach
19 and thanks him for his devotion to the game of

20 basketball, to his student-athletes, and to public
21 education in Iowa; and
22 *Be It Further Resolved*, That upon adoption an
23 official copy of this Resolution be prepared for
24 presentation to Coach Hilmer.

HR 162 filed April 3, 2006; adopted April 5, 2006.

1 House Resolution 163
2 By Gipp And Murphy
3 A resolution to recognize and honor Iowans serving in
4 all branches and components of the military.
5 *Whereas*, Iowa contributes significant numbers of
6 military personnel to the defense capability of the
7 United States and such personnel are vitally important
8 to our national security; and
9 *Whereas*, Iowans serving in the military accept
10 their role as defenders of our people's freedoms and
11 rights, and continue to meet and exceed the readiness
12 standards; and
13 *Whereas*, Iowans serving in the military are
14 continually on the vigil and ready to respond when
15 called for a war, conflict, or national emergency; and
16 *Whereas*, Iowans serving in the military continue to
17 demonstrate their professionalism, dedication, and
18 skills, as well as their patriotism and love for their
19 country and the liberties, freedoms, and rights that
20 it stands for as they fight the global war on
21 terrorism; and
22 *Whereas*, Iowans serving in the military are
23 prepared to accomplish their missions in worldwide
24 locations as they endure separation from their homes
25 and family relationships and obligations, and missed
26 special family occasions as they fulfill their
27 assignments; and
28 *Whereas*, the actions of Iowans serving in the
29 military reflect great credit upon all the people of
30 the State of Iowa; *Now Therefore*,

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1 *Be It Resolved By The House Of Representatives*,
2 That the House of Representatives recognizes and
3 honors the Iowa members of the military for their
4 dedication and outstanding performance of duty, and
5 the House of Representatives expresses its
6 appreciation to the families of Iowa's military
7 members.

HR 163 filed April , 2006; adopted April 5, 2006.

1 House Resolution 164
 2 By Whitaker, Wise, Heaton, Greiner, Gaskill, Sands,
 3 Cohoon, Swaim, De Boef, Miller, Thomas, Hutter,
 4 D. Taylor, Watts, Baudler, Shomshor, Reasoner,
 5 Dolecheck, Kurtenbach, Dandekar, Boal, Heddens,
 6 Granzow, Struyk, Lukan, Reichert, Huseman, Hunter,
 7 Pettengill, Tymeson, Berry, Eichhorn, Kressig,
 8 Davitt, Murphy, D. Olson, Bukta, Petersen, Jacoby,
 9 And Tjepkes
 10 A resolution to honor the 224th Combat Engineer Battalion
 11 of the Iowa National Guard for its service and
 12 sacrifice in the Iraq War.
 13 *Whereas*, the 224th Combat Engineer Battalion of the
 14 Iowa National Guard is based in Fairfield and has
 15 units in Burlington, Keokuk, Mount Pleasant, and
 16 Ottumwa; and
 17 *Whereas*, about 500 soldiers of the 224th have
 18 returned to Iowa after a year on duty in Iraq; and
 19 *Whereas*, to date, that contingent of the 224th is
 20 the largest Iowa group which has returned from Iraq;
 21 and
 22 *Whereas*, the work of the 224th was long, hard, and
 23 dangerous, including finding and disarming the so-
 24 called "improvised explosive devices" while conducting
 25 combat operations in support of the 1st Marine
 26 Division, 2nd Marine Division, and other Army and
 27 Marine organizations in the Al Anbar province of Iraq;
 28 and
 29 *Whereas*, that deadly work resulted in locating over
 30 500 of these deadly devices, saving countless lives,

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1 and earned the 224th the respect and gratitude of
 2 soldiers throughout Iraq; and
 3 *Whereas*, during that service four soldiers of the
 4 224th were killed and 37 soldiers were recognized with
 5 Purple Heart Medals; and
 6 *Whereas*, the 224th Combat Engineer Battalion
 7 concluded combat operations in the Al Anbar province
 8 of Iraq on December 2, 2005, after having supported
 9 the I Marine Expeditionary Force, II Marine
 10 Expeditionary Force, 1st Marine Division, 2nd Marine
 11 Division, the United States Marine Corps Regimental
 12 Combat Teams 1, 2, 7, and 8, the 11th and 13th Marine
 13 Expeditionary Units, the 2nd Brigade Combat Team 2nd
 14 Infantry Division, the 2nd Brigade Combat Team 28th
 15 Infantry Division, the 155th Brigade Combat Team, and
 16 over 35 maneuver battalions and task forces during
 17 2005; and
 18 *Whereas*, soldiers of the 224th Combat Engineer
 19 Battalion cleared over 500 improvised explosive

20 devices from over 16,000 kilometers of roadways
21 between March 15 and November 29, 2005; and
22 *Whereas*, these explosive devices ranged in size
23 from a surface-laid 122 millimeter round up to the
24 size of a refrigerator, buried beneath the surface of
25 a road; and
26 *Whereas*, Company C of Mount Pleasant and Keokuk
27 cleared most of the distance, operating in support of
28 the United States Marine Corps' Regimental Combat
29 Teams 1, 2, 7, and 8 in Fallujah, Hit, Hadithah, Al
30 Qaim, Husaybah, Ar Rutbah, and other areas in the

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1 western areas of the province, spending many weeks
2 working out of base camps and forward operating bases
3 in these areas of operation; and
4 *Whereas*, Companies A and B of Burlington and
5 Ottumwa, respectively, conducted route clearance
6 operations primarily in Ar Ramadi, the provincial
7 capitol of Iraq. The convoy security escort teams,
8 which are comprised of soldiers and Marines of Company
9 A, Company B, Battery B 2nd Battalion 11th Marines
10 (United States Marine Corps), and Company C 4th Tank
11 Battalion (United States Marine Corps), traveled over
12 900,000 miles throughout the country of Iraq,
13 providing security to combat support and combat
14 service support units, as well as civilian
15 contractors, as they delivered the sustainment items
16 to the camps and forward operating bases throughout
17 Iraq; and
18 *Whereas*, the battalion was headquartered at Camp
19 Ramadi, a former Iraqi Republican Guard installation
20 on the western outskirts of Ar Ramadi, where they were
21 engaged by indirect fire over 219 times between March
22 1, 2005, and November 27, 2005; NOW THEREFORE,
23 *Be It Resolved By The House Of Representatives*,
24 That the House of Representatives thanks the soldiers
25 of the 224th Combat Engineer Battalion of the Iowa
26 National Guard for their service in Iraq; and
27 *Be It Further Resolved*, That the House of
28 Representatives honors the memory of Sergeant Casey
29 Byers, Sergeant Seth Garceau, Second Lieutenant
30 Richard B. "Brian" Gienua, and Specialist John W.

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1 Miller, who gave their lives in service to their
2 country and to the cause of freedom.

HR 164 filed April 4, 2006; adopted April 5, 2006.

1 House Resolution 165

2 By Jenkins And Kressig

3 A resolution honoring Robert Koob, President of the
4 University of Northern Iowa.5 *Whereas*, Robert Koob was born in Graettinger, Iowa,
6 graduated from Hawarden High School in 1959 and from
7 the University of Northern Iowa in 1962, and in 1967
8 received a doctorate in chemistry from the University
9 of Kansas; and10 *Whereas*, Dr. Koob has always been a devoted
11 educator, holding positions as a teaching assistant at
12 the University of Kansas, a high school math and
13 science teacher in Merville, Iowa, and a researcher at
14 the University of Kansas; and15 *Whereas*, in 1967 he began teaching chemistry at
16 North Dakota State University as an assistant
17 professor, achieving the rank of professor by 1972,
18 and thereafter serving in several different positions
19 including vice president for academic affairs and
20 interim president; and21 *Whereas*, from 1990 to 1995, Dr. Koob was senior
22 vice president and vice president for academic affairs
23 at California Polytechnic State University at San Luis
24 Obispo, California; and25 *Whereas*, in 1995, Dr. Koob returned home to Iowa,
26 taking his place as the eighth president of the
27 University of Northern Iowa and the first alumnus to
28 assume the presidency; and29 *Whereas*, under his leadership, the University of
30 Northern Iowa experienced a phenomenal level of

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1 institutional development, including construction of
2 the Gallagher-Bluedorn Performing Arts Center, the
3 Freeburg Early Childhood Program, and the Center for
4 Multicultural Education, the expansion of McCollum
5 Science Hall, Lang Hall, and Maucker Union, and
6 groundbreaking on the McLeod Center and the Business
7 and Community Services building; and8 *Whereas*, President Koob has always been involved in
9 the larger community, currently serving as a co-chair
10 of the Institute for Tomorrow's Workforce and also
11 serving on the Iowa Empowerment Board, Iowa Education
12 Roundtable, Iowa Business Council, Governor's
13 Strategic Planning Council, Iowa Commission on
14 Volunteer Services, Iowa Coordinating Council for Post
15 High School Education, Iowa Association of College
16 Presidents, and Des Moines Higher Education Center
17 Board of Directors, and participating on a national
18 level with various educational organizations; and
19 *Whereas*, President Koob has garnered numerous

20 personal awards, including the 2002 Cedar Valley
21 Business Hall of Fame award, the 2003 Cedar Falls
22 Representative Citizen of the Year award, and, in
23 2004, the Benjamin Franklin Award from the Eastern
24 Iowa Chapter of the Association of Fundraising
25 Professionals for outstanding charitable service; and
26 *Whereas*, President Koob has led with the core value
27 of quality as his touchstone and has placed a high
28 priority on the quality of the learning environment
29 for students, working collaboratively with students
30 and the entire campus community to continuously

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1 improve the university and its relationships with all
2 sectors of education; and
3 *Whereas*, after four decades of public service and a
4 dedication to excellence, President Koob announced his
5 intention to retire from the presidency at the end of
6 the 2005-2006 academic year; *Now Therefore*,
7 *Be It Resolved By The House Of Representatives*,
8 That the House of Representatives honors University of
9 Northern Iowa's President Robert Koob for a lifetime
10 of service and remarkable achievements and for his
11 tenure as President of the University of Northern
12 Iowa, where he guided his alma mater into the 21st
13 century; and
14 *Be It Further Resolved*, That, upon adoption, an
15 official copy of this Resolution be prepared for
16 presentation to President Koob.

HR 165 filed April 5, 2006; adopted April 5, 2006.

1 House Resolution 167
2 By Chambers, Kaufmann, Hutter, Lalk, Hogg, Watts,
3 Horbach, Baudler, Swaim, May, Wilderdyke, Roberts,
4 Dandekar, Pettengill, Tymeson, Alons, Freeman,
5 Wendt, Jacoby, Murphy, De Boef, Soderberg, Maddox,
6 Heddens, Arnold, Rasmussen, Paulsen, Gaskill,
7 Sands, Tomenga, Upmeyer, Reichert, Jones, Huseman
8 and Schickel
9 A resolution honoring the Iowa Army National Guard's 2168th
10 Transportation Company for its service in support of the
11 Global War on Terrorism.
12 *Whereas*, the 2168th Transportation Company of the
13 Iowa Army National Guard was called to active duty on
14 July 18, 2004; and
15 *Whereas*, the 2168th was comprised of a headquarters
16 and two platoons in Sheldon and a detachment in Cedar
17 Rapids; and
18 *Whereas*, the company included 91 soldiers from
19 Sheldon, 35 from Cedar Rapids, 23 from Mason City, 12
20 from Muscatine, and nine from Centerville, with 10

21 soldiers deploying for their second tour; and
 22 *Whereas*, the 2168th arrived in Kuwait on October
 23 14, 2004, at their duty station, Camp Arifjan, its
 24 mission consisting of transporting equipment essential
 25 to deploying and redeploying units; and
 26 *Whereas*, the 2168th Transportation Company drove
 27 over 300 missions to many key locations in Kuwait and
 28 Iraq; and
 29 *Whereas*, the 2168th logged over 6,233,205 miles
 30 throughout the deployment and is credited with

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1 delivering 15,508 pieces of equipment to the
 2 appropriate destinations; and
 3 *Whereas*, the 2168th served with military and
 4 civilian personnel from many countries, striving to
 5 overcome language barriers to accomplish its missions;
 6 and
 7 *Whereas*, while transporting equipment, 2168th
 8 personnel encountered efforts from the enemy to
 9 disrupt its mission, such as small arms fire,
 10 improvised explosive devices, and rocket propelled
 11 grenades, and despite those efforts, the 2168th sent
 12 only one soldier home due to injuries sustained from
 13 enemy contact; and
 14 *Whereas*, the 2168th Transportation Company's
 15 mission complete date was October 6, 2005, with the
 16 unit leaving Kuwait on October 11, 2005; and
 17 *Whereas*, the 2168th was decorated with many awards,
 18 consisting of five Purple Hearts, six Bronze Stars, 18
 19 Meritorious Service Medals, 105 Army Commendation
 20 Medals, 27 Army Achievement Medals, 74 Driver Badges,
 21 and nine Mechanic Badges; *Now Therefore*,
 22 *Be It Resolved By The House Of Representatives*,
 23 That the House of Representatives expresses its
 24 profound gratitude, on behalf of all Iowans, to the
 25 men and women of the 2168th Transportation Company for
 26 their steadfast dedication, excellence in performing
 27 their duty, and personal sacrifice.

HR 167 filed April 10, 2006; adopted April 18, 2006.

1 House Resolution 173
 2 By Eichhorn, Paulsen And Swaim
 3 A resolution urging the General Assembly to continue
 4 the work begun during the 2006 Legislative Session
 5 in determining the proper manner for the Iowa court
 6 system to recognize civil judgments, decrees, and
 7 orders issued by the Meskwaki Tribal Court.
 8 *Whereas*, the Meskwaki Settlement has existed within
 9 the borders of the state of Iowa near Tama since 1857,
 10 and the Sac and Fox tribe of the Mississippi in Iowa

11 is a federally recognized tribe; and
12 *Whereas*, the Meskwaki Nation and the state of Iowa
13 have an established government-to-government
14 relationship that is based on mutual respect which has
15 resulted in cooperative efforts, including legislation
16 creating landmark laws such as the Iowa Indian Child
17 Welfare Act and the reestablishment of the tribe's
18 right to control the taking of game on its own land;
19 and
20 *Whereas*, the Meskwaki Nation previously operated a
21 tribal court in the 1930s and, after several years of
22 study by past councils and input from tribal members,
23 the present tribal council has recently established a
24 tribal court to handle civil matters between and
25 concerning tribal members; and
26 *Whereas*, the Meskwaki Nation is in the process of
27 amending its Constitution to incorporate the creation
28 of the tribal court into the Constitution, along with
29 other progressive reforms initiated by the current
30 tribal council; and

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1 *Whereas*, while nearly 300 tribal courts exist in
2 the United States, the Meskwaki Tribal Court is the
3 first tribal court established within Iowa's borders;
4 and
5 *Whereas*, the Meskwaki Tribal Court, while giving
6 consideration to tribal customs and traditions,
7 operates under rules of procedure that are similar to
8 the rules of procedure used by state and federal
9 courts, including rules that address a party's
10 appropriate notice and opportunity to be heard; and
11 *Whereas*, the tribal council is in the process of
12 adopting laws granting reciprocal full faith and
13 credit to orders from state courts, and the tribal
14 court has already given full faith and credit to
15 orders from Iowa district courts; and
16 *Whereas*, in recruiting judges to hear cases in the
17 Meskwaki Tribal Court, the tribal council sought some
18 of the nation's leading judges familiar with tribal
19 court caseloads, including two judges who serve on the
20 board of directors for the National American Indian
21 Court Judges Association; and
22 *Whereas*, the Chief Judge of the 6th Judicial
23 District supported the creation of the Meskawki Tribal
24 Court, and the United States Supreme Court and the
25 United States Congress have taken steps to support the
26 creation and operation of tribal courts across the
27 country; and
28 *Whereas*, the General Assembly adopted legislation

29 during the 2005 Legislative Session asking the Iowa
30 Supreme Court to study whether a court rule should be

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1 created to recognize civil judgments, orders, and
2 decrees issued by the Meskwaki Tribal Court, and the
3 General Assembly, during the 2006 Legislative Session
4 dedicated a significant amount of time to determining
5 the proper manner in which to recognize civil
6 judgments, orders, and decrees issued by the Meskwaki
7 Tribal Court; *Now Therefore,*

8 *Be It Resolved By The House Of Representatives,*
9 That the House of Representatives firmly supports the
10 cross-education of state, local, and tribal officials
11 concerning state, local, and tribal systems of law and
12 jurisdictional authority; and

13 *Be It Further Resolved,* That the House of
14 Representatives recognizes the right of the Sac and
15 Fox tribe of the Mississippi in Iowa to form a tribal
16 court with the ability to resolve disputes emanating
17 from the tribe, and believes that a tribal court can
18 bring a special perspective and unique insight to
19 issues involving the Meskwaki Nation and tribal
20 members; and

21 *Be It Further Resolved,* That the House of
22 Representatives also believes that the Meskawki Tribal
23 Court will not only benefit members of the tribe, but
24 may benefit the state of Iowa and all of its citizens;
25 and

26 *Be It Further Resolved,* That the House of
27 Representatives urges members of the judicial branch
28 of state government, members of the Iowa legal
29 community, members of law enforcement, and all
30 affected Iowa citizens to establish a working

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1 relationship with the Sac and Fox tribe of the
2 Mississippi in Iowa, and in particular, the Meskwaki
3 Tribal Court, to maximize understanding of the tribe's
4 legal system, including but not limited to due process
5 considerations, and to ensure strong communication
6 between the tribal legal system and the legal system
7 for the state of Iowa; and

8 *Be It Further Resolved,* That the House of
9 Representatives urges the next General Assembly to
10 continue the work begun by this General Assembly in
11 determining the proper reciprocal manner for the Iowa
12 court system and the Meskwaki Tribal Court system to
13 recognize civil judgments, decrees, and orders issued
14 by the respective courts.

HR 173 filed April 25, 2006; adopted May 1, 2006.

1 House Resolution 174
2 By Arnold And Huser
3 A resolution honoring Dwayne McAninch for his pioneering
4 work in revolutionizing the construction industry.
5 *Whereas*, Dwayne McAninch grew up on an Iowa farm,
6 started his own earthmoving business in 1954 at age
7 17, and founded the McAninch Corporation in 1967,
8 constructing farm ponds with one D7 bulldozer; and
9 *Whereas*, after almost four decades of dedicated
10 work, the McAninch Corporation has earned a reputation
11 as one of America's leading contractors, specializing
12 in high production, quality earthmoving and sanitary,
13 storm, and water main installation; and
14 *Whereas*, at a time when most people think of
15 retirement, Dwayne McAninch is busy taking the
16 earthmoving industry into the 21st century, pioneering
17 efforts to combine global positioning satellites and
18 other sophisticated project controls with traditional
19 earthmoving techniques; and
20 *Whereas*, Mr. McAninch recognized the potential for
21 global positioning satellites while visiting
22 Caterpillar's research facility in Mossville,
23 Illinois; and
24 *Whereas*, Dwayne McAninch served as a catalyst,
25 encouraging Caterpillar and Trimble Navigation to form
26 Caterpillar Trimble Control Technologies, L.L.C., a
27 Dayton, Ohio-based joint venture, with Dwayne McAninch
28 serving on its advisory board; and
29 *Whereas*, Mr. McAninch's subsequent field tests and
30 enthusiastic promotion helped turn machine control

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1 into a global phenomenon; and
2 *Whereas*, Dwayne McAninch is responsible for putting
3 a new generation of global positioning satellite-
4 guided equipment to work in the field and
5 demonstrated, with real-world results, that the
6 melding of computer technology and earthmoving
7 equipment can generate enormous productivity and
8 savings; and
9 *Whereas*, for pioneering the use of cutting-edge
10 technology, popularizing its use, and pushing the
11 earthmoving business to innovate, the editors of
12 Engineering News-Record named Dwayne McAninch one of
13 the top 25 newsmakers of 2005, a list which recognizes
14 25 individuals for their accomplishments in the
15 industry; and
16 *Whereas*, on April 6, 2006, the editors awarded Mr.
17 McAninch its 2005 Award of Excellence at a dinner for

18 1,400 industry leaders in New York City; *Now*
 19 *Therefore,*
 20 *Be It Resolved By The House Of Representatives,*
 21 That the House of Representatives recognizes the
 22 dedicated and forward-thinking efforts of Dwayne
 23 McAninch in bringing the construction industry into
 24 the 21st century and congratulates him for being
 25 awarded the Engineering News-Record's 2005 Award of
 26 Excellence; and
 27 *Be It Further Resolved,* That upon adoption an
 28 official copy of this Resolution be prepared for
 29 presentation to Dwayne McAninch.

HR 174 filed April 25, 2006; adopted May 1, 2006.

1 House Resolution 176
 2 By Committee On Government Oversight
 3 A resolution conferring authority upon the standing
 4 Committee on Government Oversight to conduct an
 5 investigation into the compensation levels, use of
 6 public moneys, personnel, operations, funding, and
 7 oversight of the Central Iowa Employment and Training
 8 Consortium, the Iowa Department of Workforce
 9 Development, and all matters reasonably related
 10 thereto.
 11 *Whereas,* the Auditor of State conducted a special
 12 investigation of programs administered by the Central
 13 Iowa Employment and Training Consortium and the Iowa
 14 Department of Workforce Development and in a report
 15 issued March 31, 2006, identified unallowable uses of
 16 federal funds, including excessive compensation for
 17 Central Iowa Employment and Training Consortium
 18 executive employees, improper allocation of salaries
 19 and supplemental payments to federal grants, and an
 20 indication of less-than-arm's-length transactions
 21 between the Central Iowa Employment and Training
 22 Consortium and the Iowa Department of Workforce
 23 Development; and
 24 *Whereas,* the Auditor of State further reported
 25 concerns with operations at the Iowa Department of
 26 Workforce Development, relating to and including use
 27 of excess federal funds, monitoring of providers, the
 28 provision of additional funds to the Central Iowa
 29 Employment and Training Consortium through the
 30 amendment process, and reporting requirements

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1 established for providers; and
 2 *Whereas,* the serious concerns raised by the Auditor
 3 of State regarding the misuse of public funds,
 4 improper relationships linked to questionable

5 transactions, and failure to provide necessary
6 monitoring and oversight violate the public trust and
7 demand further investigation by the General Assembly,
8 as well as by other state and federal agencies; and
9 *Whereas*, the standing Committee on Government
10 Oversight is empowered, pursuant to Iowa Code sections
11 2.15 and 2.23, to require information of state
12 agencies with full cooperation of their personnel, to
13 review the operations of state agencies and
14 departments, and to conduct investigations, with
15 authority to call witnesses, administer oaths, issue
16 subpoenas, and cite for contempt; *Now Therefore*,
17 *Be It Resolved By The House Of Representatives*,
18 That the standing Committee on Government Oversight is
19 authorized to conduct an investigation into
20 compensation levels, use of public moneys, personnel,
21 operations, funding, and oversight of the Central Iowa
22 Employment and Training Consortium, its Board of
23 Directors, affiliated boards, agencies, and
24 organizations, and all matters reasonably related
25 thereto, including but not limited to oversight of the
26 Central Iowa Employment and Training Consortium by the
27 Iowa Department of Workforce Development and its
28 affiliated agencies and boards; and
29 *Be It Further Resolved*, That the investigation
30 shall be conducted in accordance with the full

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1 authority granted the standing Committee on Government
2 Oversight by law including but not limited to the
3 authority to conduct the investigation, call
4 witnesses, administer oaths, issue subpoenas, cite and
5 impose punishment for contempt, and otherwise enforce
6 these investigative powers as authorized by and in
7 accordance with law, subject to the following:
8 1. A subpoena may be issued by the Chairperson of
9 the standing Committee on Government Oversight.
10 2. Subpoena authority conferred by this Resolution
11 shall exist for a ninety-day period following the date
12 of passage of this Resolution.
13 3. A citation and punishment for contempt may be
14 issued and imposed according to the following
15 schedule:
16 a. An initial citation may be issued by the
17 standing Committee on Government Oversight by a
18 majority vote of the members of the Committee and is
19 punishable by a fine of \$500.
20 b. A second or subsequent citation may be issued
21 by the standing Committee on Government Oversight by a
22 majority vote of the members of the Committee and is
23 punishable by a fine of \$1,000.

24 c. In addition to the fines authorized pursuant to
25 paragraphs "a" and "b", the House of Representatives
26 may by resolution impose a punishment of imprisonment
27 for a period of up to six months.

28 4. Subpoenas and citations for contempt shall be
29 signed by the Chairperson of the standing Committee on
30 Government Oversight, the Speaker of the House of

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1 Representatives, and the Chief Clerk of the House of
2 Representatives. Warrants for contempt shall be
3 signed by the Speaker of the House of Representatives
4 and the Chief Clerk of the House of Representatives;
5 and

6 *Be It Further Resolved*, That the standing Committee
7 on Government Oversight is authorized to retain
8 outside special legal counsel to coordinate, direct,
9 and conduct the investigation, and in furtherance of
10 this authority to retain two outside special legal
11 counsel, one to be selected by Republican members, and
12 one to be selected by Democratic members,
13 respectively, to serve jointly regarding the
14 coordination, direction, and conduct of the
15 investigation, and including authorization to
16 compensate such outside special legal counsel at a
17 reasonable rate of compensation for all work
18 undertaken, including compensation or reimbursement of
19 such reasonable expenses as may be necessary to carry
20 out the investigation authorized hereunder; and

21 *Be It Further Resolved*, That outside special legal
22 counsel conducting the investigation hereunder shall
23 advise and report to the standing Committee on
24 Government Oversight in such manner and at such times
25 as shall be directed by the Committee; and

26 *Be It Further Resolved*, That the standing Committee
27 on Government Oversight may meet at such times and at
28 such places as the Chairperson of the Committee deems
29 necessary and may coordinate its investigation with a
30 standing committee of the Senate conducting a similar

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1 investigation; and

2 *Be It Further Resolved*, That the investigation and
3 retention of outside special legal counsel shall
4 continue until the investigation is completed, or
5 until such time as the investigation is terminated by
6 the standing Committee on Government Oversight by
7 majority vote of the members of the Committee.

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 2006 Regular Session of the Eighty-first General Assembly, commemorating the life, character and public service of the former members of the House of Representatives.

- DONALD H. BINNEBOESE .. February 17, 1924 – February 28, 2005
- BETTY JEAN “BEJE” CLARK.....April 18, 1920 – April 10, 2005
- THOMAS COOPER EVANS.....May 26, 1924 – December 22, 2005
- ROBERT J. GRANDIA..... December 28, 1914 – April 24, 2005
- JANE L. GREIMANN January 25, 1942 – February 4, 2006
- WALTER R. HAGEN..... February 8, 1915 – August 7, 2005
- HARLEY S. HANSON..... June 20, 1916 – January 2, 2002
- DONALD L. KIMBALL..... February 15, 1933 – April 4, 2005
- E. JEAN KISER..... July 11, 1925 – May 9, 2004
- JOYCE LONERGAN March 5, 1934 – January 17, 2006
- JACK N. MILROY May 31, 1923 – January 4, 2004
- EMIL S. PAVICH July 30, 1931 – May 6, 2005
- JOHN T. PELTON..... June 16, 1946 – March 17, 2006
- DON A. PETRUCCELLI March 1, 1913 – January 8, 2003
- VICTOR G. STUELAND March 17, 1920 – November 1, 2005
- DAVID E. WEICHMAN September 22, 1921 – April 11, 2000
- WARREN K. WOOD..... March 7, 1932 – December 24, 2000

DONALD H. BINNEBOESE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Donald H. Binneboese begs to submit the following Memorial:

Donald H. Binneboese was born February 17, 1924, on the family farm in Plymouth County, the son of Albert Eugene and Emma Anna (Helmke) Binneboese. He was raised in Plymouth County and assisted his family with farming.

On August 27, 1944, Donald and Marga F. Howe were united in marriage in Hinton. They made their home on a farm near Hinton. Donald, along with his brother Eugene, were innovative farmers who were the first in the area to practice conservation tilling and utilize grain-drying bins on their farms.

Donald and Marga moved to Hinton in January of 1981. Donald served as Mayor of Hinton and a city council member from 1988 to 1991. Donald was a member of the Trinity Lutheran Church in Hinton and served the church in various capacities.

A Democrat, Mr. Binneboese was a member of the second half of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, and Sixty-ninth Second Extra General Assemblies.

Donald H. Binneboese passed away February 28, 2005, at the age of 81.

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 Donald H. Binneboese, 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.

CHUCK SODERBERG
ROGER WENDT
DAN HUSEMAN
Committee

BETTY JEAN "BEJE" CLARK

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Betty Jean Clark begs to submit the following Memorial:

Betty Jean Clark was born April 18, 1920 in Kansas City, Kansas, to Raymond C. and Mary Hunt Walker. She graduated from Hays (Kansas) High School and attended Fort Hays Kansas State College, the University of Utah and the College of the Pacific in Stockton, California for her undergraduate work, and Garrett Evangelical Seminary in Evanston, Illinois for graduate work.

She was active in the music field, singing in the Betty Lavonn Trio with her sister for more than 30 years, teaching piano and directing 13 choral groups in California, Utah, and Iowa.

Over the years, she edited four church papers, published a religious periodical index, wrote for many national periodicals and Indiana and Iowa newspapers. In 1956, she and her sister compiled a book of meditations from the Revised Standard Version of the Bible.

The family moved to Mason City in 1959 and became members of Wesley United Methodist Church. Always active in church work, Beje held local, district and conference offices with the United Methodist Women. She was Christian education director for seven years and financial secretary for five years.

Her in-depth work on criminal and juvenile justice resulted in a governor's appointment to the Advisory Council to the Division of Criminal and Juvenile Justice Planning. She chaired Iowa's Justice Fellowship Task Force and served on the boards of several other justice groups.

A Republican, Mrs. Clark was a member of the Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra and Seventy-third General Assemblies.

Betty Jean Clark passed away April 10, 2005, at the age of 84.

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 Betty Jean Clark, 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 her 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.

BILL SCHICKEL
MARK KUHN
BILL DIX
Committee

THOMAS COOPER EVANS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Thomas Cooper Evans begs to submit the following Memorial:

Thomas Cooper Evans was born May 26, 1924 in Cedar Rapids, son of Thomas E. and Ora Evans. He earned a bachelor's degree in mechanical engineering from Iowa State University and a master's degree in civil engineering. In 1948 he married Jean Ruppelt.

Mr. Evans spent 22 years in Washington, including 14 years in the Army. He served as a staff member of the Atomic Energy Commission and was director of lunar missions at NASA in the early 1960's.

He served Iowa's 3rd Congressional District from 1980-1986. He didn't run in 1986, but was hired by Governor Terry Branstad to study ways to improve Iowa's grain quality and exports. The Des Moines Register named him Iowa Farm Leader of the Year in 1989. Mr. Evans served in the elder Bush administration through 1991.

Through 1996, Mr. Evans worked for Volunteers in Overseas Cooperative Assistance, working on free-enterprise agriculture policy initiatives in the former Soviet Republics and Eastern Bloc states.

He lived in Grundy Center with his wife, Jean and spent much of his time in recent years farming in Missouri.

A Republican, Mr. Evans was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra and the first half of the Sixty-eighth General Assemblies.

Thomas Cooper Evans passed away December 22, 2005, at the age of 81.

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 Thomas Cooper Evans, 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.

LANCE HORBACH
MARK SMITH
POLLY GRANZOW
Committee

ROBERT J. GRANDIA

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Robert J. Grandia begs to submit the following Memorial:

Robert John Grandia was born December 28, 1914, near Leighton, son of John A. and Josena (Klyn) Grandia. He graduated from Pella High school in 1932. At the age of 17, Robert began working for other farmers to help his parents save the farm during the Great Depression. He then did carpentry work and worked at Brom's hatchery for two years. During this time he married Carol Keuning. They had two children, Barbara Joyce and John Henry.

In 1945, the family moved to Eddyville where Bob and Carol (better known as "Tootie") operated a restaurant with her brother. In 1947, they were living above "Bob

& Al's" when the Des Moines River flooded and destroyed their business and the children were rescued by boat through a second story window. The couples cleaned up and opened for business three more times before they were forced to close the doors. Bob went to work at the John Morrell Packing House in Ottumwa. The family moved back to Pella in 1949.

Bob's long career of butchering and meat cutting had begun earlier at Klyn & De Winter Meat Market on Main Street in Pella. In 1950, the Grandia Locker opened in Otley. Later the business became Grandia Meat Processing, Inc. and was located just outside of town. Bob and "Tootie" operated that business along with their son John for many years until Bob's retirement at the age of 65 in 1979.

Bob joined the Pella Lions Club in 1984 spending the next 20 years gathering glasses for VOSH. (Volunteer Optometric Service to Humanity) For these acts of service, Bob received the coveted Warren Coleman and Melvin Jones awards.

Bob served one year on the Pella City Council. He was active for many years as a Trustee of the Porter Grove Cemetery Association; serving on the board for 30 years, many times as chairman. He served as an advisor to the board until the time of his death. He was a member of the Third Reformed Church in Pella.

A Republican, Mr. Grandia was a member of the Seventieth and Seventy-first General Assemblies.

Robert J. Grandia passed away April 24, 2005, at the age of 90.

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 Robert J. Grandia, 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.

JIM VAN ENGELHOFEN
MARK DAVITT
CARMINE BOAL
Committee

JANE L. GREIMANN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Jane L. Greimann begs to submit the following Memorial:

Jane L. Greimann was born January 25, 1942 in Klemme, Iowa to Chet and Ina Mae (Jarchow) Renner. She grew up on the farm, learning to love horses, holding leadership positions in 4-H and graduating from Klemme High School in 1960. She acquired a degree from Iowa State University in Textile and Clothing in 1964 and a teaching certificate in 1980.

She married Lowell Greimann in Klemme, Iowa on June 7, 1964. They moved to Boulder, Colorado where Jane worked as a seamstress and then office worker. Later, they moved to San Antonio, Texas where Jane worked with children in the Hispanic community and low-income adults. They returned to Ames in 1973. Jane taught at Nevada Junior High for sixteen years. While teaching, she worked on studies of student health with regard to cholesterol, helped to start a breakfast program, taught parenting classes, made a five week trip to Russia in 1992 and sat on the Board of Easter Story County Youth and Shelter Services. Jane retired from full-time employment in 1998.

Jane served on many volunteer positions at Collegiate Presbyterian Church. She was on the Mid-Iowa Community Action Board and Hawk-I-State Board. She believed in more preventative programs and more humane sentencing laws in our corrections system.

Jane volunteered for several service activities in the community, including President of the Local League of Women Voters, Democratic caucus organizer, Ames Public Art Commission, and the Education and Prevention Board of Youth and Shelter Services.

A Democrat, Jane L. Greimann was a member of the second half of the Seventy-eighth, Seventy-ninth, Seventy-ninth Extra, Seventy-ninth Second Extra, Eightieth, Eightieth Extra, and Eightieth Second Extra General Assemblies.

Jane L. Greimann passed away on February 4, 2006, at the age of 64.

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 Jane L. Greimann, 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 her 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.

BETH WESSEL-KROESCHELL
JIM KURTENBACH
LISA HEDDENS
Committee

WALTER R. HAGEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Walter R. Hagen begs to submit the following Memorial:

Walter R. Hagen was born February 8, 1915, at the Paint Creek Township, rural Waterville, Iowa, farm of his parents Albert G. and Karen M. (Leyse) Hagen. He graduated from Waterville Consolidated High School in 1932, and from the Iowa State College Herdsman Class in Ames in 1938. On July 28, 1946, he married Jean Raymond.

Agriculture was Walter's life's work. He operated "Springvale", the farm that had been in his family since 1899, where he raised a dairy herd, hogs, and beef cattle. He was in the first Iowa Master Pork Producer class in 1942 and was named an Iowa Master Farmer in 1963. Walter was a lifelong promoter of soil conservation serving as a district commissioner from 1958 to 1970 and as a state Soil Conservation Committee member from 1973 to 1985. He was an Iowa Master Gardener and an Iowa Master Forester and hosted Conservation Education Days for Allamakee County sixth graders at the pond on his farm for over 25 years. He also grew and sold Christmas trees and spearheaded the effort to plant living snow fences in Allamakee County.

Among his many awards were the Conservation District Distinguished Service Award, the Iowa Owner-Operator Soil Conservation Award, the Iowa State Extension Service Award, and many others in community and agricultural service. He was honored to be a member of the first "People to People" tour, sponsored by Wallace's Farmer, which went to Russia in 1959 to share ideas about agriculture.

During his life he was a Boy Scout, a Mason, and an active member of the First Presbyterian Church in Waukon where he served as an elder and a deacon. A talented singer, he was a member of the Iowa State College Men's Glee Club, church choir, barbershoppers, and sang at countless community musicals, events, funerals, and weddings.

Walter Hagen wrote and sponsored the bill that made the oak Iowa's state tree.

A Republican, Mr. Hagen was a member of the Fifty-ninth, Sixtieth, and Sixtieth Extra General Assemblies.

Walter R. Hagen passed away August 7, 2005, at the age of 90.

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 Walter R. Hagen, 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.

CHUCK GIPP
ROGER THOMAS
DAVID LALK
Committee

HARLEY S. HANSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Harley S. Hanson begs to submit the following Memorial:

Harley S. Hanson was born June 20, 1916 on a farm south of Vinton, the son of Sven and Belle (McElhaney) Hanson. Harley graduated from Lincoln High School in Vinton

and served his country in the Navy, as a 2nd Class Machinist Mate and was stationed in San Diego from 1935 through 1939. On April 30, 1941 he married Ina Mae Wiese.

The couple farmed south of Vinton until retiring in 1969. They lived in California for three years and returned to Vinton in 1972.

Harley was an active member of the First Christian Church in Vinton, where he served as a deacon and elder. He also served as a member of the Benton County Crop Commission and the Benton County Farm Service Bureau, where he held the offices of treasurer and president.

A Democrat, Mr. Hanson was a member of the Sixty-second General Assembly.

Harley S. Hanson passed away January 2, 2002, at the age of 85.

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 Harley S. Hanson, 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
LANCE HORBACH
ROB HOGG
Committee

DONALD L. KIMBALL

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Donald L. Kimball begs to submit the following Memorial:

Donald L. Kimball was born February 15, 1933 in Fairbank, the son of Donald Keith and Katherine (Finch) Kimball. He graduated from Stanley High School in 1951 and from Upper Iowa University in Fayette, Iowa in 1960. He was a veteran of the Korean Conflict serving in the Army. Don married Mary E. Moore on May 5, 1957.

He was a history teacher at Manchester and Primghar, an author, and owned and operated the Fayette Leader Newspaper. Don was a member of the Fayette American Legion Post #339 at Fayette, and was a longtime Fayette resident.

A Republican, Mr. Kimball was a member of the Fifty-seventh and Fifty-eighth General Assemblies.

Donald L. Kimball passed away April 4, 2005, at the age of 72.

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 Donald L. Kimball, 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.

DAVID LALK
DAN RASMUSSEN
ROGER THOMAS
Committee

E. JEAN KISER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable E. Jean Kiser begs to submit the following Memorial:

E. Jean Kiser was born July 11, 1925 in Oskaloosa, the daughter of Sam and Nellie (Kimes) Raley. She married Ira Kiser in 1941. He preceded her in death in 1996.

She was a member of the Presbyterian Church of Palm Harbor and DAR Dunedin Chapter, a member of Clearwater Women's Republican Club, local president of the TB Association in Davenport, past president of Scott County Republican Women, vice-chair of Scott County Young Republicans and served over 20 years as committee woman on both Scott County and Davenport City Republican Central Committees. She held various PTA and Little League offices.

A Republican, E. Jean Kiser was a member of the Sixty-fifth General Assembly.

E. Jean Kiser passed away May 9, 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 E. Jean Kiser, 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 her 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.

JIM VAN FOSSEN
JOE HUTTER
STEVEN LYKAM
Committee

JOYCE LONERGAN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Joyce Lonergan begs to submit the following Memorial:

Joyce Lonergan was born March 5, 1934 on a farm near Belle Plaine in Benton County, daughter of Robert and Fannie (Duda) Jacobi. Her mother married Charles "Peck" Hutchinson and the family moved to Boone in 1947. She graduated from Boone High School in 1952. She married Paul Lonergan on August 12, 1950.

Joyce was the Boone County recorder from 1986-1998 and was active in Boone County Democratic politics for many years and worked on many congressional and political campaigns. The highlight of her political career was lunch at the White House with President Jimmy Carter in 1980. She received the Boone County Democrats Everett Brown Award in 2002 and won the Women Helping Women Award from Soroptimists International in 1977. She enjoyed serving as a host family in the Foreign Exchange Program.

She was a 25-year member of ABWA, serving in every capacity, Boone County Historical Society, Boone Railroad Society, American Legion Auxiliary, the Boone Area Humane Society and the Purple Hat Guild. She was also an active member of the Church of the Sacred Heart in Boone, Sioux City Diocese Council of Catholic Women and a former president of Boone Church Women United. She served as chairman of the board of directors for Boone County Community Credit Union for two years. She owned "The Book Store" in Boone.

A Democrat, Joyce Lonergan was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, and Seventy-first General Assemblies.

Joyce Lonergan passed away January 17, 2006, at the age of 71.

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 Joyce Lonergan, 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 her 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.

CHUCK SODERBERG
ROGER WENDT
DAN HUSEMAN
Committee

JACK N. MILROY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Jack N. Milroy begs to submit the following Memorial:

Jack N. Milroy was born May 31, 1923 in Manchester to James H. and Margaret (Nichols) Milroy. His family later moved to Vinton and he graduated from Lincoln High School in 1941. In 1948 he graduated from Grinnell College and began his practice as an attorney with his father's law firm after receiving his law degree from the University of Iowa in 1951.

During World War II, Jack served in the U.S. Army from 1943 to 1946 and was stationed in Europe.

As an active member of his community and his profession, Jack was a member of and served on several boards of the Vinton Lions Club; served on Vinton's first Airport Commission, and the first Benton County Board of Health. He was a member of the Chamber of Commerce, the Vinton Development Board, the Geo. G. Luckey American Legion Post #57 and served as Judge Advocate of the Iowa Department of the American Legion from 1959 to 1961. For 18 years he served on the Virginia Gay Hospital Board and the Health Care Foundation at St. Luke's Hospital in Cedar Rapids. He served on the Alumni Board of Grinnell College for six years and was honored as Alumni of the Year in 1968 for the class of '48. For two years, Jack was President of the Hawkeye Area Boy Scout Council, was a National Council Representative and received the Silver Beaver Award, the highest award given to volunteers. He was also a Charter Member of The Society of Hospital Attorneys, and served on the Board of the Keystone Savings Bank for seven years.

On September 5, 1970, he married Virginia Hurless. She preceded him in death on March 3, 2001.

A Republican, Mr. Milroy was a member of the Fifty-sixth, Fifty-seventh, and Fifty-eighth General Assemblies.

Jack N. Milroy passed away January 4, 2004, at the age of 80.

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 Jack N. Milroy, 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
BETTY DE BOEF
Committee

EMIL S. PAVICH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Emil S. Pavich begs to submit the following Memorial:

Emil S. Pavich was born July 30, 1931 in Council Bluffs, the son of Guy and Josephine (Pavelich) Pavich. He graduated from Thomas Jefferson High School in 1949. He served in the U.S. Army during the Korean War and was later a machine operator for the Kellogg Cereal Company in Omaha, retiring in 1991.

Mr. Pavich served two terms on the Council Bluffs City Council, was a member of Holy Family Catholic Church, American Legion Post No. 2, Grain Millers Local 50, Croatjan Cultural Club, Southside Neighborhood Organization, American Political Items Collectors, Pottawattamie and state historical societies, and was the Pottawattamie County Democratic chair from 1966 to 1974.

A Democrat, Mr. Pavich was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, and Seventy-Fourth Second Extra General Assemblies.

Emil S. Pavich died May 6, 2005, at the age of 73.

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 Emil S. Pavich, 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.

PAUL SHOMSHOR
DOUG STRUYK
JACK DRAKE
Committee

JOHN T. PELTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable John T. Pelton begs to submit the following Memorial:

John T. Pelton was born June 16, 1946 to Rosanna Howard Pelton and Charles H. Pelton in Clinton, Iowa. He was educated at the University of Iowa, earning his B.A. and advanced degrees of Juris Doctorate, Master of Arts in Political Science and Educational Specialist. He was an MP with the United States Army during the Vietnam War. A life-long student of the financial markets, he earned the Certified Financial Planner designation.

He began his political career in college, serving as the University of Iowa student body president in 1968. John and Elizabeth L. (Beth) Ford were married on May 8, 1982 in Lone Tree.

Director of legal affairs and human resource council for Centro, Inc., John was active in a wide variety of civic and community organizations including the Iowa City Noon Rotary Club where he was a Paul Harris Fellow. He particularly enjoyed serving on the Board of Directors of the Preucil School of Music. He was active in the First Christian Church of Coralville.

A Republican, Mr. Pelton was a member of the Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, and Sixty-ninth Second Extra General Assemblies.

John T. Pelton passed away March 17, 2006, at the age of 59.

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 John T. Pelton, 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.

STEVEN OLSON
POLLY BUKTA
JIM VAN FOSSEN
Committee

DON A. PETRUCCELLI

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Don A. Petruccelli begs to submit the following Memorial:

Don A. Petruccelli was born March 1, 1913, son of Vincent and Amelia Petruccelli. He attended public schools in Davenport and graduated from St. Ambrose College in Davenport and law school at the University of South Dakota. He set up a private practice in Davenport but soon after was drafted into the Army. Petruccelli, who spoke fluent Italian, ended up as an espionage agent during World War II, working in Italy for the Office of Strategic Services, and attained the rank of Major. He worked at the State Department in Washington in 1946 before his discharge. After the war, he went back to Davenport and resumed his law practice.

Mr. Petruccelli served as mayor of Davenport, worked as an assistant Scott County attorney before winning a municipal judgeship in 1971. From 1971 until 1985 he served as a full-time judge in charge of all juvenile matters in Scott County. From 1985 until 1991 he served as a senior judge. He considered his work as a juvenile court judge the most important contribution made in his public career. He believed that the juvenile court system allowed him, the probation department, and the lawyers who appeared in court to make positive differences in the lives of those children whose circumstances or conduct mandated public intervention and attention.

He married Carol Selitto on October 7, 1945, in South Orange, New Jersey. She preceded him in death on May 19, 1977. He later married Edna Palmisano on December 17, 1982. She preceded him in death in July, 1990.

A Republican, Mr. Petruccelli was a member of the Fifty-sixth and Fifty-seventh General Assemblies.

Don A. Petruccelli passed away January 8, 2003, 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 Don A. Petruccelli, 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.

JAMIE VAN FOSSEN
JOE HUTTER
JIM LYKAM
Committee

VICTOR G. STUELAND

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Victor G. Stueland begs to submit the following Memorial:

Victor Gerald Stueland was born March 17, 1920 to Henry Sr. and Katherine (Gohlman) Stueland in Clinton County. He married Evelyn Eastvold December 27, 1940 in Colorado Springs, Colorado. They were lifelong residents of Clinton County, farming for many years north of Grand Mound. Vic was a founding member of Faith Lutheran Church, Calamus. They moved to DeWitt in 1998, where they resided until moving to Wheatland Manor in 2004.

Mr. Stueland's many activities included Director of Iowa Cattleman's Association, 4-H Leader, Vice-Chair of Iowa Beef Industry Council, Chair of Tri-State Health Planning Commission, member of the Iowa Natural Resources Council, Farm Bureau, Izaak Walton League, Lion's Club, and Board of Directors of First Central Bank. He was also remembered for working for water quality and conservation, and forming county parks and tree farms on unproductive acres.

A Democrat, Mr. Stueland was a member of the Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, and Seventy-third General Assemblies.

Victor G. Stueland passed away November 1, 2005, at the age of 85.

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 Victor G. Stueland, 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.

STEVEN OLSON
POLLY BUKTA
JIM VAN FOSSEN
Committee

DAVID E. WEICHMAN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable David E. Weichman begs to submit the following Memorial:

David E. Weichman was born September 22, 1921 in Newhall, the son of Harry and Elizabeth Meyer Weichman. He graduated from Newhall High School in 1939 and attended the University of Iowa, receiving his B.A. in 1946, and his J.D. at the College of Law in 1948. He practiced law in Newhall for 52 years.

Mr. Weichman was in the Army Air Corps from 1942-1945, and a pilot of a B24 involved in bombing raids over Europe. He retired from the U.S. Air Corps Reserves in 1972, with the rank of Lieutenant Colonel. During his career, he worked for the Iowa Department of Public Safety, as Newhall City Attorney and Treasurer; Justice of the Peace, and Judicial Magistrate, Benton County.

He was a member of the Benton County and Iowa State Bar Associations, VFW, and John Ward McGranahan Post No. 167 of the American Legion. He was active in local, state and national Legion functions serving as State Department Commander in 1965-1966. He served one term as Judicial Advocate and many years on the National Legislative Committee.

A Republican, Mr. Weichman was a member of the Fifty-ninth and Sixty-third General Assemblies.

David E. Weichman passed away April 11, 2000, 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 David E. Weichman, 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
BETTY DE BOEF
Committee

WARREN K. WOOD

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Warren K. Wood begs to submit the following Memorial:

Warren K. Wood was born March 7, 1932 in Davenport, son of Jasper and Helen (Kirchner) Wood. He was a graduate of the University of Iowa and the University of Iowa College of Law. He served in the U.S. Air Force from 1955 to 1958. In 1960, he married Sue Ann Hohenadel in Davenport.

As an attorney, Mr. Wood held a variety of positions in public service, including 2nd Ward Alderman (Davenport), Scott County Coordinator and Davenport City Attorney.

Mr. Wood was a member of the American and Scott County Bar Associations and Davenport Lodge 37 A.F. & A.M. He was a past master of Kadosh of the Davenport Consistory, a 33rd Degree Mason of the Scottish Rite, past director of Royal Order of Jesters Court 129 and a member of the Benevolent Order of Crabs and KAABA Shrine.

A Republican, Mr. Wood was a member of the Sixty-second General Assembly.

Warren K. Wood passed away December 24, 2000, at the age of 68.

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 Warren K. Wood, 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.

JAMES VAN FOSSEN
JIM VAN FOSSEN
JIM LYKAM
Committee

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 Amendments withdrawn—541, 705, 751, 946, 1040, 1538, 1596, 1725
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FREVERT, MARCELLA R.—Representative Emmet-Kossuth-Palo Alto Counties
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- House Resolution 131, designate month of June 2006 as Prostate Cancer Awareness Month and encourage all health benefit plan providers to include annual screening for prostate cancer as part of their coverage—399, 1490 adopted
- House Resolution 136, recognizing the month of May 2006 as Iowa Heart Health Month—462, 1490 adopted
- House Resolution 137, designate a Technology and Science Day in Iowa—556, 1311 adopted
- House Resolution 146, designate March 23, 2006, through April 10, 2006, as “Underage Drinking Prevention Days” in Iowa—845
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- House Resolution 157, designate April 2006 as Kidney Cancer Awareness Month—971
- House Resolution 171, urge General Assembly to continue work begun during 2006 Legislative Session in determining proper manner for Iowa court system to recognize civil judgments, decrees, and order issued by the Meskwaki Tribal Court—1296
- House Resolution 173, urge General Assembly continue the work begun during the 2006 Legislative Session in determining proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by Meskwaki Tribal Court—1399, 1413 adopted
- Senate Concurrent Resolution 106, provide for adjournment sine die—1089, 1090 adopted & msgd. – H.J. – 1731, 1748, 1749 adopted & msgd. – S.J. – 1094
- House Concurrent Resolution 113, provide for adjournment sine die—1783*
- Senate Concurrent Resolution 107, provide for adjournment sine die—1106, 1105, 1111 adopted & msgd – H.J. – 1782, 1783 adopted & msgd. – S.J. – 1112*

GIFTS—

(See AWARDS AND GIFTS)

- GIPP, CHUCK—Representative Allamakee-Winneshiek Counties, Majority Leader
Bills introduced—95, 96, 217
Bills rereferred to committee (as acting Speaker)—153
Committee appointments—15, 1438
Presented to the House Pages certificates of excellence for their service—451, 1345-1346

Presented to retiring members plaques of recognition for their service—1711
 Presided at sessions of the House—107, 151, 203, 260, 463, 888
 Remarks—7-9, 1731-1732
 Resolutions filed—142, 267, 316, 324, 878, 970, 1172
 Resolutions offered—2, 891, 1748

Resolution offered—1783

GOVERNMENT OVERSIGHT, COMMITTEE ON—

Appointed—16
 Bills introduced—328, 350, 632, 777, 871, 872, 979, 1603
 Recommendations—282, 344, 601, 772, 876, 1030, 1354, 1753
 Resolution filed—1710
 Resolution relating to:
 House Resolution 176, confer authority upon the standing Committee on Government Oversight to conduct an investigation into compensation levels, use of public moneys, personnel, operations, funding and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto—1710, 1711 adopted
 Subcommittee assignments—91, 1351, 1753

GOVERNOR VILSACK, THOMAS J.—

Addressed joint convention—29-36
 Bills signed by—122, 328, 452, 599-600, 837-838, 873, 1028-1029, 1225-1227, 1246-1247, 1292-1293, 1322, 1353, 1361-1362, 1408-1409
 Bills signed by after session—1757-1764
 Committee to notify—1
 Committee to notify and escort—29, 43, 44, 892-893
 Communications from—122, 328, 452, 599-600, 837-838, 873, 1028-1029, 1225-1227, 1246-1247, 1292-1293, 1322, 1353, 1361-1362, 1408-1409, 1756-1779
 Delivered the condition of the State and Budget Message—29-36
 Item veto messages after session—1767-1779
 Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 101, joint convention on Tuesday, January 10, 2006 at 10:00 a.m. for Governor Vilsack to deliver his condition of the state and budget message—2 adopted & msgd. - S.J. - 11, 12 adopted, 13 msgd. - H.J. - 26
 Resolutions relating to:
 House Concurrent Resolution 101, joint convention on Tuesday, January 10, 2006 at 10:00 a.m. for Governor Vilsack to deliver his condition of the state and budget message—2 adopted & msgd. - S.J. - 11, 12 adopted, 13 msgd. - H.J. - 26
 House Resolution 110, urge Governor to negotiate a health savings account option for state employees—186
 Veto messages after session—1764-1767

Veto overridden—1781-1782

GRANZOW, POLLY—Representative Franklin-Hardin-Marshall Counties

Amendments filed—298, 663, 674, 868, 910, 1399
 Amendments offered—298, 868, 1023

Bills introduced—9, 60, 68, 82, 95, 96, 132, 134, 156, 319, 353, 384, 465, 599
 Committee appointments—16, 1437
 Leave of absence—1401
 Resolutions filed—116, 142, 259, 267, 878, 1172
 Subcommittee assignments—64, 80, 90, 91, 101, 180, 191, 198, 207, 243, 372, 405, 795, 874

GREINER, SANDRA H.—Representative Jefferson-Johnson-Washington Counties

Amendments filed—462, 845, 879
 Amendment offered—477
 Bills introduced—68, 82, 95, 96, 132, 134, 187, 318, 336, 421, 465
 Committee appointments—15, 16, 17
 Leave of absence—1401
 Resolutions filed—116, 142, 259, 267, 878, 1171, 1172
 Resolution offered—1186
 Subcommittee assignments—80, 92, 124, 191, 199, 243, 340, 373, 414, 436

HEATON, DAVID E.—Representative Henry-Lee Counties

Amendments filed—556, 663, 674, 675, 717, 845, 909, 1277, 1282, 1310, 1354, 1533, 1534, 1538, 1552
 Amendments offered—704, 710, 717, 722, 815, 817, 1036, 1043, 1277, 1367, 1368, 1538, 1552
 Amendments withdrawn—663, 1379
 Bills introduced—9, 68, 82, 95, 96, 97, 118, 132, 152, 153, 156, 187, 217, 218, 336, 380, 421, 599
 Committee appointments—15, 16
 Explanation of vote—966
 Presented to the House Coach Robert Hilmer and the WACO Warriors boys' basketball team—1174
 Resolutions filed—116, 142, 259, 333, 878, 886, 1112, 1172
 Resolutions offered—1174, 1186
 Subcommittee assignments—24, 56, 92, 124, 148, 153, 181, 191, 199, 214, 228, 255, 279, 280, 312, 339, 842, 874

HEDDENS, LISA—Representative Boone-Story Counties, Assistant Minority Leader

Amendments filed—129, 250, 282, 512, 596, 602, 603, 604, 608, 674, 691, 887, 1161, 1172, 1276, 1277, 1282, 1325, 1725
 Amendments offered—360, 588
 Amendment withdrawn—305
 Bills introduced—10, 13, 27, 53, 69, 70, 108, 117, 134, 151, 155, 156, 166, 168, 187, 222, 261, 286, 287, 290, 292, 318, 319, 320, 327, 349, 395, 400, 401, 409, 424, 425, 599
 Committee appointments—15, 16, 17, 28, 1330, 1438, 1440
 Resolutions filed—116, 232, 391, 556, 878, 886, 970, 1172, 1244, 1399
 Resolution offered—1114
 Subcommittee assignments—91, 115, 181, 191, 206, 228, 229, 279, 312, 405, 415, 874

HOFFMAN, CLARENCE—Representative Crawford-Ida-Monona-Woodbury Counties

Amendments filed—307, 445, 879, 910, 960, 1031, 1244, 1444
 Amendments offered—959, 960, 963, 1204, 1444, 1447
 Bills introduced—9, 82, 95, 96, 133, 134, 152, 153, 187, 353, 421, 465, 599
 Committee appointments—15, 16, 17

Leave of absence—1401

Resolutions filed—142, 259, 267, 324, 333, 399, 556, 878

Resolution offered—1311

Subcommittee assignments—57, 91, 180, 182, 199, 228, 264, 321, 373, 386, 414, 594, 733, 882

HOGG, ROBERT M.—Representative Linn County

Amendments filed—66, 129, 239, 379, 445, 462, 468, 500, 511, 527, 602, 603, 604, 608, 675, 720, 726, 845, 879, 971, 1325, 1400, 1434

Amendments offered—479, 495, 497, 499, 519, 527, 572, 573, 707, 720, 724, 1434, 1480

Amendments withdrawn—175, 500, 1480

Bills introduced—27, 69, 70, 82, 107, 108, 117, 118, 155, 156, 197, 220, 320, 325, 326, 380, 395, 400, 424, 447, 465

Committee appointments—16, 18

Presided at session of the House—1611

Requested to be added as a sponsor of HF 2374—372

Resolutions filed—878, 1244, 1399

Subcommittee assignments—78, 80, 100, 199, 452, 601, 637, 672, 772

HORBACH, LANCE—Representative Grundy-Tama Counties

Amendments filed—663, 675, 795, 879, 1173

Amendments offered—810, 1231

Bills introduced—68, 82, 83, 95, 96, 107, 132, 134, 156, 168, 187, 237, 348

Committee appointments—15, 16, 17, 43, 1437, 1439

Resolutions filed—267, 878, 1171, 1244

Subcommittee assignments—57, 148, 191, 206, 228, 311, 329, 373, 414, 415, 733, 874, 882

HOUSE CONCURRED—

House File 540, H-1542, as amended—1093

House File 711, H-1627, as amended—1348

House File 722, H-8438—1221

House File 729, H-8029—1118

House File 2240, H-8421—1122

House File 2245, H-8473—1194

House File 2282, H-8422, as amended—1137

House File 2332, H-8607, as amended—1609

House File 2351, H-8647—1635

House File 2362, H-8580—1419

House File 2365, H-8137—1126

House File 2459, H-8649—1674

House File 2508, H-8426, as amended—1231

House File 2515, H-8557—1331

House File 2521, H-8560—1344

House File 2527, H-8632—1560

House File 2540, H-8587, as amended—1426

House File 2546, H-8644—1620

House File 2558, H-8556—1337

House File 2562, H-8506—1253

House File 2567, H-8528—1389

House File 2651, H-8529—1301

House File 2663, H-8545—1303
 House File 2686, H-8567—1386
 House File 2706, H-8643—1613
 House File 2716, H-8577—1394
 House File 2734, H-8650—1709
 House File 2740, H-8546—1304
 House File 2742, H-8525—1254
 House File 2743, H-8617, as amended—1552
 House File 2754, H-8532—1271
 House File 2759, H-8586—1435
 House File 2769, H-8646—1621
 House File 2780, H-8633—1573
 House File 2782, H-8648—1670
 House File 2786, H-8585—1421
 House File 2789, H-8618—1545
 House File 2792, H-8657—1747
 Senate File 2183, H-8544—1306
 Senate File 2272, H-8645—1616

HOUSE INSISTS—

House File 2282—1341
 House File 2540—1542

HOUSE RECEDES—

House File 2743—1614

HOUSE REFUSED TO CONCUR—

House File 2282, H-8422—1125
 House File 2612, H-8303—1214

HUMAN RESOURCES, COMMITTEE ON—

Appointed—16
 Bills introduced—238, 252, 261, 348, 354, 383, 410, 411, 422, 423, 448, 449, 466, 467,
 471, 515, 597, 598, 605
 Recommendations—248-249, 266, 332-333, 344-345, 390-391, 440-441, 456, 595, 969-
 970
 Resolution filed—462
 Subcommittee assignments—90, 91, 92, 101, 124, 181, 191, 214, 228, 243, 278, 279,
 280, 311, 312, 339, 372, 385, 386, 405, 414, 795, 874

HUNTER, BRUCE L.—Representative Polk County

Amendments filed—129, 511, 512, 603, 608, 726, 866, 971, 1161, 1325, 1521
 Amendments offered—531, 534, 536, 537, 538, 866, 1521
 Amendment withdrawn—869
 Bills introduced—27, 69, 70, 118, 133, 151, 152, 156, 204, 221, 223, 251, 286, 290,
 292, 319, 320, 400, 401, 409, 599
 Committee appointments—16, 17
 Leave of absence—158, 1356, 1366, 1603
 Resolutions filed—116, 267, 878, 886, 909, 970, 1172, 1228, 1399
 Subcommittee assignments—91, 181, 214, 272, 340, 386, 795, 874

HUSEMAN, DANIEL A.—Representative Cherokee-Plymouth-Woodbury Counties

Amendment filed—1138

Amendment offered—1138

Bills introduced—82, 95, 96, 132, 134, 153, 156, 319, 465

Committee appointments—15, 16, 17, 42, 1436

Leave of absence—1401

Resolutions filed—116, 142, 259, 267, 333, 878, 1172, 1244

Subcommittee assignments—229, 321

HUSER, GERI D.—Representative Polk County

Amendments filed—301, 304, 305, 596, 603, 674, 774, 1136, 1154, 1158, 1165, 1172, 1224, 1237, 1294, 1308, 1346, 1400, 1410, 1526, 1527

Amendments offered—301, 304, 305, 804, 817, 1136, 1205, 1237, 1308, 1339, 1509

Amendments withdrawn—306, 817, 1158, 1165, 1237, 1485, 1526, 1527

Bills introduced—27, 41, 69, 73, 82, 83, 84, 96, 132, 134, 144, 145, 146, 152, 156, 157, 187, 196, 203, 204, 223, 268, 269, 287, 288, 325, 326, 347, 349, 380, 381, 395, 401, 872

Committee appointments—17, 18, 1341

Resolutions filed—142, 194, 316, 324, 391, 878, 886, 970, 1171, 1399

Resolutions offered—1230, 1413

Subcommittee assignments—79, 91, 148, 200, 311, 373, 385, 386, 414, 672, 842, 1029

HUTTER, JOE—Representative Scott County

Amendments filed—250, 557, 674

Amendment offered—364

Bills introduced—9, 10, 68, 82, 95, 96, 130, 131, 132, 134, 145, 153, 156, 166, 167, 188, 286, 292, 409, 465, 599

Committee appointments—16, 17, 1440, 1442

Resolutions filed—116, 142, 186, 267, 333, 878, 970, 971, 1172, 1244

Subcommittee assignments—56, 58, 92, 101, 139, 161, 181, 199, 200, 214, 279, 321, 385, 405, 637, 672, 772, 795, 874, 882, 1351

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Resolutions relating to:

House Concurrent Resolution 104, request establishment of interim study committee to study state expenditures related to economic growth—267

House Concurrent Resolution 105, require legislative council establish interim study committee concerning disaster planning relative to operations of state government—315

House Resolution 127, request legislative council create task force to develop a plan for state to assume responsibility for administering adult mental health, mental retardation, developmental disabilities, and brain injury (MH/MR/DD/BI) services—334

House Resolution 150, request legislative council create an adoption subsidy program advisory committee for the 2006 Legislative Interim—886

House Resolution 151, request legislative council establish interim committee to conduct a study of issues related to home visiting for families with a newborn child—886

House Resolution 175, request legislative council establish interim committee to conduct a study of issues related to competition in rural telephone exchanges—1404

Senate Concurrent Resolution 105, request legislative council establish an interim committee to study emergency services in the state—466, 473, 617, 705 adopted, 707 msgd. — H.J. — 974, 1031

IOWA NATIONAL GUARD—

Condition of the Iowa National Guard message—894-903

Joint convention—892-903

Resolutions relating to:

House Concurrent Resolution 109, inviting Major General Ron Dardis to present his message of the Condition of the Iowa National Guard on Monday, March 27, 2006 at 1:00 p.m.—878, 891 adopted & msgd. — S.J. — 672, 673, 674 adopted & msgd. — H.J. — 905

House Resolution 104, honor the 224th Engineering Battalion of the Iowa National Guard for its service and sacrifice in Iraq War—116

House Resolution 126, honor the service of the 185th Air Refueling Wing, Iowa Air National Guard—333, 1186 adopted

House Resolution 163, recognize and honor Iowans serving in all branches and components of the military—1172, 1187 adopted

House Resolution 164, honor the 224th Combat Engineer Battalion of the Iowa National Guard for its service and sacrifice in the Iraq War—1172, 1186 adopted

House Resolution 167, honor Iowa Army National Guard's 2168th Transportation Company for its service in support of the Global War on Terrorism—1244, 1312 adopted

JACOBS, LIBBY—Representative Polk County, Assistant Majority Leader

Amendments filed—116, 596, 674, 845, 1052, 1399

Amendments offered—120, 864, 1096, 1192, 1481

Bill deferred, retained on calendar (as acting Speaker)—641

Bills introduced—41, 82, 95, 96, 134, 156, 164, 167, 187, 218, 274, 319, 380, 465

Committee appointments—15, 17

Explanation of vote—793

Leave of absence—777

Presented to the House the Valley High School mock trial team—1175

Presented Speaker Rants, Majority Leader Gipp and Minority Leader Murphy a plaque in appreciation of their service—1712

Presided at sessions of the House—641, 1114

Resolutions filed—39, 142, 259, 267, 878, 971

Resolution offered—1174

Subcommittee assignments—80, 92, 108, 124, 138, 180, 199, 228, 243, 254, 279, 280, 436, 468, 594, 672, 733, 772, 882, 1171

JACOBY, DAVID—Representative Johnson County

Amendments filed—129, 163, 602, 603, 608, 674, 726, 910, 1161, 1325

Bills introduced—27, 69, 70, 118, 131, 152, 156, 158, 169, 221, 223, 292, 318, 320, 326, 327, 395, 400, 401, 409, 424

Committee appointments—15, 16

Presented to the House Danielle Malatek, Miss Teen Iowa U.S.A.—165

Resolutions filed—116, 142, 186, 333, 420, 878, 886, 970, 1172, 1244, 1399

Subcommittee assignments—57, 124, 191, 228, 243, 311, 312, 386, 795, 882

JENKINS, WILLARD—Representative Black Hawk County

- Amendments filed—282, 297, 298, 306, 356, 651, 674, 944, 945, 1031, 1172
- Amendments offered—297, 298, 356, 940, 945
- Bills introduced—40, 68, 82, 95, 96, 146, 152, 153, 187, 219, 220, 286, 318, 319, 412
- Committee appointments—1, 15, 16
- Explanation of vote—793
- Leave of absences—777, 1401
- Presented to the House Nur Mohamed of the Meridian International Center, U.S. Department of State International Visitor Leadership Program, from Malaysia—84
- Presented to the House Mark Farley, Coach of the University of Northern Iowa Football Team, his assistants and several Panther football players—209
- Presented to the House Congressmen Dr. Daniel Bianchi, Mr. Daniel Pena and Mr. Enrique Pintado of Uruguay, accompanied by Hoyt Rodgers from the U.S. State Department—222
- Presented to the House Michael Finucane, Fine Gael's Spokesperson on Communications and Natural Resources in the Upper House of the Senad Eireann (Labor Panel)—641
- Presented to the House Robert Koob, president of the University of Northern Iowa—1184
- Presided at session of the House—1532
- Resolutions filed—186, 258, 259, 267, 637, 878, 1184, 1228
- Resolutions offered—209, 1184
- Subcommittee assignments—57, 180, 181, 243, 264, 321, 415, 672, 882

JOCHUM, PAM—Representative Dubuque County

- Amendments filed—129, 462, 512, 602, 603, 608, 638, 674, 726, 774, 845, 971, 1113, 1161, 1325, 1528, 1541
- Amendments offered—849, 985
- Amendment withdrawn—854
- Bills introduced—27, 70, 118, 119, 133, 152, 169, 187, 188, 189, 204, 222, 286, 290, 292, 319, 320, 335, 349, 400, 401, 409, 424, 425
- Committee appointments—16, 17, 18
- Resolutions filed—194, 267, 334, 556, 878, 886, 970
- Subcommittee assignments—57, 58, 79, 80, 90, 92, 154, 198, 279, 280, 311, 339, 386, 405, 672

JOINT CONVENTIONS—

- Condition of the Iowa National Guard—892-903
- Condition of the Judicial Department Message—43-53
- Condition of the State and Budget Message—28-36
- Resolutions relating to:
 - House Concurrent Resolution 101, joint convention on Tuesday, January 10, 2006 at 10:00 a.m. for Governor Vilsack to deliver his condition of the state and budget message—2 adopted & msgd. - S.J. - 11, 12 adopted, 13 msgd. - H.J. - 26
 - House Concurrent Resolution 102, joint convention on Wednesday, January 11, 2006 at 10:00 a.m. for Chief Justice Lavorato deliver his condition of the judicial branch message—2 adopted & msgd. - S.J. - 11, 12, 13 adopted & msgd. - H.J. - 26
 - House Concurrent Resolution 109, inviting Major General Ron Dardis to present his message of the Condition of the Iowa National Guard on Monday, March 27,

2006 at 1:00 p.m.—878, 891 adopted & msgd. — S.J. — 672, 673, 674 adopted & msgd. — H.J. — 905.

JONES, GERALD D.—Representative **Mills-Pottawattamie Counties**

Bills introduced—82, 95, 96, 132, 187, 319, 380, 384, 421, 465

Committee appointments—17

Leave of absence—1401, 1413, 1603

Resolutions filed—259, 878, 1244

Subcommittee assignments—200

Leave of absence—1780

JUDICIARY, COMMITTEE ON—

Amendments filed—445, 512, 879

Amendments offered—488, 928, 1008, 1043

Appointed—16

Bills introduced—203, 263, 276, 292, 347, 383, 392, 396, 412, 464, 466, 470, 471, 472, 515, 526, 543, 559, 564, 597, 605, 606

Recommendations—194, 232, 323, 377, 399, 441-443, 457-458, 510, 876-877

Subcommittee assignments—55, 56, 57, 58, 101, 148, 153, 154, 181, 191, 199, 200, 214, 228, 255, 278, 329, 339, 372, 386, 405, 415, 601, 672, 673, 874

KAUFMANN, JEFF—Representative **Cedar-Johnson-Muscatine Counties**

Amendments filed—282, 299, 300, 674, 735, 795, 971, 1005, 1172, 1173, 1208, 1211, 1354, 1400, 1561

Amendments offered—294, 299, 791, 992, 1005, 1492

Amendments withdrawn—791, 1447

Bills introduced—68, 82, 83, 95, 96, 97, 131, 132, 133, 134, 156, 165, 189, 203, 204, 223, 288, 350, 384, 395, 421, 599

Committee appointments—15, 16, 17, 18, 893

Leave of absences—737, 1401

Presented to the House the Honorable Jan Torrence former member of the House—676

Presented to the House the Honorable Dan Boddicker former member of the House—696

Resolutions filed—142, 391, 878, 1244

Resolution offered—147

Subcommittee assignments—55, 56, 57, 58, 64, 78, 79, 91, 101, 108, 124, 153, 154, 161, 199, 214, 255, 264, 311, 312, 339, 340, 372, 373, 386, 554, 672, 733, 771, 843, 882, 1029

KRESSIG, BOB—Representative **Black Hawk County**

Amendments filed—129, 163, 462, 498, 512, 602, 603, 604, 608, 674, 691, 726, 879, 1161, 1325

Amendments offered—497, 498

Bills introduced—27, 53, 69, 70, 108, 117, 118, 132, 133, 146, 151, 155, 156, 167, 168, 187, 221, 222, 285, 290, 292, 318, 319, 320, 326, 348, 394, 395, 401, 424, 599

Committee appointments—15, 16, 17

Leave of absence—290

Resolutions filed—116, 186, 258, 345, 419, 878, 886, 970, 1172, 1184, 1228, 1399

Resolutions offered—209, 1184

Subcommittee assignments—124, 138, 180, 228, 329, 594, 733, 882

KUHN, MARK—Representative Cerro Gordo-**Floyd**-Howard-Mitchell Counties

Amendments filed—129, 163, 462, 511, 602, 603, 608, 691, 886, 955, 964, 1161, 1182, 1325, 1520, 1527, 1725

Amendments offered—522, 532, 964

Amendment withdrawn—965

Bills introduced—10, 27, 70, 82, 117, 118, 133, 152, 155, 221, 223, 290, 317, 318, 320, 326, 395, 400, 401, 409, 413, 599

Committee appointments—15, 16, 1437

Resolutions filed—267, 734, 878, 886, 970, 1112, 1251

Resolution offered—977

Subcommittee assignments—24, 138

KURTENBACH, JAMES M.—Representative Hamilton-**Story** Counties

Amendments filed—651, 674, 734, 954, 1052, 1190, 1208, 1290, 1294, 1364

Amendments offered—812, 954, 1207, 1511, 1513

Amendment withdrawn—1208

Bills introduced—60, 68, 82, 95, 96, 97, 108, 132, 134, 153, 156, 157, 187, 251, 288, 319, 327, 380, 384, 421, 465, 598, 872

Committee appointments—1, 16, 17, 18, 1438, 1440

Leave of absence—1401

Resolutions filed—116, 142, 267, 333, 878, 1172

Subcommittee assignments—58, 79, 80, 90, 92, 100, 101, 124, 138, 191, 198, 214, 228, 279, 280, 310, 311, 312, 329, 386, 554, 672, 843, 907, 1029

LALK, DAVID—Representative Black Hawk-Bremer-**Fayette** Counties

Amendments filed—674, 910, 1172, 1400

Amendment offered—1025

Bills introduced—68, 82, 95, 96, 132, 156, 189, 319, 384, 421, 465

Committee appointments—1, 15, 16, 18, 1438, 1439

Leave of absence—1401

Resolutions filed—259, 267, 878, 1244

Subcommittee assignments—78, 79, 181, 207, 255, 311, 321, 405, 672, 733, 771, 772

LEAVE OF ABSENCE—84, 158, 290, 350, 421, 563, 609, 624, 676, 737, 777, 1016, 1034, 1089, 1298, 1311, 1356, 1366, 1388, 1401, 1413, 1491, 1602, 1603

1780

LEGISLATIVE COUNCIL—

Resolutions relating to:

House Concurrent Resolution 104—267

House Concurrent Resolution 105—315

House Resolution 127—334

House Resolution 150—886

House Resolution 151—886

House Resolution 175—1404

Senate Concurrent Resolution 105—974, 1031

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LENSING, VICKI—Representative **Johnson** County

Amendments filed—129, 602, 603, 604, 608, 674, 726, 795, 1161, 1172

Bills introduced—27, 69, 70, 118, 131, 133, 151, 152, 156, 158, 169, 188, 189, 204, 222, 286, 290, 292, 319, 320, 335, 349, 400, 401, 424, 425

Committee appointments—16, 17

Leave of absences—1034, 1356, 1366, 1413, 1491, 1603

Resolutions filed—194, 267, 334, 420, 556, 878, 886, 970

Subcommittee assignments—55, 56, 91, 199, 200, 206, 207, 254, 321, 339, 340, 372, 601, 843, 1351

LOBBYISTS—(See **ETHICS, COMMITTEE ON**)**LOCAL GOVERNMENT, COMMITTEE ON**—

Appointed—17

Bills introduced—164, 204, 222, 383, 470

Recommendations—162, 194, 201, 377, 443-444

Subcommittee assignments—148, 199, 200, 228, 244, 321, 373, 385, 386, 414, 733

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties

Amendments filed—501, 503, 596, 638, 674, 735, 766, 1113, 1609

Amendments offered—501, 766, 816, 1131, 1609

Amendment withdrawn—766

Bills introduced—68, 82, 83, 95, 96, 131, 132, 145, 157, 165, 196, 221, 224, 317, 319, 421

Committee appointments—15, 16, 17

Leave of absence—1401

Resolutions filed—116, 186, 259, 267, 333, 391, 878, 886, 1171, 1172

Subcommittee assignments—64, 90, 91, 139, 180, 243, 255, 272, 279, 312, 321, 322, 329, 339, 372, 405, 594, 795

LYKAM, JIM—Representative **Scott** County

Amendments filed—129, 163, 602, 603, 608, 674, 726, 1161, 1325, 1725

Bills introduced—11, 27, 68, 70, 152, 187, 223, 286, 290, 318, 320, 326, 384, 395, 400, 401, 424

Committee appointments—17, 1440, 1442, 1443

Resolutions filed—316, 324, 878, 886, 970, 971, 1399

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Majority Leader

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MASCHER, MARY—Representative **Johnson County**

Amendments filed—143, 379, 511, 602, 603, 608, 638, 673, 674, 719, 726, 735, 879, 886, 971, 1161, 1172, 1325
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MAY, MIKE—Representative **Clay-Dickinson Counties**

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 Amendment offered—1485
 Bills introduced—27, 70, 82, 83, 108, 118, 132, 134, 151, 152, 155, 156, 187, 204, 221, 223, 268, 286, 287, 290, 318, 319, 320, 326, 327, 395, 401, 424
 Committee appointments—15, 17, 43, 1542
 Resolutions filed—267, 556, 878, 886, 970, 1088, 1172, 1399
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House File 2282, H-8422—1136

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Senate File 2312, H-8440—1308

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House File 2282, H-8422—1136

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MURPHY, PATRICK J.—Representative **Dubuque** County, Minority Leader

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- Laid over under Rule 25:
 - House Concurrent Resolution 104—267
 - House Concurrent Resolution 105—315
 - House Concurrent Resolution 106—391
 - House Concurrent Resolution 107—391
 - House Concurrent Resolution 108—419
 - House Concurrent Resolution 109—878
 - House Concurrent Resolution 110—886
 - House Concurrent Resolution 111—1088
 - House Concurrent Resolution 112—1172
 - House Resolution 101—25
 - House Resolution 102—39
 - House Resolution 103—65
 - House Resolution 104—116
 - House Resolution 105—142
 - House Resolution 106—142
 - House Resolution 107—142
 - House Resolution 108—142
 - House Resolution 109—186
 - House Resolution 110—186
 - House Resolution 111—194
 - House Resolution 112—194
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 - House Resolution 114—250
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House Resolution 163—1172
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House Resolution 166—1228
House Resolution 167—1244
House Resolution 168—1251

House Resolution 169—1251
 House Resolution 170—1251
 House Resolution 171—1296
 House Resolution 172—1399
 House Resolution 173—1399
 House Resolution 174—1399
 House Resolution 175—1404
 Senate Concurrent Resolution 105—1031
 Placed on calendar:
 House Concurrent Resolution 103—142
 Unanimous consent:
 House Concurrent Resolution 101—2
 House Concurrent Resolution 102—2
 House Resolution 165—1184
 House Resolution 176—1710
 Senate Concurrent Resolution 104—562
 Senate Concurrent Resolution 106—1748
 Withdrawn:
 House Concurrent Resolution 108—564

Adopted:

Senate Concurrent Resolution 107—1783

Filed:

House Concurrent Resolution 113—1783

Laid over under Rule 25:

House Concurrent Resolution 113—1783

Unanimous consent:

Senate Concurrent Resolution 107—1783

ROBERTS, ROD—Representative **Carroll-Crawford-Sac** Counties, Assistant Majority Leader
 Amendments filed—603, 674, 795, 909
 Amendments offered—784, 827, 830, 1018
 Bills deferred, retained on calendar (as acting Speaker)—524, 858, 1208, 1285, 1367
 Bills introduced—10, 68, 82, 95, 132, 134, 145, 152, 153, 156, 187, 189, 234, 319, 380, 384, 448, 465, 599
 Bill referred and rereferred to committee (as acting Speaker)—873
 Committee appointments—15, 16, 17
 Presided at sessions of the House—522, 609, 660, 689, 782, 812, 857, 921, 978, 1032, 1089, 1110, 1135, 1175, 1182, 1196, 1245, 1255, 1282, 1314, 1355, 1367, 1436, 1531, 1603
 Resolutions filed—259, 267, 316, 324, 391, 878, 1244
 Resolution offered—1090
 Ruling made (as acting Speaker)—696
 Subcommittee assignments—58, 64, 78, 80, 90, 91, 92, 100, 124, 191, 198, 199, 206, 207, 214, 228, 243, 254, 255, 321, 330, 340, 372, 386, 436, 594, 733, 772, 795, 843, 1171

RULES INVOKED—

Rule 32 (commitment of appropriation and revenue bills):

House File 2351—307

Senate File 2330—651

Rule 75 (duty of voting):

- Motion to adjourn—1404
- House File 2671, H-8297—748
- House File 2754, H-8407—954
- Senate File 2273, H-8175A—611
- Senate File 2273, H-8175B—613
- Senate File 2330, H-8228—660

Rule 76 (conflict of interest):

- Senate File 2410, H-8655—1729

RULES—MOTIONS TO SUSPEND—

- House File 2459, H-8065, as amended—505
- House File 2797, H-8603—1519
- Senate File 2219, H-8423—1013

Failed:

- House File 2459, H-8065, as amended—506
- House File 2671, H-8294—763
- House File 2797, H-8603—1520

Rule 31.8 (first reading, commitment and amendment):

- House File 2351, H-8028 & H-8044—307
- House File 2445, H-8143—577
- House File 2631, H-8141—589
- House File 2627—648
- House File 2671, H-8294—762
- Senate File 2330—648

RULES—SUSPENDED—

Rule 39 (consideration of bills):

- House File 2633—860
- House File 2676—861
- House File 2696—821

Rule 57 (committee notice and agenda):

- Committee meetings for 1/09/06—9
- Committee on ways and means—307, 651, 665, 792, 1602
- Committee on appropriations—792
- Subcommittee of transportation, infrastructure and capitals—975

RULES—UNDER PROVISIONS OF & PURSUANT TO—

Pursuant to Rule 31.7 (commitment of bills):

- House File 701—128
- House File 2081—315
- Senate File 2312—884
- Senate File 2319—884
- Senate File 2364—883

Pursuant to Rule 42 (certification of engrossment):

- House File 722—1242
- House File 2240—1187
- House File 2332—881
- House File 2351—1749
- House File 2512—1028
- House File 2515—1360
- House File 2527—1749

House File 2540—1749
 House File 2543—731
 House File 2612—593
 House File 2652—1243
 House File 2663—873
 House File 2716—1411
 House File 2734—1749
 House File 2743—1749
 House File 2754—1360
 House File 2780—1749
 House File 2782—1749
 House File 2786—1750
 House File 2794—1750
 House File 2797—1750

Pursuant to Rule 45 (status of bills following first regular session):

14-15
 903-904

Pursuant to Rule 73.7 (reconsideration):

House File 2521—1754
 House File 2527—1754
 House File 2558—1754
 House File 2740—1754
 Senate File 2399—1754

SANDS, THOMAS R.—Representative Des Moines-**Louisa**-Muscatine Counties

Amendments filed—512, 527, 556, 673, 762, 910, 1150

Amendments offered—584, 737, 747, 935

Amendment withdrawn—1150

Bills introduced—11, 68, 82, 95, 96, 132, 134, 156, 168, 187, 205, 287, 288, 291, 319,
 336, 384, 421, 465

Committee appointments—15, 16, 17, 29

Leave of absences—1388, 1401

Resolutions filed—116, 259, 267, 333, 878, 1172, 1244

Resolution offered—1186

Subcommittee assignments—57, 101, 124, 138, 180, 182, 228, 243, 312, 321, 329,
 373, 385, 415, 594, 733, 874, 882

SCHICKEL, BILL—Representative **Cerro Gordo** County

Amendment filed—879

Amendment offered—916

Bills introduced—95, 96, 131, 134, 205, 224, 599

Committee appointments—16, 17, 29, 1437

Leave of absence—1401

Resolutions filed—267, 878, 970, 1244, 1251

Resolution offered—1436

Subcommittee assignments—79, 92, 138, 148, 180, 181, 200, 243, 244, 255, 321, 330,
 637

SCHUELLER, TOM—Representative Clinton-Dubuque-**Jackson** Counties

Amendments filed—129, 163, 602, 603, 608, 1161, 1172, 1325, 1400, 1725

Bills introduced—10, 13, 27, 70, 82, 96, 118, 131, 133, 151, 155, 156, 169, 187, 204, 221, 286, 290, 384, 291, 292, 317, 318, 320, 326, 327, 352, 394, 395, 401, 409, 424, 599

Committee appointments—16, 17, 18

Leave of absence—1089

Resolutions filed—267, 556, 878, 886, 970, 1399

Subcommittee assignments—79, 180, 181, 199, 228, 255, 311, 321, 386, 415, 554, 733, 842, 907, 1050

SEATS—

Assignments of, to press—86-87

SHOMSHOR, PAUL JR.—Representative **Pottawattamie** County

Amendments filed—129, 163, 602, 603, 1161, 1325, 1399

Bills introduced—27, 69, 70, 82, 118, 131, 134, 151, 155, 156, 168, 222, 292, 318, 320, 326, 352, 353, 384, 395, 400, 401, 424

Committee appointments—15, 18, 1441

Resolutions filed—116, 142, 186, 267, 878, 886, 970, 1172, 1399

Subcommittee assignments—90, 92, 310, 312, 385, 554, 882

SHOULTZ, DON—Representative **Black Hawk** County

Amendments filed—163, 295, 512, 603, 608, 674, 726, 845, 879, 886, 955, 1151, 1161, 1326, 1540, 1541, 1729

Amendments offered—295, 689, 955, 1541

Amendments withdrawn—957, 1151, 1540, 1729

Bills introduced—27, 70, 97, 117, 146, 151, 152, 166, 219, 222, 290, 292, 319, 320, 348, 354, 400, 424, 599

Committee appointments—16, 17, 18

Presented to the House a national African-American activist Ms. Anna May Weems—402

Resolutions filed—186, 258, 267, 324, 878, 886, 970, 1228, 1399

Subcommittee assignments—78, 191, 843, 874

SMITH, MARK—Representative **Marshall** County

Amendments filed—129, 273, 512, 602, 603, 604, 608, 638, 674, 691, 719, 735, 1161, 1277, 1282, 1326

Amendments offered—719, 725, 1282

Bills introduced—11, 27, 70, 117, 118, 151, 155, 156, 168, 197, 290, 292, 317, 318, 319, 320, 327, 401, 424

Committee appointments—15, 16, 29, 1437

Resolutions filed—267, 315, 399, 845, 878, 886, 970, 971, 1399

Resolution offered—1490

Subcommittee assignments—55, 56, 92, 124, 153, 181, 199, 214, 228, 243, 255, 278, 279, 339, 385, 414, 672, 842, 874

SODERBERG, CHUCK—Representative **Plymouth-Sioux** Counties

Amendment filed—445

Bills introduced—82, 95, 96, 131, 132, 134, 156, 187, 196, 319, 353, 380, 421, 465

Committee appointments—15, 16, 18, 1436

Leave of absence—1401

Resolutions filed—65, 186, 259, 267, 333, 878, 1244

Subcommittee assignments—57, 79, 80, 91, 100, 180, 181, 182, 228, 243, 311, 321, 330, 386, 554, 733, 842, 843, 882, 907, 1050

SPEAKER OF THE HOUSE—Christopher C. Rants—Representative Woodbury County

Amendment filed—1562

Bills deferred, retained on calendar—686, 747, 751, 761, 1239, 1292, 1508, 1527, 1567

Bills introduced—95, 98, 196, 197

Bills passed on file—550, 1355

Bills placed on unfinished business calendar—451, 880-881

Bills referred and rereferred to committees—36, 37, 87, 121, 122, 137, 190, 197, 198, 241, 253, 269, 270, 307, 309, 371, 433, 451, 593, 599, 651, 668

Bills signed by—111, 310, 402, 550, 775, 793, 905, 1167, 1187, 1243, 1246, 1321-1322, 1352, 1402-1403, 1756

Committees appointed by—15-18

Committee appointments—1, 15, 28, 29, 42, 891, 1330, 1341

Final adjournment—1755

Presentation of visitors—269, 310, 403, 1293, 1350

Presented to the House Ambassador Kenneth M. Quinn, president of World Food Prize Foundation whom introduced Dr. Norman E. Borlaug, U.S. Medal of Science recipient and Nobel Peace Prize Laureate—736

Presented to retiring members plaques of recognition for their service—1711

Presided at sessions of the House—1, 28, 36, 40, 42, 53, 60, 73, 82, 95, 111, 117, 130, 132, 135, 144, 155, 157, 158, 164, 165, 169, 172, 173, 187, 195, 208, 217, 222, 234, 236, 251, 268, 274, 284, 293, 305, 307, 325, 335, 350, 380, 400, 409, 421, 446, 483, 503, 513, 518, 542, 558, 564, 597, 609, 639, 647, 651, 652, 658, 660, 665, 676, 677, 678, 700, 736, 737, 742, 775, 777, 796, 798, 807, 846, 847, 848, 880, 890, 892, 905, 911, 938, 973, 975, 1174, 1183, 1191, 1225, 1229, 1237, 1245, 1252, 1291, 1295, 1298, 1311, 1327, 1331, 1345, 1352, 1355, 1365, 1387, 1388, 1401, 1402, 1406, 1408, 1411, 1412, 1490, 1494, 1509, 1553, 1595, 1602, 1603, 1622, 1671, 1676

Remarks by—3-4, 1734-1737

Resolutions filed—2, 65, 142, 878

Rulings made—176, 307, 505, 651, 704, 710, 1519, 1523, 1524, 1526, 1529

Special presentation to House Pages—451, 1345-1346

Final adjournment—1783

Presided at sessions of the House—1780, 1781, 1782

Resolution filed—1783

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 PRESENTATION—

Representative Miller presented to the House Robert Dana, Iowa's poet laureate—73

- Representative Jenkins presented to the House Nur Mohamed of the Meridian International Center, U.S. Department of State International Visitor Leadership Program—84
- Representative Carroll presented to the House NASCAR champion and driver Rusty Wallace—132
- Representative Jacoby presented to the House Danielle Malatek, Miss Teen Iowa U.S.A.—165
- Representative Jenkins presented to the House Mark Farley, Coach of the University of Northern Iowa Football Team, his assistants and several Panther football players—209
- Representative Jenkins presented to the House Congressmen Dr. Daniel Bianchi, Mr. Daniel Pena and Mr. Enrique Pintado of Uruguay, accompanied by Hoyt Rodgers from the U.S. State Department—222
- Representative Upmeyer presented to the House the Honorable Steve Sukup, former member of the House—289
- Representative Shoultz presented to the House a national African-American activist Ms. Anna May Weems—402
- Representative Miller presented to the House Betty Andrews, executive director of I'll Make Me a World in Iowa—402
- Representative Drake presented to the House the Honorable Ralph Klemme, former member of the House—402
- Representative Miller presented to the House the Honorable Willie Glanton, former member of the House—402
- Representative Rants presented to the House Pages certificates of excellence for their service—451, 1345-1346
- Representative Wilderdyke presented to the House the principal, students and staff of Whiting High School—472
- Representative Carroll presented to the House the Honorable Phil Tyrrell, former member of the House—521
- Representative Carroll presented to the House Bill Walling, retiring Postmaster of the Iowa House of Representatives—562
- Representatives Maddox and Winckler presented to the House winners of the "Write Women Back Into History" essay contest winners—563
- Representative May presented to the House the Spirit Lake Girls High School basketball team—599
- Representatives Frevert and Jenkins presented to the House Michael Finucane, Fine Gael's Spokesperson on Communications and Natural Resources in the Upper House of the Senad Eireann (*Labor Panel*)—641
- Representative Kaufmann presented to the House the Honorable Jan Torrence, former member of the House—676
- Representative Upmeyer presented to the House Carolyn Nicholas (Miss Iowa 2004) and her sister Emily Nicholas (Miss Iowa 2006 candidate)—676
- Representative Kaufmann introduced to the House the Honorable Dan Boddicker, former member of the House—696
- Representative Rants presented to the House Ambassador Kenneth M. Quinn, president of World Food Prize Foundation whom introduced Dr. Norman E. Borlaug, U.S. Medal of Science recipient and Nobel Peace Prize Laureate—736
- Representative Carroll presented the Honorable Rich Vande Hoef, former member of the House—750
- Representative Bell presented to the House a delegation from Taiwan—911
- Representatives Davitt and Tymeson presented to the House the Norwalk High School Girls' Basketball Team—915

- Representative Murphy presented to the House the Honorable Bob Carr, former member of the House—922
- Representative Van Engelenhoven presented to the House Leah Nieboer, Queen of the 2006 Pella Tulip Festival and her court—974
- Representative Carroll presented to the House, Ryan Odens, national ambassador for the Easter Seals in the United States—1033
- Representative Wessel-Kroeschell presented to the House Rich Fellingham, President/CEO of Special Olympics Iowa and Kyler Prunty a participant of 2006 Special Olympics—1114
- Representative Heaton presented to the House Coach Robert Hilmer and the WACO Warriors boys' basketball team—1174
- Representative Jacobs presented to the House the Valley High School mock trial team—1175
- Representative Jenkins presented to the House Robert Koob, president of the University of Northern Iowa—1184
- Representative Alons presented to the House Lt. Colonel Mike Myer of the 185th Air Refueling Wing of the Iowa Air National Guard—1186
- Representative Winckler presented to the House members of the Scott County Medical Society—1230
- Representative Frevert presented to the House the Honorable Janet Adams former member of the House—1355
- Representatives Rants and Gipp presented retiring members with plaques in recognition of their service—1711

SPONSOR—

Added:

- House Resolution 174—Representative Davitt—1487
- House File 2347—Representative Hogg—372
- House File 2365, H-8022—Representative Wilderdyke—371
- Senate File 2410, H-8655—Representative Gaskill—1750

Withdrawn:

- House File 2230 – Representative Reichert—241
- House File 2230—Representative Pettengill—309

ST. PATRICK'S DAY OBSERVATION—641

STANDING COMMITTEES—

- Appointed—15-18
- Appropriations subcommittees—18

STATE APPEAL BOARD—

- (Richard D. Johnson, Chairman)
- Claims approved—1054-1073
- Claims disapproved—1074-1087
- Communications from, stating claims filed with—1053-1087

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- Appointed—17
- Bills introduced—67, 205, 238, 252, 383, 423, 424, 447, 464, 514, 544, 559, 560, 598, 606
- Recommendations—65, 150, 185, 249, 378-379, 407, 419, 444-445, 459-461, 511, 555-556, 602, 772, 908

Subcommittee assignments—58, 80, 90, 91, 92, 108, 124, 139, 198, 199, 206, 207, 243, 254, 279, 280, 321, 340, 405, 436, 594, 637, 843

STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Thomas J. Vilsack—29-36

Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 101, joint convention on Tuesday, January 10, 2006 at 10:00 a.m. for Governor Vilsack to deliver his condition of the state and budget message—2 adopted & msgd. – S.J. – 11, 12 adopted, 13 msgd. – H.J. – 26

STRUYK, DOUG—Representative Pottawattamie County

Amendments filed—299, 468, 502, 602, 674, 675, 774, 879, 909, 944, 945, 1052, 1150, 1161, 1224, 1236, 1238, 1244, 1290, 1346, 1606

Amendments offered—299, 502, 754, 786, 1128, 1232, 1236, 1238, 1285, 1346, 1606

Amendments withdrawn—691, 810, 944, 1150, 1161, 1290

Bills introduced—68, 73, 82, 83, 95, 96, 131, 132, 133, 134, 144, 145, 156, 157, 187, 204, 268, 269, 286, 287, 288, 319, 327, 349, 350, 352, 353, 380, 381, 395, 401, 421, 422, 465, 599, 872

Committee appointments—15, 16, 18, 1441

Resolutions filed—116, 142, 259, 267, 391, 878, 886, 1171, 1172

Subcommittee assignments—57, 78, 79, 181, 182, 228, 311, 321, 385, 386, 414, 415, 554, 672, 772, 842, 843, 882, 907, 1029

STUDY BILL COMMITTEE ASSIGNMENTS—

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Agriculture—149, 193, 247, 257, 273, 322, 341, 342, 375, 406, 436, 453

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Government Oversight—39, 162, 245, 246, 734, 843, 908, 1398

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Assigned—38, 58, 64-65, 80, 92-93, 101-102, 108-109, 115-116, 125, 139-140, 148-149, 162, 182, 192-193, 200, 207, 214, 244-245, 256, 264, 272, 280, 312-313, 322, 330-331, 340, 373-374, 386-387, 397, 405, 415, 436, 452-453, 468, 554, 673, 733-734, 772, 874, 908, 968, 1189, 1223, 1601

Reassigned—80, 330, 373

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 104—267

House Concurrent Resolution 105—315

House Resolution 127—334

House Resolution 150—886

House Resolution 151—886

House Resolution 175—1404

Senate Concurrent Resolution 105—974, 1031

SUBCOMMITTEE ASSIGNMENTS—

Assigned—24, 55-58, 64, 78-80, 90-92, 100-101, 108, 115, 124, 125, 138-139, 148, 153-154, 161, 180-182, 191, 198-200, 206-207, 214, 228-229, 243-244, 254-255, 264, 272, 278-280, 311-312, 321-322, 329-330, 339-340, 372-373, 385-386, 397, 405, 414-415, 436, 452, 468, 507, 554, 594, 601, 637, 672-673, 733, 771-772, 795, 842-843, 874, 882, 907, 968, 1029, 1050, 1171, 1351, 1753

Reassigned—55, 56, 57, 58, 64, 100, 108, 180, 182, 254, 310, 311, 312, 329, 372, 772, 874, 882

SUPREME COURT OF IOWA—

(Chief Justice Louis A. Lavorato)

Delivered the Condition of the Judicial Department's Message—44-53

Resolutions relating to:

House Concurrent Resolution 102, joint convention on Wednesday, January 11, 2006 at 10:00 a.m. for Chief Justice Lavorato deliver his condition of the judicial branch message—2 adopted & msgd. - S.J. - 11, 12, 13 adopted & msgd. - H.J. - 26

SWAIM, KURT—Representative Appanoose-Davis-Wayne Counties

Amendments filed—129, 163, 171, 462, 602, 603, 604, 608, 691, 909, 910, 947, 1151, 1152, 1161, 1172, 1182, 1208, 1211, 1251, 1326, 1400, 1410, 1445

Amendments offered—169, 171, 480, 947, 1151, 1152, 1208, 1211

Bills introduced—12, 14, 27, 41, 69, 70, 82, 96, 108, 117, 118, 130, 134, 146, 152, 155, 156, 157, 166, 168, 187, 204, 219, 222, 286, 292, 318, 319, 320, 326, 349, 352, 395, 400, 401, 409, 413, 424, 425, 599

Committee appointments—15, 16

Resolutions filed—116, 267, 878, 886, 970, 1172, 1244, 1296, 1399

Subcommittee assignments—56, 57, 58, 148, 154, 199, 214, 329, 373, 386, 414, 601

TAYLOR, DICK—Representative Linn County

Amendments filed—129, 163, 604, 608, 651, 652, 674, 1326, 1725

Amendment offered—652

Bills introduced—27, 70, 108, 117, 132, 134, 151, 152, 155, 156, 187, 204, 222, 286, 318, 319, 320, 326, 395, 400, 401, 409, 424

Committee appointments—15, 17
 Explanation of vote—837
 Leave of absence—676
 Resolutions filed—116, 142, 267, 878, 886, 970, 1172, 1399
 Subcommittee assignments—101, 124, 161, 214, 321, 330, 385, 882

TAYLOR, TODD—Representative **Linn** County

Amendments filed—129, 163, 512, 602, 603, 608, 638, 674, 726, 845, 1113, 1154, 1161, 1326, 1725
 Amendments offered—517, 519, 523, 537, 1154, 1156
 Amendment withdrawn—523
 Bills introduced—27, 69, 70, 108, 132, 151, 187, 204, 222, 234, 260, 262, 286, 290, 318, 319, 320, 326, 327, 395, 400, 409, 424
 Committee appointments—15, 17
 Resolutions filed—556, 878, 886, 970, 1399
 Subcommittee assignments—57, 58, 80, 90, 91, 92, 124, 139, 198, 199, 243, 279, 436, 882

THOMAS, ROGER—Representative **Clayton-Delaware-Fayette** Counties

Amendments filed—129, 163, 202, 273, 462, 475, 512, 596, 602, 603, 604, 608, 638, 674, 691, 735, 886, 910, 1112, 1151, 1155, 1161, 1224, 1237, 1238, 1326, 1399, 1725
 Amendments offered—475, 1025, 1092, 1155, 1238
 Amendments withdrawn—705, 1151, 1155
 Bills introduced—27, 40, 69, 70, 83, 95, 96, 97, 108, 117, 131, 132, 133, 151, 155, 156, 157, 169, 218, 286, 290, 318, 320, 395, 400, 401
 Committee appointments—15, 16, 17, 42, 1438, 1439
 Resolutions filed—116, 142, 267, 391, 878, 886, 1172, 1399
 Resolution offered—147
 Subcommittee assignments—91, 124, 180, 181, 182, 243, 255, 321, 386, 882, 1351

TJEPKES, DAVID A.—Representative **Calhoun-Greene-Webster** Counties

Amendments filed—445, 501, 557, 602, 735, 909, 1031, 1052, 1136, 1150, 1164
 Amendment offered—923
 Amendment withdrawn—923
 Bills introduced—11, 68, 82, 95, 96, 132, 134, 144, 156, 236, 384, 465, 599
 Committee appointments—17
 Leave of absence—1401
 Resolutions filed—116, 142, 186, 259, 267, 333, 878, 1088, 1172
 Subcommittee assignments—64, 92, 115, 228, 321, 373, 414, 415, 843, 874

TOMENGA, WALT—Representative **Polk** County

Amendments filed—186, 282, 408, 604, 674, 1052, 1173
 Amendments offered—293, 572, 1091, 1177
 Amendment withdrawn—1091
 Bills introduced—13, 68, 95, 157, 169, 384, 465
 Committee appointments—15, 16, 17, 18
 Leave of absence—1401
 Resolutions filed—142, 267, 878, 1244, 1399
 Subcommittee assignments—57, 58, 79, 80, 90, 91, 92, 101, 124, 138, 180, 182, 198, 206, 207, 228, 254, 255, 279, 321, 329, 340, 672, 733, 843, 882, 907, 968

TRANSPORTATION, COMMITTEE ON—

- Appointed—17
- Bills introduced—275, 383, 393, 412
- Recommendations—258, 379, 391, 773, 877
- Subcommittee assignments—92, 138, 181, 243, 272, 594, 843

TYMESON, JODI—Representative Dallas-**Madison**-Warren Counties

- Amendments filed—637, 674, 774, 879, 1031, 1113, 1285, 1351, 1404, 1506, 1533, 1534, 1538, 1562, 1566
- Amendments offered—802, 1008, 1494, 1506, 1533, 1534, 1562, 1566
- Amendments withdrawn—1285, 1538
- Bills introduced—9, 68, 82, 95, 119, 131, 132, 134, 152, 153, 156, 237, 291
- Committee appointments—16, 17, 18, 43, 893
- Presented to the House Sergeant Major Brad Kasal—269
- Presented to the House the Norwalk High School Girls' Basketball Team—915
- Resided at sessions of the House—392, 605
- Resolutions filed—116, 142, 267, 878, 909, 1172, 1244
- Resolutions offered—269, 1187
- Subcommittee assignments—55, 56, 57, 58, 64, 79, 100, 101, 108, 124, 139, 153, 154, 161, 181, 191, 198, 199, 200, 243, 254, 255, 279, 311, 312, 329, 330, 339, 405, 414, 415, 452, 601, 672, 771, 772, 795, 842, 882

UNANIMOUS CONSENT—2, 42, 85, 667, 821, 860, 861, 880, 1184, 1317, 1356, 1366, 1511, 1516, 1531, 1540, 1603, 1606, 1710, 1712, 1748

1733

UNFINISHED BUSINESS CALENDAR—

- Bills placed on—451, 880-881, 1089

UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties

- Amendments filed—674, 675, 735, 795, 834, 845, 1052, 1172, 1190, 1277, 1282, 1532, 1533, 1534
- Amendments offered—729, 833, 834, 855, 978, 1094, 1200, 1532
- Amendments withdrawn—834, 849
- Bills introduced—10, 68, 82, 95, 96, 132, 134, 146, 147, 151, 152, 153, 156, 166, 196, 223, 285, 319, 380, 384, 465
- Committee appointments—16, 17, 18, 28
- Presented to the House the Honorable Steve Sukup, former member of the House—289
- Presented to the House Carolyn Nicholas (Miss Iowa 2004) and her sister Emily (Miss Iowa 2006 candidate)—676
- Resolutions filed—39, 142, 259, 267, 324, 399, 845, 878, 886, 971, 1244
- Resolutions offered—42, 689, 1490
- Subcommittee assignments—55, 80, 90, 92, 139, 191, 214, 228, 278, 279, 311, 312, 330, 339, 372, 385, 554, 672, 795, 842

VAN ENGELENHOVEN, JIM—Representative Jasper-**Marion** Counties

- Amendment filed—298
- Amendment offered—298
- Bills introduced—95, 132, 134, 384, 421, 465
- Committee appointments—17, 1438

Leave of absence—1401

Presented to the House Leah Nieboer, Queen of the 2006 Pella Tulip Festival and her court—974

Resolutions filed—194, 267, 879, 1171

Subcommittee assignments—55, 56, 385, 397, 874

VAN FOSSEN, JAMES (J.K.)—Representative Scott County

Amendments filed—172, 674, 760, 776, 795, 1364, 1399, 1448, 1513

Amendments offered—760, 808, 1481, 1485

Bills introduced—68, 82, 95, 97, 132, 134, 187

Committee appointments—16, 17, 18, 1442, 1443

Resolutions filed—259, 267, 879, 971

Subcommittee assignments—90, 91, 92, 100, 310, 312, 414, 843, 1351

VAN FOSSEN, JIM (J.R.)—Representative Scott County

Amendments filed—602, 674, 774

Amendment withdrawn—857

Bills introduced—68, 82, 95, 96, 132, 134, 153, 168, 187, 197, 217, 223, 268, 384, 421

Committee appointments—16, 17, 1439, 1441, 1442, 1443

Leave of absence—1401

Resolutions filed—259, 267, 879, 971, 1171

Subcommittee assignments—56, 139, 148, 191, 199, 207, 214, 228, 278, 311, 312, 321, 329, 339, 372, 386, 415, 601, 874

VETERANS—

Resolution relating to:

House Resolution 106, recognize and honor Iowa's military veterans band—142

VETERANS AFFAIRS, COMMITTEE ON—

Appointed—17

Bills introduced—204, 275, 393, 514, 558, 559

Recommendations—194, 249-250, 315, 379, 461, 884-885

Subcommittee assignments—57, 101, 124, 125, 161, 214, 279, 312, 321, 772, 882

VISITORS—

Presentation of—269, 310, 403, 966, 1168, 1223, 1293, 1350

VOTES—

Non-record—299, 302, 303, 502, 523, 532, 697, 705, 761, 805, 809, 814, 947, 955, 956, 1237, 1238, 1426, 1485, 1508, 1607

Record—135-136, 174, 476-477, 479-480, 496, 500-501, 504-505, 506, 516-517, 518-519, 520, 521-522, 528-529, 529-530, 531, 532-533, 535-536, 536-537, 568-569, 573-574, 576, 611, 612-613, 613-614, 660-661, 678-679, 682-683, 685-686, 690, 721, 723-724, 748-749, 750, 762-763, 867-868, 869, 1026, 1157-1158, 1159-1160, 1291, 1402, 1404-1405, 1520, 1673-1674, 1728-1729

Quorum call—474, 525, 542, 609, 641, 647, 686, 700, 737, 777, 807, 938, 948-949, 1136, 1230, 1254, 1298, 1366, 1413, 1444, 1491, 1531, 1603, 1622

WATTS, RALPH—Representative Boone-Dallas Counties

Amendments filed—233, 239, 282, 301, 307, 356, 735, 1136, 1161, 1297, 1310

Amendments offered—301, 355, 832, 1161, 1284

Amendment withdrawn—239

Bills introduced—9, 68, 82, 95, 96, 132, 134, 157, 317, 318, 319, 327, 465
 Committee appointments—15, 16, 17, 28, 891, 1341
 Explanation of vote—793
 Leave of absence—1401
 Presided at session of the House—67
 Resolutions filed—116, 142, 259, 267, 333, 637, 879, 1172, 1244
 Subcommittee assignments—57, 125, 138, 161, 199, 214, 228, 279, 321, 372, 385, 386, 468, 594, 843, 882

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—879, 887, 1052, 1489
 Amendments offered—940, 1284, 1511
 Appointed—18
 Bills introduced—53, 347, 348, 598, 665, 769, 797, 826, 871, 872, 880, 888, 890, 891, 938, 973, 977, 1032, 1033, 1034, 1046, 1053, 1089, 1225, 1229, 1443
 Recommendations—59, 307, 333, 445, 511, 596, 652, 667, 773-774, 844-845, 877-878, 885, 889, 970, 1030, 1050-1052, 1224, 1489, 1754
 Subcommittee assignments—78, 79, 90, 91, 92, 310, 311, 312, 385, 386, 554, 672, 733, 771, 772, 842, 843, 907, 968, 1029, 1050

WENDT, ROGER F.—Representative Woodbury County

Amendments filed—129, 163, 233, 445, 602, 603, 608, 637, 674, 726, 795, 1031, 1161, 1326, 1506, 1561, 1562
 Amendments offered—135, 569, 677, 683, 686, 687, 692, 805, 1039
 Bills introduced—27, 70, 83, 97, 98, 118, 133, 151, 155, 156, 166, 167, 168, 187, 196, 218, 219, 222, 290, 292, 317, 318, 319, 320, 326, 395, 400, 401, 424, 425, 599
 Committee appointments—16, 17, 1436
 Resolutions filed—65, 267, 333, 399, 879, 886, 970, 1088, 1244, 1399
 Resolution offered—98
 Subcommittee assignments—57, 58, 64, 79, 80, 91, 92, 101, 108, 154, 161, 198, 199, 214, 254, 255, 279, 329, 330, 733, 795, 882

WESSEL-KROESCHELL, BETH—Representative Story County

Amendments filed—129, 462, 602, 604, 608, 726, 1161, 1541, 1546, 1725
 Amendment offered—1546
 Amendment withdrawn—1541
 Bills introduced—10, 27, 69, 70, 118, 133, 151, 155, 165, 168, 169, 188, 189, 204, 286, 290, 292, 319, 320, 335, 349, 400, 401, 409, 424
 Committee appointments—16, 17, 1438
 Presented to the House Rich Fellingham, President/CEO of Special Olympics Iowa and Kyler Prunty a participant of 2006 Special Olympics—1114
 Resolutions filed—194, 267, 334, 556, 878, 970, 1399
 Resolution offered—1114
 Subcommittee assignments—56, 100, 321

WHITAKER, JOHN—Representative Jefferson-Van Buren-Wapello Counties, Assistant Minority Leader

Amendments filed—129, 163, 603, 604, 608, 673, 691, 845, 879, 909, 910, 1161, 1172, 1244, 1326, 1725
 Amendment offered—696
 Amendment withdrawn—1277

Bills introduced—27, 68, 69, 70, 82, 96, 108, 117, 118, 132, 134, 152, 155, 156, 168, 187, 222, 235, 237, 261, 274, 285, 286, 290, 292, 317, 318, 319, 320, 325, 327, 395, 400, 401, 413, 424, 599
 Committee appointments—15, 17
 Resolutions filed—116, 142, 186, 267, 556, 879, 886, 970, 1172, 1399
 Resolution offered—1186
 Subcommittee assignments—92, 139, 272, 312, 321, 397, 874

WHITEAD, WESLEY—Representative **Woodbury** County

Amendments filed—129, 163, 300, 602, 603, 604, 608, 674, 726, 735, 1161, 1326, 1562, 1725
 Amendment offered—300
 Bills introduced—13, 27, 70, 97, 98, 117, 118, 131, 151, 165, 168, 196, 223, 286, 292, 317, 318, 319, 320, 326, 395, 400, 401, 413, 424
 Committee appointments—16, 17, 893
 Leave of absence—350
 Resolutions filed—65, 267, 879, 886, 970, 1088, 1399
 Subcommittee assignments—91, 92, 100, 124, 125, 199, 243, 311, 372, 436, 882, 1351

WILDERDYKE, PAUL A.—Representative **Harrison-Monona-Pottawattamie** Counties

Amendments filed—300, 735, 971, 1173, 1399, 1400
 Amendments offered—300, 1024
 Bills introduced—10, 82, 83, 96, 132, 134, 152, 153, 156, 384, 421, 465, 599
 Committee appointments—15, 16, 17
 Leave of absence—1401
 Presented to the House the principal, students and staff of Whiting High School—472
 Requested to be added as a sponsor of HF 2365, H-8022—371
 Resolutions filed—25, 142, 143, 259, 333, 879, 1244
 Resolution offered—472
 Subcommittee assignments—57, 91, 101, 124, 180, 181, 182, 200, 255, 311, 340, 385, 795, 882

WINCKLER, CINDY—Representative **Scott** County

Amendments filed—129, 163, 316, 345, 602, 603, 608, 674, 726, 762, 1113, 1161, 1244, 1528, 1725
 Amendments offered—1276, 1528
 Amendments withdrawn—569, 726, 1529
 Bills introduced—27, 69, 70, 118, 133, 152, 169, 188, 189, 204, 222, 290, 292, 319, 320, 335, 349, 400, 401, 409, 424, 425
 Committee appointments—16, 18
 Leave of absence—421
 Presented to the House winners of the “Write Women Back Into History” essay contest—563
 Presented to the House members of the Scott County Medical Society—1230
 Resolutions filed—186, 194, 267, 334, 419, 879, 886, 970, 971, 1399
 Resolution offered—562
 Subcommittee assignments—58, 64, 79, 101, 108, 148, 191, 199, 214, 255, 330, 339, 554, 672, 771, 842, 1351

WISE, PHILIP—Representative Lee County

Amendments filed—129, 163, 379, 602, 604, 608, 638, 691, 748, 751, 762, 810, 845, 879, 886, 887, 910, 971, 1161, 1224, 1237, 1325, 1399, 1517, 1525, 1526, 1601, 1725

Amendments offered—748, 751, 762, 810, 957, 1517, 1525, 1526, 1725

Amendments withdrawn—751, 1526, 1725

Bills introduced—14, 27, 41, 69, 70, 97, 111, 117, 118, 119, 131, 151, 156, 157, 165, 169, 196, 197, 222, 286, 288, 290, 292, 318, 320, 326, 327, 352, 353, 380, 395, 400, 401

Committee appointments—15, 16

Resolutions filed—116, 399, 556, 879, 886, 970, 1172, 1399

Resolutions offered—689, 1186

Subcommittee assignments—57, 79, 100, 124, 138, 139, 180, 181, 182, 199, 228, 243, 322, 733, 882

ZIRKELBACH, RAY—Representative Dubuque-Jones Counties

Bills introduced—11, 27

Committee appointments—17, 893

Leave of absence—1780