

State of Iowa

JOURNAL OF THE HOUSE

2011
REGULAR SESSION
EIGHTY-FOURTH
GENERAL ASSEMBLY

Convened – January 10, 2011
Adjourned – June 30, 2011

Volume I

TERRY E. BRANSTAD, Governor
KRAIG PAULSEN, Speaker of the House
JOHN P. KIBBIE, President of the Senate

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OFFICERS OF THE HOUSE

EIGHTY-FOURTH GENERAL ASSEMBLY
2011 Regular Session

- KRAIG PAULSEN *Speaker of the House*
- JEFF KAUFMANN..... *Speaker Pro Tempore*
- LINDA L. UPMEYER..... *Majority Leader*
- ERIK HELLAND *Majority Whip*
- DAVE DEYOE *Assistant Majority Leader*
- STEVEN F. LUKAN *Assistant Majority Leader*
- RENEE SCHULTE..... *Assistant Majority Leader*
- MATT W. WINDSCHITL..... *Assistant Majority Leader*
- KEVIN M. MCCARTHY *Minority Leader*
- AKO ABDUL-SAMAD *Assistant Minority Leader*
- MARY MASCHER *Assistant Minority Leader*
- MARK D. SMITH..... *Assistant Minority Leader*
- SHARON S. STECKMAN..... *Assistant Minority Leader*
- SMITHSON, W. CHARLES..... *Chief Clerk*

- ALBRECHT, JOSIE..... *Communications Director House Republicans*
- ANDERSON, LON..... *Republican Senior Deputy Caucus Staff Director*
- BAUER, MICHELLE..... *Administrative Services Officer*
- BENNETT, ROBIN..... *Administrative Services Officer*
- BLYTHE, DUSTIN *Republican Legislative Research Analyst*
- BOATWRIGHT, MAYNARD *Sergeant-at-Arms*
- BRAUN, MARY..... *Democratic Deputy Caucus Staff Director*
- BRONSINK, KELLY *Senior Finance Officer III*
- BROWN, DARRELL..... *Doorkeeper*
- BURGET, DIANE *Recording Clerk II*
- CHAPMAN, JASON *Republican Legislative Research Analyst*

EPLEY, DAVE *Democratic Legislative Research Analyst III*
 FIIHR, DEAN *Communications Director House Democrats*
 FREEL, AMANDA *Republican Legislative Research Analyst*
 FREELAND, BILL *Democratic Legislative Research Analyst I*
 FURLONG, ZEKE *Democratic Legislative Research Analyst II*
 GILDE, JOE *Democratic Senior Caucus Secretary*
 HALL, JACK *Chief Doorkeeper*
 HARKER, HAROLD *Assistant Sergeant-at-Arms*
 HENDRIX, JOYCE *Bill Clerk*
 HINCH, MATT *Administrative Assistant to Speaker II*
 HYATT-CROZIER, ANNA *Democratic Senior Legislative Research Analyst*
 JANSA, ANDREA *Administrative Assistant to Minority Leader*
 JENNINGS, JILL *Republican Caucus Secretary*
 JENNINGS, SUE *Senior Administrative Services Officer*
 KENLINE, KATHERINE *Administrative Services Officer*
 KEPHART, PEG *Engrossing & Enrolling Processor*
 KIELHORN, KRISTI *Republican Legislative Research Analyst*
 MASON, JAMES *Doorkeeper*
 MAURO, FRANK *Doorkeeper*
 MEYER, BRIAN *Legal Counsel to Minority Leader*
 MITCHELL, JEFFREY *Republican Senior Caucus Staff Director*
 OLSON, LEWIS *Republican Senior Legislative Research Analyst*
 OTTO, NOREEN *House Operations Director*
 PHALEN, JANE *Switchboard Operator*
 PHILLIPS, TONY *Administrative Assistant to Majority Leader II*
 REX, DEB. *Senior Finance Officer III*
 ROMANO, JOE *Democratic Senior Caucus Staff Director*
 SCHALL, KELLY *Switchboard Operator*
 SKEFFINGTON, JOAN *Assistant Bill Clerk*
 STEINKE, TERRI *Confidential Secretary to Speaker/Majority Leader*

TERRELL, DOREEN R.	<i>Administrative Services Officer III</i>
THOMAS, RACHELLE	<i>Democratic Legislative Research Analyst</i>
TROW, BRADLEY	<i>Republican Senior Legislative Research Analyst</i>
VAN WYK, MEGHAN	<i>Assistant Chief Clerk II</i>
VANDER STREEK, LOUIS.....	<i>Republican Legislative Research Analyst</i>
VANDERPLOEG, SARAH.....	<i>Supervisor of Secretaries I</i>
WALLING, WILLIAM	<i>Postmaster</i>
WEDERQUIST, DONALD.....	<i>Doorkeeper</i>
WENTZ, KRIS.....	<i>Administrative Services Officer III</i>
YEAGER, ROBERT	<i>Chief Doorkeeper</i>

JOINT EMPLOYEES OF THE HOUSE AND SENATE

BACUS, KATHLEEN	<i>Security Officer I</i>
BUNKERS, ZACHARY L.....	<i>Conservation/Restoration Specialist II</i>
CORNWELL, ROBERT W.....	<i>Security Officer I</i>
FERGUSON, SHAWNA S.	<i>Legislative Security Coordinator II</i>
GROVES, SAMEL L.	<i>Security Officer I</i>
MAHAN, HANNAH	<i>Assistant Copy Center Operator</i>
LUNDBERG, MARK S.	<i>Conservation/Restoration Manager</i>
MALONE, BARBARA A.	<i>Security Officer I</i>
ROACH, SHIRLEY	<i>Senior Copy Center Operator</i>
SCHNELL, KERT J.....	<i>Security Officer I</i>
SCOTT, CURTIS L.	<i>Security Officer I</i>
SKEFFINGTON, GORDON M.	<i>Security Officer I</i>
SKEFFINGTON, LEO R.....	<i>Security Officer I</i>
STACHON, KATHY.....	<i>Lobbyist Clerk</i>
TAYLOR, RICHARD D.....	<i>Security Officer I</i>
WALTON, JAMES W.....	<i>Security Officer I</i>
WILLEMSSEN, MARK L.	<i>Senior Facilities Manager</i>
WILSON, GABRIEL S.....	<i>Security Officer I</i>

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

TERRY E. BRANSTAD, *Governor*.....Des Moines
 KIM REYNOLDS, *Lieutenant Governor*..... Osceola
 MATT SCHULTZ, *Secretary of State*..... Council Bluffs
 DAVID A. VAUDT, *Auditor of State*..... West Des Moines
 MICHAEL L. FITZGERALD, *Treasurer of State* Urbandale
 BILL NORTHEY, *Secretary of Agriculture* Spirit Lake
 TOM MILLER, *Attorney General*.....Des Moines

JUSTICES OF THE IOWA SUPREME COURT

MARK S. CADY, *Chief Justice* Fort Dodge
 BRENT R. APPEL, *Justice*.....Ackworth
 DARYL L. HECHT, *Justice* Sioux City
 EDWARD MANSFIELD, *Justice*.....Des Moines
 THOMAS D. WATERMAN, *Justice*.....Pleasant Valley
 DAVID S. WIGGINS, *Justice*..... West Des Moines
 BRUCE B. ZAGER, *Justice* Waterloo

JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, *Chief Judge* Okoboji
 DAVID DANILSON, *Judge* Boone
 RICHARD H. DOYLE, *Judge*Des Moines
 LARRY J. EISENHAUER, *Judge*..... Ankeny
 MICHAEL R. MULLINS, *Judge* Washington
 GAYLE NELSON VOGEL, *Judge*..... Spirit Lake
 AMANDA POTTERFIELD, *Judge* Tiffin
 MARY TABOR, *Judge*Des Moines
 ANURADHA VAITHESWARAN, *Judge*Des Moines

MEMBERS OF THE HOUSE

EIGHTY-FOURTH GENERAL ASSEMBLY 2011 Regular Session

(Italicized county indicates the county of residence.)

ABDUL-SAMAD, AKO (D)

Residence.....Des Moines
OccupationCEO, Creative Visions
Legislative Service.....2007-2011
Representative District 66-*Polk*

ALONS, DWAYNE A. (R)

Residence.....Hull
OccupationFarmer
Legislative Service.....1999-2011
Representative District 4-Lyon, *Sioux*

ANDERSON, RICHARD T. (R)

Residence.....Clarinda
OccupationAttorney
Legislative Service.....2005-2011
Representative District 97-Fremont, Mills, *Page*

ARNOLD, RICHARD D. (R)

Residence.....Russell
OccupationFarmer/Truck Driver Owner/Operator
Legislative Service.....1995-2011
Representative District 72-Lucas, Mahaska, Marion, Monroe

BALTIMORE, CHIP (R)

Residence.....Boone
OccupationAttorney/General Counsel
Legislative Service.....2011
Representative District 48-*Boone*, Dallas

BAUDLER, CLEL E. (R)

Residence.....Greenfield
OccupationRetired State Trooper/Farmer
Legislative Service.....1999-2011
Representative District 58-*Adair*, Audubon, Cass, Guthrie

BERRY, DEBORAH L. (D)

Residence.....Waterloo
Occupation
Legislative Service.....2003-2011
Representative District 22-*Black Hawk*

BRANDENBURG, MARK A. (R)

Residence.....Council Bluffs
OccupationAdjunct Instructor IWCC/ Retired-HR professional-Electric Utility
Legislative Service.....2011
Representative District100-*Pottawattamie*

BYRNES, JOSH (R)

Residence.....Osage
Occupation
Legislative Service.....2011
Representative District 14-Cerro Gordo, Floyd, Howard, *Mitchell*

REPRESENTATIVES

CHAMBERS, ROYD E. (R)

Residence..... Sheldon
Occupation Educator/Member-IA Air National Guard
Legislative Service.....2003-2011
Representative District 5-Clay, *O'Brien*, *Osceola*, *Sioux*

COHOON, DENNIS M. (D)

Residence.....Burlington
Occupation Retired-Special Education Teacher
Legislative Service.....1987-2011
Representative District 88-*Des Moines*

COWNIE, PETER (R)

Residence..... West Des Moines
Occupation President-Jr. Achievement of Central IA
Legislative Service.....2009-2011
Representative District 60-*Polk*

DE BOEF, BETTY R. (R)

Residence..... What Cheer
Occupation
Legislative Service.....2001-2011
Representative District 76-Iowa, *Keokuk*, *Poweshiek*, *Tama*

DEYOE, DAVE (R)

Residence..... Nevada
Occupation Farmer
Legislative Service.....2007-2011
Representative District 10-Hamilton, *Story*

DOLECHECK, CECIL (R)

Residence..... Mount Ayr
Occupation Farmer
Legislative Service.....1997-2011
Representative District 96-Adams, *Montgomery*, *Ringgold*, *Taylor*, *Union*

DRAKE, JACK (R)

Residence..... Griswold
Occupation Farmer
Legislative Service.....1993-2011
Representative District 57-*Cass*, *Pottawattamie*, *Shelby*

FORRISTALL, GREG (R)

Residence..... Macedonia
Occupation Farmer
Legislative Service.....2007-2011
Representative District 98-Mills, *Pottawattamie*

FRY, JOEL (R)

Residence..... Osceola
Occupation Therapist/Educator/Consultant/Speaker
Legislative Service.....2011
Representative District 95-*Clarke*, *Decatur*, *Union*

GAINES, RUTH ANN (D)

Residence..... Des Moines
Occupation
Legislative Service.....2011
Representative District 65-*Polk*

GARRETT, JULIAN B. (R)

Residence..... Indianola
Occupation
Legislative Service.....2011
Representative District 73-Dallas, *Madison*, *Warren*

GASKILL, MARY (D)

Residence..... Ottumwa
 Occupation Retired-County Auditor
 Legislative Service..... 2003-2011
 Representative District 93-Wapello

GRASSLEY, PAT (R)

Residence..... New Hartford
 Occupation Farmer
 Legislative Service..... 2007-2011
 Representative District 17-Bremer, *Butler*

HAGENOW, CHRIS (R)

Residence..... Windsor Heights
 Occupation Attorney
 Legislative Service..... 2009-2011
 Representative District 59-Polk

HAGER, BOB (R)

Residence..... Dorchester
 Occupation
 Legislative Service..... 2011
 Representative District 16-*Allamakee*, Winneshiek

HALL, CHRIS (D)

Residence..... Sioux City
 Occupation
 Legislative Service..... 2011
 Representative District 2-*Woodbury*

HANSON, CURT (D)

Residence..... Fairfield
 Occupation Retired-Teacher
 Legislative Service..... *2009-2011
 Representative District 90-*Jefferson*, Van Buren, Wapello

HANUSA, MARY ANN (R)

Residence..... Council Bluffs
 Occupation High School Administrator
 Legislative Service..... 2011
 Representative District 99-*Pottawattamie*

HEATON, DAVID E. (R)

Residence..... Mount Pleasant
 Occupation Retired-Restaurateur
 Legislative Service..... 1995-2011
 Representative District 91-*Henry*, Lee

HEDDENS, LISA K. (D)

Residence..... Ames
 Occupation
 Legislative Service..... 2003-2011
 Representative District 46-Boone, *Story*

HEIN, LEE (R)

Residence..... Monticello
 Occupation Business Owner
 Legislative Service..... 2011
 Representative District 31-Dubuque, *Jones*

*Elected in Special Election September 1, 2009

HELLAND, ERIK (R)

Residence.....Johnston
 OccupationBanker
 Legislative Service.....2009-2011
 Representative District 69-*Polk*

HORBACH, LANCE J. (R)

Residence.....Tama
 OccupationInsurance
 Legislative Service.....1999-2011
 Representative District 40-Grundy, *Tama*

HUNTER, BRUCE L. (D)

Residence.....Des Moines
 Occupation
 Legislative Service.....*2003-2011
 Representative District 62-*Polk*

HUSEMAN, DANIEL ADAIR (R)

Residence.....Aurelia
 OccupationFarmer
 Legislative Service.....1995-2011
 Representative District53-*Cherokee, Plymouth, Woodbury*

ISENHART, CHARLES (D)

Residence.....Dubuque
 OccupationPresident-Common Good Services/Sports Official
 Legislative Service.....2009-2011
 Representative District27-*Dubuque*

IVERSON, STEWART, JR. (R)

Residence.....Clarion
 Occupation
 Legislative Service.....House **1990-1994, 2011 Senate 1995-2006
 Representative District9-Franklin, Hamilton, Webster, *Wright*

JACOBY, DAVE J. (D)

Residence.....Coralville
 OccupationSelf-Employed/Small Business
 Legislative Service.....***2003-2011
 Representative District30-*Johnson*

JORGENSEN, RON (R)

Residence.....Sioux City
 OccupationVP for Business and Finance-Morningside College
 Legislative Service.....2011
 Representative District54-*Woodbury*

KAJTAZOVIC, ANESA (D)

Residence.....Waterloo
 Occupation
 Legislative Service.....2011
 Representative District21-*Black Hawk*

KAUFMANN, JEFF (R)

Residence.....Wilton
 OccupationTeacher/Livestock Operator
 Legislative Service.....2006-2011
 Representative District79-*Cedar, Johnson, Muscatine*

*Elected in Special Election February 11, 2003

**Elected in Special Election November 7, 1989

***Elected in Special Election August 26, 2003

KEARNS, JERRY A. (D)

Residence..... Keokuk
 Occupation Staff Representative-United Steelworkers Union
 Legislative Service.....2009-2011
 Representative District 92-Lee

KELLEY, DAN (D)

Residence..... Newton
 Occupation Realtor/Small Business Owner-DJ Service
 Legislative Service..... 2011
 Representative District 41-Jasper

KLEIN, JARAD (R)

Residence..... Keota
 Occupation
 Legislative Service..... 2011
 Representative District 89-Jefferson, Johnson, Washington

KOESTER, KEVIN (R)

Residence..... Ankeny
 Occupation School Administrator
 Legislative Service.....2009-2011
 Representative District 70-Polk

KRESSIG, BOB M. (D)

Residence..... Cedar Falls
 Occupation Retired-John Deere
 Legislative Service.....2005-2011
 Representative District 19-Black Hawk

LENSING, VICKI S. (D)

Residence..... Iowa City
 Occupation Funeral Home Owner
 Legislative Service.....2001-2011
 Representative District 78-Johnson

LOFGREN, MARK S. (R)

Residence..... Muscatine
 Occupation Investment Sales
 Legislative Service..... 2011
 Representative District 80-Muscatine

LUKAN, STEVEN F. (R)

Residence..... New Vienna
 Occupation Account Executive-English and Associates
 Legislative Service.....2003-2011
 Representative District 32-Delaware, Dubuque

LYKAM, JIM (D)

Residence..... Davenport
 Occupation Legislator
 Legislative Service.....1989-2011
 Representative District 85-Scott

MASCHER, MARY (D)

Residence..... Iowa City
 Occupation Retired-Teacher
 Legislative Service.....1995-2011
 Representative District 77-Johnson

MASSIE, GLEN H. (R)

Residence..... Des Moines
 Occupation
 Legislative Service..... 2011
 Representative District 74-Warren

REPRESENTATIVES

MCCARTHY, KEVIN M. (D)

Residence.....Des Moines
 OccupationAttorney
 Legislative Service.....2003-2011
 Representative District67-*Polk*

MILLER, HELEN (D)

Residence.....Fort Dodge
 OccupationAttorney/Arts Educator
 Legislative Service.....2003-2011
 Representative District49-*Webster*

MILLER, LINDA J. (R)

Residence.....Bettendorf
 OccupationRetired-Registered Nurse
 Legislative Service.....2007-2011
 Representative District82-*Scott*

MOORE, BRIAN (R)

Residence.....Zwingle
 OccupationFarmer/Truck Driver
 Legislative Service.....2011
 Representative District25-Clinton, Dubuque, *Jackson*

MUHLBAUER, DAN (D)

Residence.....Manilla
 OccupationFarmer
 Legislative Service.....2011
 Representative District51-Carroll, *Crawford*, Sac

MURPHY, PATRICK J. (D)

Residence.....Dubuque
 Occupation
 Legislative Service.....*1989-2011
 Representative District28-*Dubuque*

OLDSON, JO (D)

Residence.....Des Moines
 Occupation
 Legislative Service.....2003-2011
 Representative District61-*Polk*

OLSON, RICK (D)

Residence.....Des Moines
 OccupationAttorney
 Legislative Service.....2005-2011
 Representative District68-*Polk*

OLSON, STEVEN N. (R)

Residence.....DeWitt
 OccupationFarmer
 Legislative Service.....2003-2011
 Representative District83-*Clinton*, Scott

OLSON, TYLER (D)

Residence.....Cedar Rapids
 OccupationSmall Business Owner
 Legislative Service.....2007-2011
 Representative District38-*Linn*

*Elected in Special Election September 26, 1989

PAULSEN, KRAIG (R)

Residence..... Hiawatha
 Occupation Attorney
 Legislative Service..... 2003-2011
 Representative District 35-*Linn*

PAUSTIAN, ROSS C. (R)

Residence..... Walcott
 Occupation Farmer
 Legislative Service..... 2011
 Representative District 84-*Scott*

PEARSON, KIM (R)

Residence..... Pleasant Hill
 Occupation Retired-Attorney/Home Educator
 Legislative Service..... 2011
 Representative District 42-*Jasper, Polk*

PETERSEN, JANET (D)

Residence..... Des Moines
 Occupation Marketing Communications Consultant
 Legislative Service..... 2001-2011
 Representative District 64-*Polk*

PETTENGILL, DAWN E. (R)

Residence..... Mount Auburn
 Occupation Legislator
 Legislative Service..... 2005-2011
 Representative District 39-*Benton, Iowa*

QUIRK, BRIAN J. (D)

Residence..... New Hampton
 Occupation Electrical Contractor
 Legislative Service..... 2001-2011
 Representative District 15-*Chickasaw, Howard, Winneshiek*

RAECKER, J. SCOTT (R)

Residence..... Urbandale
 Occupation Executive Director-Institute for Character Development
 Legislative Service..... 1999-2011
 Representative District 63-*Polk*

RASMUSSEN, DAN (R)

Residence..... Independence
 Occupation
 Legislative Service..... 2003-2008, 2011
 Representative District 23-*Black Hawk, Buchanan, Fayette*

RAYHONS, HENRY V. (R)

Residence..... Garner
 Occupation Semi-Retired-Farmer
 Legislative Service..... 1997-2011
 Representative District 11-*Hancock, Winnebago, Worth*

ROGERS, WALT (R)

Residence..... Cedar Falls
 Occupation
 Legislative Service..... 2011
 Representative District 20-*Black Hawk*

RUNNING-MARQUARDT, KIRSTEN (D)

Residence..... Cedar Rapids
 Occupation District Representative for U.S. Congressman Dave Loebsack
 Legislative Service..... *2009-2011
 Representative District 33-Linn

SANDS, THOMAS R. (R)

Residence..... Wapello
 Occupation Bank Officer/Real Estate Appraiser/Farm Owner
 Legislative Service..... 2003-2011
 Representative District 87-Des Moines, *Louisa*, Muscatine

SCHULTE, RENEE (R)

Residence..... Cedar Rapids
 Occupation Strategic Planning Consultant-Four Oaks, Inc.
 Legislative Service..... 2009-2011
 Representative District 37-Linn

SCHULTZ, JASON (R)

Residence..... Schleswig
 Occupation Farmer
 Legislative Service..... 2009-2011
 Representative District 55-Crawford, Ida, Monona, Woodbury

SHAW, TOM W. (R)

Residence..... Laurens
 Occupation
 Legislative Service..... 2011
 Representative District 8-Humboldt, Kossuth, *Pocahontas*, Webster

SMITH, JEFF (R)

Residence..... Okoboji
 Occupation Retired-Banker
 Legislative Service..... 2011
 Representative District 6-Clay, *Dickinson*

SMITH, MARK D. (D)

Residence..... Marshalltown
 Occupation Licensed Independent Social Worker
 Legislative Service..... 2001-2011
 Representative District 43-Marshall

SODERBERG, CHUCK (R)

Residence..... Le Mars
 Occupation VP-Planning and Legislative Services-NW Iowa Power Cooperative
 Legislative Service..... 2005-2011
 Representative District 3-Plymouth, Sioux

STECKMAN, SHARON S. (D)

Residence..... Mason City
 Occupation Retired-Educator
 Legislative Service..... 2009-2011
 Representative District 13-Cerro Gordo

SWAIM, KURT (D)

Residence..... Bloomfield
 Occupation Lawyer
 Legislative Service..... 2003-2011
 Representative District 94-Appanoose, *Davis*, Wayne

*Elected in Special Election November 24, 2009

SWEENEY, ANNETTE (R)

Residence..... Alden
 Occupation Farmer/Publisher
 Legislative Service..... 2009-2011
 Representative District 44-Franklin, *Hardin*, Marshall

TAYLOR, JEREMY (R)

Residence..... Sioux City
 Occupation Educator
 Legislative Service..... 2011
 Representative District 1-*Woodbury*

TAYLOR, TODD E. (D)

Residence..... Cedar Rapids
 Occupation AFSCME Representative
 Legislative Service..... *1995-2011
 Representative District 34-*Linn*

THEDE, PHYLLIS (D)

Residence..... Bettendorf
 Occupation
 Legislative Service..... 2009-2011
 Representative District 81-*Scott*

THOMAS, ROGER (D)

Residence..... Elkader
 Occupation Executive Director-Elkader Development Corporation/Main Street Elkader
 Legislative Service..... 1997-2000, 2003-2011
 Representative District 24-*Clayton*, Delaware, Fayette

TJEPKES, DAVID A. (R)

Residence..... Gowrie
 Occupation Retired-State Trooper
 Legislative Service..... 2003-2011
 Representative District 50-Calhoun, Greene, *Webster*

UPMEYER, LINDA L. (R)

Residence..... Garner
 Occupation Nurse Practitioner
 Legislative Service..... 2003-2011
 Representative District 12-Cerro Gordo, Franklin, *Hancock*

VAN ENGELENHOVEN, JAMES (R)

Residence..... Pella
 Occupation Farmer
 Legislative Service..... 1999-2011
 Representative District 71-Jasper, *Marion*

VANDER LINDEN, GUY (R)

Residence..... Oskaloosa
 Occupation Retired-Marine
 Legislative Service..... 2011
 Representative District 75-*Mahaska*, Poweshiek

WAGNER, NICK (R)

Residence..... Marion
 Occupation Electrical Engineer
 Legislative Service..... 2009-2011
 Representative District 36-*Linn*

*Elected in Special Election June 27, 1995

WATTS, RALPH C. (R)

Residence..... Adel
 Occupation Retired-Engineer
 Legislative Service..... 2003-2011
 Representative District 47-Boone, Dallas

WENTHE, ANDREW J. (D)

Residence..... Hawkeye
 Occupation Vice President External Affairs-Upper Iowa University
 Legislative Service..... 2007-2011
 Representative District 18-Black Hawk, Bremer, Fayette

WESSEL-KROESCHELL, BETH (D)

Residence..... Ames
 Occupation Legislator
 Legislative Service..... 2005-2011
 Representative District 45-Story

WILLEMS, NATHAN (D)

Residence..... Lisbon
 Occupation Attorney
 Legislative Service..... 2009-2011
 Representative District 29-Johnson, Linn

WINCKLER, CINDY L. (D)

Residence..... Davenport
 Occupation Educational Consultant
 Legislative Service..... 2001-2011
 Representative District 86-Scott

WINDSCHITL, MATT W. (R)

Residence..... Missouri Valley
 Occupation Gunsmith/Conductor-Union Pacific Railroad
 Legislative Service..... 2007-2011
 Representative District 56-Harrison, Monona, Pottawattamie

WITTNEBEN, JOHN (D)

Residence..... Estherville
 Occupation
 Legislative Service..... 2011
 Representative District 7-Emmet, Kossuth, Palo Alto

WOLFE, MARY (D)

Residence..... Clinton
 Occupation
 Legislative Service..... 2011
 Representative District 26-Clinton

WORTHAN, GARY (R)

Residence..... Storm Lake
 Occupation Farmer
 Legislative Service..... *2009-2011
 Representative District 52-Buena Vista, Sac

*Elected in Special Election December 12, 2006

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 10, 2011

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Eighty-fourth General Assembly of Iowa, 2011 Regular Session, convened at 10:04 a.m., Monday, January 10, 2011.

The House was called to order by the Honorable Steve Lukan, state representative from Dubuque County.

Prayer was offered by Dr. Darran J. Whiting, Liberty Baptist Church, Marion. He was the guest of Representative Kraig Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andrew, Austin and Ashton Whiting of Marion. They were the guests of Representative Paulsen.

TEMPORARY OFFICERS

On motion by Sands of Louisa, W. Charles Smithson of Polk County was elected Acting Chief Clerk. W. Charles Smithson presented himself and subscribed to the following oath:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of my office to the best of my ability, so help me God."

S. Olson of Clinton moved that the Honorable Steve Lukan of Dubuque County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Steve Lukan of Dubuque County by Acting Chief Clerk Smithson.

Temporary Speaker Steve Lukan of Dubuque County in the chair.

SPECIAL PRESENTATION

Lukan of Dubuque introduced to the House the Honorable United States Senator, Charles Grassley. He was the guest of Representative Pat Grassley of Butler County.

The House rose and expressed its welcome.

Cownie of Polk moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: Cownie of Polk, Vander Linden of Mahaska, L. Miller of Scott, Lensing of Johnson and Kressig of Black Hawk.

REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Eighty-fourth General Assembly as shown by duplicate copies of the certificates of election on file in the office of the Secretary of State:

Office of the THE SECRETARY OF STATE CERTIFICATION

To the Honorable, The Chief Clerk of the House:

I, Michael A. Mauro, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 2, 2010, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 2011:

- First.....Jeremy Taylor
Second..... Chris Hall
Third.....Chuck Soderberg
Fourth.....Dwayne Alons
Fifth..... Royd E. Chambers
Sixth..... Jeff Smith
Seventh..... John Wittneben
Eighth.....Tom W. Shaw
Ninth.....Stewart Iverson, Jr.
Tenth..... Dave Deyoe
Eleventh.....Henry Vincent Rayhons

Twelfth	Linda Upmeyer
Thirteenth	Sharon Steckman
Fourteenth	Josh Byrnes
Fifteenth	Brian J. Quirk
Sixteenth	Bob Hager
Seventeenth	Pat Grassley
Eighteenth	Andrew Wenthe
Nineteenth	Bob Kressig
Twentieth	Walt Rogers
Twenty-first	Anesa Kajtazovic
Twenty-second	Deborah L. Berry
Twenty-third	Dan Rasmussen
Twenty-fourth	Roger Thomas
Twenty-fifth	Brian Moore
Twenty-sixth	Mary Wolfe
Twenty-seventh	Charles Isenhardt
Twenty-eighth	Pat Murphy
Twenty-ninth	Nathan Willems
Thirtieth	Dave Jacoby
Thirty-first	Lee Hein
Thirty-second	Steven F. Lukan
Thirty-third	Kirsten Running-Marquardt
Thirty-fourth	Todd Taylor
Thirty-fifth	Kraig Paulsen
Thirty-sixth	Nick Wagner
Thirty-seventh	Renee Schulte
Thirty-eighth	Tyler Olson
Thirty-ninth	Dawn Pettengill
Fortieth	Lance Horbach
Forty-first	Dan Kelley
Forty-second	Kim Pearson
Forty-third	Mark Smith
Forty-fourth	Annette Sweeney
Forty-fifth	Beth Wessel-Kroeschell
Forty-sixth	Lisa Heddens
Forty-seventh	Ralph Watts
Forty-eighth	Chip Baltimore
Forty-ninth	Helen Miller
Fiftieth	David A. Tjepkes
Fifty-first	Dan Muhlbauer
Fifty-second	Gary Worthan
Fifty-third	Daniel Huseman
Fifty-fourth	Ron Jorgensen
Fifty-fifth	Jason Schultz
Fifty-sixth	Matt W. Windschitl
Fifty-seventh	Jack Drake
Fifty-eighth	Clel Baudler
Fifty-ninth	Chris Hagenow
Sixtieth	Peter Cownie
Sixty-first	Jo Oldson
Sixty-second	Bruce Hunter
Sixty-third	Scott Raecker

Sixty-fourth Janet Petersen
Sixty-fifth Ruth Ann Gaines
Sixty-sixth Ako Abdul-Samad
Sixty-seventh Kevin McCarthy
Sixty-eighth Rick L. Olson
Sixty-ninth Erik Helland
Seventieth Kevin Koester
Seventy-first Jim Van Engelenhoven
Seventy-second Richard D. Arnold
Seventy-third Julian B. Garrett
Seventy-fourth Glen H. Massie
Seventy-fifth Guy Vander Linden
Seventy-sixth Betty R. De Boef
Seventy-seventh Mary Mascher
Seventy-eighth Vicki Lensing
Seventy-ninth Jeff Kaufmann
Eightieth Mark S. Lofgren
Eighty-first Phyllis Thede
Eighty-second Linda J. Miller
Eighty-third Steven N. Olson
Eighty-fourth Ross C. Paustian
Eighty-fifth Jim Lykam
Eighty-sixth Cindy L. Winckler
Eighty-seventh Thomas R. Sands
Eighty-eighth Dennis M. Cohoon
Eighty-ninth Jarad Klein
Ninetieth Curt Hanson
Ninety-first Dave Heaton
Ninety-second Jerry A. Kearns
Ninety-third Mary Gaskill
Ninety-fourth Kurt Swaim
Ninety-fifth Joel Fry
Ninety-sixth Cecil Dolecheck
Ninety-seventh Richard Anderson
Ninety-eighth Greg Forristall
Ninety-ninth Mary Ann Hanusa
One Hundredth Mark A. Brandenburg

(Seal) In testimony whereof, I have hereunto set my hand and affixed the seal of the Secretary of State at the Statehouse in Des Moines this first day of January, 2011.

Michael A. Mauro, Secretary of State

I hereby acknowledge receipt of the original copy of this document on this first day of January, 2011.

W. Charles Smithson, Chief Clerk of the House

Peter Cownie, Chair
Bob M. Kressig
Vicki S. Lensing
Linda J. Miller
Guy Vander Linden

Cownie of Polk moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright on request of Upmeyer of Hancock.

MEMBERS' OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly according to the best of my ability, so help me God."

Ako Abdul-Samad	Lance Horbach
Dwayne Alons	Bruce Hunter
Richard Anderson	Daniel Huseman
Richard D. Arnold	Charles Isenhart
Chip Baltimore	Stewart Iverson, Jr.*
Clel Baudler	Dave Jacoby
Deborah L. Berry	Ron Jorgensen
Mark A. Brandenburg	Anesa Kajtazovic
Josh Byrnes	Jeff Kaufmann
Royd E. Chambers	Jerry A. Kerns
Dennis M. Cohoon	Dan Kelley
Peter Cownie	Jarad Klein
Betty R. De Boef	Kevin Koester
Dave Deyoe	Bob Kressig
Cecil Dolecheck	Vicki Lensing
Jack Drake	Mark S. Lofgren
Greg Forristall	Steven F. Lukan
Joel Fry	Jim Lykam
Ruth Ann Gaines	Mary Mascher
Julian B. Garrett	Glen H. Massie
Mary Gaskill	Kevin McCarthy
Pat Grassley	Helen Miller
Chris Hagenow	Linda Miller
Bob Hager	Brian Moore
Chris Hall	Dan Muhlbauer
Curt Hanson	Pat Murphy
Mary Ann Hanusa	Jo Oldson
Dave Heaton	Rick L. Olson
Lisa Heddens	Steven N. Olson
Lee Hein	Tyler Olson
Erik Helland	Kraig Paulsen

Ross C. Paustian
 Kim Pearson
 Janet Petersen
 Dawn Pettengill
 Brian J. Quirk
 Scott Raecker
 Dan Rasmussen
 Henry Vincent Rayhons
 Walt Rogers
 Kirsten Running-Marquardt
 Thomas R. Sands
 Renee Schulte
 Jason Schultz
 Tom W. Shaw
 Jeff Smith
 Mark Smith
 Chuck Soderberg
 Sharon Steckman
 Kurt Swaim

Annette Sweeney
 Jeremy Taylor
 Todd Taylor
 Phyllis Thede
 Roger Thomas
 David A. Tjepkes
 Linda Upmeyer
 Jim Van Engelenhoven
 Guy Vander Linden
 Nick Wagner
 Ralph Watts
 Andrew Wenthe
 Beth Wessel-Kroeschell
 Nathan Willems
 Cindy L. Winckler
 Matt W. Windschitl
 John Wittneben
 Mary Wolfe
 Gary Worthan

*Stewart Iverson, Jr. took the oath of office January 18, 2011.

ELECTION OF SPEAKER

Horbach of Tama presented the name of the Honorable Kraig Paulsen of Linn County as candidate for Speaker of the House of Representatives of the Eighty-fourth General Assembly.

Cownie of Polk seconded the nomination of Kraig Paulsen for Speaker of the House.

McCarthy of Polk seconded the nomination of Kraig Paulsen for Speaker of the House and moved that the Acting Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Eighty-fourth General Assembly.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Kraig Paulsen as the Speaker of the House of Representatives of the Eighty-fourth General Assembly, and was declared duly elected to that office.

Cownie of Polk moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was appointed: Kaufmann of Cedar and Mascher of Johnson.

PRESENTATION OF SPEAKER

The Honorable Kraig Paulsen was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Lukan presented Speaker Paulsen with the gavel and congratulated him on his unanimous election.

Speaker Paulsen thanked the House for the honor bestowed upon him and offered the following remarks:

I want to welcome family and friends to the Iowa House of Representatives, this is the people's house and it is important we never lose sight of that fact. I also want to extend my congratulations to all of the members; the people of Iowa and in particular the people in your individual House districts have placed their trust in you by electing you to serve as their voice in Des Moines. It is a privilege and a responsibility that I know all of you will take seriously.

Today nearly one-third of you begin serving your first term. If I may give you one piece of advice it is to listen carefully. Take time each day to stop and listen to each other, but more importantly listen to what your constituents have to say. Listen to their ideas and what they want – or don't want – from their representative government. If we all do that, and do our best to respond accordingly, I have no doubt we will accomplish great things.

It is important to recognize that the campaign is over and Iowans expect us to govern. Equally as important is to acknowledge the messages Iowans sent on Election Day, and listen to the will of the people. Iowans want and expect their elected officials – at all levels of government – to keep our promises and work together in an open and transparent manner.

Iowans are tired of their government telling them, instead of asking them, what is in their best interests. They are frustrated that their government has grown too big, become uncoordinated and simply spends and does far too much.

Already, House Republicans have responded by reaching out to House Democrats asking for their ideas on how to reduce the size and scope of state government, and save taxpayer dollars.

Building off good bi-partisan work done last year, later today, the Appropriations Committee will meet to assign House Study Bill 1, The Taxpayers First Act. The thrust of the bill is a collection of ideas submitted by Iowans over the past two years.

According to the non-partisan Legislative Services Agency, this bill alone saves close to \$500 million dollars in the current and next two fiscal years.

Just as important, the bill creates a Tax Relief Fund designed to capture any remaining general fund surplus and deliver it back to the taxpayer.

Over the past two years, Republicans have stated we would not support a budget that spends more money than the state takes in. Funding ongoing expenditures with one-time revenue and on the backs of the property taxpayer has gone on far too long. This body will end this practice, and the Taxpayers First Act is the first step in getting our fiscal house in order.

This session we will continue our focus on those issues we've been discussing and have promised to address.

I know this chamber is committed to putting Iowans back to work, reining in government spending and providing Iowans the opportunity to vote on the definition of marriage.

We are serious about creating an environment that encourages employers to invest in Iowa, enabling them to expand and hire hard-working Iowans. For too long, government's answer to unemployment has been to spend taxpayer dollars. Clearly, with over 110,000 Iowans unemployed, that hasn't worked.

In order to turn the economy around and begin to reduce unemployment, it is imperative this legislature provide certainty to employers that they will be operating in a pro-growth environment. Until employers have confidence in the general business climate they will not make long-term planning decisions to invest in Iowa and expand their workforce.

This chamber will protect Iowa's Right to Work law.

We will conduct a thorough and thoughtful review of state rules and regulations, seeking to cut through the red tape that is a burden to doing business in Iowa.

We will address Iowa's tax system. Iowa is at a competitive disadvantage with other states when it comes to income and property taxes. Across the board, taxes are too high, and now is the time to institute spending controls and work to reduce the tax burden.

Of course we will also tackle a host of other issues that Iowans want addressed ... public safety, health care, education, disaster recovery, to name a few.

Each issue will require careful consideration and steady leadership. I am confident that with this group of 100 legislators, we are more than capable at making sure our work is done correctly, in the light of day and with public input.

In closing, I want to thank you – the members of the 84th General Assembly – for the privilege of serving as the Speaker of the House. I recognize that in this role, I not only represent my district, but to a certain degree represent each of your districts' interests as well. It is truly an honor and you have my word I will work tirelessly every day in this position to move our state forward.

I also want to take a moment to thank my family; my parents, my brother and sisters and their families', my wife's parents, her brother and family; ... and especially: my wife Cathy and our children Kassandra, Kylere, Kale and Keith. It is because of your love and support that I am able to preside over this chamber

today. Thank you for your understanding and sharing in the sacrifice of our time together.

Later today we will be choosing our desks. These will be assigned to each of us for the next two years. I mention this to make this point. While that is where we will be assigned and do Iowa's work ... these are not our desks. They belong to the 30,000 people back home we represent; they are letting us sit in them. We must keep this in mind.

Now it is time to band together on behalf of the people of Iowa. Now it is time to get to work.

Thank you and may God bless this body and the State of Iowa.

ELECTION OF PERMANENT CHIEF CLERK

Sands of Louisa moved that W. Charles Smithson be elected permanent Chief Clerk of the House.

The motion prevailed and W. Charles Smithson was declared elected permanent Chief Clerk.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Drake of Cass, Chair; Hanusa of Pottawattamie and Jacoby of Johnson.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Heaton of Henry, Chair; Wagner of Linn and Cohoon of Des Moines.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

Upmeyer of Hancock asked and received unanimous consent for

the immediate consideration of the following House Concurrent Resolution, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 1

BY PAULSEN and McCARTHY

1 A concurrent resolution to provide for a joint
2 convention.
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
4 SENATE CONCURRING, That a joint convention of the two
5 houses of the 2011 session of the Eighty-fourth General
6 Assembly be held on Monday, January 10, 2011, at 2:00
7 p.m.; and
8 BE IT FURTHER RESOLVED, That at this joint
9 convention the votes for Governor and Lieutenant
10 Governor be canvassed and the results announced and
11 recorded as provided by law.; and
12 BE IT FURTHER RESOLVED, That Governor Chester J.
13 Culver be invited to deliver his condition of the
14 state message at a joint convention of the two houses
15 of the General Assembly on Tuesday, January 11, 2011,
16 at 10:00 a.m., and that the Speaker of the House of
17 Representatives and the President of the Senate be
18 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of the following House Concurrent Resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 2

By PAULSEN and MCCARTHY

1 A concurrent resolution relating to the appointment of
2 a joint inaugural committee.
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
4 THE SENATE CONCURRING, That a joint committee be
5 designated, consisting of six members of the House of
6 Representatives to be appointed by the Speaker of the
7 House, and six members of the Senate to be appointed
8 by the President of the Senate, to arrange for the
9 inauguration of the Governor and Lieutenant Governor.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of the following House Concurrent Resolution, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 3

BY PAULSEN and McCARTHY

1 A concurrent resolution to provide for a joint
2 convention.
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
4 SENATE CONCURRING, That a joint convention of the two
5 houses of the 2011 session of the Eighty-fourth General
6 Assembly be held on Wednesday, January 12, 2011, at
7 10:00 a.m.; and
8 BE IT FURTHER RESOLVED, That Chief Justice Mark Cady
9 be invited to present his message of the condition of
10 the judicial branch at this convention, and recommend
11 such matters as the Chief Justice deems expedient,
12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 4

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of the following House Concurrent Resolution, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 4

BY PAULSEN and McCARTHY

1 A concurrent resolution to provide for a joint
2 convention.
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
4 SENATE CONCURRING, That a joint convention of the two
5 houses of the 2011 session of the Eighty-fourth General
6 Assembly be held on Thursday, January 27, 2011, at
7 10:00 a.m.; and
8 BE IT FURTHER RESOLVED, That Governor Terry E.
9 Branstad be invited to deliver his budget message
10 at this joint convention of the two houses of the
11 General Assembly, and that the Speaker of the House
12 of Representatives and the President of the Senate be
13 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following resolutions be immediately messaged to the Senate: **House Concurrent Resolutions 1, 2, 3 and 4.**

ELECTION OF SPEAKER PRO TEMPORE

Chambers of O'Brien placed in nomination the Honorable Jeff Kaufmann of Cedar County as candidate for Speaker Pro Tempore of the House of Representatives of the Eighty-fourth General Assembly.

Grassley of Butler seconded the nomination of Representative Jeff Kaufmann as Speaker Pro Tempore of the House of Representatives.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Drake of Cass, Chair of the committee appointed to notify the Governor that the House is duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Heaton of Henry, Chair of the committee appointed to notify the Senate that the House is duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

COMMITTEE FROM THE SENATE

A committee from the Senate appeared and notified the House that the Senate was duly organized and ready to receive any communications that the House might desire to transmit.

Swaim of Davis seconded the nomination of Representative Jeff Kaufmann as Speaker Pro Tempore of the House of Representatives and moved that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Eighty-fourth General Assembly.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Jeff Kaufmann as Speaker Pro Tempore of the House of Representatives of the Eighty-fourth General Assembly. The Honorable Jeff Kaufmann of Cedar County, having received all the votes cast for the office of Speaker Pro Tempore of the House of Representatives of the Eighty-fourth General Assembly, was declared duly elected to that office.

Grassley of Butler moved that a committee of two be appointed to escort the Speaker Pro Tempore to the chair.

The motion prevailed and the following committee was appointed: Grassley of Butler and Swaim of Davis.

Representative Kaufmann was escorted to the Speaker's station and, being duly sworn, offered the following remarks:

Thank you Representatives Chambers, Grassley, and Swaim. You are friends and colleagues and I will do my best to not let you down. And my appreciation to all of my fellow legislators; I have the greatest respect for all of you.

The first President of the United States born west of the Mississippi River was a resident of my District. Herbert Hoover was born in a tiny home in Cedar County Iowa. Many of you have probably seen this humble abode. He is buried within a few hundred yards of the place of his birth.

The most important part of a trip to the graves of President and Mrs. Hoover is the view. As you stand at the foot of the graves there is an unobstructed view straight to his birth home. The President wanted it this way. This great Iowa-born humanitarian never forgot where he came from. And in his permanent rest, he sends that message each and every day.

I would propose to all of you today that this is what we all need: an unobstructed view straight home--no curves, no barriers, just the simple vision of our Districts and who sent us to work in this beautiful chamber.

If every one of us is reflecting on home, it makes it easier to find common ground. It makes it easier to disagree, sometimes strongly, but in a civil manner. And it makes it easier to listen to that still small voice that urges all of us to try to do the right thing for our communities, our counties, and our state.

I wish the newspaper headlines would announce one time, at the end of session, how many times we worked together and the legislation that passed this chamber unanimously or near unanimously. Count the bills--they dwarf the major battles we will have. This is not a reflection of watering down our principles, this is a matter of

adding an element of communication and long tough discussions to those principles and values we bring with us to this chamber.

Amidst the disagreement we will have this year; I hope we will remember what we all have in common... a precious view back home. And when we do disagree and we will, often with passion and zeal, we do so from positions of principle.

Speaker Paulsen, one of the reasons I believe in you and your leadership is because I know you will lead us through those battles with a civil and respectful demeanor that will be reflected in this chamber. The best of you is the integrity you have always possessed.

Leader Upmeyer I have every confidence that your decisions will not just be for the good of our caucus but the good of Iowa. Your past dedication to health care and fiscal prudence, along with your mental toughness that you have consistently shown in my six years serving with you, is just what this chamber needs.

Leader McCarthy I have every confidence that you will find those many and varied opportunities to work together. And when we disagree, to do so with passion not rancor. Our Democratic colleagues have chosen you again as their leader and we respect your leadership.

Thank you former Speaker Murphy for your service. And certainly on this day, our caucus and this entire chamber send our warm support and friendship to the family of Paul Bell. And I hope Representative Wendt in Sioux City knows we continue to care.

We all must find our unobstructed view back home. As we work on creating an environment for our entrepreneurs to flourish and create jobs, my eye will be on Lynch's Plumbing and Bennett Trucking. I know all of you have your own hometown businesses that motivate you to make the right decisions.

As we work on the economic climate of this state, my heart will be with the class of 2011 who have the same hopes and dreams we did and do. And to the class of 2022: we will do our best....you started Kindergarten this fall.

And as we work on our priorities for spending I will remember the recently widowed, young mother who left a tearful and grateful message on my voicemail that her daughter had just been accepted at Glenwood and she was off of the mental health waiting list....at last.

And to my friends in Clark County Iowa who are entering their second decade of uncertainty, stress, and the threat of government driving them off their family farms and homes, I hear you and you are also a part of my mental vision of home.

My Bible I used today to take my oath belonged to my older brother who long ago was killed in a traffic accident at age 19. He remains my hero. We are all here due to the inspiration of people -- most of them from home -- most of them without the full knowledge of how much they motivate us to try to do the right thing.

So, in closing--let us debate with passion, let us advocate with sincere fervor, and let us flourish in this sometimes dog-eat-dog environment. But also let's remember what binds us together as a House of Representatives--our shared sacrifice, no more

than our Iowa constituents, but certainly a part of our shared experience as we miss our families, debate for hours upon hours, and take those holiday phone calls from citizens in need.

We are the result of the people's voice. We are the fruits of democracy. And as long as we look home we won't, in fact we can't, forget that.

Let me end with a quote from President Lincoln: "Be sure you put your feet in the right place, then stand firm." The right place will not be found here in this chamber, but rather in the hearts and minds of our constituents.

Best wishes to all of you. And may God Bless our work here in the People's House, the Chamber with the unobstructed view back home.

SPECIAL ORDER

Upmeyer of Hancock moved that the assignment of seats to the members of the House be made a special order upon adjournment of the Joint Convention, which motion prevailed.

ADOPTION OF HOUSE RESOLUTION 1

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

HOUSE RESOLUTION 1 BY KAUFMANN

1 A resolution for the selection and appointment of
2 secretaries and pages.
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
4 each member of the House of Representatives shall be
5 entitled to select and appoint a secretary, and such
6 secretary may be called upon to aid in the discharge of
7 the clerical work of the House of Representatives. The
8 Speaker and Chief Clerk shall appoint their secretaries
9 and pages to serve for the session, and the Chief Clerk
10 is hereby authorized to employ such additional clerical
11 assistance as his duties may require.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 2

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

HOUSE RESOLUTION 2
BY RAYHONS

- 1 A resolution to arrange for opening the sessions with
- 2 prayer.
- 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
- 4 a committee of one be appointed to arrange for opening
- 5 the sessions with prayer.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

Koester of Polk moved that a committee of three be appointed to determine the mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Koester of Polk, Chair; Lofgren of Muscatine and Lykam of Scott.

ADOPTION OF TEMPORARY RULES OF THE HOUSE

Schulte of Linn moved that the permanent rules of the House and provisions for compensation of employees adopted by the Eighty-third General Assembly be the temporary rules and temporary compensation provisions for the House of the Eighty-fourth General Assembly.

The motion prevailed.

REMARKS BY MINORITY LEADER

McCarthy of Polk offered the following remarks:

Thank you Mr. Speaker, Mr. Speaker, Ladies and Gentlemen of the House. First, welcome to all of the family and friends of the newly elected Representatives. I know that for you, this day is a day to be very proud of.

Also, congratulations as well to the returning members and all the newly elected members. Almost a third of this body are newly elected members and this is something to be welcomed. Many of you newly elected members are coming here with bold new ideas and lots of energy...that's a good thing. Some of you newly elected members will be told to dampen your expectations and to dampen your energy...don't do it. Bold ideas and new energy are a good thing, will help challenge conventional wisdom, and will also help more seasoned members to reassess their own point of view.

Congratulations as well to the newly elected leaders from both parties, including Speaker Paulsen, Majority Leader Upmeyer, and Speaker Pro Tem Kaufmann. Particular congratulations are in order for Leader Upmeyer, who is the first female House Majority Leader in Iowa history. To the Republican Leaders and Members, we will have some major battles at times, no doubt, but I am confident that no matter what that battle may be on a given day, that we will be able to get together at the end of that day and talk in a civil tone about the next day... and how we will again work together in a bipartisan way.

Mr. Speaker, House Democrats are ready to go to work. We are ready, willing, and able to put partisanship aside and join you and your members in helping govern this great state. Every day we will show up to work prepared to focus on bread and butter issues that affect the average, ordinary Iowan and every day that your members show up to do the same, you will receive a helping hand from us. A word of warning, however, if a day comes where our members show up ready to work on bread and butter issues and instead find that the House ship has steered into stormy waters, focused instead on divisive issues, then you will hear our voices as we attempt to steer that ship away from the extreme...and back to the mainstream.

We are ready to go to work and we understand that that work begins today on the budget. We will work with you to find efficiencies and to make government more effective, just as we did last year, when House Democrats passed with Republican support, the largest cost-saving measure in Iowa history. With this year's budget, we challenge you to work with us to do better. House Study Bill 1, which will be assigned today in the Appropriations Committee, contains some items that we can work towards consensus on. However, while cutting 17 million from the current year's general fund, it spends 41 million more for a net increase of 23 million dollars for the budget year that we are in. Surely we can do better and we are willing to help.

Mr. Speaker, House Democrats are, as said, ready to go to work. Congratulations again to all the new members and their families. Thank you very much. Now let's get to work!

REMARKS BY THE MAJORITY LEADER

Upmeyer of Hancock offered the following remarks:

Thank you Mr. Speaker, Mr. Speaker, Ladies and Gentlemen of the House, and guests, welcome to the 84th General Assembly.

As we assemble here today, I am reminded of my first day as a freshman legislator. I was caught off guard when Speaker Rants called me back to his office before the swearing in. Here I was, I hadn't even been here a day and I must be making mistakes already.

Well, despite my dread, what actually awaited me in the Speaker's office was a pleasant surprise. My parents had driven back from Texas, where they had gone for the winter, to be here with me. They had come to show how proud they were of me that day, and even though my father isn't here at my side, I know he is very proud today as well.

He and my mother love Iowa, this Capitol, and the people who have served here over the years.

My father showed me that this is the very best job and the most rewarding work a person can have the honor of undertaking.

He also showed me that even though you may have spirited and substantive disagreements with colleagues, it should not preclude you from also sharing admiration and respect for each other.

He showed me this is hard work and that it takes the support of friends and family. We are surrounded today by the people who love us and who gave up family dinners, summer vacations, and so much more to allow us to serve. Thank you so much for your love and support.

I stand here today as the first woman to serve as the Majority Leader of the Iowa House of Representatives. People often ask if I enjoy being the first woman to serve in this role - of course I do. What an honor. But I suspect I would enjoy it just as much if I were a man too.

In all things, someone gets the privilege to be the first. I want to thank the members of my caucus for their progressive act and for giving me this privilege. I am humbled by this opportunity.

It took courage from a lot of strong women before me to break down barriers and create opportunities like this. Women like Iowa's own Carrie Chapman Catt, who was a leading advocate for women's voting rights. It should be with pride that we highlight milestones like today's to our daughters and granddaughters, as we reinforce to them that nothing in this country is out of their reach.

It is both exciting and sobering to see everyone sworn in today. You are to be commended. It takes a lot of courage to put your name on the ballot, to open yourself up to criticism and accept the possibility of rejection. My colleagues, you are here today because you had the courage to take that chance.

But I offer a warning - the public's confidence in institutions like ours is historically low. This is because there is a gap between what they want us to accomplish and what they believe we will accomplish. To restore confidence we must have the courage to tackle the difficult issues of our day.

The government has spent too much and saved too little, become too large and too invasive. We can kick the can down the road, which is what the public assumes we will do, or we can have the courage to lead. That will mean making tough decisions. Government programs are created with noble goals, but in a time when the people of the state have had to tighten their belts, we must do the same.

We must address the priorities of state government. Part of this discussion will begin in earnest right away with the Taxpayers First Act, but it should be the overriding theme of all our work here this year. In this chamber, we should embrace the principles of limited government that our nation was founded upon.

We live in a time of economic turmoil and uncertainty. We must not sit idly by and expect that to improve. We have to realize that we have the opportunity and the responsibility to lead an economic recovery and to put Iowans back to work.

Let's give Iowa the most competitive business climate in the nation. We can start right away by proudly advertising that here in Iowa - we are a Right-to-Work state. Let's get government out of the way so that we encourage job creation and investment in this state. And finally, let's give Iowans a voice by following through on our promise to give them the chance to vote on the definition of marriage.

None of this will be easy, but it is what the people of Iowa have sent us here to do. I am optimistic that we can put our differences aside, work together and accomplish great things.

We are truly blessed to stand here today, in the People's House. While we are here, let us have the courage to do the people's work. If we are successful, Iowa's best days are ahead.

Thank you, Mr. Speaker.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on appropriations at 11:30 a.m. today.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on administration and rules upon adjournment today.

STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

*Vice Chair
**Ranking Member

ADMINISTRATION AND RULES – 15 Members

Schulte, Chair	Helland	McCarthy	Upmeyer
Deyoe*	Kaufmann	Paulsen	Wenthe
Isenhardt**	Lukan	Smith, M.	Windschitl
Abdul-Samad	Mascher	Steckman	

AGRICULTURE – 23 Members

Sweeney, Chair	Deyoe	Kelley	Rasmussen
Hein*	Dolecheck	Moore	Shaw
Miller, H.**	Drake	Muhlbauer	Swaim
Alons	Hanson	Olson, S.	Thomas
Baudler	Huseman	Paustian	Wenthe
De Boef	Isenhart	Quirk	

APPROPRIATIONS – 25 Members

Raecker, Chair	Garrett	Huseman	Schultz
Wagner*	Gaskill	Lukan	Taylor, T.
Olson, T.**	Hagenow	Murphy	Watts
Chambers	Hall	Rogers	Wenthe
Cohoon	Heaton	Running-Marquardt	Winckler
Dolecheck	Heddens	Schulte	Worthan
Drake			

COMMERCE – 23 Members

Soderberg, Chair	Horbach	Muhlbauer	Smith, J.
Baltimore*	Iverson	Oldson	Swaim
Quirk**	Jacoby	Olson, T.	Wagner
Brandenburg	Kajtazovic	Paustian	Watts
Fry	Kressig	Pettengill	Windschitl
Grassley	Lykam	Shaw	

ECONOMIC GROWTH/REBUILD IOWA – 21 Members

Grassley, Chair	De Boef	Lofgren	Schultz
Hanusa*	Hager	Lukan	Smith, J.
Thomas**	Hall	Miller, H.	Soderberg
Anderson	Heddens	Rasmussen	Steckman
Baltimore	Jacoby	Running-Marquardt	Wittneben
Byrnes			

EDUCATION – 23 Members

Forristall, Chair	Cohoon	Jorgensen	Pearson
Taylor, J.*	Cownie	Kelley	Schulte
Willems**	Dolecheck	Koester	Steckman
Abdul-Samad	Gaines	Lofgren	Sweeney
Byrnes	Hanson	Mascher	Winckler
Chambers	Hanusa	Miller, L.	

ENVIRONMENTAL PROTECTION – 21 Members

Olson, S., Chair	Dolecheck	Klein	Schultz
Hager*	Gaines	Lensing	Smith, M.
Thede**	Hein	Moore	Soderberg
Byrnes	Isenhart	Paustian	Steckman
De Boef	Kelley	Sands	Wessel-Kroeschell
Deyoe			

ETHICS – 6 Members

Koester, Chair Raecker*	Kelley** Smith, M.	Thede	Van Engelenhoven
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GOVERNMENT OVERSIGHT – 9 Members

Hagenow, Chair Baltimore* Petersen**	Baudler Berry	Kressig Pearson	Pettengill Tjepkes
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HUMAN RESOURCES – 21 Members

Miller, L., Chair Fry* Wessel-Kroeschell** Abdul-Samad Anderson Brandenburg	Garrett Heaton Hunter Jorgensen Koester	Lofgren Mascher Massie Pearson Petersen	Schulte Smith, M. Steckman Winckler Wolfe
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JUDICIARY – 21 Members

Anderson, Chair Pearson* Swaim** Alons Baltimore Gaines	Garrett Hagenow Heaton Kaufmann Lensing	Massie Oldson Olson, R. Olson, T. Rogers	Smith, M. Taylor, J. Tjepkes Wessel-Kroeschell Wolfe
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LABOR – 17 Members

Horbach, Chair Klein* Hunter** Brandenburg Deyoe	Forristall Hanusa Jorgensen Kearns	Miller, L. Moore Murphy Running-Marquardt	Schultz Taylor, T. Watts Willems
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LOCAL GOVERNMENT – 21 Members

Wagner, Chair Smith, J.* Wittneben** Arnold Baltimore Berry	Gaines Gaskill Hager Helland Horbach	Iverson Kajtazovic Kearns Klein Kressig	Rayhons Running-Marquardt Thede Tjepkes Van Engelenhoven
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NATURAL RESOURCES – 21 Members

Rayhons, Chair Smith, J.* Hanson** Arnold Baudler Fry	Gaskill Hager Hall Kelley Lofgren	Lukan Lykam Miller, H. Rasmussen Steckman	Sweeney Thede Van Engelenhoven Vander Linden Wittneben
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PUBLIC SAFETY – 21 Members

Baudler, Chair	Brandenburg	Muhlbauer	Swaim
Shaw*	Fry	Olson, R.	Tjepkes
Kressig**	Gaines	Olson, S.	Windschitl
Abdul-Samad	Hagenow	Rayhons	Wolfe
Alons	Klein	Sands	Worthan
Berry			

STATE GOVERNMENT – 23 Members

Cownie, Chair	Helland	Kaufmann	Raecker
Vander Linden*	Hunter	Koester	Rogers
Lensing**	Isenhardt	Mascher	Schulte
Drake	Iverson	Massie	Taylor, T.
Gaskill	Jorgensen	Pettengill	Wenthe
Hein	Kajtazovic	Quirk	

TRANSPORTATION – 21 Members

Tjepkes, Chair	Hall	Pearson	Watts
Massie*	Hanson	Petersen	Wenthe
Lykam**	Huseman	Rasmussen	Windschitl
Arnold	Iverson	Rogers	Wolfe
Cohoon	Murphy	Van Engelenhoven	Worthan
Garrett			

VETERANS AFFAIRS – 15 Members

Chambers, Chair	Berry	Muhlbauer	Taylor, J.
Vander Linden*	Hanusa	Rayhons	Thomas
Kearns**	Heddens	Shaw	Wittneben
Alons	Lukan	Sweeney	

WAYS AND MEANS – 25 Members

Sands, Chair	Hein	Moore	Quirk
Byrnes*	Helland	Muhlbauer	Soderberg
Jacoby**	Isenhardt	Oldson	Taylor, J.
Cownie	Kajtazovic	Paustian	Thomas
De Boef	Kaufmann	Petersen	Vander Linden
Forristall	Kearns	Pettengill	Willems
Grassley			

HOUSE APPROPRIATIONS SUBCOMMITTEES**ADMINISTRATION AND REGULATION – 9 Members**

Watts, Chair	Hunter	Lensing	Wagner
Rogers*	Iverson	Smith, J.	Wittneben
Gaskill**			

AGRICULTURE AND NATURAL RESOURCES – 9 Members

Drake, Chair	Alons	Miller, H.	Sweeney
Paustian*	Lykam	Muhlbauer	Vander Linden
Hall**			

ECONOMIC DEVELOPMENT – 9 Members

Schultz, Chair	Grassley	Hanusa	Jacoby
Lofgren*	Hager	Isenhardt	Kajtazovic
Running-Marquardt**			

EDUCATION – 9 Members

Dolecheck, Chair	Byrnes	Gaines	Massie
Jorgensen*	Forristall	Hanson	Willems
Winckler**			

HEALTH AND HUMAN SERVICES – 9 Members

Heaton, Chair	Fry	Miller, L.	Thede
Brandenburg*	Kelley	Shaw	Wessel-Kroeschell
Heddens**			

JUSTICE SYSTEM – 9 Members

Worthan, Chair	Anderson	Horbach	Olson, R.
Garrett*	Hein	Kearns	Wolfe
Taylor, T.**			

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS – 9 Members

Huseman, Chair	Chambers	Oldson	Taylor, J.
Moore*	Klein	Quirk	Thomas
Cohoon**			

HOUSE COMMITTEE ASSIGNMENTS

Abdul-Samad, Ako	Administration and Rules Education Human Resources Public Safety
Alons, Dwayne	Agriculture Judiciary Public Safety Veterans Affairs Agriculture and Natural Resources, Appropriations Subcommittee

Anderson, Richard	Economic Growth/Rebuild Iowa Human Resources Judiciary, Chair Justice System, Appropriations Subcommittee
Arnold, Richard	Local Government Natural Resources Transportation
Baltimore, Chip	Commerce, Vice Chair Economic Growth/Rebuild Iowa Government Oversight, Vice Chair Judiciary Local Government
Baudler, Clel	Agriculture Government Oversight Natural Resources Public Safety, Chair
Berry, Deborah	Government Oversight Local Government Public Safety Veterans Affairs
Brandenburg, Mark	Commerce Human Resources Labor Public Safety Health and Human Services, Appropriations Subcommittee, Vice Chair
Byrnes, Josh	Economic Growth/Rebuild Iowa Education Environmental Protection Ways and Means, Vice Chair Education, Appropriations Subcommittee
Chambers, Royd	Appropriations Education Veterans Affairs, Chair Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Cphoon, Dennis	Appropriations Education Transportation Transportation, Infrastructure, and Capitals, Appropriations Subcommittee, Ranking Member

Cownie, Peter	Education State Government, Chair Ways and Means
De Boef, Betty	Agriculture Economic Growth/Rebuild Iowa Environmental Protection Ways and Means
Deyoe, Dave	Administration and Rules, Vice Chair Agriculture Environmental Protection Labor
Dolecheck, Cecil	Agriculture Appropriations Education Environmental Protection Education, Appropriations Subcommittee, Chair
Drake, Jack	Agriculture Appropriations State Government Agriculture and Natural Resources, Appropriations Subcommittee, Chair
Forristall, Greg	Education, Chair Labor Ways and Means Education, Appropriations Subcommittee
Fry, Joel	Commerce Human Resources, Vice Chair Natural Resources Public Safety Health and Human Services, Appropriations Subcommittee
Gaines, Ruth Ann	Education Environmental Protection Judiciary Local Government Public Safety Education, Appropriations Subcommittee
Garrett, Julian	Appropriations Human Resources Judiciary Transportation Justice System, Appropriations Subcommittee, Vice Chair

Gaskill, Mary	Appropriations Local Government Natural Resources State Government Administration and Regulation, Appropriations Subcommittee, Ranking Member
Grassley, Pat	Commerce Economic Growth/Rebuild Iowa, Chair Ways and Means Economic Development, Appropriations Subcommittee
Hagenow, Chris	Appropriations Government Oversight, Chair Judiciary Public Safety
Hager, Bob	Economic Growth/Rebuild Iowa Environmental Protection, Vice Chair Local Government Natural Resources Economic Development, Appropriations Subcommittee
Hall, Chris	Appropriations Economic Growth/Rebuild Iowa Natural Resources Transportation Agriculture and Natural Resources, Appropriations Subcommittee, Ranking Member
Hanson, Curt	Agriculture Education Natural Resources, Ranking Member Transportation Education, Appropriations Subcommittee
Hanusa, Mary Ann	Economic Growth/Rebuild Iowa, Vice Chair Education Labor Veterans Affairs Economic Development, Appropriations Subcommittee
Heaton, Dave	Appropriations Human Resources Judiciary Health and Human Services, Appropriations Subcommittee, Chair

Heddens, Lisa	Appropriations Economic Growth/Rebuild Iowa Veterans Affairs Health and Human Services, Appropriations Subcommittee, Ranking Member
Hein, Lee	Agriculture, Vice Chair Environmental Protection State Government Ways and Means Justice System, Appropriations Subcommittee
Helland, Erik	Administration and Rules Local Government State Government Ways and Means
Horbach, Lance	Commerce Labor, Chair Local Government Justice System, Appropriations Subcommittee
Hunter, Bruce	Human Resources Labor, Ranking Member State Government Administration and Regulation, Appropriations Subcommittee
Huseman, Dan	Agriculture Appropriations Transportation Transportation, Infrastructure, and Capitals, Appropriations Subcommittee, Chair
Isenhart, Charles	Administration and Rules, Ranking Member Agriculture Environmental Protection State Government Ways and Means Economic Development, Appropriations Subcommittee
Iverson, Stewart	Commerce Local Government State Government Transportation Administration and Regulation, Appropriations Subcommittee

Jacoby, Dave	Commerce Economic Growth/Rebuild Iowa Ways and Means, Ranking Member Economic Development, Appropriations Subcommittee
Jorgensen, Ron	Education Human Resources Labor State Government Education, Appropriations Subcommittee, Vice Chair
Kajtazovic, Anesa	Commerce Local Government State Government Ways and Means Economic Development, Appropriations Subcommittee
Kaufmann, Jeff	Administration and Rules Judiciary State Government Ways and Means
Kearns, Jerry	Labor Local Government Veterans Affairs, Ranking Member Ways and Means Justice System, Appropriations Subcommittee
Kelley, Dan	Agriculture Education Environmental Protection Ethics, Ranking Member Natural Resources Health and Human Services, Appropriations Subcommittee
Klein, Jarad	Environmental Protection Labor, Vice Chair Local Government Public Safety Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Koester, Kevin	Education Ethics, Chair Human Resources State Government

Kressig, Bob	Commerce Government Oversight Local Government Public Safety, Ranking Member
Lensing, Vicki	Environmental Protection Judiciary State Government, Ranking Member Administration and Regulation, Appropriations Subcommittee
Lofgren, Mark	Economic Growth/Rebuild Iowa Education Human Resources National Resources Economic Development, Appropriations Subcommittee, Vice Chair
Lukan, Steven	Administration and Rules Appropriations Economic Growth/Rebuild Iowa Natural Resources Veterans Affairs
Lykam, Jim	Commerce Natural Resources Transportation, Ranking Member Agriculture and Natural Resources, Appropriations Subcommittee
Mascher, Mary	Administration and Rules Education Human Resources State Government
Massie, Glen	Human Resources Judiciary State Government Transportation, Vice Chair Education, Appropriations Subcommittee
McCarthy, Kevin	Administration and Rules
Miller, Helen	Agriculture, Ranking Member Economic Growth/Rebuild Iowa Natural Resources Agriculture and Natural Resources, Appropriations Subcommittee

Miller, Linda	Education Human Resources, Chair Labor Health and Human Services, Appropriations Subcommittee
Moore, Brian	Agriculture Environmental Protection Labor Ways and Means Transportation, Infrastructure, and Capitals, Appropriations Subcommittee, Vice Chair
Muhlbauer, Dan	Agriculture Commerce Public Safety Veterans Affairs Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee
Murphy, Pat	Appropriations Labor Transportation
Oldson, Jo	Commerce Judiciary Ways and Means Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Olson, Rick	Judiciary Public Safety Justice System, Appropriations Subcommittee
Olson, Steve	Agriculture Environmental Protection, Chair Public Safety
Olson, Tyler	Appropriations, Ranking Member Commerce Judiciary
Paulsen, Kraig	Administration and Rules
Paustian, Ross	Agriculture Commerce Environmental Protection Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee, Vice Chair

Pearson, Kim	Education Government Oversight Human Resources Judiciary, Vice Chair Transportation
Petersen, Janet	Government Oversight, Ranking Member Human Resources Transportation Ways and Means
Pettengill, Dawn	Commerce Government Oversight State Government Ways and Means
Quirk, Brian	Agriculture Commerce, Ranking Member State Government Ways and Means Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Raecker, Scott	Appropriations, Chair Ethics, Vice Chair State Government
Rasmussen, Dan	Agriculture Economic Growth/Rebuild Iowa National Resources Transportation
Rayhons, Henry	Local Government Natural Resources, Chair Public Safety Veterans Affairs
Rogers, Walt	Appropriations Judiciary State Government Transportation Administration and Regulation, Appropriations Subcommittee, Vice Chair
Running-Marquardt, Kirsten	Appropriations Economic Growth/Rebuild Iowa Labor Local Government Economic Development, Appropriations Subcommittee, Ranking Member

Sands, Tom	Environmental Protection Public Safety Ways and Means, Chair
Schulte, Renee	Administration and Rules, Chair Appropriations Education Human Resources State Government
Schultz, Jason	Appropriations Economic Growth/Rebuild Iowa Environmental Protection Labor Economic Development, Appropriations Subcommittee, Chair
Shaw, Tom	Agriculture Commerce Public Safety, Vice Chair Veterans Affairs Health and Human Services, Appropriations Subcommittee
Smith, Jeff	Commerce Economic Growth/Rebuild Iowa Local Government, Vice Chair Natural Resources, Vice Chair Administration and Regulation, Appropriations Subcommittee
Smith, Mark	Administration and Rules Environmental Protection Ethics Human Resources Judiciary
Soderberg, Chuck	Commerce, Chair Economic Growth/Rebuild Iowa Environmental Protection Ways and Means
Steckman, Sharon	Administration and Rules Economic Growth/Rebuild Iowa Education Environmental Protection Human Resources Natural Resources

Swaim, Kurt	Agriculture Commerce Judiciary, Ranking Member Public Safety
Sweeney, Annette	Agriculture, Chair Education Natural Resources Veterans Affairs Agriculture and Natural Resources, Appropriations Subcommittee
Taylor, Jeremy	Education, Vice Chair Judiciary Veterans Affairs Ways and Means Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Taylor, Todd	Appropriations Labor State Government Justice System, Appropriations Subcommittee, Ranking Member
Thede, Phyllis	Environmental Protection, Ranking Member Ethics Local Government Natural Resources Health and Humans Services, Appropriations Subcommittee
Thomas, Roger	Agriculture Economic Growth/Rebuild Iowa, Ranking Member Veterans Affairs Ways and Means Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Tjepkes, Dave	Government Oversight Judiciary Local Government Public Safety Transportation, Chair
Upmeyer, Linda	Administration and Rules
Van Engelenhoven, Jim	Ethics Local Government Natural Resources Transportation

Vander Linden, Guy	Natural Resources State Government, Vice Chair Veterans Affairs, Vice Chair Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee
Wagner, Nick	Appropriations, Vice Chair Commerce Local Government, Chair Administration and Regulation, Appropriations Subcommittee
Watts, Ralph	Appropriations Commerce Labor Transportation Administration and Regulation, Appropriations Subcommittee, Chair
Wenthe, Andrew	Administration and Rules Agriculture Appropriations State Government Transportation
Wessel-Kroeschell, Beth	Environmental Protection Human Resources, Ranking Member Judiciary Health and Human Services, Appropriations Subcommittee
Willems, Nathan	Education, Ranking Member Labor Ways and Means Education, Appropriations Subcommittee
Winckler, Cindy	Appropriations Education Human Resources Education, Appropriations Subcommittee, Ranking Member
Windschitl, Matt	Administration and Rules Commerce Public Safety Transportation

Wittneben, John	Economic Growth/Rebuild Iowa Local Government, Ranking Member Natural Resources Veterans Affairs Administration and Regulation, Appropriations Subcommittee
Wolfe, Mary	Human Resources Judiciary Public Safety Transportation Justice System, Appropriations Subcommittee
Worthan, Gary	Appropriations Public Safety Transportation Justice System, Appropriations Subcommittee, Chair

On motion by Upmeyer of Hancock, the House was recessed at 11:27 a.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 1:47 p.m., Speaker Paulsen in the chair.

COMMITTEE TO NOTIFY THE SENATE

Hagenow of Polk moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee: Hagenow of Polk, Chair; Paustian of Scott and Gaskill of Wapello.

The House stood at ease at 1:49 p.m., until the fall of the gavel.

The House resumed session at 2:02 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 10, 2011, adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 1, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Monday, January 10, 2011, at 2:00 p.m.

Also: that the Senate has on January 10, 2011, adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 2, a concurrent resolution to provide that a joint committee be designated, consisting of six members of the House of Representatives to be appointed by the Speaker of the House, and six members of the Senate, to arrange for the inauguration of the Governor and Lieutenant Governor.

Also: that the Senate has on January 10, 2011, adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 3, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Wednesday, January 12, 2011, at 10:00 a.m.

Also: that the Senate has on January 10, 2011, adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 4, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Thursday, January 27, 2011, at 10:00 a.m.

MICHAEL E. MARSHALL, Secretary

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Hagenow of Polk, Chair of the committee to notify the Senate that the House was ready to receive it in Joint Convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and the concurrent resolution duly adopted, the Joint Convention was called to order at 2:04 p.m., President Kibbie presiding.

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

The motion prevailed.

President Kibbie announced a quorum present and the Joint Convention duly organized.

CANVASS OF VOTES

President Kibbie announced that the time had arrived for the canvass of votes for the offices of Governor and Lieutenant Governor for the General Election held on November 2, 2010, and announced as teller, on the part of the Senate, Rielly of Mahaska, and assistant tellers Senators Sadders of Marshall and Feenstra of Sioux, and as teller, on the part of the House, Representative Chambers of O'Brien, and assistant tellers Representatives Jorgensen of Woodbury and Isenhardt of Dubuque.

President Kibbie further announced that in accordance with statute, the six tellers just named would constitute the judges of said canvass.

The House stood at ease at 2:05 p.m., until the fall of the gavel.

The returns were opened in the presence of the Joint Convention and the tellers then proceeded to canvass the vote for Governor and Lieutenant Governor of the State of Iowa, cast at the General Election held on November 2, 2010.

The House resumed session at 2:36 p.m., President Kibbie in the chair.

Upmeyer of Hancock moved that the Joint Convention recess until 10:00 a.m., Tuesday, January 11, 2011.

The motion prevailed and the Joint Convention was recessed at 2:36 p.m.

The House reconvened at 2:42 p.m., Speaker Paulsen in the chair.

SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Paulsen—floor seat
2. Speaker Pro Tempore Kaufmann
3. Majority Floor Leader Upmeyer
4. Minority Floor Leader McCarthy
5. Assistant Floor Leaders
6. Members with defective sight, hearing and physical disability
7. Drawing by seniority:
 - a. Former Speaker
 - b. Returning members, by seniority
 - c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.
Ako Abdul-Samad	23
Dwayne Alons	32
Richard Anderson	12
Richard Arnold.....	31
Chip Baltimore.....	18
Clel Baudler	26
Deborah Berry.....	82
Mark Brandenburg	20
Josh Byrnes.....	48
Royd Chambers.....	30
Dennis Cohoon	67
Peter Cownie	1
Betty De Boef.....	25
Dave Deyoe.....	56
Cecil Dolecheck	65
Jack Drake	46
Greg Forristall	68
Joel Fry	49

Ruth Ann Gaines	21
Julian Garrett	79
Mary Gaskill	63
Pat Grassley	16
Chris Hagenow	55
Bob Hager	38
Chris Hall	71
Curt Hanson	94
Mary Ann Hanusa	72
Dave Heaton	6
Lisa Heddens	91
Lee Hein	19
Erik Helland	66
Lance Horbach	8
Bruce Hunter	93
Dan Huseman	45
Chuck Isenhardt	41
Stewart Iverson	62
Dave Jacoby	78
Ron Jorgensen	70
Anesa Kajtazovic	75
Jeff Kaufmann	84
Jerry Kearns	79
Dan Kelley	3
Jarad Klein	57
Kevin Koester	10
Bob Kressig	7
Vicki Lensing	37
Mark Lofgren	4
Steve Lukan	98
Jim Lykam	87
Mary Mascher	97
Glen Massie	74
Kevin McCarthy	99
Helen Miller	92
Linda Miller	2
Brian Moore	76
Dan Muhlbauer	9
Patrick J. Murphy	85
Jo Oldson	80
Rick Olson	81
Steve Olson	34
Tyler Olson	35
Kraig Paulsen	14
Ross Paustian	73
Kim Pearson	40
Janet Petersen	86
Dawn Pettengill	5
Brian Quirk	89
Scott Raecker	60
Dan Rasmussen	13
Henry Rayhons	64

Walt Rogers..... 11
 Kirsten Running-Marquardt 88
 Tom Sands..... 47
 Renee Schulte..... 83
 Jason Schultz 51
 Tom Shaw..... 27
 Jeff Smith..... 22
 Mark Smith..... 96
 Chuck Soderberg..... 28
 Sharon Steckman..... 54
 Kurt Swaim..... 90
 Annette Sweeney 36
 Jeremy Taylor 9
 Todd Taylor..... 95
 Phyllis Thede 52
 Roger Thomas 61
 David Tjepkes 24
 Linda Upmeyer 100
 Jim Van Engelenhoven..... 29
 Guy Vander Linden..... 17
 Nick Wagner 42
 Ralph Watts 44
 Andrew Wenthe 33
 Beth Wessel-Kroeschell 43
 Nate Willems..... 15
 Cindy Winckler 39
 Matt Windschitl 53
 John Wittneben..... 50
 Mary Wolfe..... 77
 Gary Worthan 58

Upmeyer of Hancock moved that the assignment of seats be accepted as listed.

The motion prevailed.

INTERIM COMMUNICATIONS RECEIVED

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

ATTORNEY GENERAL'S OFFICE

FY2010 ICN Report, pursuant to Chapter 8D.10, Code of Iowa.

AUDITOR OF STATE

Report of Targeted Small Business Procurement Activities, pursuant to Chapter 11.46, Code of Iowa.

Single Audit Report for fiscal year ending June 30, 2009, pursuant to Chapter 11.25, Code of Iowa.

BOARD OF REGENTS

Annual Report of Sudan Divestment fiscal year ending June 30, 2010, pursuant to Chapter 12F.5, Code of Iowa.

Economic Development and Technology Transfer Report, pursuant to Chapters 262B.3(3) and 15G.111(5.c), Code of Iowa.

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

Real Estate Audit Report, pursuant to Chapter 1031.81, 2010 Iowa Acts.

Regents Efficiencies Initiatives and Funding Reduction Report, pursuant to Chapter 1183.12, 2010 Iowa Acts.

Report for the Statewide Research and Development School Transition, pursuant to Senate File 470, Iowa Acts.

Report of the College Bound and IMAGES Programs, pursuant to Chapters 262.92, 261.101 and 262.93, Code of Iowa.

Report on the Regents Efficiencies Initiatives and Funding Reduction, pursuant to Chapter 1183.12, 2010 Iowa Acts.

Sale of ISU Ankeny Experimental Farm Final Report, pursuant to Chapter 266.39F, Code of Iowa.

Span of Control Policy for the Regents Institutions Interim Report, pursuant to Chapter 262.9C, Code of Iowa.

DEPARTMENT FOR THE BLIND

Report on Plastic and Recycled Content Products and Soy-Based Inks, pursuant to Chapter 216B.3(12d), Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Diversity and Affirmative Action in Iowa Report for FY2010, pursuant to Chapter 8A.111, Code of Iowa.

IowAccess Revolving Fund Annual Report, pursuant to Chapter 8A.224(2), Code of Iowa.

Property Report, pursuant to Senate File 2088, 2010 Iowa Acts.

DEPARTMENT OF CULTURAL AFFAIRS

Records Management Report, pursuant to Chapter 1031.25, 2010 Iowa Acts.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Housing Report, pursuant to Chapter 1031(268), 2010 Iowa Acts.

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

DEPARTMENT OF EDUCATION

Annual Condition of Education Report, pursuant to Chapter 256, Code of Iowa.

ICN Usage and Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

Report of the Iowa Autism Council Recommendations, pursuant to Chapter 256.35A, Code of Iowa.

Report on Community College Faculty Instructional Load-Overload, pursuant to Chapter 1031(312), 2010 Iowa Acts.

Report on Community College Fall Enrollment, pursuant to Chapter 261E.3, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS
Criminal and Juvenile Justice Planning

2010 Report, pursuant to Chapter 216A.135, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Iowa Medicaid Annual DUR Report, pursuant to Chapter 249A.24, Code of Iowa.

Reduce Child Abuse Caused by Custodian Substance Abuse, Misuse, Addiction Report, pursuant to Chapter 232.71B(11), Code of Iowa.

Report of the Remedial Services Transition Committee, pursuant to House File 2526, 2010 Iowa Acts.

Report on Capacity for Child Welfare Emergency Service, pursuant to House File 2526, 2010 Iowa Acts.

Report on Home and Community Based Waiver, pursuant to House File 2526, 2010 Iowa Acts.

Report on Medical Transportation Costs for IowaCare, pursuant to Senate File 2356, 2010 Iowa Acts.

Report on Plan for Creating Sustainable Funding Sources to Support Child Care Providers, pursuant to Senate File 478, 2010 Iowa Acts.

Report on the Independent Living Foster Care Program, pursuant to Chapter 234.35(4), Code of Iowa.

DEPARTMENT OF JUSTICE

Report on the Iowa Prosecutor Intern Program, pursuant to Chapter 13.2(12), Code of Iowa.

DEPARTMENT OF MANAGEMENT

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2010 Boat Fee Revenues and Expenditure Report, pursuant to Chapter 462A.52, Code of Iowa.

PM2.5 Report, pursuant to Chapter 455B.134(14), Code of Iowa.

Public Drinking Water Program Annual Compliance Report, pursuant to Chapter 466, Code of Iowa.

Report of the Hazardous Waste Remedial Fund, pursuant to Chapters 455B.424, 455B.426 and 455B.427, Code of Iowa.

Report of the Mercury Thermostat Recycling Program, pursuant to Chapter 455D.16, Code of Iowa.

Report of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, pursuant to Chapter 457B.1, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

ICN Utilization Report, pursuant to Chapter 8D.10, Code of Iowa.

Organ Procurement Annual Report, pursuant to Chapter 142C.17, Code of Iowa.

Statewide Plumbing and Electrical Inspection Report, pursuant to Chapter 151, 2009 Iowa Acts.

DEPARTMENT OF PUBLIC SAFETY

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

DEPARTMENT OF REVENUE

Department of Revenue Collection Enterprise Year-End Report, pursuant to Chapter 421.17(27)(h)(j), Code of Iowa.

Report on the Tax Gap Compliance Project, pursuant to Chapter 421.17(23), Code of Iowa.

Research Activities Credit Annual Report, pursuant to Chapter 179, Code of Iowa.

Status Report on the Projects Using Rebuild Iowa Infrastructure Funds, pursuant to Chapter 8.57(6)(h), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

Report of the Highway Construction Program Expenditures/Obligations, pursuant to Chapter 307.12(15), Code of Iowa.

Report of the Study of a Uniform Statewide System to Allow Electronic Registration and Titling of Vehicles, pursuant to Senate File 2273, Iowa Acts.

Use of Reversions Report, pursuant to Chapter 307.46(2), Code of Iowa.

Recycled Content Plastic Bag and Soy Inks Report, pursuant to Chapter 307.21, Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Status Report on the Allocation Program for Veterans, pursuant to Chapter 7.3, Code of Iowa.

DIVISION OF STATE FIRE MARSHAL

Report on Energy Efficiency Standards and Practices, pursuant to Chapter 103A.27(4), Code of Iowa.

IOWA BOARD OF PAROLE

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

IOWA DIVISION OF BANKING Department of Commerce

Report on the Qualified Student Loan Bond Issuer, pursuant to Chapter 7C.13(6), Code of Iowa.

IOWA FINANCE AUTHORITY

I-Jobs Report, pursuant to Senate File 2389, Iowa Acts.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2010 Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Report for the Disaster Aid Individual Assistance Grant Fund, pursuant to Chapter 29C.20A(4), Code of Iowa.

IOWA INSURANCE DIVISION

Medical Malpractice Annual Report, pursuant to Chapter 505.27, Code of Iowa.

Report of Health Spending Costs for Health Insurance Plans in the State of Iowa, pursuant to Chapter 505.18, Code of Iowa.

IOWA LOTTERY AUTHORITY

Report on the ICN Services, pursuant to Chapter 8D.10, Code of Iowa.

IOWA PROPANE GAS ASSOCIATION
Propane Education and Research Council

Iowa PERC Audit and the Report Detailing the Programs and Projects, pursuant to Chapter 599(1.4), Code of Iowa.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Annual Report, pursuant to Chapter 12F.5, Code of Iowa.

Annual Report for FY2010, pursuant to Chapter 97B.4(4), Code of Iowa.

ICN Annual Report, pursuant to Chapter 8D.10, Code of Iowa.

IOWA SCHOOLS JOINT INVESTMENT TRUST

Annual Financial Report, pursuant to Chapter 28E, Code of Iowa.

IOWA UTILITIES BOARD

Report of the Small Wind Innovation Zone, pursuant to Chapter 476.48(6), Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

Annual Status Report on the Unemployment Compensation Trust Fund, pursuant to Chapter 96.35, Code of Iowa.

ICN Annual Report, pursuant to Chapter 8D.10, Code of Iowa

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

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

MFPRSI Financial Evaluation Report, pursuant to Chapter 411, Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

2011 Iowa Drug Control Strategy, pursuant to Chapter 80E.1, Code of Iowa.

TREASURER OF STATE

Report of the Tobacco Settlement Authority, pursuant to Chapter 12E.15, Code of Iowa.

WORLD FOOD PRIZE FOUNDATION

Report for the Operations, Programs and Expenditures, pursuant to Senate File 562, 2007 Iowa Acts.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 1 Appropriations

Relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable.

On motion by Upmeyer of Hancock the House adjourned at 3:39 p.m., until 8:30 a.m., Tuesday, January 11, 2011.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 11, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Tim Leathers, Heartland Fellowship Church, Wilton. He was the guest of Representative Kaufmann of Cedar County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan and Abby Leathers of Wilton. They were the guests of Representative Kaufmann of Cedar.

The Journal of Monday, January 10, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright, for the remainder of the week, on request of Upmeyer of Hancock.

COMMITTEE TO NOTIFY THE SENATE

Pettengill of Benton moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee Pettengill of Benton, Chair; Baltimore of Boone and Gaines of Polk.

The House stood at ease at 8:37 a.m., until the fall of the gavel.

The House resumed session at 9:48 a.m., Speaker Paulsen in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Pettengill of Benton, Chair of the committee appointed to notify the Senate that the House was ready to receive it in Joint Convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1, duly adopted, the Joint Convention was called to order at 9:50 a.m. President Kibbie presiding.

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

The motion prevailed.

President Kibbie announced a quorum present and the Joint Convention duly organized.

Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives be appointed to notify and escort Governor Chester J. Culver into the House chamber and receive him.

The motion prevailed and the President appointed as such committee Senators Dearden of Polk, Horn of Linn and Anderson of Woodbury, on the part of the Senate, and Representatives Pettengill

of Benton, Baltimore of Boone and Kajtazovic of Black Hawk, on the part of the House.

Secretary of State, Matt Schultz; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor David Vaudt; and Attorney General Tom Miller were escorted into the House chamber.

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

Lieutenant Governor Patty Judge was escorted into the House chamber.

Mari Culver, wife of the Governor and his two children, John and Clare, were escorted into the House chamber.

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

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

Members of the General Assembly, President Kibbie, Speaker Paulsen, Leaders: Gronstal, Upmeyer, McCarthy and McKinley, thank you for the opportunity to address this joint session of the Legislature.

To my fellow statewide elected officials, members of the Iowa Supreme Court and Iowa Court of Appeals, thank you for being here this morning.

I want to congratulate the newly elected legislators and statewide officials, including Governor-elect Branstad and Lt. Governor-elect Reynolds, on your victory. I wish you Godspeed and good luck in the future.

To members of our Board of Regents, including President Miles, and University Presidents Mason, Geoffrey and Allen, I want to say it's been a pleasure to work with you. It's fair to say that no state in the nation enjoys the leadership and recognition that our three outstanding public universities do. The same is true for the leadership of our community colleges and private colleges.

As the commander in chief of the Iowa National Guard, I would like to acknowledge the outstanding leadership of Adjutant General Tim Orr, and thank the men and women who wear the uniform.

We are now in the midst of the largest single overseas deployment of Guard troops since World War Two. 3,100 of our brave fighting men and women are currently deployed in Afghanistan.

Sadly, during the last decade, 77 Iowans have given the ultimate sacrifice in Iraq and Afghanistan. Hundreds more also have been injured. We honor their sacrifice today and I ask you to always keep our military families in your thoughts and prayers.

I am often inspired by the words of one of my heroes, President John F. Kennedy, who said, "The greatest tribute is not to utter words, but to live by them."

That's why I am so proud last year Iowa became the first state in America to pass the top ten recommendations from the U.S. Department of Defense to support our troops, their families, and our veterans.

One of the highlights of my term was having the opportunity to visit and spend time with our troops, in Iraq, Kosovo, and at Camp Ripley in Minnesota, during pre-deployment training.

Finally what a tremendous honor for me, to formally recognize Iowa's own Staff Sgt. Salvatore Guinta after he was awarded the Medal of Honor.

So, we've kept our promises to our brave men and women in uniform and our state is stronger for it.

I stand before you, for the last time, entrusted by the constitution with the duty of updating you about the condition of our state. As you can imagine, I do so today with a broad range of emotions.

First of all, I am confident our administration has left the state in a better position than we found it. In fact, last fall Iowa was acknowledged in a national publication as being the 3rd best run state in the nation.

So, I am happy to report the condition of our state is strong today, and we are well-positioned for growth, greatness and prosperity tomorrow.

This is especially true when it comes to renewable energy, our children, new 21st Century jobs, and disaster recovery.

Today, Iowa is number one in the nation in renewable energy. We now generate 20 percent of our power from renewable sources, up from just 5 percent four years ago.

With the help of our private sector partners, including MidAmerican and Alliant Energy, in the past four years we've built 40 wind farms. We're one of only 2 states manufacturing wind towers, turbines and blades, the three component parts of a windmill. And, more than 200 Iowa small businesses are now employing thousands of people in the wind energy supply chain.

We have more than 4,700 windmills operating across the state, enough to power more than 1 million homes. And, exciting new transmission plans are now in place to build out our electric grid. This will allow Iowa to one day sell excess power to cities like Chicago. So, we have accomplished our goal of becoming the renewable energy capital of the United States.

One of the tools we used to accomplish this goal is the Iowa Power Fund. It has allowed Iowa to become the silicon prairie of the Midwest. To date, we've invested more than a quarter of a billion dollars, in public and private funds, into 40 cutting edge 2nd and 3rd generation research and development projects. These breakthrough technologies and solutions will help Iowa secure its renewable energy future.

To Chairman Fred Hubbell and the members of the Iowa Power Fund Board, and to Roya Stanley, Director at the Office of Energy Independence, I salute and thank you for your visionary work.

We've also helped increase production of biofuels statewide by supporting and expanding tax credits for biodiesel, ethanol and E-85 at the federal and state level. And, this year, as Chairman of the National Governor's Biofuels coalition, we successfully pushed for an E-15 waiver from the Environmental Protection Agency. This will allow Iowa to produce millions more gallons of ethanol annually and keep us on a pathway toward energy independence.

When it comes to investing in Iowa's children, we also have made great progress. Today, we are number one in the nation in children's health insurance. No state has done more to cover kids in the last four years. We've added 58,000 kids to the rolls, and as a result 99 percent of Iowa's children are now getting basic health care services.

In addition, we are leading the nation in expanding access to preschool. During the last three years alone, 23,000 additional children have been enrolled in early childhood education programs. As a result, 90 percent of 4-year-olds now have the opportunity to attend a quality preschool program, up from just 5 percent a few years ago.

We've also had a clear and consistent focus on creating new 21st Century green-collar and information technology jobs. Our state is now home to more than 8,000 green-collar jobs, and 8 new wind energy companies are now operating in Iowa. In addition, three international information technology companies, Google, Microsoft and IBM, have created nearly 2,000 new IT jobs in the last 3 years.

And, thanks to our Department of Economic Development and its board of directors, we've partnered successfully with 280 businesses that have agreed to create or retain a total of 28,000 good-paying Iowa jobs.

In addition, our workforce development efforts have allowed for real progress in coordinating the needs of our employers with the skills of our workers. Community college enrollment is at an all-time high and our successful community college job training and worker retraining programs have allowed us to help more than 100,000 Iowans find a job.

So, our job creation and workforce development efforts are now paying big dividends. In fact, our unemployment rate is now at 6.6 percent, or 33 percent below than the national average, and the 7th lowest in the nation.

As a result, Iowa has now regained more than a third of the jobs it lost during the recession and just last week it was reported that we're now on track to reach pre-recession employment levels by the third quarter of 2012.

These efforts have allowed Iowa to lead the country out of the recession. 13 of our 19 largest companies just reported double-digit stock gains in 2010, and we are the only state in the nation to post 14 consecutive months of sustained economic growth. These positive signs, coupled with our \$950 million surplus, clearly show the strength of Iowa's economy.

You know, these last four years have been challenging times for all of us. Together, we've faced unprecedented natural disasters. We've seen the destruction of tornadoes and floods that killed and injured so many in communities across Iowa in 2008, and again in 2010.

The images from places like Cedar Rapids, New Hartford, Palo, Coralville, Waterloo, Parkersburg, Cedar Falls and Oakville, told the story of the damage and devastation better than any words ever could.

But, I have never been more proud of Iowans. We showed the best of Iowa in the worst of times. Despite tough times, we've come together, to build the foundation for a better, stronger, and more resilient state -- one that is now well on its way to a full and complete recovery.

We stood together, shoulder to shoulder, united as one, committed to rebuilding our state from our worst natural disaster ever. And, together we've helped ease the pain for those who lost so much.

To date, we've secured more than \$5 billion in state and federal funds for recovery, rebuilding and flood mitigation efforts. This includes \$1 billion for Linn County alone. I would like to thank Retired Lt. General Ron Dardis and the entire Rebuild Iowa Office for their tireless work on flood recovery.

As a result of our efforts, we're rebuilding Iowa in a stronger, safer and more sustainable way. Together with the help of legislators from flood-impacted communities, we created the Iowa Jobs and Infrastructure Initiative, or I-JOBS, to provide funds totaling \$330 million for nearly 100 separate flood recovery and mitigation projects in 37 flood-affected counties.

These include: new fire stations in Elkader and Charles City; a new public library and National Czech and Slovak Museum in Cedar Rapids; replacing 10 buildings at the University of Iowa including Hancher Auditorium; and a new flood wall that will now protect 200 small business owners along the Coralville strip.

So, we've accomplished a great deal together and moved our state forward these last four years, despite governing through some very challenging times.

I am very proud of our record and I am deeply grateful to have had the opportunity to serve as the 40th Governor of Iowa. I would like to thank the people of Iowa for giving me this enormous privilege.

Looking back, perhaps one of the things I'm most proud of is that we kept the promises we made to Iowans. We did what we said we were going to do.

We raised the minimum wage. Increased teacher pay. Made our public places smoke-free. Lifted the ban on stem cell research. Protected civil rights: at home, in the

workplace and for our students in schools. Balanced the budget four years in a row, and earned a triple-A bond rating.

In addition, we tackled racial disparity in sentencing and youth detention. Appointed a record number of women and minorities to boards and commissions. Passed the first in the nation minority impact legislation. And stood tall to protect the constitutional rights of all Iowans regardless of race, gender or sexual orientation.

Finally, we reduced state spending. Reformed and reorganized government. Streamlined and consolidated operations. Offered early retirement to 2,200 state employees. Reduced employees health care costs by \$20 million. Implemented strategic purchasing. Reduced our state vehicle fleet. And eliminated redundant email and information technology services.

All of these important reform measures have helped us create a record \$950 million surplus, will save us more than \$300 million annually, and put us closer to the smaller, smarter and more efficient government our taxpayers deserve.

The reason our record of accomplishment was possible is because I had the privilege of working each day with extraordinary Iowans, and the list of people I want to thank is long.

First and foremost, I want to thank my wife, Mari, and my entire family, including my parents, siblings and relatives, for their constant and unwavering love and support.

I am very proud of the fact Mari has been one of the state's leading advocates for at-risk women and children. In fact, a few weeks ago she was recognized as the 2010 "advocate of the year" by Children and Family Services of Iowa.

So, Mari has been a great First Lady, and an incredible mother to our two children, of whom we are both so proud. Please join me in thanking the first lady for her service, and welcoming our children, John and Clare, to the chamber.

I also want to extend a huge thank-you to Iowa's Lt. Governor, Patty Judge. Patty has been the best partner a Governor could have. She's served as an important adviser on matters big and small. And she's been an excellent oversight executive for the state's homeland security and emergency management agencies.

The State of Iowa is a better place because of Patty Judge's more than 20 years of public service, as a State Senator from Albia, the first woman elected Secretary of Agriculture and Lt. Governor. Please join me in welcoming and thanking Lt. Governor Judge.

Additionally, I want to thank my chief of staff, Jim Larew, Deputy Chief of Staff Joni Klaassen, and the directors of our state's 38 departments and agencies, who showed dedication to our cause and worked hard every day to move this state forward.

I want to say thank-you to each of you for your outstanding public service. Your expertise, advice and input have been invaluable.

I also have been blessed with the opportunity to work every day with a great team of individuals in the Governor's and Lt. Governor's office, along with thousands of exceptionally talented state employees across Iowa.

They include state troopers who put their lives on the line every day to protect us; snowplow drivers who clear our highways after dangerous winter storms; corrections officers who protect our communities from our most dangerous criminals; nurses at the University of Iowa hospitals who take care of our loved ones; the cafeteria staff who will serve many of us lunch today, and the custodians who come in every night to keep this Capitol building one of the most beautiful in the nation.

So, to every member of our state government team, I want to thank you for your professionalism. You make certain state government provides the kind of service Iowans expect.

Finally, to all members of the General Assembly and leadership on both sides of the aisle, I'd like to say thanks to each of you for being important partners in our efforts to make Iowa an even better place .

So, the condition of our state is strong; we've made the tough decisions; and we've kept our promises to the people of Iowa.

However, despite our progress, our work as a state is never done. For example, just today, the Department of Management is releasing our required biannual report detailing progress on our government reform and reorganization initiative. This report identifies more steps that can be taken, such as improved debt collection, further information technology consolidation and targeted strategic purchasing opportunities

These steps will save \$84 million in the current fiscal year. I encourage you to continue these efforts and implement the report's recommendations.

We've also provided the legislature and the new administration with a detailed summary addressing the historic egg recall last summer. This includes five proposed changes in Iowa law that will help improve food safety and employee training standards in the wake of the salmonella outbreak last summer.

These are only two examples of ways in which your legislative action will be necessary. But I have no doubt you will meet these challenges and many others you will face this session head-on.

My fellow Iowans, we've been through a great deal together these past four years. From the worst natural disaster in our state's history, to the biggest economic downturn since the Great Depression, to the H1N1 flu pandemic and the largest troop deployment since World War Two.

I think it's fair to say there's never been a dull moment. I understand very well that these difficult times have taken their toll on the people of Iowa. But, time and time again, together we have successfully overcome these challenges, and I believe we are better state and a better people for it.

Our resilience is tied directly to our inherent optimism – a belief that things will get better and that our best days are ahead of us. We are also a people of strong faith

and character who believe in our Iowa values of hard work, determination and common sense.

We now stand at a critically important time for Iowa. Our state's direction and destination are up to each of you.

So, I want to encourage you in the clearest possible terms to build on our strengths, especially in the areas of renewable energy, investing in our children, creating the jobs of the future and completing disaster recovery efforts.

The vision of Iowa we should all stand for is not a partisan vision, not a political vision nor a self-serving vision. It's an Iowa vision, one that will move the people of this state forward, one that will put the people of Iowa first, embrace our dreams, unlock our potential, and improve our quality of life.

May God bless you, and may God bless the people of the great State of Iowa. Thank you.

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

On motion by Helland of Polk, the Joint Convention was dissolved at 10:47 a.m.

On motion by Helland of Polk, the House was recessed at 10:49 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:34 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 1, by Paulsen, Raecker, Upmeyer, Schulte, Watts, Tjepkes, Schultz, Anderson, De Boef, Huseman, Lukan, Lofgren, Moore, Garrett, Forristall, L. Miller, Rayhons, Drake, Wagner, Helland, Kaufmann, Pearson, Shaw, Hagenow, J. Smith, Jorgensen, Deyoe, Brandenburg, Sweeney, Hein, Klein, S. Olson, Grassley, Rasmussen, Baltimore, Soderberg, Fry, Worthan, Vander Linden, Byrnes, Sands, and Windschitl, a bill for an act establishing an organized system of reviews and ongoing repeal dates for programs and projects administered by executive branch departments.

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

House File 2, by Upmeyer, L. Miller, Heaton, Schulte, Pettengill, Alons, De Boef, Hagenow, Raecker, S. Olson, Paustian, Chambers, Iverson, Sands, Windschitl, Deyoe, Watts, Tjepkes, Schultz, Anderson, Huseman, Lukan, Moore, Forristall, Rayhons, Drake, Wagner, Helland, Paulsen, Fry, Cownie, Baltimore, Soderberg, Vander Linden, Hanusa, Worthan, Koester, Jorgensen, Dolecheck, Klein, J. Smith, and Sweeney, a bill for an act establishing the right to choose whether to purchase health care.

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

House File 3, by Horbach, Jorgensen, Deyoe, Fry, Sweeney, Hein, Paulsen, Pearson, Shaw, Massie, J. Smith, De Boef, Hagenow, Vander Linden, Schulte, Worthan, Hanusa, Byrnes, Soderberg, Heaton, Huseman, Raecker, Pettengill, Koester, L. Miller, Dolecheck, Paustian, Alons, Klein, Rogers, Grassley, Chambers, Wagner, Drake, Lofgren, Sands, Upmeyer, Hager, and Windschitl, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials.

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

House File 4, by Wagner, Helland, L. Miller, Paustian, Klein, Alons, Soderberg, Grassley, De Boef, Anderson, Chambers, Pearson, Worthan, Hagenow, Sands, Hager, Byrnes, and Windschitl, a bill for an act providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

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

House File 5, by Windschitl, Brandenburg, Hanusa, Schultz, Chambers, Alons, Baudler, Koester, Lukan, Forristall, Rogers, De Boef, Helland, Sweeney, L. Miller, Hagenow, Jorgensen, Soderberg, Huseman, Upmeyer, Dolecheck, Moore, Anderson, Byrnes, Lofgren, Hager, Drake, Kaufmann, Deyoe, Sands, Paustian, and Paulsen, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

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

House File 6, by Cownie, Grassley, Alons, Soderberg, Hager, Rogers, Vander Linden, Paustian, S. Olson, Sands, Chambers, Heaton, Pettengill, Raecker, L. Miller, Forristall, Garrett, Lofgren, Moore, Dolecheck, Hanusa, Huseman, De Boef, Drake, Deyoe, Pearson, Hagenow, Koester, Kaufmann, Windschitl, Klein, Fry, Wagner, Worthan, Byrnes, Jorgensen, Helland, J. Smith, and Baltimore, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

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

House File 7, by Windschitl, Dolecheck, Deyoe, Schulte, Soderberg, L. Miller, Fry, Huseman, Rasmussen, Alons, De Boef, Klein, Hager, Drake, Lofgren, Sweeney, Sands, Lukan, Helland, Byrnes, Brandenburg, Chambers, Kaufmann, Watts, Schultz, Hagenow, Upmeyer, Paustian, and Rogers, a bill for an act relating to the justifiable use of reasonable force and providing a remedy.

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

House File 8, by Cownie, Alons, Anderson, Baltimore, Brandenburg, Chambers, De Boef, Deyoe, Dolecheck, Forristall, Fry, Garrett, Hagenow, Helland, Huseman, Jorgensen, Lofgren, L. Miller, S. Olson, Paustian, Pearson, Pettengill, Raecker, Rasmussen, Rogers, Sands, Schulte, Iverson, J. Smith, Sweeney, J. Taylor, Tjepkes, Upmeyer, Vander Linden, Watts, Windschitl, Worthan, Grassley, Soderberg, Hager, Heaton, Moore, Lukan, Klein, Hanusa, Byrnes, Koester, Wagner, and Drake, a bill for an act establishing a requirement for voters to provide certain identification when voting in person at the polling place.

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

House File 9, by Sands, Hagenow, J. Smith, Kaufmann, Schulte, Fry, S. Olson, Jorgensen, Worthan, Helland, Hanusa, Huseman, Wagner, Soderberg, Paustian, Grassley, Chambers, Raecker, Alons, Deyoe, Drake, Byrnes, Pearson, Hager, Lofgren, and Windschitl, a bill for an act relating to property taxation and local government and school financing by increasing the regular program foundation base,

establishing local government financing requirements for essential services, establishing a method for determining property assessment limitations, and including retroactive and other applicability provisions.

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

House File 10, by Pettengill, Sands, Deyoe, Lukan, Windschitl, Dolecheck, Chambers, Shaw, Watts, Kaufmann, Soderberg, Worthan, Paustian, and Schultz, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, including transition provisions, and providing an effective date.

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

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Report of the Study on the Opportunities for Recruiting Racial and Ethnic Minority Teachers in Iowa, pursuant to House File 2432, 2010 Iowa Acts.

DEPARTMENT OF ADMINISTRATIVE SERVICES

TGB Annual Report, pursuant to Chapter 8A.204, Code of Iowa.

DEPARTMENT OF EDUCATION

Iowa Council of Early ACCESS Report, pursuant to Chapter 281, Code of Iowa.

Report on School Disaster Waivers, pursuant to Chapter 256.9(59), Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Report on the Expansion of the Divestiture Program Staffing, pursuant to Senate File 2367, 2010 Iowa Acts.

DEPARTMENT OF NATURAL RESOURCES

Household Hazardous Materials Annual Report, pursuant to Chapter 455F.8, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Report of the Iowa Highway Research Board, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Enhanced 911 Annual Report, pursuant to Chapter 34A.7A(3)(a), Code of Iowa.

IOWA STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

Annual Report, pursuant to House File 353, 2007 Iowa Acts.

On motion by Upmeyer of Hancock the House adjourned at 1:37 p.m., until 8:30 a.m., Wednesday, January 12, 2011.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 12, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by former State Representative Rod Roberts. He was the guest of Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lauren Burdt, the Majority Leader's Page from Ankeny.

The Journal of Tuesday, January 11, 2011 was approved.

INTRODUCTION OF BILLS

House File 11, by Pettengill, a bill for an act adding one-half unit of personal finance literacy to the educational program standards established for school districts and accredited nonpublic schools and including an effective date provision.

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

House File 12, by Cownie, a bill for an act to prohibit political telephone calls during the nighttime hours and making penalties applicable.

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

House File 13, by Pettengill, a bill for an act requiring all payments for prepaid cemetery and funeral merchandise, and funeral services to be placed in trust or secured by a surety bond.

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

House File 14, by Pettengill, a bill for an act providing a sales tax exemption for textbooks used in attending a postsecondary educational institution.

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

House File 15, by Pettengill, a bill for an act allowing the issuance of basic health care coverage that does not meet certain special health and accident insurance requirements, and including applicability provisions.

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

House File 16, by Willems and Horbach, a bill for an act relating to fees charged by the natural resource commission to stock private waters with fish.

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

House File 17, by Pettengill and De Boef, a bill for an act increasing the number of members serving on the utilities board within the utilities division of the department of commerce and changing the membership from an appointed to an elected board.

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

House File 18, by Isenhardt, a bill for an act providing for mediation in grandparent visitation actions.

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

House File 19, by Pettengill and Cownie, a bill for an act providing tax credits against the income, franchise, premium, and moneys and credits taxes for employers paying part of their employees' student loans and including a retroactive applicability date provision.

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

House File 20, by Windschitl, a bill for an act relating to lining exemptions for sanitary landfills.

Read first time and referred to committee on **environmental protection**.

House File 21, by M. Smith, a bill for an act relating to the exemption from smoking prohibitions for gaming floors.

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

House File 22, by Windschitl, a bill for an act relating to walking and horseback riding trails on public land under the jurisdiction of the natural resource commission, and providing for penalties.

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

House File 23, by Windschitl, a bill for an act relating to the duties of employees of the department of human services assigned to cases of children in a foster care placement.

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

House File 24, by J. Taylor, a bill for an act providing for administration of a civics examination by school districts and accredited nonpublic schools as a condition of high school graduation.

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

House File 25, by M. Smith, a bill for an act prohibiting the manufacturing, selling, or distributing of caffeinated alcoholic beverages, making penalties applicable, and including effective date provisions.

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

House File 26, by Schulte, a bill for an act providing that seasonal employees are exempt from the Iowa worker adjustment and retraining notification Act.

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

COMMITTEE TO NOTIFY THE SENATE

Schultz of Crawford moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee the following: Schultz of Crawford, Chair; Hein of Jones and Muhlbauer of Crawford.

The House stood at ease at 8:39 a.m., until the fall of the gavel.

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

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Schultz of Crawford, Chair of the committee to notify the Senate that the House was ready to receive it in Joint Convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 3, duly adopted, the Joint Convention was called to order at 9:47 a.m., President Kibbie presiding.

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

The motion prevailed.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to escort Governor

Chester J. Culver to the House Chamber for the Condition of the Judicial Branch Message.

The motion prevailed and the President appointed as such committee Senators Hancock of Dubuque, Dvorsky of Johnson and Boettger of Shelby, on the part of the Senate, and Representatives Soderberg of Plymouth, Klein of Washington and Wolfe of Clinton, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to notify Chief Justice Mark S. Cady that the Joint Convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Fraise of Lee, Hogg of Linn, and Seymour of Harrison on the part of the Senate, and Representatives Anderson of Page, Tjepkes of Webster and Kelley of Jasper, on the part of the House.

SPECIAL PRESENTATION

Senator Kibbie welcomed former Lieutenant Governors Joy Corning and Sally Pederson to the House chamber.

The House rose and expressed its welcome.

Secretary of State, Matt Schultz; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor David Vaudt; and Attorney General Tom Miller were escorted into the House chamber.

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

The Chief Justice's wife, Becky, of Fort Dodge, his son, Spencer, and Spencer's friend Riley Branderhorst, both of Des Moines; and his sister-in-law, Kathy Cady of Springfield, Missouri, were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

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

The committee waited upon Chief Justice Mark S. Cady who delivered the following Condition of the Judicial Branch Message:

Good Morning. Thank you, Speaker Paulsen and President Kibbie for inviting me to address this Assembly today concerning the condition of Iowa's third branch of government. Before I begin this annual report, however, I want to invite all of you to join members of the judicial branch and me for a reception downstairs in our historic courtroom immediately following my remarks.

Seventeen decades have come and gone since Iowa became a territory, then a state, and our tripartite constitutional form of government was created by our forefathers to lead Iowans with hope and confidence into an uncertain future. The hope then, as it remains today, was this government would allow each decade to move forward to a brighter future for all Iowans. The pursuit of this hope is collectively told by the many cases that have emerged from our courthouses over the decades—cases that have become pieces of the mosaic of today's understanding of justice and equality promised by our forefathers in our constitution. These celebrated stories tell the history of our struggles to achieve our promised goals, and are familiar to many. But, other stories, not as grand and recognized, but just as important, tell why our judicial system has worked so well to serve Iowans. Let me just briefly tell you one such story.

Last fall I stopped by the Winneshiek County Clerk of Court office. I met with the clerk of court and her three-person staff, including Kim Glock. Kim told me he began working in the office in 1983, and has considered it to be an honor to be a part of Iowa's system of justice. Over the years, he observed the duties of the office have skyrocketed, and the number of cases to process have soared. Yet, the number of employees in the office has remained the same as today. This has required the staff to regularly come to work early, work late into the day, and spend time at the office on weekends. Now, don't get me wrong, his words were not spoken to complain. He only feared the crushing workload might lead to mistakes. His concern was not for himself, but for the people who use and depend on the courts and for the system of justice itself.

In truth, this simple story can likely be found in every courthouse across Iowa. Our employees—from judges, magistrates, court reporters, juvenile court offices, clerks, court attendants, law clerks, administrators, to other staff—believe in what they do and do it well. As with Kim Glock, they are honored to serve the public, and they do their work in a way that could not honor the people's system of justice more.

The story of our ability to deliver justice to Iowans over the decades—the story of our people—shows our job will be done regardless of the cards we are dealt. But, there is no doubt our mission, more and more, is becoming harder and harder to achieve. I too fear, as Kim Glock does, that the deep cuts in our resources are beginning to cause damage to our system of justice. Let me explain beginning with what I observe to be a decline in access to justice.

Access to Justice

Iowans cannot have the hope of justice without having access to justice. The grim reality is that more and more Iowans with legal problems are forced to wait too long for their day in court. These problems are troublesome to litigants and shake people's confidence in our government. These problems result from a decade of fiscal austerity coupled with Iowans' growing demands for court services.

This situation is not new. It has been raised in the past. Thankfully, you and the governor responded to our concerns last year and provided sufficient funds to prevent further cuts, layoffs, and furloughs. For this action, we are grateful. Like a thumb in the dike, however, this action was merely a temporary fix. It did not halt the continued erosion of court services. The situation grows worse day-by-day.

For example, in the past year, the number of clerk of court offices forced to operate on a part-time basis increased from 26 to 30. Staff reductions are so severe that at times some of these offices must close for business without notice due to unanticipated employee absence. The remaining clerk of court offices operate a full day, but are closed to the public for four hours a week to give employees periods of uninterrupted time to pare down the backlog of work. In addition, it has become increasingly difficult for our juvenile court officers to give troubled children the close, personal attention they need. Also, judicial rulings are delayed because of a lack of clerical support and court reporters.

I will briefly review how we arrived at this critical juncture.

From 2001 through 2009, in response to the state's fiscal problems, the judicial branch like most components of state government had to cut its budget. During those years, the judicial branch cut its budget five times—and each time the cuts were deep. Unlike many state agencies, nearly all of our operating costs are for people—employees and judges. This means that budget cuts almost always require further reductions in our workforce. The end result: our staffing levels have dropped a staggering 17% in the last decade.

Today, Iowa's court system operates with a smaller workforce than it had in 1987. In contrast, over the same period, the total number of legal actions brought by Iowans and Iowa businesses has nearly doubled. In short, Iowa's courts are overrun with work, and Iowans are paying the price with reduced access to justice.

Our ability to deliver court services and resolve litigation to the extent that we do is a tribute to the strong work ethic and indomitable spirit of our judges, magistrates, and court staff. Unfortunately, the admirable efforts of our judges and employees cannot totally shield Iowans from the effects of the past decade of budget cuts.

EDMS and Civil Justice Reform

As we struggle with these obstacles, we continue to move forward by finding innovative ways to improve access to justice.

We are testing a system for electronic filing and retrieval of documents. This system, which we call EDMS, expands access to justice beyond the courthouse walls. It enables litigants, lawyers, and others to file and access court records online, at any

time, night and day. It saves Iowans the cost and inconvenience of traveling to the courthouse to conduct their business. It gives judges access to records as soon as they are filed. If everything goes as planned and we have sufficient resources to move ahead, we should have EDMS fully implemented in five or six years.

In addition, a statewide task force is now studying measures that will allow civil cases to proceed faster and at less expense to litigants. Our Civil Justice Reform Task Force is studying innovations such as dedicated business courts, reforms of discovery procedures, expansion of alternate dispute resolution services, and other potential improvements. We hope to have a road map for civil justice reform and innovation later this year.

We want to provide a legal system that responds to the changing needs of society and the demands of a modern age. In the long run, EDMS and civil justice reform will change how we do our jobs and greatly improve Iowans' access to justice. But these changes alone will not give Iowans all the access to justice and court services they need. These changes will never fill the shoes of court employees who are essential for the effective administration of justice throughout Iowa. At the end of the day, justice requires a personal touch and judgment calls that cannot be attained from a computer terminal, a new procedure, or an Internet connection.

Reasons to Bolster Court Funding

We understand the state's continuing fiscal difficulties and appreciate the tough budget decisions you must make again this year. Even so, there are many reasons to bolster court services through this difficult time.

The recession has placed additional demands on our courts. In the past three years, mortgage foreclosure cases filed in Iowa have increased 17%, debt collection cases have increased 15%, child-in-need-of-assistance cases have increased 23%, and adult civil commitment cases have increased 19%. These legal actions may have a life-altering effect on the Iowans involved. This is not the time to give them ration cards for justice.

In addition, our work has grown in the past few years as a direct result of cuts in services for treating abused and neglected children and troubled youths. The following observations of Juvenile Court Officer Paul Thompson of Marshall County best describe this situation:

"The front end kids are no longer being served, or if they are, not as well. We . . . get these kids later when their problems are more firmly entrenched. . . . The schools and the police look to us for help and we are unable to provide much assistance due to the lack of manpower and funds. Due to funding problems, kids sit in detention or shelter way too long while waiting for appropriate residential treatment. . . . It seems like we are having less success when they come back from placement. The system is certainly broken . . . and the long term effects will show up years down the road."

Similarly, Iowa's fragmented and underfunded mental health system places greater demands on the courts. Because treatment facilities and services are scattered and scarce, court staff in many counties often spend hours on the telephone trying to locate a placement for a person who has been involuntarily committed. These problems coupled with the growth in our civil commitment caseload and our staff reductions call for more resources.

Iowa's economic health provides a third reason for you to provide funds to reinforce court services. Studies in Florida and California suggest that a well-funded court system contributes to the economic well-being of communities. Widespread case delays and closed offices will add to the cost of doing business in this state and add to the uncertainties that inhibit business expansion. A vibrant business community requires a vibrant, fair court system.

We appreciate the continued need for all of government, including the judicial branch, to "share the pain." However, the courts are already stretched painfully thin. I hope we can all agree that Iowans deserve more access to justice than they have now. Our fiscal year 2012 budget request reflects a modest three-year plan to improve Iowans' access to justice. We ask you to give it serious consideration.

I have not detailed the fiscal concerns presented to Iowa's courts as I would, perhaps, under different circumstances, because we now face a challenge of a different nature. I am compelled to address this challenge with you this morning because it threatens to undermine the checks and balances that protect the constitutional rights of all Iowans.

Varnum

When the Iowa Supreme Court decided the *Varnum v. Brien* case on April 3, 2009, we understood it would receive great attention and be subject to much scrutiny. We worked hard to author a written decision to fully explain our reasoning to all Iowans, and we understand how Iowans could reach differing opinions about this decision. In many ways, the public discourse following any court decision on such a major constitutional question of civil rights is what was expected, if not demanded, by our constitution. This time period is what ultimately gives shape to tomorrow's understanding, and can help differences of opinion to merge. This discourse is not new for Iowa, although I doubt it has ever been so strong. Our court has, many times in the past, decided cases involving civil rights that were quite controversial at the time. Yet, over time, those cases have become a celebrated part of our proud and rich Iowa history of equality for all.

I know not how this debate will end, but I do know our constitution will continue to show us the way, as borne out by our history. The constitutional work of the court on this matter is complete, and the history will be written, one way or the other, by your hand, and ultimately the hand of the people of Iowa. But, to help move forward to write this history, I want to address certain misunderstandings about the role of the court in our government. This discussion is done not just to defend our grand system of justice from misunderstandings that threaten to weaken its very fabric and strength, but it is done also with hope my remarks will help redirect the discourse down the path contemplated by our constitution to help reach the bright and proud future I know we all want.

First, I hope to help us move forward by addressing the concerns some Iowans have about our system for selecting judges.

Merit Selection Fosters Fair and Impartial Courts

Iowa has the best method in the nation to select its judges. This method—known as merit selection—must be maintained today to permit us to move forward to a better future. Let me first briefly explain how the system operates.

Iowa's merit selection system was adopted in 1962 through a constitutional amendment for the purpose of minimizing the influence of politics on the selection of our judges. It works by using an independent commission to screen applicants for judicial office and provide a slate of best-qualified applicants to the governor, who then makes the appointment from this list of nominees. There are local commissions to nominate district judges, and there is a state commission to nominate supreme court justices and judges of the court of appeals. My focus this morning will be on the state commission.

The 15-member State Judicial Nominating Commission is composed of a chair, who is the senior justice of the supreme court other than the chief justice, seven nonlawyer commissioners appointed by the governor and confirmed by the Iowa Senate, and seven lawyer commissioners elected by lawyers licensed to practice law in Iowa. Importantly, the Iowa Constitution requires that all commission members be chosen "without regard to political affiliation." Likewise, the law specifically requires the commissioners to choose nominees "without regard to political affiliation."

I understand the nonpartisan nature of the state commission has been questioned at times, most notably when the political makeup of the membership shifts to a majority of Democrats or a majority of Republicans. This shift does occur over time, but it is much less likely the result of the selection of lawyers to the commission, than nonlawyers. Lawyer members are selected by a statewide vote of all practicing lawyers in the state by a ballot that does not name the political party affiliation of the slate of candidates. Lawyers are selected entirely through a nonpartisan election process. The nonlawyers on the commission are selected by the governor, but even if governors may predominantly appoint members to the commission that share his or her party affiliation, this does not mean the appointments are based on party affiliation. I believe this body came to the same understanding in 1986 when Democrats in this chamber were troubled by the apparent Republican dominance of the commission and proposed legislation to require political balance on all the judicial commissions. This approach was rejected, and the selection process remains as it has been for nearly 50 years.

The more important point is that the political affiliation of a commissioner as a Democrat or Republican does not compromise the ability of that person to be dedicated and conscientious about selecting the best and most qualified individuals to serve as judges in our state. Commissioners are Iowans from all walks of life, who care deeply about good government and maintaining Iowa's fair and impartial courts. Over the years, Iowans who have served as commissioners have faithfully fulfilled their duties to the people of Iowa. They have focused on selecting the most qualified nominees. I have had the privilege of serving as the chair of the commission in recent years, and I have seen Democrats, Republicans, and Independents work together to fulfill their duty again and again in nominating the best candidates for vacancies on the appellate courts.

Don Decker, a Ft. Dodge businessman and long-time Republican, who served on the state judicial nominating commission in the mid-1990s, recently told me that, when it came to selecting a slate of nominees for a judicial position, he "rooted for the home team" but always voted for the most qualified applicants regardless of their party affiliation. This honest assessment captures the reason our process has worked so well for so long.

In the final analysis, what really matters is the commitment of each commissioner *and* the governor to the spirit of merit selection and the goal of maintaining Iowa's fair and impartial courts. Importantly, the selection system has been a true success. For the past decade, surveys conducted for the United States Chamber of Commerce have consistently ranked Iowa judges as among the most fair and impartial in the country. Last year, Iowa's judges ranked fourth in the nation. In addition, recent academic studies show that the Iowa Supreme Court has grown to be one of the most influential state supreme courts in the country. These studies rank Iowa fourth in the nation in occasions when other supreme courts rely on our decisions to make their decisions. Our fair and impartial courts are a model of good government, which I am confident all Iowans want. Yet, as we move forward, we should not resist changes in the system that would help reinforce public confidence in it.

Building Public Confidence in Commissions: Enhancements

I believe public confidence in the merit selection system can be enhanced if the nominating commission is made more transparent. The court is pleased the state judicial nominating commission has decided to allow the public to observe its interviews of applicants later this month. This is a positive step.

In addition to opening interviews to the public, we recommend that the state and district nominating commissions: adopt uniform rules of procedure, adopt a code of ethics, and adopt procedures for the release of more information to the public. Shining more light on the nominating process will show that the commissions do indeed operate as designed, by selecting nominees based upon their professional qualifications and without regard to politics or affiliations.

Now I turn to another misunderstanding relating to the function of the courts. Two important principles governing the role of courts are the subject of this misunderstanding. The first is the idea that judges, like politicians, should make decisions according to public opinion or consistent with "the will of the majority."

Principle #1: Courts Serve the People by Serving the Rule of Law

In our government, courts are legal institutions—not political institutions. When a person comes before a judge, that person expects the judge to be neutral and to render a ruling based upon the proven facts of the case and applicable legal principles—not based upon public opinion. Public opinion often shifts. The will of the people followed by courts is the will expressed in our law as constrained by the written principles in the constitution. If this were any other way, "why have a constitution?" When asked, judges must apply these principles according to law, equally to all. This principle is captured in the judicial oath of office. It is also written into our code of ethics, modeled after national standards, that all judges must make decisions without being "swayed by public clamor or fear of criticism." If it were otherwise, the rule of law would surely be compromised, as would our constitution.

Unlike our political institutions, courts serve the law, not the interests of constituents. Courts serve the law, not the demands of special interest groups. Courts serve the law, not the electorate's reaction to a particular decision. By serving the rule of law, courts protect the civil, political, economic, and social rights of all citizens. Chief Justice William Rehnquist called the independence that allows judges to serve the law

“the crown jewel of our system of justice.” I hope we can go forward with the same understanding.

Principle #2: Upholding the Constitution is the Most Important Role of Courts

The next principle I wish to address is the authority and duty of courts to uphold the constitution by declaring statutes or parts of statutes invalid if found to violate the constitution. Iowa’s constitution declares that all laws contrary to the constitution are void. Clearly, our founders anticipated the possibility that the legislature could, at times, approve laws that might conflict with the constitution. Yet, at all times, they made it clear that the words used in the constitution to define our rights constrain all laws that follow.

Upholding the constitution is the most important function of courts. The duty of courts to review the constitutionality of laws is known as judicial review and is one of our most basic responsibilities. Judicial review has been recognized as the responsibility of courts in this country for well over two hundred years. This duty has been well documented and has played an important role in our country throughout its history.

Alexander Hamilton was one of three authors of *The Federalist Papers*, which is considered one of the best explanations of the Constitution and the intent of its framers. In one of the essays, *Federalist 78*, written in the 1780s to help Americans understand the new proposed constitution, Hamilton wrote: “The courts were designed to be an intermediate body *between the people and the legislature*, . . . *to keep the latter within the limits assigned to their authority*. The interpretation of the laws is within the proper and peculiar province of courts.”

Any question about the power of courts to review the constitutionality of a statute was promptly settled in 1803 by the United States Supreme Court. In the landmark case *Marbury vs. Madison*, the Court found a portion of a federal law, the Judiciary Act of 1789, unconstitutional, and thus, invalid. As Chief Justice John Marshall explained in *Marbury*: “It is emphatically the province of the judicial branch to say what the law is . . .” Marshall referred to judicial review as “the *essence* of judicial duty.”

The same principle holds true in Iowa. In 1849, the Iowa Supreme Court issued its first decision that protected the constitutional rights of an Iowan by invalidating a statute enacted by the legislature. In this case, the court stated it was “a settled principle” in this country that courts have the power, “as a matter of right and duty, to declare every act of the legislature made in violation of the constitution, or any provision of it, null and void.” This is the very duty the court exercised in the *Varnum* decision.

Judicial review is so commonplace that, since 1846, litigants in Iowa in roughly 1000 cases have asked the Iowa Supreme Court to protect their constitutional rights by invalidating a state law. During this same time, the court has declared acts of the legislature unconstitutional in over 150 cases. Unlike the *Varnum* decision, however, most of these court decisions have received little attention. But, that lack of attention does not diminish the strength and importance of the principle at stake.

Federal court cases exercising judicial review also provide good examples of the important and accepted role of judicial review because they typically attract more

public attention. For instance, most of you have probably heard of the 1954 U.S. Supreme Court case, *Brown v. Board of Education*, in which the Court struck down state-sanctioned segregated schools as a violation of the equal protection clause. You may also be familiar with the more recent U.S. Supreme Court case known as *Citizens United* in which the Court invalidated a federal campaign finance law to protect the first amendment rights of corporations. In both cases, the Court found that particular acts of the legislative branch violated the Constitution, and these acts were voided by the Court. In both cases, the Court performed its duty under the Constitution.

In short, historical evidence and legal precedents support the authority of courts to invalidate statutes that violate the constitution. I hope my remarks this morning will lead to a more accurate and complete understanding of the court's proper constitutional role.

This point brings me to another misconception about the courts: the notion that the court should suspend its ruling to give the legislature time to act on an unconstitutional statute.

As far back as 1883, the Iowa Supreme Court made it clear that even unpopular rulings could not simply be suspended in time to await any future legislative action. In its decision, the court said that, if courts could be coerced by popular majorities to disregard the constitution any point in time, "constitutions would become mere ropes of sand and there would be an end of . . . constitutional freedom."

Promoting Understanding about the Work of Courts

Lastly, it is my hope that we can move forward with a shared commitment for a greater understanding of our courts and their important role in maintaining our democracy. This understanding can best be achieved by making our courts even more transparent. I am confident the more people of Iowa see their court system operate, the more the public will view the court system with confidence.

In truth, courts adopted an openness standard long before the word "transparency" surfaced in our lexicon. As a general proposition, our courthouse doors and hearings have always been open to the public. Judges have always taken the time to explain court decisions in writing. Yet, the circumstances of the last few months have shown that this is the time to expand our openness even more.

Iowa has been a leader in making the work of courts more transparent. Iowa was one of the first jurisdictions in the country to allow cameras into courtrooms. More recently, we have developed a judicial branch website to help inform the public of our work. This website even allows schools, service groups, and others to make online requests for justices and judges to come into your communities to speak. The website is user friendly, informative, and has been named one of the best court websites in the nation. It is also used for us to receive input on proposed changes in the rules governing court procedures. Up until a year ago, the website also provided a video cast of supreme court proceedings, but this procedure was a victim of the budget cuts. Nevertheless, we can do more to open the work of the courts to the people.

So today I'm pleased to announce the Iowa Supreme Court plans to hold some of its oral arguments in communities across Iowa. This will allow interested citizens an opportunity to watch the court proceedings, and the proceedings can be used as a

teaching tool for our youth. We will also consider other ways to open our work to the public, and we look forward to maintaining a court system that Iowans will always view with confidence and respect.

In the end, we all need to get to know each other better. If we can do this, we will understand each other better and will be able to forge a brighter future for all of us.

Conclusion: Let Us Go Forward with a New Understanding

So, let us go forward with a new understanding—a new understanding of the courts and a new understanding of the direction that will lead to a better and brighter future, for all Iowans. Let us go forward to continue to write our history through the stories of the people of Iowa in a way that our children and their children will look back on with pride, the same pride with which we look back on today at the work of those who have preceded us. Let us go forward with the courage found in our past and the courage of the convictions of our constitution. Let us go forward with greater openness, not only in the way we all do our work, but in what we know and understand today about each other and the world around us. Let us also go forward with a new understanding that rhetoric does have meaning, and with an understanding that rhetoric must therefore be responsible.

I began my remarks by mentioning stories of our past and those of today—one story that explains the strength of our judicial operation, and those celebrated stories that operate to create our greatness. All of these stories define our past, empower us today, and give us promise for tomorrow. So, let me end by asking all branches of government, and all people, to go forward, together, to transform the promise given to us into our proud legacy. The story that is not yet told is our story. Let us go forward to write our untold story with a greater understanding of ourselves, and all Iowans.

Chief Justice Mark S. Cady was escorted from the House chamber by the committee previously appointed.

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

On motion by Upmeyer of Hancock, the Joint Convention was dissolved at 10:57 a.m.

On motion by Upmeyer of Hancock, the House was recessed at 11:03 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:32 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 27, by Windschitl, a bill for an act relating to immigration law enforcement training and the sharing of immigration status information.

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

House File 28, by Hanson, a bill for an act authorizing counties to adopt county legislation relating to the siting of confinement feeding operations.

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

House File 29, by M. Smith, a bill for an act relating to the temporary designation of controlled substances by the board of pharmacy.

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

House File 30, by Windschitl, a bill for an act relating to licensing board rules concerning the scope of practice of licensed professions.

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

House File 31, by Windschitl, a bill for an act relating to water use permit fees and the water use permit fund.

Read first time and referred to committee on **environmental protection**.

House File 32, by Windschitl, a bill for an act relating to children subject to a child in need of assistance removal order relating to the use or presence of methamphetamine.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 5

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 5**, as follows, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 5

BY PAULSEN and McCARTHY

- 1 A concurrent resolution to provide for a joint
 2 convention.
 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
 4 SENATE CONCURRING, That a joint convention of the two
 5 houses of the 2011 session of the Eighty-fourth General
 6 Assembly be held on Friday, January 14, 2011, at 9:00
 7 a.m. at Hy-Vee Hall in Des Moines, Iowa; and
 8 BE IT FURTHER RESOLVED, That the inauguration of
 9 Governor-elect Terry E. Branstad, and Lieutenant
 10 Governor-elect Kim Reynolds be held at this joint
 11 convention of the two houses of the General Assembly,
 12 and that the Speaker of the House of Representatives
 13 and the President of the Senate be designated to extend
 14 the invitation to them.

The motion prevailed and the resolution was adopted.

Koester of Polk moved that the report of the committee on mileage be accepted.

REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to be granted to submit the following report:

Name	Round Trip Miles
Ako Abdul-Samad	NONE
Dwayne A. Alons	460
Richard T. Anderson	258
Richard D. Arnold	140
Francis D. Baltimore	96
Clel E. Baudler	122
Deborah L. Berry	260
Mark A. Brandenburg	256
Joshua J. Byrnes	288
Royd E. Chambers	440
Dennis M. Cohoon	322
Peter M. Cownie	NONE
Betty R. De Boef	166
David R. Deyoe	72
Cecil Dolecheck	180
Jack E. Drake	190
Gregory A. Forristall	250
Nelson Joel Fry	108
Ruth Ann Gaines	NONE
Julian B. Garrett	54

Mary A. Gaskill.....	180
Patrick L. Grassley.....	206
Christopher D. Hagenow.....	NONE
Robert A. Hager.....	448
Christopher C. Hall.....	406
Curtis D. Hanson.....	224
Mary Ann Hanusa.....	260
David E. Heaton.....	284
Lisa K. Heddens.....	77
Lee Hein.....	334
Erik M. Helland.....	NONE
Lance J. Horbach.....	150
Bruce L. Hunter.....	NONE
Daniel A. Huseman.....	330
Charles W. Isenhardt.....	404
Stewart E. Iverson.....	190
David J. Jacoby.....	230
Ronald A. Jorgensen.....	386
Anesa Kajtazovic.....	220
Jeffrey A. Kaufmann.....	276
Jerry A. Kearns.....	366
Daniel D. Kelley.....	66
Jarad J. Klein.....	220
Kevin L. Koester.....	NONE
Robert M. Kressig.....	225
Victoria S. Lensing.....	240
Mark S. Lofgren.....	298
Steven F. Lukan.....	348
James K. Lykam.....	330
Mary J. Mascher.....	240
Glen H. Massie.....	14.50
Kevin M. McCarthy.....	NONE
Helen N. Miller.....	200
Linda J. Miller.....	372
Brian S. Moore.....	400
Daniel W. Muhlbauer.....	220
Patrick J. Murphy.....	400
Joanne M. Oldson.....	NONE
Rick L. Olson.....	NONE
Steven N. Olson.....	360
Tyler G. Olson.....	255
Kraig M. Paulsen.....	250
Ross C. Paustian.....	320
Kim L. Pearson.....	NONE
Janet A. Petersen.....	NONE
Dawn E. Pettengill.....	226
Brian J. Quirk.....	320
Jeffrey S. Raecker.....	NONE
Daniel J. Rasmussen.....	300
Henry V. Rayhons.....	250
Walter T. Rogers.....	216
Kirsten A. Running-Marquardt.....	230

Thomas R. Sands	320
C. Renee Schulte.....	244
Jason M. Schultz.....	274
Tom W. Shaw	292
Jeffrey G. Smith.....	400
Mark D. Smith	104
Charles J. Soderberg.....	450
Sharon S. Steckman.....	245
Robert Kurt Swaim.....	208
Annette M. Sweeney	144
Jeremy J. Taylor	400
Todd E. Taylor.....	248
Phyllis Thede	332
Roger D. Thomas.....	340
David A. Tjepkes.....	180
Linda L. Upmeyer	226
James L. Van Engelenhoven	104
Guy M. Vander Linden	122
Nicholas A. Wagner	244
Ralph C. Watts.....	44
Andrew J. Wenthe.....	352
Beth A. Wessel-Kroeschell.....	70
Nathan T. Willems.....	276
Cindy L. Winckler.....	334
Matthew W. Windschitl.....	256
Ernest J. Wittneben.....	374
Mary L. Wolfe.....	396
Gary T. Worthan.....	308

Respectfully submitted,
Kevin L. Koester, Chair
Mark S. Lofgren
James K. Lykam

The motion prevailed and the report was accepted.

SPONSOR ADDED
(House File 1)

Massie of Warren requested to be added as a sponsor of House File 1.

SPONSOR ADDED
(House File 1)

Pettengill of Benton requested to be added as a sponsor of House File 1.

SPONSOR ADDED
(House File 5)

Pettengill of Benton requested to be added as a sponsor of House File 5.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

Interim Study of Public Land Under the Control of the DNR Used for Public Hunting, pursuant to House File 2525, 2010 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS

House File 5

Human Resources: Anderson, Chair; Brandenburg and Wessel-Kroeschell.

House File 23

Human Resources: Koester, Chair; Massie and Petersen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 1

Appropriations: Wagner, Chair; Murphy, T. Olson, Raecker and Rogers.

On motion by Upmeyer of Hancock the House adjourned at 1:36 p.m., until 8:30 a.m., Thursday, January 13, 2011.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 13, 2011

The House met pursuant to adjournment at 8:36 a.m., Speaker Paulsen in the chair.

Prayer was offered by Deacon Jim Obradovich, Holy Trinity Catholic Church, Des Moines. He was the guest of Representative McCarthy of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kelsey Frisk, House Minority Leader's Page from Logan.

The Journal of Wednesday, January 12, 2011 was approved.

INAUGURAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following members of the inaugural committee on the part of the House: Schulte of Linn, Lukan of Dubuque, Deyoe of Story, Abdul-Samad of Polk, Wittneben of Emmet and Berry of Black Hawk.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House Concurrent Resolution 5** be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 8:41 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 13, 2011, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 5, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Friday, January 14, 2011, at 9:00 a.m. at Hy-Vee Hall in Des Moines, Iowa.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 33, by M. Smith, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including effective date provisions.

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

House File 34, by M. Smith, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

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

House File 35, by Chambers, a bill for an act prohibiting the state board of education from adopting certain federal standards and regulations without specific statutory authorization.

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

House File 36, by Murphy, a bill for an act relating to the payment of reasonable attorney fees relating to an appeal of a termination of parental rights order.

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

House File 37, by Chambers, a bill for an act relating to participation in varsity interscholastic athletic contests and competitions by high school students participating in open enrollment.

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

House File 38, by Murphy, a bill for an act relating to the assessment and taxation of platted lots and including effective date and retroactive applicability provisions.

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

House File 39, by Murphy, a bill for an act exempting commercial kennels from regulation as a commercial establishment when training dogs or cats in the presence of their owners, and providing an effective date.

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

House File 40, by Murphy, a bill for an act requiring performance reviews for the executive director of the board of nursing.

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

House File 41, by Isenhardt and Koester, a bill for an act creating an Iowa institute for public policy.

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

House File 42, by Pettengill, S. Olson, Sands, Deyoe, Lukan, Windschitl, Dolecheck, Chambers, Shaw, Watts, Kaufmann, Soderberg, Worthan, Paustian, and Schultz, a bill for an act repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

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

House File 43, by Pettengill, a bill for an act exempting investment counseling services from state sales tax.

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

House File 44, by Forristall, a bill for an act eliminating the power of a public employer to levy taxes and appropriate funds as a factor in the arbitration of public employee collective bargaining agreements.

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

House File 45, by committee on appropriations, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 6

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 6**, as follows, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 6

BY UPMEYER and McCARTHY

- 1 A concurrent resolution to provide for a joint
- 2 convention.
- 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
- 4 SENATE CONCURRING, That a joint convention of the two
- 5 houses of the 2011 session of the Eighty-fourth General
- 6 Assembly be held on Wednesday, February 16, 2011, at
- 7 10:00 a.m.; and
- 8 BE IT FURTHER RESOLVED, That Brigadier General
- 9 Timothy Orr be invited to present his message of
- 10 the Condition of the Iowa National Guard at this
- 11 convention.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House Concurrent Resolution 6** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on administration and rules.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Annual Report on Articulation Efforts, pursuant to Chapter 168.32(i), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Biodiesel Fuel Revolving Fund Expenditures Report, pursuant to Chapter 307.20, Code of Iowa.

Small Business and Disadvantaged Business Enterprises, pursuant to Chapter 1098, 2010 Iowa Acts.

IOWA INSURANCE DIVISION

Consumer Advocate Bureau Report, pursuant to Chapter 505.8(6b), Code of Iowa.

ICN Cost Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 2**

Commerce: Horbach, Chair; Pettengill and Quirk.

House File 11

Education: Koester, Chair; Gaines and Hanusa.

House File 13

Commerce: Pettengill, Chair; Fry and Kressig.

House File 15

Commerce: Pettengill, Chair; Baltimore and Kajtazovic.

House File 18

Judiciary: Rogers, Chair; Kaufmann and Lensing.

House File 24

Education: Cownie, Chair; Steckman and J. Taylor.

House File 27

Judiciary: Massie, Chair; Tjepkes and Wessel-Kroeschell.

House File 32

Judiciary: J. Taylor, Chair; Heaton and M. Smith.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 2 Administration and Rules**

A resolution relating to permanent rules of the House for the Eighty-fourth General Assembly.

H.S.B. 3 Administration and Rules

A concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 1), relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 12, 2011.

On motion by Upmeyer of Hancock the House adjourned at 1:07 p.m., until 8:15 a.m., Friday, January 14, 2011 at Hy-Vee Hall, Des Moines.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Room 6, Hy-Vee Hall
Des Moines, Iowa, Friday, January 14, 2011

The House met pursuant to adjournment at 8:14 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

The Journal of Thursday, January 13, 2011 was approved.

COMMITTEE TO NOTIFY THE SENATE

Forrinstall of Pottawattamie moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee: Forrinstall of Pottawattamie, Chair; J. Taylor of Woodbury and M. Smith of Marshall.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Forrinstall of Pottawattamie, Chair of the committee to notify the Senate that the House was ready to receive it in Joint Convention, reported that the committee had performed its duty. The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

The Joint Convention was called to order at Hy-Vee Hall at 8:21 a.m., President Pro Tempore Danielson presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President Pro Tempore of the Joint Convention be authorized to declare a quorum present.

The motion prevailed.

President Pro Tempore Danielson declared a majority of the General Assembly present at the Joint Convention.

The report of the canvass of the votes was read by W. Charles Smithson, the Secretary of the Joint Convention, as follows:

MR. PRESIDENT AND GENTLEMEN AND LADIES OF THE JOINT CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor at the election held November 2, 2010 beg leave to make the following report of the total vote cast for Governor:

Terry E. Branstad	592,494
Chet Culver	484,798
Jonathan Narcisse.....	20,859
Eric Cooper	14,398
David Rosenfeld.....	2,757
Gregory J. Hughes.....	3,884
Scattering	2,823

And the total vote cast for Lieutenant Governor at the election, held November 2, 2010:

Kim Reynolds	592,494
Patty Judge.....	484,798
Richard Marlar.....	20,859
Nick Weltha	14,398
Helen Meyers.....	2,757
Robin Prior-Calef.....	3,884
Scattering	2,823

All of which is most respectfully submitted.

TOM RIELLY
Teller of the Senate
STEVEN SODDERS
Assistant Teller
RANDY FEENSTRA
Assistant Teller
W. CHARLES SMITHSON
Secretary of the Joint Convention

ROYD E. CHAMBERS
Teller of the House
CHUCK ISENHART
Assistant Teller
RON JORGENSEN
Assistant Teller

Senator Rielly of Mahaska moved that the report be adopted.

The motion prevailed and the report was adopted.

President Pro Tempore Danielson of the Joint Convention announced that the Honorable Terry E. Branstad and the Honorable Kim Reynolds, having received the highest number of votes cast for Governor and Lieutenant Governor of the State of Iowa, respectively, for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the Joint Convention:

CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY
HALL OF THE HOUSE OF REPRESENTATIVES

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Eighty-fourth General Assembly of the State of Iowa, of all the votes cast at the general election held November 2, 2010, for the office of Governor of the State of Iowa, it appeared that Terry E. Branstad received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Fourteenth day of January, A.D., 2011.

KRAIG PAULSEN
Speaker of the House

JEFF DANIELSON
Presiding Officer of the
Joint Convention

TOM RIELLY
Teller of the Senate

ROYD E. CHAMBERS
Teller of the House

W. CHARLES SMITHSON
Chief Clerk of the House and Secretary of the Joint Convention

CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY
HALL OF THE HOUSE OF REPRESENTATIVES

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Eighty-fourth General Assembly of the State of Iowa, of all the votes cast at the general election held November 2, 2010, for the office of Lieutenant Governor of the State of Iowa, it appeared that Kim Reynolds received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Fourteenth day of January, A.D., 2011.

KRAIG PAULSEN
Speaker of the House

JEFF DANIELSON
Presiding Officer
of the Joint Convention

TOM RIELLY
Teller of the Senate

ROYD E. CHAMBERS
Teller of the House

W. CHARLES SMITHSON
Chief Clerk of the House and Secretary of the Joint Convention

President Pro Tempore Danielson then directed that the abstract of votes and certificates of election be filed with the Secretary of State.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor-elect Terry E. Branstad and Lieutenant Governor-elect Kim Reynolds of the official result of the canvass of votes.

The motion prevailed and the President Pro Tempore named as such committee Senators Beall of Webster, Bolkcom of Johnson and Kapucian of Benton, on the part of the Senate and Representatives Windschitl of Harrison, Rogers of Black Hawk and M. Smith of Marshall, on the part of the House.

The Joint Convention stood at ease at 8:25 a.m., until the fall of the gavel.

The Joint Convention resumed at 9:22 a.m., President Pro Tempore Danielson presiding.

REPORT OF COMMITTEE

Senator Gronstal of Pottawattamie announced that the joint committee appointed to notify Governor-elect Terry E. Branstad and Lieutenant Governor-elect Kim Reynolds of their election to the office of Governor and Lieutenant Governor of Iowa, respectively, submitted the following report and moved its adoption:

REPORT OF COMMITTEE

MR. PRESIDENT: As a committee appointed at the Joint Convention to notify the Honorable Terry E. Branstad and the Honorable Kim Reynolds of their election to the office of Governor and Lieutenant Governor, respectively, we beg leave to report that we have performed the duty assigned to us and that they stand ready to assume duties of the offices to which they were elected.

Respectfully submitted,

DARYL BEALL
JOE BOLKCOM
TIM KAPUCIAN

MATT WINDSCHITL
WALT ROGERS
MARK SMITH

The motion prevailed and the report was adopted and the committee was discharged.

The Joint Convention stood at ease and proceeded to the floor of the auditorium for the inauguration of Governor-elect Terry E. Branstad and Lieutenant Governor-elect Kim Reynolds.

State Auditor, David Vaudt; Attorney General, Tom Miller; Secretary of State, Matt Schultz; Secretary of Agriculture and Land Stewardship, Bill Northey and State Treasurer, Michael Fitzgerald were seated prior to the Joint Convention.

The Joint Convention resumed at 9:42 a.m., President Pro Tempore Danielson presiding.

The Legislative Inaugural Committee, consisting of Senators Black of Jasper, Hogg of Linn, Ragan of Cerro Gordo, Kettering of Sac, Zaun of Polk and Kapucian of Benton on the part of the Senate and Representatives Schulte of Linn, Lukan of Dubuque, Deyoe of Story, Abdul-Samad of Polk, Wittneben of Emmet and Berry of Black Hawk

on the part of the House, escorted Governor-elect Branstad and Lieutenant Governor-elect Reynolds to the Joint Convention.

The "Battle Hymn of the Republic" and "God Bless America" were sung by John Cheatem and Linda Juckette.

The Honorary Sergeant-at-Arms, Sergeant First Class Troy Thompson, announced the arrival of the family of Lieutenant Governor-elect Reynolds.

The family of Lieutenant Governor-elect Reynolds was escorted to their seats.

The Sergeant-at-Arms announced the arrival of the family of Governor-elect Branstad.

The family of Governor-elect Branstad was escorted to their seats.

The Sergeant-at-Arms announced the arrival of the Most Reverend Martin J. Amos, on behalf of the Most Reverend Jerome Hanus.

Most Reverend Martin J. Amos was escorted to his seat.

The Sergeant-at-Arms announced the arrival of Pastor Chuck DeVos.

Pastor Chuck DeVos was escorted to his seat.

The Sergeant-at-Arms announced the arrival of the Official 2011 Inaugural Committee.

The Official 2011 Inaugural Committee was escorted to their seats.

The Sergeant-at-Arms announced the arrival of the Chief Justice of the Iowa Supreme Court, Mark Cady.

Chief Justice Cady was escorted to his seat.

The Sergeant-at-Arms announced the arrival of the General Assembly Inaugural Committee.

The General Assembly Inaugural Committee was escorted to their seats.

The Sergeant-at-Arms announced the arrival of Lieutenant Governor-elect Reynolds, and her husband, Kevin Reynolds.

Lieutenant Governor-elect Reynolds, and her husband, Kevin Reynolds were escorted to their seats by Brigadier General Greg Schwab.

The Sergeant-at-Arms announced the arrival of Governor-elect Branstad and his wife, Chris Branstad.

Governor-elect Branstad and his wife, Chris Branstad were escorted to their seats by Brigadier General Timothy Orr.

The colors were advanced by the Iowa National Guard.

The National Anthem was sung by Linda Juckette.

The invocation was delivered by the Most Reverend Martin J. Amos from the Catholic Diocese in Davenport, Iowa.

The oath of office was administered to Lieutenant Governor-elect Kim Reynolds by Chief Justice Mark Cady, and assisted by Kevin Reynolds.

President Pro Tempore Danielson presented Lieutenant Governor Kim Reynolds who gave the following remarks:

Governor and Mrs. Branstad, Governor Ray, Chief Justice Cady, my colleagues in the General Assembly, elected officials, distinguished guests, family, friends and fellow Iowans. Thank you for being here this morning.

Senator Danielson, thank you for that kind introduction.

I stand here today as a proud but humble southern Iowa girl. Daughter of a factory worker and small farmer, a quiet but strong mother, parents who raised me knowing the importance of faith and family, to always tell the truth, and with a deep regard for personal responsibility. I stand here as your Lieutenant Governor, full of pride and anticipation, and eager to serve the people of this great state.

To my parents, Charles and Audrey thank you for your love, encouragement, never ending support and for instilling in us the American Dream, that we could do anything, be anybody. For teaching us to treat people with respect, work hard and believe in ourselves; that if we do that, all things are possible.

To my husband, Kevin, thank you for being the most loving and understanding person in my life, and for being an amazing father and role model to our daughters, Nicole, Jen and Jessica. Through the tough times and with each NEW challenge, guided by our faith each of you has been my source of strength. Thanks for keeping me grounded and real; for believing in me; for the many sacrifices; and for the endless encouragement that has led to this day.

To my mother-in-law, Ramona, who this December lost her battle with cancer. A wife and mother who became a widow at age 35 with 6 young children to raise by herself on the farm. Thank you for raising a patient, thoughtful, sometimes stubborn son, who is a loving and caring husband, dad and grandpa.

Through your courage, strength, giving nature, dignity and faith you gave us a wonderful example of how to live life.

Thank you to all the county treasurers, Republican and Democrat, across the state, my second family, for your friendship, support and for setting a great example of what public servants can accomplish when they embrace change, focus on service and work together.

And, to you, Governor Branstad, thank you for the confidence you have shown in me to serve as your lieutenant governor. You are an inspiration to me and to all who serve the public, for your selfless devotion to our state. Your leadership, Integrity, love for this state and your tireless work on behalf of others sets a high bar that challenges and motivates not only me but all those around you.

Today, we have before us a new Iowa, new challenges, new hopes and new opportunities. A new Iowa built on our tried and true values.

Values of openness, open people with open hearts,

Values of honesty, honest people doing honest work

Values of caring, caring for each other, our children, parents, neighbors and our communities.

Values of family, the fundamental bedrock of our society, to be strengthened and protected if we are to realize our potential.

Values of Personal Responsibility, not expecting others to do for us what we can do for ourselves, leading by example.

Those are the values we start with, values passed down from generation to generation by our ancestors who worked the fields, built the towns, started the industry.

Those values remain with us today. They are the foundation building blocks of the new Iowa we will shape together.

It begins by listening to you, all Iowans. Because no person, no party, no pundit has a monopoly on good ideas. This is your government.

Together, we will work with you, with the leaders of your communities and neighborhoods to keep our main streets vibrant and open, to promote and market Iowa to the World that in turn will bring jobs and prosperity to every corner of Iowa.

Together, we will redefine the role and structure of government; a limited, transparent, smaller government, which focus on essential services, infrastructure, safety, and quality education, a partner rather than an obstacle in reaching our goals.

Together, we will reshape education. To make sure that from pre-school to the universities you have access to the best education in the world.

This new Iowa will require open minds, a willingness to do things different, to embrace change. We no longer will be able to do things the way we have always done them. None of this will be easy. But it is long overdue and it is the right thing to do. It is with great challenges that we find great opportunities.

It can and will be done. We can use technology to both reduce the size of government and deliver services to Iowans more efficiently. We can work together, state and local, public and private, to transform the way we deliver services to Iowans. With a little "out-of-the-box" thinking can stretch our services and better utilize our dollars.

I believe in Iowans and the heart of Iowa is my passion. The families, small communities and neighborhoods, the quality of life that make Iowa such a special place. My focus will be on creating an environment where business owners choose to invest in our workforce and our communities where good jobs can be found all across Iowa. And policies that reinforce family values thus strengthening the family unit, which is the backbone of our state.

But government can only do so much. And often it becomes involved in too much or only when it is too late.

It is up to each of us, as leaders in our families and communities, to step up and do what is right without the expectation of honor or glory.

Let our reward be instead the satisfaction that comes from leaving our children a brighter future a better Iowa. In the words of Winston Churchill, "We make a living by what we get, but we make a life by what we give."

And in that same spirit of service I cannot help but recall my visit to the home of the Pender family, Jim and Michelle, of Windsor Heights.

They are the parents of five adopted special needs children. They range in age from 14 to 21. Despite their handicaps, the oldest 4 are all looking forward to their lives as adults.

The youngest 14 year-old Rachael has cerebral palsy, the result of a stroke she suffered in the womb because her biological mother used methamphetamines. Rachael can't speak, and moves only with the help of a wheelchair.

I had the opportunity to spend a morning with Rachael and her parents, from waking Rachael, to getting her dressed, fixing her hair, feeding her breakfast, and

despite a few challenges with her wheelchair I got her on the school bus. It was a very moving morning and the smile on her face as she boarded the bus will be with me always. Rachael inspires all who come in contact with her by her undaunted spirit.

She inspired me. As her mother Michele said, "She teaches others about life. Her life is different, but like her brothers and sisters, she's no less worthwhile." It was Rachel's love of life in spite her challenges that really touched my heart.

The Pender's don't limit their caring to their children. Whenever anyone elderly or sick needs help, they are the first ones there.

Why do they do it? They'll be the first to tell you they are not special, just as Jim says, "we are doing the best we can with whatever God has chosen to give us to do that day."

My fellow Iowans let us all do the best we can with what God has given us. If we can do that, I have no doubt that Iowa's best days are still ahead of us we will make a difference and will leave Iowa a better place for generations to come.

Thank you!! God bless you and the great state of Iowa.

Now, please join me in welcoming the Heartland Youth Choir.

The Heartland Youth Choir performed.

The oath of office was administered to Governor-elect Terry E. Branstad, by Chief Justice Mark Cady, and assisted by Chris Branstad.

President Pro Tempore Danielson presented Governor Terry E. Branstad, who delivered the following inaugural address:

Madam Lieutenant Governor, Mr. Speaker, Madam and Mr. Leader, Mr. Chief Justice, justices and judges, legislators, elected officials, distinguished guests, relatives and friends.

Senator Danielson, thank you for that introduction.

Even though Governor Culver is not with us today, I want to thank him on behalf of all Iowans for his service.

Leader Upmeyer, let me congratulate you on being the first woman to be elected as a majority leader in the history of our state. We are all proud of you. Your dad, Del, I'm sure is smiling down on us today, proud as can be.

Lieutenant Governor Reynolds, thank you for those inspirational remarks. In you, I think I've finally met my match in energy and passion for Iowa.

I look forward to the day when we can witness the swearing in of our first woman Governor. It is about time.

For the past 15 months, I have traveled our state, from river to river, border to border, from farm to factory, from cafe to office building.

It has been the experience of a lifetime. To reconnect with Iowans at their jobs, schools, places of worship and play. To have a conversation with them about our state, where we are and where we, as a people, want to go.

And what I would like to do today, on this, the occasion of my fifth inaugural as your Governor, is tell you what I learned. To make my humble attempt to distill our collective wisdom into a statement of principles, a new covenant between a state and its people.

This new covenant must have as its polestar the fact that Iowa is an exceptional place. We are blessed with the richest resources of soil and water, which are the envy of the world. Populated by hard working, honest and caring people, this land feeds and powers the world.

And, ignited by our ingenuity, we have only scratched the surface of our potential.

Iowa stands at the precipice of opportunity greater than at any time since our ancestors crossed the Mississippi to view an expanse of prairie as far as the eye could see. With the advent of open markets, a growing world middle class, and a need for sustainable solutions to the world's problems, Iowa sits in the catbird seat of history.

The world is hungry for our food and biomass, envious of our technology, pining for our productivity. The economic winds, which for a century or more blew in our face, are now firmly at our back.

Iowa is exceptional and these are exceptional times. Our challenge: to seize the day.

To those who say that our goals of 200,000 new jobs and 25% increase in family incomes are too high, I say, you ain't seen nothing yet. Only wrong-headed policy choices can prevent us from entering a golden era in Iowa history.

And, we must start with government. It must change, lest it dampen our opportunity and squelch the individual initiative which is our engine for growth.

Our old ways of doing the government's business must be radically altered to do the people's business. We must be rid of the yoke of government which taxes us too much, spends too much and regulates us too much. Government must, as Abraham Lincoln once said, do only that which the people cannot do for themselves.

That is new covenant principle number one: we have too much government, state, county, city, school, local and it must be reduced. For too long, we have papered over the fact that our appetite for government exceeds our pocket book to pay for it.

As my 86 year old dad, Edward, who is with us today would say "our eyes are bigger than our wallet."

Our auditor tells us that at least 15% must be permanently eliminated from government to make our books balance once and for all. And I aim to make sure we do it and do it now.

We will all share in the sacrifice, while protecting those who need our help. But we will remove the lead boots of excess government from our economy. And without that burden, we will be able to run like the wind in the race to prosperity.

Second, government must serve the people. And not vice versa. Leadership is about service, not power. I stand here, again, as your Governor, with my wife, kids and grandkids at my side, because I yearn to serve. And I ask each government employee, from the clerks to the supervisors, to the department heads, to never forget: it is the people who are our bosses.

And we must serve each other, without the compulsion of government.

In 1835, as Alexis de Tocqueville toured the United States, he noticed that Americans were different from Europeans. He said, "wherever at the head of some new undertaking you see the government in France, or England, in the United States you will be sure to find an association."

That is still true today. Every day Iowa's volunteers make our state the wonderful place it is to live, work and raise a family.

The Boone Hope Foundation is a great example. Kids were coming to school without a warm coat, or hungry, tired, sick or worried about their family. Teachers, like many others throughout Iowa, used their own funds to help those kids, knowing that students can't learn when their basic needs are not met.

Those caring teachers helped start the Boone Hope Foundation, which since 2005 has raised over \$129,000 from community donations to help students and their families in times of crisis. Groceries, medical bills, eyeglasses, snow boots and mittens have all been provided to children in need because a community cares.

Let us all renew our commitment to get involved: help the homeless, feed the hungry, minister to the sick, pray for the wayward. To make each of our communities better by stepping up and stepping out. And to those who are most fortunate, we bear a special responsibility to extend the ladder of opportunity to those in need.

We need look no further than the record number of Iowans who are currently deployed in the armed forces. From Salvatore Giunta to Anthony Sellers, our service men and women protect us every day with their valor and sacrifice. We all know the story of Salvatore Giunta, our most recent recipient of the Medal of Honor. And all Iowans are "busting their buttons" proud of him for his bravery, courage, and steely resolve.

I doubt that many of you know Sgt. Anthony Sellers of Burlington but I was privileged to meet him, introduced to me by his proud father Kent. Kent is a veteran himself confined now to a wheelchair, but beaming about his son who has completed two tours in Iraq and is now in Fort Benning to prepare for another deployment.

Anthony, like the thousands of other Iowans who have answered the call of freedom, embodies the spirit of selfless service that makes our state and country that “shining city on a hill” that Tom Paine wrote about over two centuries ago. Surely, we can use their example as inspiration.

Third, it is time to restore integrity and transparency to our government decision-making processes. In Iowa, we have prided ourselves on limited, but quality, government services. When government said it would do something, it did it, and for the right reasons. Our problems were serious, but manageable, and, as people of good faith, we rolled up our sleeves and solved them.

But we’ve gotten off track. We’ve over-promised and under-delivered, turning solutions into problems. Iowans deserve better. We will get back on track with a slimmer, better managed and sustainable government you can count on when you need it. And it will start by opening up to the people our budgets, briefings and the like. Sunshine remains the best cure for what ails our government.

The fourth principal of our new covenant in Iowa must be a renewed commitment to provide the best education in the world. Providing Iowa’s children with a globally competitive education is key to their future and the future of this state. Employers say they need a better-prepared, better-trained work force. That means higher expectations for schools.

Sadly, where once Iowa’s educational system was the envy of the world, today it is in the middle of the pack.

Our young people must be able to think critically, solve problems and communicate effectively. They need a strong background in math, science, English and social studies. The bar is continually being raised in a knowledge-based economy.

It is time to put in place reforms that are hallmarks of high-performing school systems starting with assuring there is a first-rate teacher in every classroom.

The new year is an opportunity for Iowans to have a conversation about how to accomplish this. How can we attract more top students into the teaching profession? What do good, experienced teachers need to become more effective instructors?

And how do we get rid of teachers whose students consistently do not learn enough even after those teachers have received coaching to improve?

I plan to convene an education summit with some of the top education leaders in our nation and state to benchmark Iowa’s status and lay out a plan for legislative consideration that will give our kids the best education in the world.

But it is not just schools that must do more. Teaching children the value of a good education is the job of parents. Instilling the importance of lifelong learning not just by words but by example will help families and Iowa prosper. It is time for all of us to get involved.

Finally, we must celebrate success. Our tax system, whether it be property or income taxes punishes those who create the jobs we need. That will change. Both will be reduced and simplified.

The job creators will be rewarded; they are welcome here and it is about time our tax system reflects that fact.

As with our tax system, so must our attitudes toward success, change.

While our modesty in the face of success is sometimes charming, it can too often limit our reach. Alex Haley once said that we should "find the good and praise it."

In our state and in our communities, we should find success and praise it. We should reward responsible risk-taking, for it is only through the creation of a spirit of entrepreneurship that all parts of our state, rural and urban, will grow. That is the ticket to bringing our sons and daughters home and giving all who live here a chance to share in our bounty.

That, then, is what I learned on my travels around our state. Iowans have worked harder, sacrificed more and tightened their belts further as they endured the Greatest Recession since the Great Depression. And now it is time for government to do the same.

It is time for a new covenant between Iowans and their government. It is a covenant that is founded upon principles of limited government, service above self, transparency and integrity, world class schools and celebrating the success of Iowans.

These are the principles that will guide my days as your Governor. The collective wisdom of Iowans will inspire me every day as I strive to give Iowans a government as good as the people it serves.

I ask all of you, Republican and Democrat, liberal and conservative, old and young, to join me in that effort.

No one of us has all the answers, but together, we cannot fail.

One long day on the campaign trail, I was visiting with some folks in a small town café. One of the farmers, who appeared to be in his 80's asked me what I wanted to accomplish by running for governor again.

Well, I rattled off our goals and then stopped and looked at him and asked him what he felt he had accomplished in his days. He looked at me with a twinkle in his eye, took a long sip of coffee and shifted his feet. "Well," he said, "I left my farm better than I found it."

When our days are done, when our time has come, we will be asked, how do we wish to measure our days?

I, for one, remember that farmer in that café: I hope to leave the state better than I found it. If all of us would approach our days with that same sense of stewardship, we will have fulfilled our mission.

With your help and Godspeed that will be the case. And the remarkable history of an exceptional state will march on, unabated...Thank you, God bless you and God bless the great state of Iowa.

The benediction was offered by Pastor Chuck DeVos of the Life Point Assembly of God Church in Osceola.

On motion by Upmeyer of Hancock, the Joint Convention was dissolved at 10:39 a.m.

The House reconvened at 10:50 a.m., Speaker Paulsen presiding.

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF EDUCATION

Iowa Core Annual Report, pursuant to Chapter 256.9(59), Code of Iowa.

Student Achievement and Accountability Annual Report, pursuant to Chapters 284.12 and 284.13, Code of Iowa.

AEA Task Force Final Report 2011, pursuant to Chapter 1092, Iowa Acts.

DEPARTMENT OF REVENUE

Report of the Iowa Capital Investment Board, pursuant to Chapter 15E.46, Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 4 Public Safety

Relating to the control of marijuana, including an effective date provision, and providing a penalty.

H.S.B. 5 Public Safety

Adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision.

H.S.B. 6 Judiciary

Relating to the release and satisfaction of judgments.

H.S.B. 7 Judiciary

Relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

H.S.B. 8 Judiciary

Relating to the foreclosure of a real estate mortgage.

H.S.B. 9 Judiciary

Modifying the definition of assault.

H.S.B. 10 Judiciary

Concerning the retention of funds due to contractors on public improvements.

H.S.B. 11 Judiciary

Relating to the placement of a juvenile on youthful offender status in district court.

H.S.B. 12 Judiciary

Relating to the waiting period before the granting of a decree dissolving a marriage.

On motion by Upmeyer of Hancock the House adjourned at 10:50 a.m., until 10:00 a.m., Tuesday, January 18, 2011.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 18, 2011

The House met pursuant to adjournment at 10:02 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ben Keagle, Page from St. Charles.

The Journal of Friday, January 14, 2011 was approved.

INTRODUCTION OF BILLS

House File 46, by Hunter, a bill for an act providing free motor vehicle registration for certain disabled veterans.

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

House File 47, by Windschitl, a bill for an act repealing the state inheritance tax and the state qualified use inheritance tax.

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

House File 48, by Hunter, a bill for an act relating to reduced fees for camping and other special privileges for certain older Iowans.

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

House File 49, by Hunter, a bill for an act providing for reduced automobile insurance premiums for older adults who complete a certified driver safety education course.

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

House File 50, by Baltimore, Helland, Grassley, Brandenburg, J. Smith, Tjepkes, Koester, Kaufmann, Horbach, Deyoe, and Byrnes, a bill for an act requiring arbitrators of public employee collective bargaining agreements to compare public-sector employment with private-sector employment.

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

House File 51, by Pettengill and Horbach, a bill for an act providing for the allocation of moneys appropriated to the Iowa resources enhancement and protection fund.

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

House File 52, by Hunter, a bill for an act relating to the establishment of a study of the economic, fiscal, and social impact of the living wage in Iowa.

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

House File 53, by H. Miller, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

House File 54, by Helland, Wagner, Raecker, Upmeyer, Baltimore, Soderberg, Brandenburg, Rayhons, Drake, J. Smith, and De Boef, a bill for an act relating to the comparison of public sector employment with private sector employment in the arbitration of collective bargaining agreements.

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

House File 55, by Baudler, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and to employees of entities receiving government funds pursuant to a service contract with the state and providing an effective date.

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

On motion by Upmeyer of Hancock, the House was recessed at 10:07 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:58 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 56, by Pettengill, Dolecheck, Hanusa, Horbach, Massie, Heaton, Huseman, Paustian, Helland, Lofgren, Schultz, De Boef, and J. Taylor, a bill for an act exempting certain sales by qualified organizations representing veterans from sales tax.

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

House File 57, by Isenhardt, a bill for an act providing for the discretionary waiver of use tax penalties and interest and including effective date and retroactive applicability provisions.

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

House File 58, by Swaim, a bill for an act relating to the appointment of a district associate judge.

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

House File 59, by Isenhardt, a bill for an act providing for the adoption and implementation of complete streets policies applicable to certain highway projects.

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

House File 60, by Schulte, a bill for an act relating to the Alzheimer's disease task force report.

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

House File 61, by Isenhardt, a bill for an act relating to agreements concerning disadvantaged workers under the industrial new jobs training program.

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

House File 62, by Winckler, Mascher, Lensing, Berry, and Wessel-Kroeschell, a bill for an act relating to the allocation and issuance of qualified student loan bonds under the private activity bond allocation Act.

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

House File 63, by Kaufmann and Swaim, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

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

House File 64, by Kaufmann, Grassley, Sweeney, and Pearson, a bill for an act relating to eminent domain authority and procedures and including effective date and applicability provisions.

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

House File 65, by Isenhardt, a bill for an act allowing qualified organizations to lease electronic bingo equipment in order to assist disabled participants.

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

House File 66, by Chambers, J. Taylor, Shaw, Sweeney, Hanusa, Vander Linden, Kearns, Thomas, Muhlbauer, Wittneben, Berry, Alons, Lukan, Rayhons, Heddens, and J. Smith, a bill for an act relating to children of military service members on active duty.

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

MEMBER OATH OF OFFICE

The following member took and subscribed to the oath of office as follows:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly according to the best of my ability, so help me God.”

Stewart Iverson, Jr.

HOUSE FILE 3 REREFERRED

The Speaker announced that House File 3, previously referred to committee on **economic growth/rebuild Iowa** was rereferred to committee on **labor**.

SPONSOR ADDED
(House File 11)

Lofgren of Muscatine requested to be added as a sponsor of House File 11.

SPONSOR ADDED
(House File 19)

Lofgren of Muscatine requested to be added as a sponsor of House File 19.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Local Food and Farm Plan Report, pursuant to Chapter 1191.27, 2010 Iowa Acts.

DEPARTMENT OF EDUCATION

Kindergarten Literacy Assessment Report, pursuant to Chapter 279.60, Code of Iowa.

Charter and Innovation Zone Schools in Iowa Annual Report, pursuant to Chapter 256F.10, Code of Iowa.

Child Development Coordinating Council, pursuant to Chapter 256A.3, Code of Iowa.

DEPARTMENT OF REVENUE

Streamline Sales Tax Advisory Council Report, pursuant to Chapter 423.9A, Code of Iowa.

Court Debt Amnesty Report, pursuant to Senate File 2383, 2010 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS

House File 6

State Government: Helland, Chair; Hunter and Jorgensen.

House File 7

Public Safety: Windschitl, Chair; Baudler, Hagenow, Kressig and R. Olson.

House File 8

State Government: Schulte, Chair; Gaskill and Pettengill.

House File 33

Human Resources: Heaton, Chair; Pearson and M. Smith.

House File 34

Human Resources: Heaton, Chair; Pearson and M. Smith.

House File 35

Education: Chambers, Chair; Jorgensen and Mascher.

House File 37

Education: Schulte, Chair; Abdul-Samad and Byrnes.

House File 40

Human Resources: L. Miller, Chair; Garrett and Winckler.

House File 53

Transportation: Rogers, Chair; Hanson and Rasmussen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 4

Public Safety: Sands, Chair; Fry and Wolfe.

House Study Bill 5

Public Safety: Sands, Chair; Abdul-Samad and Fry.

House Study Bill 6

Judiciary: Pearson, Chair; Gaines and Kaufmann.

House Study Bill 7

Judiciary: Hagenow, Chair; Heaton and Wolfe.

House Study Bill 8

Judiciary: Baltimore, Chair; Massie and Swaim.

House Study Bill 9

Judiciary: Pearson, Chair; Alons and R. Olson.

House Study Bill 10

Judiciary: Baltimore, Chair; Kaufmann and Wessel-Kroeschell.

House Study Bill 11

Judiciary: Garrett, Chair; Heaton and M. Smith.

House Study Bill 12

Judiciary: Garrett, Chair; Oldson and Tjepkes.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 13 Ethics

A resolution relating to the rules governing lobbyists in the House of Representatives.

H.S.B. 14 Ethics

Relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

H.S.B. 15 Ethics

A resolution relating to the House code of ethics.

AMENDMENTS FILED

H-1001	H.F.	45	Kaufmann of Cedar Grassley of Butler
H-1002	H.F.	45	Swaim of Davis
H-1003	H.F.	45	Hall of Woodbury
H-1004	H.F.	45	Winckler of Scott
Abdul-Samad of Polk			Berry of Black Hawk
Cohoon of Des Moines			Gaines of Polk
Gaskill of Wapello			Hall of Woodbury
Hanson of Jefferson			Heddens of Story
Hunter of Polk			Isenhart of Dubuque
Jacoby of Johnson			Kajtazovic of Black Hawk
Kearns of Lee			Kelley of Jasper
Kressig of Black Hawk			Lensing of Johnson
Lykam of Scott			Mascher of Johnson
McCarthy of Polk			H. Miller of Webster
Muhlbauer of Crawford			Murphy of Dubuque
Oldson of Polk			R. Olson of Polk
T. Olson of Linn			Petersen of Polk
Quirk of Chickasaw			Running-Marquardt of Linn
M. Smith of Marshall			Steckman of Cerro Gordo
Swaim of Davis			T. Taylor of Linn
Thede of Scott			Thomas of Clayton
Wenthe of Fayette			Wessel-Kroeschell of Story
Willems of Linn			Wittneben of Emmet
Wolfe of Clinton			
H-1005	H.F.	45	T. Olson of Linn
Abdul-Samad of Polk			Berry of Black Hawk
Cohoon of Des Moines			Gaines of Polk
Gaskill of Wapello			Hall of Woodbury
Hanson of Jefferson			Heddens of Story
Hunter of Polk			Isenhart of Dubuque
Jacoby of Johnson			Kajtazovic of Black Hawk
Kearns of Lee			Kelley of Jasper
Kressig of Black Hawk			Lensing of Johnson
Lykam of Scott			Mascher of Johnson

McCarthy of Polk			H. Miller of Webster
Muhlbauer of Crawford			Murphy of Dubuque
Oldson of Polk			R. Olson of Polk
Petersen of Polk			Quirk of Chickasaw
Running-Marquardt of Linn			M. Smith of Marshall
Steckman of Cerro Gordo			Swaim of Davis
T. Taylor of Linn			Thede of Scott
Thomas of Clayton			Wenthe of Fayette
Wessel-Kroeschell of Story			Willems of Linn
Winckler of Scott			Wittneben of Emmet
Wolfe of Clinton			
H-1006	H.F.	45	T. Olson of Linn
Running-Marquardt of Linn			T. Taylor of Linn
Jacoby of Johnson			Hunter of Polk
Oldson of Polk			Petersen of Polk
Gaines of Polk			Abdul-Samad of Polk
McCarthy of Polk			R. Olson of Polk
Murphy of Dubuque			Thomas of Clayton
Isenhart of Dubuque			Hanson of Jefferson
Kearns of Lee			
H-1007	H.F.	45	Thomas of Clayton
Abdul-Samad of Polk			Berry of Black Hawk
Cohoon of Des Moines			Gaines of Polk
Gaskill of Wapello			Hall of Woodbury
Hanson of Jefferson			Heddens of Story
Hunter of Polk			Isenhart of Dubuque
Jacoby of Johnson			Kajtazovic of Black Hawk
Kearns of Lee			Kelley of Jasper
Kressig of Black Hawk			Lensing of Johnson
Lykam of Scott			Mascher of Johnson
McCarthy of Polk			H. Miller of Webster
Muhlbauer of Crawford			Murphy of Dubuque
Oldson of Polk			R. Olson of Polk
T. Olson of Linn			Petersen of Polk
Running-Marquardt of Linn			M. Smith of Marshall
Steckman of Cerro Gordo			Swaim of Davis
T. Taylor of Linn			Thede of Scott
Wenthe of Fayette			Wessel-Kroeschell of Story
Willems of Linn			Winckler of Scott
Wittneben of Emmet			Wolfe of Clinton
H-1008	H.F.	45	Heddens of Story

H-1009	H.F.	45	Heddens of Story
H-1010	H.F.	45	Gaskill of Wapello
H-1011	H.F.	45	Lensing of Johnson
			Mascher of Johnson
			Kajtazovic of Black Hawk
			Wessel-Kroeschell of Story
			T. Taylor of Linn
			Berry of Black Hawk
H-1012	H.F.	45	Wolfe of Clinton
			Berry of Black Hawk
			Gaines of Polk
			Hall of Woodbury
			Heddens of Story
			Isenhardt of Dubuque
			Kearns of Lee
			Kressig of Black Hawk
			Lykam of Scott
			McCarthy of Polk
			Muhlbauer of Crawford
			Oldson of Polk
			Petersen of Polk
			M. Smith of Marshall
			Swaim of Davis
			Thede of Scott
			Wenthe of Fayette
			Willems of Linn
			Wittneben of Emmet
H-1013	H.F.	45	Swaim of Davis
			Berry of Black Hawk
			Gaines of Polk
			Hall of Woodbury
			Heddens of Story
			Isenhardt of Dubuque
			Kajtazovic of Black Hawk
			Kelley of Jasper
			Lensing of Johnson
			Mascher of Johnson
			H. Miller of Webster
			Murphy of Dubuque
			R. Olson of Polk
			Petersen of Polk

Quirk of Chickasaw			Running-Marquardt of Linn
M. Smith of Marshall			Steckman of Cerro Gordo
T. Taylor of Linn			Thede of Scott
Thomas of Clayton			Wenthe of Fayette
Wessel-Kroeschell of Story			Willems of Linn
Winckler of Scott			Wittneben of Emmet
Wolfe of Clinton			
H-1014	H.F.	45	Gaskill of Wapello
H-1015	H.F.	45	Mascher of Johnson
Abdul-Samad of Polk			Berry of Black Hawk
Cohoon of Des Moines			Gaines of Polk
Gaskill of Wapello			Hall of Woodbury
Hanson of Jefferson			Heddens of Story
Hunter of Polk			Isenhardt of Dubuque
Jacoby of Johnson			Kajtazovic of Black Hawk
Kearns of Lee			Kelley of Jasper
Kressig of Black Hawk			Lensing of Johnson
Lykam of Scott			McCarthy of Polk
H. Miller of Webster			Muhlbauer of Crawford
Murphy of Dubuque			Oldson of Polk
T. Olson of Linn			Petersen of Polk
Quirk of Chickasaw			Running-Marquardt of Linn
M. Smith of Marshall			Steckman of Cerro Gordo
Swaim of Davis			T. Taylor of Linn
Thede of Scott			Thomas of Clayton
Wenthe of Fayette			Wessel-Kroeschell of Story
Willems of Linn			Winckler of Scott
Wittneben of Emmet			Wolfe of Clinton
H-1016	H.F.	45	Winckler of Scott
H-1017	H.F.	45	Kressig of Black Hawk
H-1018	H.F.	45	H. Miller of Webster
			Hanson of Jefferson
H-1019	H.F.	45	Jacoby of Johnson
M. Smith of Marshall			Lykam of Scott
Abdul-Samad of Polk			Wessel-Kroeschell of Story
Berry of Black Hawk			Lensing of Johnson
Mascher of Johnson			Kajtazovic of Black Hawk
Steckman of Cerro Gordo			Hunter of Polk
Heddens of Story			Oldson of Polk
Thede of Scott			Kressig of Black Hawk
Petersen of Polk			Winckler of Scott

Murphy of Dubuque			Cohoon of Des Moines
Isenhart of Dubuque			Kelley of Jasper
Kearns of Lee			T. Taylor of Linn
H-1020	H.F.	45	T. Taylor of Linn
H-1021	H.F.	45	Willems of Linn
H. Miller of Webster			Muhlbauer of Crawford
Wenthe of Fayette			Swaim of Davis
Thomas of Clayton			Hanson of Jefferson
Kelley of Jasper			Wittneben of Emmet
Quirk of Chickasaw			Gaskill of Wapello
H-1022	H.F.	45	Murphy of Dubuque
H-1023	H.F.	45	Kaufmann of Cedar
			Grassley of Butler
H-1024	H.F.	45	Isenhart of Dubuque
H-1025	H.F.	45	Wagner of Linn
			Raecker of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:01 p.m., until 8:30 a.m., Wednesday, January 19, 2011.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 19, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Chaplin Angela Doty, Iowa Veterans Home, Marshalltown. She was the guest of Representative M. Smith of Marshall County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students representing the Iowa Department for the Blind from communities across Iowa.

The Journal of Tuesday, January 18, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:42 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:09 p.m., Speaker Paulsen in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 7

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 7**, a concurrent resolution supporting the establishment of a veterans national recovery center at the former Veterans Affairs Hospital campus in Knoxville, Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:16 p.m., until the fall of the gavel.

The House resumed session at 3:04 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-three members present, seven absent.

Speaker Paulsen in the chair at 3:13 p.m.

CONSIDERATION OF BILLS Appropriations Calendar

House File 45, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, was taken up for consideration.

Wolfe of Clinton asked and received unanimous consent that amendment H-1012 be deferred.

Swaim of Davis asked and received unanimous consent that amendment H-1013 be deferred.

Murphy of Dubuque asked and received unanimous consent that amendment H-1022 be deferred.

Wagner of Linn offered amendment H-1025 filed by him and Raecker of Polk and moved its adoption.

Amendment H-1025 was adopted, placing out of order amendment H-1014 filed by Gaskill of Wapello on January 18, 2011.

T. Olson of Linn asked and received unanimous consent that amendment H-1005 be deferred.

T. Taylor of Linn asked and received unanimous consent that amendment H-1020 be deferred.

Gaskill of Wapello asked and received unanimous consent that amendment H-1010 be deferred.

Kressig of Black Hawk asked and received unanimous consent that amendment H-1017 be deferred.

Thomas of Clayton asked and received unanimous consent that amendment H-1007 be deferred.

H. Miller of Webster asked and received unanimous consent that amendment H-1018 be deferred.

Winckler of Scott asked and received unanimous consent that amendment H-1016 be deferred.

Hall of Woodbury asked and received unanimous consent that amendment H-1003 be deferred.

Lensing of Johnson asked and received unanimous consent that amendment H-1011 be deferred.

Kaufmann of Cedar in the chair at 4:38 p.m.

Speaker Paulsen in the chair at 4:44 p.m.

Winckler of Scott offered amendment H-1004 filed by Winckler, et al., and moved its adoption.

Roll call was requested by Winckler of Scott and T. Taylor of Linn.

On the question "Shall amendment H-1004 be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gains
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
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Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1004 lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1001 filed by him and Grassley of Butler on January 18, 2011.

Kaufmann of Cedar offered amendment H-1023 filed by him and Grassley of Butler.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1031, to amendment H-1023, filed by him and Grassley of Butler from the floor.

Kaufmann of Cedar offered amendment H-1032, to amendment H-1023, filed by him and Grassley of Butler from the floor and moved its adoption.

Amendment H-1032, to amendment H-1023, was adopted.

T. Olson of Linn rose on a point of order that amendment H-1023, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1023, as amended, not germane.

Kaufmann of Cedar asked for unanimous consent to suspend the rules to consider amendment H-1023, as amended.

Objection was raised.

Kaufmann of Cedar moved to suspend the rules to consider amendment H-1023, as amended.

A non-record roll call was requested.

The ayes were 58, nays 34.

The motion to suspend the rules prevailed.

Kaufmann of Cedar moved the adoption of amendment H-1023, as amended.

Roll call was requested by T. Olson of Linn and Raecker of Polk.

On the question "Shall amendment H-1023, as amended, be adopted?" (H.F. 45)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, none.

Amendment H-1023, as amended, was adopted.

Willems of Linn offered amendment H-1021 filed by Willems, et al.

Willems of Linn offered amendment H-1026, to amendment H-1021, filed by him from the floor and moved its adoption.

Roll call was requested by T. Olson of Linn and Hunter of Polk.

On the question "Shall amendment H-1026, to amendment H-1021, be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1026, to amendment H-1021, lost.

Willems of Linn asked and received unanimous consent to withdraw amendment H-1021 filed by Willems of Linn, et al., on January 18, 2011.

Kaufmann of Cedar in the chair at 6:16 p.m.

Heddens of Story offered amendment H-1008 filed by her and moved its adoption.

Roll call was requested by Heddens of Story and M. Smith of Marshall.

On the question "Shall amendment H-1008 be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

Absent or not voting, none.

Amendment H-1008 lost.

Pettengill of Benton rose on a point of order stating the House was in violation of House Rule 4, related to photographs taken on the floor of the House.

The Speaker ruled the point well taken.

Isenhart of Dubuque asked and received unanimous consent that amendment H-1024 be deferred.

T. Olson of Linn offered amendment H-1006 filed by him and moved its adoption.

Roll call was requested by T. Olson of Linn and Hunter of Polk.

On the question "Shall amendment H-1006 be adopted?" (H.F. 45)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, none.

Amendment H-1006 was adopted.

Swaim of Davis offered amendment H-1002 filed by him and moved its adoption.

Amendment H-1002 lost.

Jacoby of Johnson offered amendment H-1019 filed by Jacoby, et al., and moved its adoption.

Roll call was requested by Jacoby of Johnson and Wagner of Linn.

On the question "Shall amendment H-1019 be adopted?" (H.F. 45)

The ayes were, 30:

Abdul-Samad	Berry	Cohoon	Gaines
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	Miller, H.
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Wessel-Kroeschell	Willems
Winckler	Wolfe		

The nays were, 70:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	McCarthy
Miller, L.	Moore	Muhlbauer	Olson, S.
Paulsen, Spkr.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Swaim
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Windschitl	Wittneben
Worthan	Kaufmann, Presiding		

Absent or not voting, none.

Amendment H-1019 lost.

Heddens of Story offered amendment H-1009 filed by her.

Heddens of Story offered amendment H-1027, to amendment H-1009, filed by her from the floor and moved its adoption.

Amendment H-1027, to amendment H-1009, was adopted.

Heddens of Story moved the adoption of amendment H-1009, as amended.

Roll call was requested by Heddens of Story and T. Taylor of Linn.

On the question "Shall amendment H-1009, as amended, be adopted?" (H.F. 45)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, none.

Amendment H-1009, as amended, was adopted.

Speaker Paulsen in the chair at 7:09 p.m.

Mascher of Johnson offered amendment H-1015 filed by Mascher, et al.

Wagner of Linn offered amendment H-1029, to amendment H-1015, filed by him from the floor and moved its adoption.

Amendment H-1029, to amendment H-1015, was adopted.

Mascher of Johnson moved the adoption of amendment H-1015, as amended.

Roll call was requested by Mascher of Johnson and Raecker of Polk.

On the question "Shall amendment H-1015, as amended, be adopted?" (H.F. 45)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, none.

Amendment H-1015, as amended, was adopted.

Wolfe of Clinton offered amendment H-1012 filed by Wolfe, et al., previously deferred, and moved its adoption.

Roll call was requested by Wolfe of Clinton and Gaines of Polk.

On the question "Shall amendment H-1012 be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1012 lost.

Swaim of Davis offered amendment H-1013 filed by Swaim, et al., previously deferred, and moved its adoption.

Roll call was requested by Murphy of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1013 be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens

Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1013 lost.

Murphy of Dubuque offered amendment H-1022 filed by him, previously deferred, and moved its adoption.

Roll call was requested by Murphy of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1022 be adopted?" (H.F. 45)

The ayes were, 1:

Olson, R.

The nays were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett

Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, none.

Amendment H-1022 lost.

T. Olson of Linn asked and received unanimous consent to withdraw amendment H-1005 filed by T. Olson of Linn, et al., on January 18, 2011, previously deferred.

T. Taylor of Linn offered amendment H-1020 filed by him, previously deferred, and moved its adoption.

Roll call was requested by T. Taylor of Linn and Mascher of Johnson.

On the question "Shall amendment H-1020 be adopted?" (H.F. 45)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede

Thomas Winckler	Wenthe Wittneben	Wessel-Kroeschell Wolfe	Willems
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The nays were, 61:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, none.

Amendment H-1020 lost.

Gaskill of Wapello offered amendment H-1010 filed by her, previously deferred.

Gaskill of Wapello offered amendment H-1028, to amendment H-1010, filed by her from the floor and moved its adoption.

Amendment H-1028, to amendment H-1010, was adopted.

Gaskill of Wapello moved amendment H-1010, as amended.

Roll call was requested by Gaskill of Wapello and Hunter of Polk.

On the question "Shall amendment H-1010, as amended, be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing

Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1010, as amended, lost.

Kressig of Black Hawk offered amendment H-1017 filed by him, previously deferred.

Wagner of Linn offered amendment H-1030, to amendment H-1017, filed by him from the floor and moved its adoption.

Roll call was requested by Kressig of Black Hawk and Abdul-Samad of Polk.

On the question "Shall amendment H-1030, to amendment H-1017, be adopted?" (H.F. 45)

The ayes were, 63:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines

Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Isenhart	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Jacoby	Kajtažovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, none.

Amendment H-1030, to amendment H-1017, was adopted.

Kressig of Black Hawk asked and received unanimous consent to withdraw amendment H-1017, as amended, filed by him on January 18, 2011.

Thomas of Clayton offered amendment H-1007 filed by Thomas, et al., previously deferred.

Roll call was requested by Thomas of Clayton and Hunter of Polk.

On the question "Shall amendment H-1007 be adopted?" (H.F. 45)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtažovic

Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 60:

Alons	Anderson	Arnold	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 1:

Baltimore

Amendment H-1007 lost.

H. Miller of Webster offered amendment H-1018 filed by her and Hanson of Jefferson, previously deferred, and moved its adoption.

Roll call was requested by H. Miller of Webster and T. Taylor of Linn.

On the question "Shall amendment H-1018 be adopted?" (H.F. 45)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.

Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 61:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker			
Paulsen			

Absent or not voting, none.

Amendment H-1018 lost.

Kaufmann of Cedar in the chair at 8:45 p.m.

Winckler of Scott offered amendment H-1016 filed by her, previously deferred, and moved its adoption.

Roll call was requested by Winckler of Scott and Raecker of Polk.

On the question "Shall amendment H-1016 be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

Absent or not voting, none.

Amendment H-1016 lost.

Speaker Paulsen in the chair at 9:23 p.m.

Hall of Woodbury offered amendment H-1003 filed by him, previously deferred, and moved its adoption.

Roll call was requested by Hall of Woodbury and Hunter of Polk.

On the question "Shall amendment H-1003 be adopted?" (H.F. 45)

The ayes were, 36:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Wittneben	Wolfe

The nays were, 64:

Alons	Anderson	Arnold	Baltimore
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Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jacoby	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	Mascher	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Winckler	Windschitl	Worthan	Mr. Speaker, Paulsen

Absent or not voting, none.

Amendment H-1003 lost.

Lensing of Johnson offered amendment H-1011 filed by Lensing, et al., previously deferred, and moved its adoption.

Roll call was requested by Lensing of Johnson and Kressig of Black Hawk.

On the question "Shall amendment H-1011 be adopted?" (H.F. 45)

The ayes were, 28:

Abdul-Samad	Berry	Gaines	Gaskill
Hall	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kelley	Kressig
Lensing	Mascher	Miller, H.	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Running-Marquardt	Steckman	Taylor, T.	Thede
Wessel-Kroeschell	Willems	Winckler	Wolfe

The nays were, 72:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanson	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Kearns	Klein
Koester	Lofgren	Lukan	Lykam

Massie	McCarthy	Miller, L.	Moore
Muhlbauer	Olson, S.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Swaim	Sweeney	Taylor, J.
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Windschitl	Wittneben	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1011 lost.

Isenhart of Dubuque offered amendment H-1024 filed by him, previously deferred, and moved its adoption.

Roll call was requested by Isenhart of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1024 be adopted?" (H.F. 45)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.

Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, none.

Amendment H-1024 lost.

Kaufmann of Cedar in the chair at 10:52 p.m.

Speaker Paulsen in the chair at 11:04 p.m.

Wagner of Linn moved that the bill, as amended, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 45)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtaovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.

Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 45** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House Joint Resolution 1, by Paulsen, Raecker, Wagner, Pettengill, Brandenburg, Watts, Fry, Rogers, Chambers, Deyoe, Hanusa, Huseman, Drake, Garrett, Helland, Forristall, Baltimore, Grassley, Dolecheck, Hagenow, Klein, J. Taylor, Windschitl, Schultz, Sands, Schulte, Vander Linden, Hein, Rasmussen, Worthan, Byrnes, J. Smith, Tjepkes, Horbach, Anderson, Upmeyer, Cownie, Soderberg, Lofgren, and Kaufmann, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to state budgeting by creating a state general fund expenditure limitation and requiring authorization for certain bonds.

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

House Joint Resolution 2, by Paustian, Alons, Anderson, Baltimore, Brandenburg, Chambers, Cownie, De Boef, Deyoe, Forristall, Fry, Garrett, Hagenow, Helland, Huseman, Iverson, Jorgensen, Lofgren, L. Miller, S. Olson, Pearson, Pettengill, Raecker, Rasmussen, Rogers, Sands, Schulte, J. Smith, Sweeney, J. Taylor, Tjepkes, Upmeyer, Vander Linden, Watts, Windschitl, and Worthan, a joint resolution nullifying an administrative rule of the Iowa finance authority relating to the Iowa jobs program, and including an effective date provision.

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

House Joint Resolution 3, by Alons, Chambers, Soderberg, Pearson, De Boef, Sweeney, Shaw, Windschitl, Koester, Hagenow, Schultz, Hager, Huseman, Brandenburg, Hanusa, Watts, Rayhons,

Rogers, Baudler, Lofgren, Fry, Rasmussen, L. Miller, Sands, Pettengill, Drake, Lukan, Garrett, Worthan, Byrnes, Jorgensen, Dolecheck, Van Engelenhoven, Massie, and J. Taylor, a joint resolution proposing an amendment to the Constitution of the State of Iowa to specify that the right to life is the paramount and most fundamental right of every person, and that personhood applies to all human beings from the beginning of their biological development.

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

House Joint Resolution 4, by Pettengill, De Boef, Alons, Soderberg, Windschitl, Watts, Schulte, Sweeney, Sands, Koester, Kaufmann, Schultz, and Helland, a joint resolution requesting the Congress of the United States to call a constitutional convention pursuant to Article V of the Constitution of the United States in order to propose an amendment to the Constitution of the United States permitting the repeal of any federal law or regulation by a vote of two-thirds of state legislatures.

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

House Joint Resolution 5, by Upmeyer, Schulte, Watts, Tjepkes, Schultz, De Boef, Huseman, Lukan, Moore, Forristall, L. Miller, Rayhons, Drake, Wagner, Helland, Paulsen, Kaufmann, Pearson, Rogers, J. Smith, Baltimore, Koester, Dolecheck, Jorgensen, Paustian, Alons, Klein, Chambers, Soderberg, Sands, Worthan, Hagenow, Byrnes, and Windschitl, a joint resolution proposing an amendment to the Constitution of the State of Iowa preserving the freedom of Iowans to provide for their own health care.

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

House Joint Resolution 6, by Alons, Anderson, Arnold, Baltimore, Baudler, Brandenburg, Byrnes, Chambers, De Boef, Fry, Deyoe, Dolecheck, Drake, Forristall, Garrett, Grassley, Hagenow, Hager, Hanusa, Heaton, Hein, Helland, Horbach, Huseman, Iverson, Jorgensen, Shaw, Kaufmann, Klein, Koester, Lofgren, Massie, Moore, Paulsen, Paustian, Pearson, Pettengill, Sands, Rasmussen, Rayhons, Rogers, Schulte, Schultz, Soderberg, Sweeney, Watts, Upmeyer, Van Engelenhoven, Vander Linden, Wagner, Windschitl, L. Miller, J. Smith, S. Olson, J. Taylor, and Worthan, a joint resolution

proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state.

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

House File 67, by Hunter, a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions.

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

House File 68, by Isenhart and Gaskill, a bill for an act relating to access to residential buildings or communities for campaign purposes, and making penalties applicable.

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

House File 69, by Hunter, a bill for an act providing for an Iowa individual income tax checkoff for qualified Iowa zoos, making an appropriation, and providing for the Act's implementation.

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

SUBCOMMITTEE ASSIGNMENTS

House File 1

State Government: Raecker, Chair; Wenthe, Chair; Iverson.

House File 10

State Government: Pettengill, Chair; Jorgensen and Quirk.

House File 12

State Government: Hein, Chair; Isenhart and Koester.

House File 20

Environmental Protection: Schultz, Chair; Klein and Steckman.

House File 25

State Government: Iverson, Chair; Kajtazovic and Kaufmann.

House File 31

Environmental Protection: S. Olson, Chair; Kelley and Paustian.

House File 36

Judiciary: Hagenow, Chair; Rogers and Wolfe.

House File 58

Judiciary: Garrett, Chair; Gaines and J. Taylor.

House File 63

Judiciary: Kaufmann, Chair; Lensing and Pearson.

House File 64

Judiciary: Kaufmann, Chair; R. Olson and Pearson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 16 Public Safety**

Relating to eliminating the requirement of an annual permit to acquire a pistol or revolver and providing a penalty.

H.S.B. 17 Public Safety

Proposing an amendment to the Constitution of the State of Iowa relating to the right of an individual to acquire, keep, possess, transport, carry, and use arms.

H.S.B. 18 Public Safety

Relating to the regulation of firearms and ammunition in a state of public emergency and providing a remedy.

On motion by Upmeyer of Hancock the House adjourned at 11:13 p.m., until 8:30 a.m., Thursday, January 20, 2011.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 20, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Chaplin Donna Rayhons, Lady's Legislative League. She is the wife of Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bryant Hickie, Page from Marshall.

The Journal of Wednesday, January 19, 2011 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 7, by Hunter, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to civil marriage.

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

House Joint Resolution 8, by Hunter, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the boundary lines of counties.

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

House File 70, by Hunter, a bill for an act concerning the use of traffic-control signal monitoring devices by local authorities, containing penalty provisions, and including effective date provisions.

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

House File 71, by Hunter, a bill for an act relating to the compulsory school attendance age and providing effective dates.

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

House File 72, by Hunter, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

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

House File 73, by Hunter, a bill for an act providing for fair share agreements relating to collective bargaining and including effective date provisions.

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

House File 74, by Chambers, a bill for an act eliminating the healthy kids Act.

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

House File 75, by Chambers, a bill for an act exempting the sales price for the use of self-pay washers and dryers from the sales tax.

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

House File 76, by Alons, Chambers, Soderberg, De Boef, Sweeney, Watts, Koester, Hagenow, Huseman, Lukan, Drake, Rayhons, Cownie, Grassley, Byrnes, Paustian, Pearson, Massie, Baltimore, Hein, Brandenburg, Deyoe, Helland, Upmeyer, Schulte, J. Taylor, and Pettengill, a bill for an act relating to state employee overtime pay.

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

House File 77, by J. Taylor, Windschitl, Soderberg, Rogers, Cownie, Grassley, Baudler, Sweeney, Byrnes, Paustian, S. Olson, Sands, Koester, Kaufmann, Van Engelenhoven, Raecker, L. Miller, Pettengill, Rayhons, Lofgren, Alons, Huseman, Chambers, Pearson, Hanusa, De Boef, Forristall, Jorgensen, Garrett, and Watts, a bill for

an act relating to school district dress code policies and including effective date provisions.

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

House File 78, by J. Smith, Anderson, Grassley, Worthan, Byrnes, Brandenburg, Steckman, Isenhardt, Wittneben, and De Boef, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House Concurrent Resolution 7** be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 8:40 a.m., until 12:00 p.m.

AFTERNOON SESSION

The House reconvened at 12:04 p.m., Speaker Paulsen in the chair.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 3

Human Resources: Anderson, Chair; Lofgren and Wessel-Kroeschell.

House Joint Resolution 6

Judiciary: Alons, Chair; Hagenow and Wessel-Kroeschell.

House File 3

Labor: Horbach, Chair; Kearns and Klein.

House File 4

Ways and Means: Helland, Chair; Byrnes and Jacoby.

House File 9

Ways and Means: Sands, Chair; Helland, Jacoby, Kaufmann and Kearns.

House File 19

Ways and Means: Helland, Chair; Sands and Thomas.

House File 26

Labor: Deyoe, Chair; Hanusa and T. Taylor.

House File 38

Ways and Means: Helland, Chair; Isenhart and Sands.

House File 43

Ways and Means: Helland, Chair; Quirk and Sands.

House File 44

Labor: Forristall, Chair; Moore and Willems.

House File 50

Labor: Watts, Chair; Forristall and Willems.

House File 52

Labor: Brandenburg, Chair; Hunter and Jorgensen.

House File 54

Labor: Watts, Chair; Hanusa and Willems.

House File 56

Ways and Means: Helland, Chair; Kearns and Sands.

House File 57

Ways and Means: Helland, Chair; Jacoby and Sands.

House File 60

Human Resources: Schulte, Chair; Pearson and Wolfe.

House File 61

Economic Growth/Rebuild Iowa: Byrnes, Chair; Running-Marquardt and Schultz.

House File 62

Education: Forristall, Chair; Pearson and Winckler.

House File 66

Veterans Affairs: J. Taylor, Chair; Chambers and Muhlbauer.

House File 71

Education: L. Miller, Chair; Forristall and Hanson.

House File 73

Labor: Brandenburg, Chair; Hunter and Klein.

House File 74

Education: Dolecheck, Chair; Lofgren and Winckler.

House File 76

Labor: Jorgensen, Chair; Brandenburg and Murphy.

House File 77

Education: J. Taylor, Chair; Byrnes and Kelley.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 19 Public Safety**

Concerning state preemption of firearms, firearm accessories, and ammunition regulation by political subdivisions and providing a remedy.

H.S.B. 20 Public Safety

Relating to the carrying of weapons and providing a penalty.

H.S.B. 21 State Government

Concerning penalties for sale of alcohol to minors by alcohol beverage licensees and permittees and providing for an alcohol compliance employee training program.

H.S.B. 22 State Government

Authorizing and regulating savings promotion raffles, and granting licensing authority to the department of inspections and appeals.

On motion by Upmeyer of Hancock the House adjourned at 12:09 p.m., until 11:00 a.m., Friday, January 21, 2011.

JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 21, 2011

The House met pursuant to adjournment at 11:04 a.m., Speaker Paulsen in the chair.

The Journal of Thursday, January 20, 2011 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 9, by Isenhart, Gaskill, Swaim, Steckman, Kearns, Kelley, Hunter, Lensing, Wessel-Kroeschell, Hanson, Wolfe, Willems, Wittneben, Gaines, Wenthe, T. Taylor, M. Smith, and Abdul-Samad, a joint resolution requesting the call of a constitutional convention in order to propose an amendment to the Constitution of the United States to allow Congress and the states to prohibit or otherwise regulate the expenditure of funds for political speech by any corporation, limited liability company, or other corporate entity.

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

House File 79, by Lykam and Tjepkes, a bill for an act concerning a study of the unlawful use of persons with disabilities parking spaces.

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

House File 80, by Isenhart, Lensing, Wessel-Kroeschell, Steckman, Kelley, Kressig, Murphy, Gaskill, and Winckler, a bill for an act requiring the department of natural resources to produce, and submit to the general assembly, a product stewardship report.

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

House File 81, by Isenhart and Willems, a bill for an act relating to the use of school district physical plant and equipment levy revenue and statewide school infrastructure funding.

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

House File 82, by De Boef, Lofgren, Chambers, Huseman, Iverson, Forristall, Rayhons, Drake, Garrett, Worthan, Paustian, Fry, Sands, Dolecheck, Baltimore, Sweeney, Hager, Shaw, Pearson, Alons, Massie, and Helland, a bill for an act concerning rules relating to copayments and other information regarding services provided to medical assistance recipients.

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

House File 83, by Lukan, a bill for an act related to civil service employees by removing state residency requirements and modifying a city's authority to set distance or travel-based residency requirements.

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

House File 84, by De Boef, Lofgren, Chambers, Huseman, Rayhons, Drake, Pettengill, Kaufmann, Cownie, Grassley, Soderberg, Worthan, Hager, S. Olson, Moore, Paustian, Fry, Sands, Dolecheck, Hanusa, Baltimore, Sweeney, Van Engelenhoven, Shaw, Pearson, Alons, Massie, Klein, Helland, and Lukan, a bill for an act prohibiting persons convicted of nonsupport of the person's child or ward from being present at gambling establishments, and providing penalties.

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

House File 85, by Hunter, a bill for an act requiring testing and abatement of lead hazards in certain residential dwellings and child care facilities, requiring inspections of certain residential housing for lead hazards prior to sale, establishing a childhood lead poisoning prevention and control committee, and providing a penalty.

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

House File 86, by Koester and Abdul-Samad, a bill for an act requiring school districts and accredited nonpublic schools to prohibit the use of cigarettes and tobacco and certain nicotine products in schools, on school grounds, in school vehicles, and at off-campus school-related indoor events.

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

House File 87, by De Boef, Lofgren, Chambers, Huseman, Forristall, Rayhons, Drake, Soderberg, Worthan, Fry, Dolecheck, Hanusa, Van Engelenhoven, Hagenow, Shaw, Pearson, Alons, Massie, Helland, and Lukan, a bill for an act revising appropriations and allocations for certain health and human services, and including effective date and retroactive applicability provisions.

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

HOUSE FILE 14 REREFERRED

The Speaker announced that House File 14, previously referred to committee on **education** was rereferred to committee on **ways and means**.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES Iowa Natural Resource Commission

Activities, Accomplishment and Recommendations Annual Report.

Environmental Protection Annual Report, pursuant to Chapter 455B.105(5), Code of Iowa.

SUBCOMMITTEE ASSIGNMENT

House File 29

Public Safety: Sands, Chair; Abdul-Samad and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 16

Public Safety: Windschitl, Chair; Brandenburg and R. Olson.

House Study Bill 17

Public Safety: Windschitl, Chair; Baudler, Brandenburg, Kressig and R. Olson.

House Study Bill 18

Public Safety: Windschitl, Chair; Brandenburg and R. Olson.

House Study Bill 19

Public Safety: Tjepkes, Chair; Baudler, Kressig, R. Olson and S. Olson.

House Study Bill 20

Public Safety: Windschitl, Chair; Fry and R. Olson.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 6), requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 20, 2011.

Committee Bill (Formerly House File 8), establishing a requirement for voters to provide certain identification when voting in person at the polling place.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 20, 2011.

On motion by Upmeyer of Hancock the House adjourned at 11:09 a.m., until 1:00 p.m., Monday, January 24, 2011.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 24, 2011

The House met pursuant to adjournment at 1:07 p.m., Speaker Paulsen in the chair.

Prayer was offered by Father John Thorpe, St. Steven's Episcopal Church, Newton. He was the guest of Representative Kelley of Jasper County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Delaney Olson, Chief Clerk's Page from Mt. Vernon.

The Journal of Friday, January 21, 2011 was approved.

INTRODUCTION OF BILLS

House File 88, by Jorgensen, a bill for an act relating to procedures for the implementation of interventions by school districts with attendance centers identified as persistently lowest-achieving schools.

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

House File 89, by Hunter, a bill for an act requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and including effective date provisions.

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

House File 90, by Murphy, a bill for an act requiring a scope of practice impact statement for administrative rules adopted by certain health-related licensing boards.

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

House File 91, by Isenhardt, Lensing, and Mascher, a bill for an act modifying the definition of good moral character for purposes of issuance of a liquor control license, beer permit, or wine permit.

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

House File 92, by Hanson, a bill for an act relating to the investigation of complaints concerning veterinarians.

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

House File 93, by M. Smith, Petersen, Abdul-Samad, Hunter, Lensing, Running-Marquardt, Wessel-Kroeschell, Mascher, Oldson, Heddens, Isenhardt, Hall, Kearns, Kelley, Gaskill, Hanson, and Steckman, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including alcohol or substance abuse treatment services, creation of a mental health insurance advisory committee, and including applicability provisions and a repeal.

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

House File 94, by committee on state government, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

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

House File 95, by committee on state government, a bill for an act establishing a requirement for voters to provide certain identification when voting in person and including effective date and applicability provisions.

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

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Grow Iowa Values Funding Annual Report, pursuant to Chapter 15G.111(2), Code of Iowa.

Beginning Farmer Center Annual Report, pursuant to Chapter 266.39E, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Convenience Fee Study, pursuant to Chapter 1031.22, 2010 Iowa Acts.

DEPARTMENT OF NATURAL RESOURCES

Natural Resources and Outdoor Recreation Trust Fund Report, pursuant to Senate File 2310, 2010 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2**

Commerce: Iverson, Chair; Jacoby and Shaw.

House Joint Resolution 5

Commerce: Horbach, Chair; Fry and Oldson.

House Joint Resolution 9

State Government: Iverson, Chair; Isenhart and Rogers.

House File 17

Commerce: Grassley, Chair; Brandenburg and Lykam.

House File 24 Reassigned

Education: J. Taylor, Chair; Hanusa and Steckman.

House File 48

Natural Resources: Rasmussen, Chair; Fry and Hall.

House File 51

Natural Resources: Arnold, Chair; Hager and Wittneben.

House File 67

Commerce: Windschitl, Chair; Paustian and Quirk.

House File 78

Natural Resources: Baudler, Chair; Lofgren and Steckman.

House File 80

Natural Resources: Arnold, Chair; Gaskill and Van Engelenhoven.

House File 83

State Government: Rogers, Chair; Pettengill and Wenthe.

House File 84

State Government: Koester, Chair; Rogers and T. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 23 Human Resources**

Relating to restrictions for drug product selection relative to antiepileptic drugs.

H.S.B. 24 Human Resources

Relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

H.S.B. 25 Human Resources

Allowing an advanced registered nurse practitioner to sign a death certificate.

H.S.B. 26 Human Resources

Relating to notice of claim and certificate of merit requirements in medical malpractice actions.

H.S.B. 27 Commerce

Creating a certificate of merit in a medical malpractice action.

H.S.B. 28 Education

Establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

H.S.B. 29 Education

Eliminating certain procedures for the implementation of interventions by school districts with attendance centers identified as persistently lowest-achieving schools.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 2), establishing the right to choose whether to purchase health care.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 2011.

COMMITTEE ON JUDICIARY

House Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 2011.

On motion by Upmeyer of Hancock the House adjourned at 1:15 p.m., until 8:30 a.m., Tuesday, January 25, 2011.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 25, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Counseling Pastor Tom Nesbitt, Cornerstone Church of Ames. He was the guest of Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zaak Barnes, Page from Des Moines.

The Journal of Monday, January 24, 2011 was approved.

INTRODUCTION OF BILLS

House File 96, by Horbach, a bill for an act relating to the attachment of tags to deer carcasses.

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

House File 97, by Gaskill, a bill for an act requiring a postelection audit after each general election and including effective and applicability date provisions.

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

On motion by Upmeyer of Hancock, the House was recessed at 8:38 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:17 p.m., Kaufmann of Cedar in the chair.

INTRODUCTION OF BILLS

House File 98, by Murphy, a bill for an act concerning persons voluntarily excluded from gambling facilities.

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

House File 99, by Watts, a bill for an act modifying the repeal date for the climate change advisory council, deleting related provisions, and including effective date provisions.

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

House File 100, by Watts, a bill for an act prohibiting the automatic renewal of service contracts, and providing a penalty.

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

House File 101, by Wagner, a bill for an act making the services of certain executive search agencies and private employment agencies exempt from the sales tax and including effective date and retroactive applicability provisions.

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

House File 102, by Garrett, Worthan, Massie, Watts, Rogers, Iverson, Hanson, and Hall, a bill for an act concerning the use of special fire fighter motor vehicle registration plates by the surviving spouse of a retired member of a fire department.

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

House File 103, by Winckler, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

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

House File 104, by Windschitl, a bill for an act relating to the manufacture and sale of a mechanical device designed to suppress the sound of a firearm when fired.

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

House File 105, by Wagner, a bill for an act requiring that revenue from a city's use of automated traffic enforcement systems be allocated for property tax relief.

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

House File 106, by Heddens, a bill for an act relating to the treatment of benefits for individuals committed to certain public institutions including medical assistance, social security, and supplemental security income benefits.

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

House File 107, by Abdul-Samad, a bill for an act relating to a foreign language requirement at the elementary school level and including an effective date provision.

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

House File 108, by Abdul-Samad, a bill for an act relating to policies granting resident status for purposes of paying postsecondary tuition and fees at public institutions of higher education.

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

House File 109, by Jorgensen, S. Olson, and Soderberg, a bill for an act removing the requirement that every student complete a certification course for cardiopulmonary resuscitation by the end of the twelfth grade.

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

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 16

Natural Resources: Lukan, Chair; Lykam and J. Smith.

House File 22

Natural Resources: Sweeney, Chair; Rasmussen and Thede.

House File 79

Transportation: Pearson, Chair; Lykam and Van Engelenhoven.

House File 82

Human Resources: Schulte, Chair; Fry and Winckler.

House File 88

Education: Koester, Chair; Pearson and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 22

State Government: Iverson, Chair; Rogers and T. Taylor.

House Study Bill 23

Human Resources: L. Miller, Chair; Abdul-Samad and Fry.

House Study Bill 24

Human Resources: Anderson, Chair; Fry and Wolfe.

House Study Bill 25

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

House Study Bill 26

Human Resources: Heaton, Chair; Garrett and Wolfe.

House Study Bill 27

Commerce: Baltimore, Chair; Horbach and Swaim.

House Study Bill 28

Education: Forristall, Chair; J. Taylor and Willems.

House Study Bill 29

Education: Koester, Chair; Pearson and Willems.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 30 Human Resources**

Relating to vision screening for school children.

H.S.B. 31 Judiciary

Relating to the duties of a landlord for the disposition of a tenant's personal property following termination of the tenancy.

H.S.B. 32 Education

Establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

H.S.B. 33 Environmental Protection

Relating to a schedule established by the environmental protection commission for civil penalties.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ETHICS

Committee Bill (Formerly House Study Bill 14), relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 2011.

Committee Bill (Formerly House Study Bill 15), relating to the House code of ethics.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 2011.

On motion by Upmeyer of Hancock the House adjourned at 4:25 p.m., until 8:30 a.m., Wednesday, January 26, 2011.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 26, 2011

The House met pursuant to adjournment at 8:32 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Pastor Philip Robarge, Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Raecker of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Pak, Page from Clive.

The Journal of Tuesday, January 25, 2011 was approved.

INTRODUCTION OF BILLS

House File 110, by Isenhart and Hunter, a bill for an act relating to assisted living programs, and including effective date provisions.

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

House File 111, by committee on commerce, a bill for an act establishing the right to choose whether to purchase health care.

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

House File 112, by Heaton, Forristall, Drake, Iverson, Garrett, Jorgensen, Baudler, Huseman, Chambers, and Baltimore, a bill for an act relating to rules adopted by the environmental protection commission.

Read first time and referred to committee on **environmental protection**.

On motion by Upmeyer of Hancock, the House was recessed at 8:38 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:05 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 26, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 72, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 113, by Brandenburg, a bill for an act requiring proof of citizenship or lawful presence in the country as a condition of applying for student financial assistance for students attending certain postsecondary institutions.

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

House File 114, by Watts, Baltimore, Cownie, Sands, and Helland, a bill for an act relating to the qualifications of a nominee to the supreme court, court of appeals, and district court.

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

House File 115, by Hagenow, a bill for an act relating to considering the educational setting of a minor child in a child custody proceeding.

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

House File 116, by Jorgensen and Iverson, a bill for an act relating to the compulsory school attendance age, a driver's license penalty for failure to attend, and including effective date provisions.

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

House File 117, by Helland, a bill for an act relating to environmental management system designation.

Read first time and referred to committee on **environmental protection**.

House File 118, by Lukan, Kaufmann, Sweeney, Dolecheck, J. Taylor, Jorgensen, and Grassley, a bill for an act requiring regents institutions to adopt policies to provide student athletes injured while participating in intercollegiate sports with information relating to available services.

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

House File 119, by Lukan, Byrnes, Iverson, Baltimore, Koester, Shaw, Alons, J. Smith, Helland, Schultz, Chambers, Huseman, Baudler, Jorgensen, Garrett, Lofgren, Drake, Heaton, Grassley, Soderberg, Kaufmann, Rayhons, Moore, Worthan, S. Olson, Fry, Paustian, Hanusa, Jacoby, and Running-Marquardt, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

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

House File 120, by Helland, a bill for an act authorizing a retrieval fee for copies of certain medical records or reports in workers' compensation cases.

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

House File 121, by Windschitl, a bill for an act relating to the exemption of firearms, firearm accessories, and ammunition manufactured and retained in Iowa from federal regulation and including applicability provisions.

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

House File 122, by Hagenow, a bill for an act relating to the authority to possess offensive weapons and the carrying of weapons

by a licensed private investigator and a licensed private security officer.

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

House File 123, by Watts, Koester, Worthan, Pearson, Garrett, Thomas, Cownie, and Baltimore, a bill for an act relating to certain fees associated with solid waste.

Read first time and referred to committee on **environmental protection**.

House File 124, by Dolecheck, a bill for an act replacing the charter school establishment option under the state's system of public education.

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

House File 125, by Windschitl, a bill for an act requiring testing of family investment program applicants and participants for use of controlled substances.

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

House File 126, by committee on ethics, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

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

SENATE MESSAGE CONSIDERED

Senate File 72, by committee on human resources, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

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

SENATE FILE 72 REREFERRED

The Speaker announced that Senate File 72, previously referred to committee on **human resources** was rereferred to committee on **judiciary**.

COMMUNICATIONS RECEIVED

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

IOWA BOARD OF MEDICINE/IOWA BOARD OF PHYSICIAN ASSISTANT

Collaboration and Teambuilding Report, pursuant to Chapter 148C.12, Code of Iowa.

IOWA COMMISSION OF VETERANS AFFAIRS

Iowa Veterans Trust Fund 2010, pursuant to Chapter 35.13(9), Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Report of Activities for 2010, pursuant to Chapter 312.3B, Code of Iowa.

IOWA MENTAL HEALTH AND DISABILITY SERVICE COMMISSION

Combined Annual and Biannual Report, pursuant to Chapter 225C.6(1), Code of Iowa.

IOWA STUDENT LOAN

Moving Forward, Committed to Students Report, pursuant to Chapter 7C.13(2), Code of Iowa.

IOWA VETERANS HOME

Annual Cost-Savings Report on ICN Usage, pursuant to Chapter 8D.10, Code of Iowa.

STATE APPEAL BOARD

General Tort Claims, Highway Tort Claims and Settlements and Judgments Report, Pursuant to Chapter 669, Code of Iowa.

WATERSHED PLANNING ADVISORY COUNCIL

Final Interim Report, pursuant to House File 2459, 2010 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 1

Appropriations: Wagner, Chair; Rogers and Wenthe.

House File 28

Agriculture: Deyoe, Chair; Hanson and Hein.

House File 39

Agriculture: S. Olson, Chair; Isenhardt and Rasmussen.

House File 81

Education: Hanusa, Chair; Pearson and Willems.

House File 85

Commerce: Grassley, Chair; Kressig and Watts.

House File 86

Commerce: Windschitl, Chair; Iverson and Kajtazovic.

House File 87

Appropriations: Hagenow, Chair; Dolecheck and Heddens.

House File 90

State Government: Schulte, Chair; Massie and T. Taylor.

House File 91

State Government: Iverson, Chair; Hein and Lensing.

House File 92

Agriculture: Alons, Chair; Drake and Wenthe.

House File 93

Commerce: Horbach, Chair; Oldson and J. Smith.

House File 97

State Government: Kaufmann, Chair; Gaskill and Vander Linden.

House File 102

Transportation: Garrett, Chair; Watts and Wenthe.

House File 106

Human Resources: Heaton, Chair; Abdul-Samad and Koester.

House File 107

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

House File 108

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

House File 109

Education: Jorgensen, Chair; Hanson and Lofgren.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 30**

Human Resources: Koester, Chair; Garrett and Mascher.

House Study Bill 31

Judiciary: Anderson, Chair; Swaim and Tjepkes.

House Study Bill 32

Education: Forristall, Chair; J. Taylor and Willems.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 34 State Government**

Relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

H.S.B. 35 State Government

Relating to the use of tanning facilities by minors and making penalties applicable.

H.S.B. 36 Public Safety

Relating to the use of justifiable reasonable force including deadly force.

H.S.B. 37 Public Safety

Relating to the authorized possession of certain offensive weapons.

H.S.B. 38 Judiciary

Relating to the disposition of a child with mental illness or mental retardation in juvenile court.

H.S.B. 39 Judiciary

Relating to a magistrate acting as counsel for clients within the jurisdiction of the magistrate.

H.S.B. 40 Labor

Excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws.

H.S.B. 41 Ways and Means

Establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 1), establishing an organized system of reviews and ongoing repeal dates for programs and projects administered by executive branch departments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 2011.

RESOLUTIONS FILED

H.C.R. 8, by Alons, Brandenburg, Windschitl, Fry, Rogers, De Boef, and Chambers, a concurrent resolution requesting the United States Food and Drug Administration to rescind approval of ulipristal acetate.

Laid over under **Rule 25**.

H.R. 3, by Watts, Massie, Chambers, Byrnes, Baudler, Forristall, L. Miller, Soderberg, Deyoe, S. Olson, Drake, Rayhons, Sweeney, Brandenburg, and Worthan, a resolution relating to the regulation of intrastate waters.

Laid over under **Rule 25**.

H.R. 4, by Watts, a resolution calling for the withdrawal of the state of Iowa from the Midwestern Regional Greenhouse Gas Reduction Accord.

Laid over under **Rule 25**.

H.R. 5, by Kaufmann, Hall, Byrnes, Wittneben, Upmeyer, Muhlbauer, Brandenburg, Cohoon, Forristall, and Thomas, a resolution recognizing January 27, 2011, as a day to honor Iowa's community colleges on their 45th anniversary.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1033	H.F.	94	Isenhart of Dubuque
H-1034	H.F.	94	Petersen of Polk
H-1035	H.F.	94	Helland of Polk
H-1036	H.F.	95	Schulte of Linn

On motion by Upmeyer of Hancock the House adjourned at 4:12 p.m., until 8:30 a.m., Thursday, January 27, 2011.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 27, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Michael Mudlaff, Westkirk Presbyterian Church, Urbandale. He was the guest of Representative Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Josie and Cameryn Schultz from Schleswig, daughters of Representative Schultz of Crawford.

The Journal of Wednesday, January 26, 2011 was approved.

INTRODUCTION OF BILLS

House File 127, by Kaufmann, Quirk, J. Taylor, and Thomas, a bill for an act relating to the definition of veteran for purposes of the military service property tax exemption.

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

House File 128, by Hunter, a bill for an act relating to restraint requirements for motor vehicle occupants and making a penalty applicable.

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

House File 129, by Hunter, a bill for an act relating to campaign finance by establishing a voter-owned Iowa clean elections Act, providing for funding of the Act, including an income tax checkoff, and providing an income tax exemption, penalties, and including effective date provisions.

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

House File 130, by Hunter, a bill for an act to increase the state minimum hourly wage and to provide subsequent increases by the same percentage as the increase in federal social security benefits.

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

House File 131, by S. Olson, a bill for an act repealing provisions establishing an environmentally preferable cleaning policy applicable to specified state buildings and educational institutions, and including effective date provisions.

Read first time and referred to committee on **environmental protection**.

SPECIAL PRESENTATION

Representative Hall of Woodbury introduced to the House the Honorable Pat Gill, former state representative from Sioux City.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 5

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Resolution 5**, a resolution recognizing January 27, 2011, as a day to honor Iowa's community colleges on their 45th anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 6

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Resolution 6**, a resolution requesting modifications to a national broadband plan for the benefit of rural residents of this state, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 8:54 a.m., until the fall of the gavel.

The House resumed session at 9:43 a.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 27, 2011, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 6, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly to be held on Wednesday, February 16, 2011, at 10:00 a.m. for Brigadier General Timothy Orr to deliver his message of the Condition of the Iowa National Guard.

Also: That the Senate has on January 27, 2011, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly.

MICHAEL E. MARSHALL, Secretary

COMMITTEE TO NOTIFY THE SENATE

Soderberg of Plymouth moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee the following: Soderberg of Plymouth, Chair; Pearson of Polk and Wittneben of Emmet.

The House stood at ease at 9:44 a.m., until the fall of the gavel.

The House resumed session at 9:50 a.m., Speaker Paulsen in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Soderberg of Plymouth, Chair of the committee to notify the Senate that the House was ready to receive it in Joint Convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 4, duly adopted, the Joint Convention was called to order at 9:52 a.m., President Kibbie presiding.

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

The motion prevailed.

President Kibbie announced a quorum present and the Joint Convention duly organized.

Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives be appointed to notify Governor Terry Branstad that the Joint Convention is ready to receive him and escort him into the House chamber.

The motion prevailed and the President appointed as such committee Senators Hancock of Dubuque, Rielly of Mahaska, Ernst of Montgomery, on the part of the Senate, and Raecker of Polk, Moore of Jackson, and Kajtazovic of Black Hawk on the part of the House.

Secretary of State, Matt Schultz; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill Northey; and State Auditor David Vaudt were escorted into the House chamber.

Chief Justice Mark Cady, Justices of the Supreme Court and Judges of the Court of Appeals were escorted into the House chamber.

The Joint Convention stood at ease at 9:56 a.m., until the fall of the gavel.

The Joint Convention resumed session at 9:59 a.m., President Kibbie in the chair.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Chris Branstad; Eric and Adrienne Branstad and their daughter, Mackenzie; Marcus Branstad; and Jerry Costa were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

President Kibbie then presented Governor Terry E. Branstad who delivered the following condition of the state address:

Madam Lt. Governor, Mr. President, Mr. Speaker, Leaders, justices, judges, legislators, elected officials, distinguished guests, family, friends and fellow Iowans.

I am humbled to stand before you once again as your Governor in this, the people's House. It is here that our forefathers set the direction of our state: educating our kids, building our roads, protecting our citizens, caring for the unfortunate. And they did so, while being careful with the tax dollars and balancing our state's budget.

In this storied chamber, I cut my political teeth as a young state representative, learning both to advocate my position and respect my adversary.

To disagree without being disagreeable.

To listen, because that is the only way to learn.

Because, at the end of the day, we are all Iowans working hard to make our special state an even better place. Let us never forget why we are here: to do the people's business as their servants with respect and dignity and good will.

Today, I stand before you to present the state's budget for the next two years.

But, at the risk of sounding a bit like the grandfather I am now, I think we need to start with a stern talking to.

When I began the preparation of this budget, I was handed a list of dozens of programs, 89 to be exact, that had been funded with money we no longer had. Everything from paying for teachers to state troopers had been funded with one-time money, nearly 900 million dollars' worth.

Now, you wouldn't run your family budget that way. If you did so, you would soon be visiting the bankruptcy court.

And we should never run the people of Iowa's budget that way, either. And with this budget, it will come to an end, now.

I understand that this budget method of borrowing from Peter to pay Paul didn't just happen overnight. I understand that it has been building over at least ten years. But that doesn't make it right; and that doesn't mean we can ignore it for another decade.

You see, if we don't fix it, the very integrity of our government is threatened.

When we over-promise and under-deliver, time after time, we erode, like a corrosive acid, the ties that bind our society. And, our ability to do those things we desire, whether it be educating our kids, caring for the sick, protecting the vulnerable, or improving our ability to create jobs, will be lost in a sea of red ink.

It is our responsibility, as servant-leaders, to pass a budget as honest, frugal and balanced as the people it serves.

And, the time to do it is now.

The rebounding agricultural economy gives us a unique opportunity to bind up Iowa's budget wounds quickly. We must not squander that opportunity.

It will not be easy. It will require difficult and painful choices. But the pain we endure by fixing our budget today, will lead to great opportunities for Iowa in the future.

It will require change. No longer can every organized constituency get what it wants. There is a greater good we are seeking.

We must restore predictability and stability to our state budget, ensure our decisions are sustainable for the long term, and set the stage for a period of unprecedented economic expansion.

It is the taxpayers, not the interest groups, we must protect.

So, the budget I present to you today cleans up the budget mess that has been made. It cleans out the cobwebs in the closets of government. It sets Iowa on a new course with smaller, predictable, sustainable government. That is nimble enough to respond to needs and small enough to stay out of the way of our job creators.

And we do it by:

First, \$770 million of general-fund spending that was funded by one-time revenue is moved back into the general fund, where it belongs, once and for all.

This is an honest budget that matches ongoing spending with ongoing revenue. And it funds our commitments to schools, health care for the poor and elderly, and troopers with funds that won't evaporate in a year.

Second, this budget provides nearly \$160 million in direct property tax relief to Iowans. It fully funds the state's share of our school funding commitments erasing the need for local school districts to make up the difference in property taxes.

Iowa property taxpayers have paid a high price for the state's past practices and it is time to make them whole.

Third, this program and budget make it clear that Iowa is ready for job creation. We all know that small businesses are the engines of our growth. Yet, our small businesses pay an income tax rate that is highest in the nation at 12%.

And our small business pay commercial property taxes that are as high as those in mid-town Manhattan.

This budget will make us competitive for new jobs.

The small business income tax rate will be cut in half and made a flat 6%. Commercial property taxes will be reduced by 40% over the next 5 years. New investment will be immediately taxed at 60% of its valuation. And existing commercial property will be rolled back by 8% a year over 5 years.

My plan includes funding for these tax cuts through the use of new revenue coming to the state due to economic growth, the additional revenue generated by the extension of the Bush tax cuts, and by a restoration of the gaming tax to the level at which it was originally agreed to years ago.

I will be bringing forth legislation to transform our current Department of Economic Development into a public/private partnership.

This will be a partnership that unshackles our economic development efforts from an alphabet soup of bureaucratic programs and brings the best practices from both sectors to recharge our job creation mission.

And I intend to give that new partnership new tools to market and sell our state to job creators.

I have asked each of our Department and Agency heads to do a top to bottom review of all administrative rules and regulations to determine how we can best fulfill our responsibilities while eliminating impediments to job growth.

While tax policy can take us a significant way forward in our effort to compete for new jobs, much of that work can be undone by a bureaucracy that fails to understand the critical relationship between burdensome regulation and job creation.

The rules and regulations identified through this process will be the first subjected to our proposed rolling sunset and I will further order all future proposed rules and regulations to contain a jobs impact statement so we can identify those that cost jobs before they impact our Iowa employers.

We have wrung our hands over these issues long enough. Now is the time to make Iowa's main streets truly open for business with the jobs we so desperately need. It is only by these actions that we can be assured of the growth we need to fund our future state budgets.

Many new Governors across this nation are aggressively moving to reduce tax and regulatory burdens to spur new job growth and I want to position Iowa as the leader.

Our unemployed deserve nothing less than our best efforts to bring new jobs to this state. No one will work harder to bring new jobs to Iowa than me, Lt. Governor Reynolds, Director Durham, and our entire economic development team.

Fourth, we must reduce the size and scope of government. State agencies and local governments must break down the silos that divide them.

Services must be shared so Iowans' needs are met. Costs must be reduced – we can no longer afford to pay 46% more for public services; the collective bargaining law must be changed to recognize the rights of the taxpayers. And we, the leaders of our governments, must do a better job of managing our scarce resources.

Over the past two months, Lt. Governor Reynolds and I have been actively working with our management team, reviewing the current budget in excruciating detail.

In fact, the Lt. Governor and I have taken the time to personally review every line item in the state budget so we can look Iowans squarely in the eye when we tell them we simply have too much government and the status quo is no longer a viable option.

With this budget, we have a choice. Do we take the bold and difficult steps, make the painful decisions, and honestly align our spending and revenue? Or, do we kick the problem down the road yet again?

Fellow Iowans, I didn't come here to avoid tough decisions.

No more games. No more gimmicks. No more bail-outs.

Fifth, we must budget for the long term. This budget doesn't solve all our problems overnight. No budget can. But it puts us on a path of sound budgeting principles. And we must stay on that path by resisting the temptation to push our obligations to the next generation.

I plan to insist on budget discipline.

The results of our past budget practices have been across the board cuts and a mountain of broken promises. The days of unsustainable commitments are over.

It will come as no surprise to any of you that I am submitting a biennial budget that includes my recommendations for both Fiscal Years 2012 and 2013. Also included with this budget is a five year financial projection that shows how the decisions we make this year will impact the bottom line over the next five years.

Iowa desperately needs these financial planning tools and I will insist the Legislature join me in this commitment to provide Iowans with an honest, open, and transparent approach to spending the public's money.

We will make our government as good, as dependable, as well-managed as the people it serves.

How do we accomplish our goals? We cut unnecessary spending.

Programs that have passed their time are eliminated and others are modified to make sure those in need are those who receive government help.

Every area of state government will be asked to share in this sacrifice. I have appointed a collection of talented leaders in our state departments and agencies and have charged them with remaking government at all levels to find more efficient and less costly methods to deliver our state services.

While school systems across this country are reeling from massive budget cuts, this budget for the next two years holds school spending authority at the current level. No increase. No decrease – but with an assurance that we can deliver on this promise and allow our creative school leaders more flexibility and opportunity to make things work.

And let's not forget, even while holding spending authority at current levels, last year the state underfunded its commitment by \$156 million. Local school districts were left holding the bag with little choice but to levy additional property taxes to make up the difference. This budget funds that commitment with state dollars and provides direct property tax relief to Iowa taxpayers.

But education isn't all about dollars and cents. It is about our children and our willingness to take the steps necessary to reform our schools and make them among the best in the world.

To that end, I will convene an education summit this summer, bringing together the nation's most dynamic educational reform leaders.

These national leaders will work with our new education policy team and strive to reach a consensus on what changes are needed to give our children the nation's highest quality schools.

Should we reach that critical consensus, and I have no reason to believe we won't, I will convene a Special Session of the Iowa Legislature in the fall of this year to approve our bold reform agenda and make good on our new covenant promise to provide our children with a globally competitive education.

In addition, I cannot leave the education discussion without renewing my commitment to ensure that every Iowa child has access to quality preschool.

This budget proposes a \$43 million annual investment in providing preschool assistance to those families in greatest need.

Research shows preschool investments have the most long-lasting impact on children who come from homes with financial need. As such, our program will be targeted to those families and will give parents flexibility to choose the preschool environment that best meets their needs.

But we cannot do this alone, all across this state parents, private donors and caring organizations have for years partnered with preschool providers to ensure access. I am happy to have the state of Iowa join them—as a partner, not as the sole provider.

My fellow Iowans, none of what I have brought forward today will be easy. But all of it is necessary.

We must put an end to the budgeting practices that failed our people and brought unprecedented instability to the delivery of critical state services.

We must adopt long term budgeting practices that provide decision makers with an early warning system to coming budget cliffs in time to make adjustments that prevent service disruptions.

We must cut real spending out of state government and challenge our Department leaders to remake state government in a manner that provides services more efficiently and at less cost.

We must provide financial stability to our schools while we engage in an historic effort to reform our schools and restore our preeminence in educational performance.

We must fund more of our property tax credits and obligations and provide Iowa taxpayers with nearly \$160 million in much needed relief.

We must reduce small business income and property taxes, and eliminate rules and regulations that cost us jobs.

If we have the courage to do these things and do them now, then I am confident Iowa will be the leader in America's economic recovery.

The more than 100,000 unemployed Iowans deserve nothing less than our best efforts and we have an obligation to take the bold and decisive actions necessary to dramatically improve Iowa's ability to compete for new jobs.

When God made his covenant with Abraham and his people so many ages ago, it was a covenant that required immediate and significant sacrifice in return for a promise of incredible abundance. However, that abundance was to be years and even decades in the making.

Our new covenant between this state and its people does indeed require significant immediate shared sacrifice.

But, as with Abraham and his people, the people of Iowa can expect our efforts will lead to tremendous abundance which we, our children, grandchildren, and future generations of Iowans will enjoy.

I stand before you today older and wiser than when I first set foot in these chambers. But I am no less passionate about our future.

If we make the right choices, the days before us will be ones of abundant growth and new jobs:

- Enough abundance to bring back our sons and daughters and those who wish to join us.
- Enough abundance to meet the needs of our kids, and our elderly, and the sick and the vulnerable.
- Enough abundance to make the future the golden years in Iowa history.

We stand at the crossroads of that history. Which path will we take?

I know that this institution is fueled by compromise; but we cannot compromise on the future of Iowa.

Our state will be driven by the right policy choices and I will fight with all my political might to make sure that we make the right choices.

We are the fortunate few who have been chosen by the people to do what is right. Let us be motivated by the better angels of our nature for the good of all Iowans.

Together, we will accomplish great things.

Thank you and God Bless you and God Bless the people of Iowa.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Upmeyer of Hancock moved that the Joint Convention be dissolved at 10:31 a.m.

On motion by Upmeyer of Hancock, the House was recessed at 10:37 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:33 p.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 95, a bill for an act establishing a requirement for voters to provide certain identification when voting in person and including effective date and applicability provisions, was taken up for consideration.

Schulte of Linn offered amendment H-1036 filed by her and moved its adoption.

Lukan of Dubuque in the chair at 12:37 p.m.

Gaskill of Wapello rose on a point of order that amendment H-1036 was not germane.

The Speaker ruled the point well taken and amendment H-1036 not germane.

Schulte of Linn asked for unanimous consent to suspend the rules

to consider amendment H-1036.

Objection was raised.

Schulte of Linn moved to suspend the rules to consider amendment H-1036.

A non-record roll call was requested.

The ayes were 55, nays 38.

The motion prevailed and the rules were suspended.

Amendment H-1036 was adopted.

Sweeney of Hardin rose on a point of order under Rule 10, regarding member confining all remarks to the question under debate.

The Speaker ruled the point well taken.

Speaker Paulsen in the chair at 1:07 p.m.

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

On the question "Shall the bill pass?" (H.F. 95)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes

Upmeyer Watts	Van Engelenhoven Windschitl	Vander Linden Worthan	Wagner Mr. Speaker Paulsen
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The nays were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtažovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, none.

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

House File 94, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state, was taken up for consideration.

Helland of Polk offered amendment H-1035 filed by him.

Petersen of Polk offered amendment H-1037, to amendment H-1035, filed by her from the floor. Division was requested as follows:

Division A: Page 1, lines 3 through 17 and lines 21 through 22.
Division B: Page 1, lines 18 through 20.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Upmeyer of Hancock.

Representative Petersen of Polk moved amendment H-1037A, to amendment H-1035.

Roll call was requested by Petersen of Polk and Hunter of Polk.

On the question "Shall amendment H-1037A, to amendment H-1035, be adopted?" (H.F. 94)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 1:

Raecker

Amendment H-1037A, to amendment H-1035, lost.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1037B, to amendment H-1035.

Helland of Polk moved the adoption of amendment H-1035.

Sweeney of Hardin in the chair at 2:48 p.m.

Amendment H-1035 was adopted, placing out of order amendment H-1034 filed by Petersen of Polk on January 26, 2011.

Isenhart of Dubuque offered amendment H-1033 filed by him and moved its adoption.

Amendment H-1033 lost.

Speaker Paulsen in the chair at 2:57 p.m.

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

On the question "Shall the bill pass?" (H.F. 94)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell

Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Raecker

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

INTRODUCTION OF BILLS

House File 132, by Sands, a bill for an act relating to recording requirements and required notices when approving, amending, or modifying certain urban renewal plans.

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

House File 133, by Hunter, a bill for an act providing for a worker shortage loan forgiveness program.

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

House File 134, by Alons, Sweeney, Rayhons, Shaw, Huseman, Klein, and Drake, a bill for an act relating to the recovery of penalties and interest from businesses receiving financial assistance under certain economic development programs and including retroactive applicability provisions.

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

House File 135, by Isenhardt and Willems, a bill for an act relating to the division of instructional support program property tax revenue for urban renewal purposes and including effective date and applicability provisions.

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

House File 136, by Deyoe, a bill for an act reducing the assessment limitation for commercial and industrial property and including retroactive applicability provisions.

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

House File 137, by Kaufmann, Alons, Arnold, Baltimore, Baudler, Berry, Byrnes, Chambers, Cohoon, Cownie, Dolecheck, Forristall, Fry, Gaines, Gaskill, Hagenow, Hall, Heaton, Heddens, Helland, Huseman, Isenhart, Jacoby, Kajtazovic, Kearns, Kelley, Klein, Koester, Kressig, Lukan, Lykam, Mascher, L. Miller, Murphy, R. Olson, S. Olson, Paustian, Pettengill, Quirk, Rasmussen, Rayhons, Schulte, J. Smith, M. Smith, Soderberg, Steckman, Swaim, Thede, Van Engelenhoven, Vander Linden, Wagner, Wenthe, Willems, Winckler, Windschitl, Worthan, Sands, and Schultz, a bill for an act relating to shorthand reporters.

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

House File 138, by Kaufmann, Schultz, Schulte, Moore, Lofgren, Baudler, Pettengill, Heaton, L. Miller, Rayhons, Forristall, Alons, Huseman, Chambers, Anderson, Brandenburg, S. Olson, Paustian, Klein, Byrnes, Vander Linden, Massie, Van Engelenhoven, Worthan, Fry, Koester, Soderberg, Rogers, Grassley, Swaim, Berry, Kressig, Kajtazovic, Wittneben, Willems, Steckman, Gaskill, Kearns, Wenthe, Quirk, and Sands, a bill for an act relating to gubernatorial appointments made to a district judicial nominating commission.

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

House File 139, by Kaufmann, Grassley, Lofgren, Moore, Klein, Baudler, Pettengill, Heaton, L. Miller, Rayhons, Forristall, Alons, Huseman, Hagenow, Chambers, Brandenburg, Schulte, Schultz, S. Olson, Paustian, Hager, Vander Linden, Byrnes, Massie, Pearson, Van Engelenhoven, Rasmussen, Arnold, Worthan, Fry, Soderberg, Rogers, Cownie, Wagner, Lukan, Dolecheck, Sands, Windschitl, and Jacoby, a bill for an act requiring faculty members of regents institutions and community colleges charged with a crime to repay all salary received during a paid leave of absence if convicted.

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

House File 140, by Isenhart, a bill for an act imposing a fee on certain campaign contributions and independent expenditures, creating a special fund for these fees, and providing for a penalty.

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

House File 141, by Windschitl and Chambers, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and including retroactive applicability provisions.

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

House File 142, by Chambers, a bill for an act requiring reports relating to disciplinary action taken against a teacher to be submitted to the board of educational examiners.

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

House File 143, by J. Taylor, De Boef, Lukan, and Helland, a bill for an act limiting administrator compensation by an area education agency.

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

House File 144, by J. Taylor, Forristall, Lukan, Helland, Tjepkes, Raecker, and Jorgensen, a bill for an act relating to the minimum hours of instructional school time in a school year for public and accredited nonpublic elementary and secondary schools, and including effective date provisions.

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

House File 145, by Hanson, a bill for an act prohibiting certain trapping with conibear traps and snares near the entry to a private drive of a residence without permission.

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

House File 146, by Hanson, Thomas, Steckman, Abdul-Samad, Kressig, Wittneben, Hunter, Kearns, Mascher, Lensing, Winckler, Gaskill, Muhlbauer, and Wenthe, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty.

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

House File 147, by Isenhardt, Kearns, Wittneben, Running-Marquardt, Hanson, Gaines, Wessel-Kroeschell, M. Smith, Mascher, Steckman, Abdul-Samad, Heddens, and Gaskill, a bill for an act relating to the use of bisphenol A in certain products and providing penalties.

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

SPONSOR ADDED
(House File 10)

De Boef of Keokuk requested to be added as a sponsor of House File 10.

SPONSOR ADDED
(House File 42)

De Boef of Keokuk requested to be added as a sponsor of House File 42.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Annual Diversity Report, pursuant to Chapters 19B.5(3) and 262.93, Code of Iowa.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

ICN Usage and Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 89

Labor: Klein, Chair; Hanusa and Hunter.

House File 110

Human Resources: Schulte, Chair; Fry and Hunter.

House File 113

Education: J. Taylor, Chair; Kelley and Pearson.

House File 114

Judiciary: Baltimore, Chair; R. Olson and Rogers.

House File 115

Judiciary: Hagenow, Chair; Alons and Lensing.

House File 116

Education: Jorgensen, Chair; Hanson and Koester.

House File 118

Education: Jorgensen, Chair; Gaines and Hanusa.

House File 124

Education: Dolecheck, Chair; Forristall and Willems.

House File 125

Human Resources: Schulte, Chair; Fry and Steckman.

Senate File 72

Judiciary: J. Taylor, Chair; Garrett and Oldson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 38**

Judiciary: Pearson, Chair; Heaton and M. Smith.

House Study Bill 39

Judiciary: Hagenow, Chair; Anderson and Swaim.

House Study Bill 41

Ways and Means: Byrnes, Chair; Oldson and J. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 42 Judiciary**

Relating to the boards of directors of public corporations, and including effective date provisions.

H.S.B. 43 Judiciary

Relating to instruments used to update the county transfer books and index maintained by the county auditor.

H.S.B. 44 Judiciary

Establishing a parole procedure for certain persons serving a class "A" felony sentence.

H.S.B. 45 Ways and Means

Excluding from the computation of net income capital gains realized from the sale of all or substantially all of the equity interests in certain businesses and including retroactive applicability provisions.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON LABOR

Committee Bill (Formerly House File 3), providing for the placement of a right-to-work notice on department of economic development materials.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 27, 2011

RESOLUTION FILED

H.R. 7, by committee on ethics, a resolution relating to the House code of ethics.

Placed on the **calendar**.

On motion by Upmeyer of Hancock the House adjourned at 3:14 p.m., until 10:00 a.m., Friday, January 28, 2011.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 28, 2011

The House met pursuant to adjournment at 10:05 a.m., Hagenow of Polk in the chair.

Prayer was offered by Representative Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Hagenow of Polk.

The Journal of Thursday, January 27, 2011 was approved.

INTRODUCTION OF BILLS

House File 148, by committee on state government, a bill for an act relating to state expenditure and oversight requirements by establishing an organized system of reviews and ongoing repeal dates for programs and projects administered by executive branch departments, revising state expenditure limitations and related state budget requirements, and revising the process for establishing the state percent of growth and including effective date and applicability provisions.

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

House File 149, by committee on labor, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials.

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

House File 150, by Kressig, a bill for an act providing a standing appropriation of the fees assessed for radon testing and abatement certification and credentialing for the purpose of the administration of radon-related programs.

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

House File 151, by Watts, Iverson, Rayhons, Baudler, Deyoe, and Helland, a bill for an act authorizing a rural water district to declare bankruptcy, and including effective date provisions.

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

House File 152, by Grassley, Heaton, Cownie, Arnold, Baltimore, Kaufmann, Windschitl, Baudler, Pettengill, Rayhons, Alons, Huseman, Lofgren, Hagenow, Chambers, Schulte, Hager, Schultz, Jorgensen, Moore, S. Olson, Paustian, Klein, Byrnes, Vander Linden, Massie, Pearson, Hanusa, Shaw, J. Taylor, Lukan, Dolecheck, Sands, Deyoe, De Boef, Hein, and Helland, a bill for an act relating to the accessibility of welfare moneys by welfare program recipients at certain gambling establishments through electronic benefits transfer programs.

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

House File 153, by Pearson, Alons, Brandenburg, Hager, Massie, Rogers, Rasmussen, Sweeney, Hagenow, Rayhons, Iverson, Helland, De Boef, Shaw, Dolecheck, Hanusa, Windschitl, Van Engelenhoven, Klein, Moore, Chambers, Huseman, Anderson, Drake, Fry, Soderberg, Watts, and Schultz, a bill for an act relating to the protection of life beginning at conception, and including effective date provisions.

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

IMMEDIATE MESSAGES

Cownie of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 94** and **95**.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

Household Hazardous Waste Account Report, pursuant to Chapters 455F.8 and 455E.11(2), Code of Iowa.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 42

Judiciary: Anderson, Chair; Baltimore and Swaim.

House Study Bill 43

Judiciary: Anderson, Chair; Gaines and Garrett.

House Study Bill 44

Judiciary: Garrett, Chair; Rogers and Wolfe.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 7), relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 2011.

RESOLUTIONS FILED

H.R. 8, by Forristall, a resolution recognizing the week of January 23 through January 29, 2011, as Iowa school choice week.

Laid over under **Rule 25**.

S.C.R. 2, by committee on rules and administration, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly.

Referred to committee on **administration and rules**.

On motion by Cownie of Polk the House adjourned at 10:10 a.m., until 1:00 p.m., Monday, January 31, 2011.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day – Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 31, 2011

The House met pursuant to adjournment at 1:02 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Chambers of O'Brien County, Assistant Chaplain for the 185th Air Refueling Wing, Sioux City.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ariani Oehrlein, Page from DeWitt.

The Journal of Friday, January 28, 2011 was approved.

INTRODUCTION OF BILLS

House File 154, by Brandenburg, a bill for an act concerning a policy for the vending of publications at rest areas and establishing a fee.

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

House File 155, by Helland, a bill for an act requiring the Iowa lottery authority to have certain lottery payout percentage information printed on all lottery tickets.

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

SPECIAL PRESENTATION

Representative Upmeyer of Hancock introduced to the House the Honorable Clarence Hoffman, former state representative from Denison.

The House rose and expressed its welcome.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 27, 2011. Had I been present, I would have voted "aye" on House File 94 and "nay" on amendment H-1037A, to amendment H-1035, to House File 94.

RAECKER of Polk

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Annual Condition of Iowa's Community Colleges Report, pursuant to Chapter 260C.1, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Annual Report, pursuant to Chapter 135.11(16), Code of Iowa.

Direct Care Worker Funding Report, pursuant to House File 2526, 2010 Iowa Acts.

SUBCOMMITTEE ASSIGNMENT

House File 134

Economic Growth/Rebuild Iowa: Hanusa, Chair; Lofgren and Wittneben.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 46 Judiciary

Relating to limitations on creditors' rights in spendthrift trusts and discretionary trusts.

H.S.B. 47 Education

Relating to the exercise by school districts of any broad and implied powers except as expressly prohibited by the Constitution of the State of Iowa or by statute.

H.S.B. 48 Environmental Protection

Relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

H.S.B. 49 Veterans Affairs

Relating to veterans records by requiring county recorders to provide copies of certain records to the department of veterans affairs and the county commission of veteran affairs and by requiring the department of veterans affairs to provide copies of certain discharge documents to the appropriate county commission of veteran affairs.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 66), relating to children of military service members on active duty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 27, 2011.

AMENDMENTS FILED

H-1038	H.F.	149	Murphy of Dubuque
H-1039	H.F.	149	Murphy of Dubuque
H-1040	H.F.	149	Murphy of Dubuque
H-1041	H.F.	149	Murphy of Dubuque
H-1042	H.F.	149	Murphy of Dubuque
H-1043	H.F.	149	Murphy of Dubuque
H-1044	H.F.	149	Murphy of Dubuque
H-1045	H.F.	149	Murphy of Dubuque
H-1046	H.F.	149	Murphy of Dubuque
H-1047	H.F.	149	Willems of Linn

H-1048	H.F.	149	Hunter of Polk
H-1049	H.F.	149	Hunter of Polk
H-1050	H.F.	149	Hunter of Polk
H-1051	H.F.	149	Hunter of Polk
H-1052	H.F.	149	Hunter of Polk
H-1053	H.F.	149	Hunter of Polk
H-1054	H.F.	149	Hunter of Polk
H-1055	H.F.	149	Hunter of Polk
H-1056	H.F.	149	Hunter of Polk
H-1057	H.F.	149	Hunter of Polk
H-1058	H.F.	149	Hunter of Polk
H-1059	H.F.	149	Hunter of Polk
H-1060	H.F.	149	Hunter of Polk
H-1061	H.F.	149	Hunter of Polk
H-1062	H.F.	149	Hunter of Polk
H-1063	H.F.	149	Hunter of Polk
H-1064	H.F.	149	Hunter of Polk
H-1065	H.F.	149	Hunter of Polk
H-1066	H.F.	149	Hunter of Polk
H-1067	H.F.	149	Hunter of Polk
H-1068	H.F.	149	Hunter of Polk
H-1069	H.F.	149	Hunter of Polk
H-1070	H.F.	126	Isenhart of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 1:06 p.m., until 8:30 a.m., Tuesday, February 1, 2011.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 1, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Candy Boucher, former Associate Minister at First Evangelical Lutheran Church, Centerville. She was the guest of Representative Helland of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Michael Terrell, Page from Des Moines.

The Journal of Monday, January 31, 2011 was approved.

INTRODUCTION OF BILLS

House File 156, by Kaufmann, Schultz, Lofgren, Moore, Pettengill, Baudler, Heaton, L. Miller, Forristall, Alons, Huseman, Chambers, and Rayhons, a bill for an act relating to the location of a civil jury trial.

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

House File 157, by Kaufmann and Raecker, a bill for an act allowing voters to reject all candidates on general election ballots for certain offices and providing for a special election and for filing deadlines.

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

House File 158, by Kaufmann and Baudler, a bill for an act providing for restricted driver motor vehicle registration plates to identify persons driving under a temporary restricted driver's license following a second or subsequent revocation for operating while intoxicated, and providing penalties.

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

House File 159, by J. Taylor and De Boef, a bill for an act relating to issue advocacy by the department of cultural affairs.

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

House File 160, by Hagenow, Windschitl, Watts, Lukan, De Boef, Huseman, Dolecheck, Koester, Fry, Pearson, Massie, Schultz, Alons, Forristall, Tjepkes, and Hanusa, a bill for an act concerning driver education instruction by a teaching parent.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Upmeyer of Hancock, until her return.

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 11:00 a.m.

The House resumed session at 11:03 a.m., Speaker Paulsen in the chair.

QUORUM CALL

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

CONSIDERATION OF BILL

House Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state, was taken up for consideration.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

Marriage. SEC. 26. Marriage between one man and one woman shall be the only legal union valid or recognized in this state.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

EXPLANATION

This joint resolution proposes an amendment to the Constitution of the State of Iowa specifying that marriage between one man and one woman shall be the only legal union valid or recognized in this state.

The joint resolution, if adopted, would be referred to the next general assembly for adoption a second time before being submitted to the electorate for ratification.

Kaufmann of Cedar in the chair at 11:46 a.m.

Speaker Paulsen in the chair at 12:32 p.m.

Kaufmann of Cedar in the chair at 12:50 p.m.

Speaker Paulsen in the chair at 1:37 p.m.

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

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 6)

The yeas were, 62:

- | | | | |
|------------|-------------|-----------|-----------|
| Alons | Anderson | Arnold | Baltimore |
| Baudler | Brandenburg | Byrnes | Chambers |
| Cownie | Deyoe | Dolecheck | Drake |
| Forristall | Fry | Garrett | Grassley |
| Hagenow | Hager | Hanusa | Heaton |
| Hein | Helland | Horbach | Huseman |

Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Muhlbauer	Olson, S.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Swaim	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Ishart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 1:

De Boef

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

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on administration and rules at 3:30 p.m. today.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

Capitol Planning Commission's 2010 Annual Report, pursuant to Chapter 8A.373, Code of Iowa.

IOWA ECONOMIC DEVELOPMENT BOARD

IDED FY 2010 Annual Report, pursuant to Chapter 15.104(8), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 21

Commerce: Windschitl, Chair; Iverson and Quirk.

House File 78 Reassigned

Natural Resources: J. Smith, Chair; Baudler and Steckman.

House File 96

Natural Resources: Hager, Chair; Kelley and Rasmussen.

House File 100

Commerce: Watts, Chair; Fry and T. Olson.

House File 104

Public Safety: Alons, Chair; R. Olson and Shaw.

House File 105

Local Government: Tjepkes, Chair; Running-Marquardt and J. Smith.

House File 112

Environmental Protection: Sands, Chair; Isenhardt and Moore.

House File 117

Environmental Protection: Schultz, Chair; Klein and Steckman.

House File 120

Labor: Jorgensen, Chair; Klein and T. Taylor.

House File 121

Commerce: Windschitl, Chair; Lykam and Shaw.

House File 123

Environmental Protection: Soderberg, Chair; Hein and M. Smith.

House File 127

Veterans Affairs: Shaw, Chair; Lukan and Thomas.

House File 130

Labor: L. Miller, Chair; Hanusa and Hunter.

House File 131

Environmental Protection: Byrnes, Chair; Isenhardt and Klein.

House File 133

Labor: Klein, Chair; Brandenburg and Hunter.

House File 137

Judiciary: J. Taylor, Chair; Swaim and Tjepkes.

House File 138

Judiciary: Kaufmann, Chair; Alons and R. Olson.

House File 139

Education: Pearson, Chair; Gaines and Hanusa.

House File 142

Education: Koester, Chair; Lofgren and Mascher.

House File 143

Education: Byrnes, Chair; Hanusa and Winckler.

House File 144

Education: Lofgren, Chair; Cohoon and J. Taylor.

House File 145

Natural Resources: Rayhons, Chair; Hanson and Sweeney.

House File 146

Natural Resources: Arnold, Chair; Hanson and Lofgren.

House File 151

Local Government: Iverson, Chair; Baltimore and Wittneben.

House File 152

Human Resources: Lofgren, Chair; Garrett and Hunter.

House File 153

Human Resources: Heaton, Chair; Pearson and Wessel-Kroeschell.

House File 154

Transportation: Pearson, Chair; Hall and Huseman.

House File 158

Transportation: Tjepkes, Chair; Iverson and Lykam.

House File 159

Economic Growth/Rebuild Iowa: De Boef, Chair; Hall and J. Smith.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 36

Public Safety: Windschitl, Chair; Baudler, Hagenow, Kressig and R. Olson.

House Study Bill 37

Public Safety: Windschitl, Chair; R. Olson and Shaw.

House Study Bill 45

Ways and Means: Byrnes, Chair; Petersen and Pettengill.

House Study Bill 46

Judiciary: Anderson, Chair; Hagenow and Swaim.

House Study Bill 47

Education: Byrnes, Chair; Hanusa and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 50 Judiciary

Establishing the religious conscience protection Act.

H.S.B. 51 Commerce

Applying criminal trespass provisions to public utility property, and providing a penalty.

H.S.B. 52 Commerce

Relating to the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

H.S.B. 53 Commerce

Relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 58), relating to the appointment of a district associate judge.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 4), relating to the control of marijuana, including an effective date provision, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2011.

Committee Bill (Formerly House Study Bill 5), adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2011.

AMENDMENTS FILED

H-1071 H.F. 149 Murphy of Dubuque

H-1072 H.F. 149 Kearns of Lee

On motion by Upmeyer of Hancock the House adjourned at 2:01 p.m., until 8:30 a.m., Wednesday, February 2, 2011.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 2, 2011

The House met pursuant to adjournment at 8:34 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Terry Amann, Walnut Creek Community Church, Windsor Heights. He was the guest of Representative Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

The Journal of Tuesday, February 1, 2011 was approved.

INTRODUCTION OF BILLS

House File 161, by Running-Marquardt, a bill for an act relating to the use of unattended, unmarked law enforcement vehicles for purposes of motor vehicle law enforcement.

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

House File 162, by Running-Marquardt, a bill for an act relating to the contouring of certain portions of highway rights-of-way at T intersections.

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

House File 163, by T. Taylor, Kressig, Kajtazovic, Willems, Running-Marquardt, Steckman, and T. Olson, a bill for an act relating to disaster mitigation and predisaster planning by providing for comprehensive watershed management planning, creating a watershed management grant program, providing floodplain

management regulation incentives, creating a predisaster hazard mitigation grant program, and making appropriations.

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

House File 164, by Pettengill, Heaton, De Boef, Paustian, Alons, Hanusa, Huseman, and Vander Linden, a bill for an act establishing a property tax exemption for a principal residence owned by a totally disabled individual or certain elderly individuals and including applicability provisions.

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

House File 165, by Schulte and T. Taylor, a bill for an act relating to donation of newborn umbilical cord blood.

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

House File 166, by Hagenow, a bill for an act creating the transparency in private attorney contracts Act.

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

House File 167, by Dolecheck and Schultz, a bill for an act relating to independent accreditation of nonpublic schools.

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

House File 168, by Lofgren, a bill for an act authorizing school districts to utilize the services of volunteers.

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

House File 169, by Watts, a bill for an act relating to zoning restrictions applicable to the location of a winery within the limits of a city.

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

House File 170, by Jorgensen, a bill for an act establishing a one-week waiting period prior to the receipt of unemployment compensation benefits and including effective date and applicability provisions.

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

House File 171, by Horbach, a bill for an act repealing requirements relating to the aggregate ratio in the number of executive branch employees per supervisory employee in executive branch agencies and including effective date provisions.

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House Joint Resolution 6** be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 8:40 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., Kaufmann of Cedar in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, until her return, on request of Upmeyer of Hancock.

INTRODUCTION OF BILLS

House File 172, by Lukan, a bill for an act authorizing the issuance of special senior shotgun season deer hunting licenses.

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

House File 173, by Schulte, a bill for an act restricting the use of restraints on a pregnant prisoner in labor.

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

House File 174, by Schulte, a bill for an act revising requirements for family support programs provided under the school ready children grant program and including effective and applicability date provisions.

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

House File 175, by Deyoe, a bill for an act to repeal the excise tax on the handling of grain.

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

House File 176, by Grassley, a bill for an act relating to the implementation of federal law or policy by state administrative agencies.

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

House File 177, by Wagner, a bill for an act providing for the recall of elected officials of political subdivisions and providing a penalty.

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

House File 178, by Hunter, a bill for an act requiring the consideration of project labor agreements for state construction projects.

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

House File 179, by Dolecheck, a bill for an act relating to early school start date provisions and including effective and applicability dates.

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

House File 180, by Upmeyer, Arnold, Baltimore, Brandenburg, Byrnes, Chambers, De Boef, Deyoe, Dolecheck, Fry, Garrett,

Grassley, Hagenow, Hanusa, Hein, Helland, Horbach, Huseman, Iverson, Kaufmann, Klein, Koester, Lofgren, Lukan, Moore, Paustian, Pearson, Pettengill, Rasmussen, Rogers, Sands, Schultz, Shaw, J. Smith, Soderberg, Sweeney, J. Taylor, Van Engelenhoven, Vander Linden, Wagner, Windschitl, Worthan, and Quirk, a bill for an act relating to the rulemaking authority and voting requirements of the environmental protection commission.

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

House File 181, by Upmeyer, Arnold, Baltimore, Brandenburg, Byrnes, Chambers, De Boef, Deyoe, Dolecheck, Fry, Garrett, Grassley, Hagenow, Hanusa, Hein, Helland, Horbach, Huseman, Iverson, Kaufmann, Klein, Koester, Lofgren, Lukan, R. Olson, Paustian, Pearson, Pettengill, Rasmussen, Rogers, Sands, Schultz, Shaw, J. Smith, Soderberg, Sweeney, J. Taylor, Van Engelenhoven, Vander Linden, Wagner, Windschitl, and Worthan, a bill for an act relating to the legislative review of administrative rules, and rescinding all rules every five years.

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

House File 182, by committee on judiciary, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

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

House File 183, by committee on public safety, a bill for an act relating to the control of marijuana, including an effective date provision, and providing a penalty.

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

RULE 57 SUSPENDED

Helland of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on administration and rules at 4:00 p.m. today.

On motion by Helland of Polk, the House was recessed at 1:06 p.m., until 4:10 p.m.

The House reconvened at 4:25 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 184, by committee on education, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

House File 185, by committee on education, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

House File 186, by committee on public safety, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision.

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

House File 187, by Isenhardt, a bill for an act relating to independent expenditures in campaigns and providing for a penalty.

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

House File 188, by Isenhardt, a bill for an act relating to requirements for foster care provided by an individual in a single-family home facility.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 149, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials, was taken up for consideration.

Hunter of Polk asked and received unanimous consent to withdraw amendments H-1048, H-1049, H-1050, H-1051, H-1052, H-1053, H-1054, H-1055, H-1056, H-1057, H-1058, H-1059, H-1060, H-1061, H-1062, H-1063, H-1064, H-1065, H-1066, H-1067, H-1068, and H-1069, filed by him on January 31, 2011.

Murphy of Dubuque asked and received unanimous consent to withdraw amendments H-1038, H-1039, H-1040, H-1041, H-1042, H-1043, H-1044, and H-1045, filed by him on January 31, 2011.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-1046 filed by him on January 31, 2011, placing out of order amendment H-1071 to amendment H-1046 filed by him on February 1, 2011.

Willems of Linn asked and received unanimous consent to withdraw amendment H-1047 filed by him on January 31, 2011.

Kearns of Lee offered amendment H-1072 filed by him and moved its adoption.

Roll call was requested by Kearns of Lee and Hunter of Polk.

On the question "Shall amendment H-1072 be adopted?" (H.F. 149)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell

Willems Winckler Wittneben Wolfe

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 1:

De Boef

Amendment H-1072 lost.

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

On the question "Shall the bill pass?" (H.F. 149)

The ayes were, 66:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanson	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Muhlbauer
Olson, S.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Swaim
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner

Watts	Wenthe	Windschitl	Wittneben
Worthan	Mr. Speaker Paulsen		

The nays were, 33:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Running-Marquardt	Smith, M.	Steckman	Taylor, T.
Thede	Wessel-Kroeschell	Willems	Winckler
Wolfe			

Absent or not voting, 1:

De Boef

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 2, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 7, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

MICHAEL E. MARSHALL, Secretary

House File 111, a bill for an act establishing the right to choose whether to purchase health care, was taken up for consideration.

Kaufmann of Cedar in the chair at 4:55 p.m.

Speaker Paulsen in the chair at 5:10 p.m.

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

On the question "Shall the bill pass?" (H.F. 111)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 39:

Abdul-Samad	Berry	Cphoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 2:

De Boef Quirk

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 149 and 111.**

On motion by Upmeyer of Hancock, the House was recessed at 5:39 p.m., until conclusion of the ways and means committee meeting.

EVENING SESSION

The House reconvened at 6:47 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House File 189, by committee on ways and means, a bill for an act establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

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

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

Des Moines RFP Report, pursuant to Senate File 2389, 2010 Iowa Acts.

DEPARTMENT OF HUMAN RIGHTS

Division of Criminal and Juvenile Justice Planning

Iowa Collaboration for Youth Development Council's Annual Report, pursuant to Chapter 216A.140, Code of Iowa.

Sex Offender Research Council Report, pursuant to Chapter 216A.139(5), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger Initiative and Passenger Rail Service In Iowa Report, pursuant to Chapter 327J.3(1), Code of Iowa.

IOWA JUDICIAL BRANCH

Report of the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to Chapter 1185.1(8), 2010 Iowa Acts.

TREASURER OF STATE

Linked Investments for Tomorrow Annual Report, pursuant to Chapter 12.38, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 132

Local Government: J. Smith, Chair; Gaines and Helland.

House File 137 Reassigned

Judiciary: Tjepkes, Chair; Swaim and J. Taylor.

House File 147

Commerce: Grassley, Chair; Paustian and Quirk.

House File 155

State Government: Helland, Chair; Lensing and Rogers.

House File 156

Judiciary: Kaufmann, Chair; Alons and Wolfe.

House File 157

State Government: Kaufmann, Chair; Gaskill and Raecker.

House File 165

Human Resources: Fry, Chair; Brandenburg and Petersen.

House File 166

Judiciary: Garrett, Chair; Hagenow and Wolfe.

House File 167

Education: Dolecheck, Chair; Byrnes and Winckler.

House File 168

Education: Lofgren, Chair; Jorgensen and Steckman.

House File 174

Human Resources: Koester, Chair; Pearson and Winckler.

Senate File 72 Reassigned

Judiciary: Garrett, Chair; Oldson and J. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 50**

Judiciary: Anderson, Chair; Heaton and Swaim.

House Study Bill 51

Commerce: Wagner, Chair; Brandenburg and Swaim.

House Study Bill 52

Commerce: Watts, Chair; Oldson and J. Smith.

House Study Bill 53

Commerce: Iverson, Chair; Paustian and Quirk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 54 Human Resources**

Relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

H.S.B. 55 Human Resources

Relating to exemptions for admission or retention of tenants of assisted living programs who do not meet admission or retention criteria.

H.S.B. 56 Commerce

Relating to the assessment of certain subdivided real property and including applicability provisions.

H.S.B. 57 Commerce

Prohibiting the inclusion of health plans that provide coverage for abortion in a state health benefit exchange and including effective date provisions.

H.S.B. 58 Local Government

Relating to the determination of city population for purposes of civil service commissions.

H.S.B. 59 Local Government

Providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

H.S.B. 60 Public Safety

Relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

H.S.B. 61 Commerce

Opposing regulation of greenhouse gases pursuant to the federal Clean Air Act.

H.S.B. 62 Human Resources

Relating to reciprocal agreements with contiguous states for hospice care.

H.S.B. 63 Judiciary

Relating to bail restrictions placed on criminal defendants.

H.S.B. 64 Judiciary

Relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

H.S.B. 65 Judiciary

Modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

H.S.B. 66 Judiciary

Repealing duties of county and city attorneys relating to hotel and food establishment regulation.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly House Study Bill 2), relating to permanent rules of the House for the Eighty-fourth General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2011.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Joint Resolution 2), nullifying an administrative rule of the Iowa finance authority relating to the Iowa jobs program, and including an effective date provision.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2011.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 28), establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2011.

Committee Bill (Formerly House Study Bill 32), establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 2011.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 4), providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2011.

Committee Bill (Formerly House Study Bill 41), establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2011.

RESOLUTIONS FILED

H.R. 9, by Watts, a resolution requesting the Attorney General of the State of Iowa to join with other states that have filed suit challenging the constitutionality of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010.

Laid over under **Rule 25**.

H.R. 10, by Alons, Anderson, Arnold, Baltimore, Baudler, Brandenburg, Byrnes, Chambers, Cownie, De Boef, Deyoe, Dolecheck, Drake, Forristall, Fry, Garrett, Grassley, Hagenow, Hager, Hanusa, Heaton, Hein, Helland, Horbach, Huseman, Iverson, Jorgensen, Kaufmann, Klein, Koester, Lofgren, Lukan, Massie, L. Miller, Moore, S. Olson, Paulsen, Paustian, Pearson, Pettengill, Raecker, Rasmussen, Rayhons, Rogers, Sands, Schulte, Schultz, Shaw, J. Smith, Soderberg, Sweeney, J. Taylor, Tjepkes, Upmeyer, Van Engelenhoven, Vander Linden, Wagner, Watts, Windschitl, and Worthan, a resolution to commemorate the centennial of the birth of President Ronald Reagan.

Laid over under **Rule 25**.

H.R. 11, by committee on administration and rules, a resolution relating to permanent rules of the House for the eighty-fourth general assembly.

Placed on the **calendar**.

On motion by Upmeyer of Hancock the House adjourned at 6:49 p.m., until 8:30 a.m., Thursday, February 3, 2011.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 3, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Randy Bixby, Kingdom House of Prayer, Ankeny. He was the guest of Representative Pearson of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Conner Archer, Page from Norwalk.

The Journal of Wednesday, February 2, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, until her return, on request of Upmeyer of Hancock; H. Miller of Webster, this afternoon through February 11, 2011, on request of M. Smith of Marshall.

ADOPTION OF HOUSE RESOLUTION 10

Alons of Sioux asked and received unanimous consent for the immediate consideration of **House Resolution 10**, a resolution to commemorate the centennial of the birth of President Ronald Reagan, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 11

Schulte of Linn asked and received unanimous consent for the immediate consideration of **House Resolution 11**, as follows, and moved its adoption:

HOUSE RESOLUTION 11

BY COMMITTEE ON ADMINISTRATION AND RULES

1 A resolution relating to permanent rules of the House
2 for the eighty-fourth general assembly.
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
4 the permanent rules of the House for the ~~eighty-third~~
5 eighty-fourth general assembly be as follows:

6 DIVISION I – GENERAL RULES

7 Rule 1

8 Call to Order and Order of Business

9 The speaker shall take the chair at the hour to
10 which the house has adjourned, and shall immediately
11 call the house to order, correct the journal of the
12 previous day's proceedings, and proceed to other
13 business, including, but not limited to, introduction
14 of bills, reports, messages, communications, business
15 pending at adjournment, announcements, resolutions
16 and bills on their passage, and points of personal
17 privilege.

18 Rule 2

19 Quorum Call and Time of Convening

20 The house shall convene each Monday at 1:00 p.m. and
21 at ~~9:00~~ 8:30 a.m. on all other legislative days, unless
22 otherwise ordered. The time of convening shall be
23 recorded in the journal. The house shall not convene
24 on Sunday during a regular or special session.

25 The speaker or a member may request a roll call to
26 determine if a quorum is present.

27 Rule 3

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1 Absences from the House

2 No member shall be absent without leave while the
3 house is in session unless excused for good cause.

4 Rule 4

5 Preservation of Order

6 The speaker shall preserve order and decorum and
7 speak to points of order. Subject to an appeal to the
8 house by any member, the speaker shall decide questions
9 of order which shall not be debated.

10 The speaker may have the chamber of the house
11 cleared in case of any disturbance or disorderly
12 conduct.

13 Only past legislators, state officials, persons
14 whose presence is deemed by the speaker to be of
15 special significance to the house, and school classes
16 accompanied by teachers and seated in the galleries
17 shall be introduced in the house.

18 No person other than a member of the house shall be
19 allowed to speak from the floor of the house without
20 prior permission of the speaker.

21 The public may take photographs from the galleries
22 at any time. However, the use of flash bulbs or any
23 other artificial lighting is prohibited.
24 Members of the press may photograph from the press
25 box, but shall not use artificial lighting without
26 prior permission from the chief clerk of the house.
27 Photographs shall not be taken on the house floor when
28 the members are voting on a question put before the
29 house. Photographs of the voting boards shall not be
30 taken while a nonrecord roll call vote is displayed.

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1 Photographs may be taken on the house floor at other
2 times with the consent of the subject or subjects of
3 the photography.
4 Rule 4A
5 Use of Telephonic or Electronic Devices in Chamber
6 Restricted
7 1. A person present in the house chamber while the
8 house is in order shall mute any cell phone, computer,
9 or other electronic device under the person's control.
10 The speaker may remove from the chamber any person
11 acting in violation of this rule.
12 2. A member shall not use a cell phone or other
13 electronic device to audibly transmit or receive
14 communications while recognized by the presiding
15 officer to speak in debate.
16 Rule 5
17 Rules of Parliamentary Practice
18 The rules of parliamentary practice in Mason's
19 Manual of Legislative Procedure shall govern the house
20 in all cases where they are not inconsistent with the
21 standing rules of the house, joint rules of the house
22 and senate, or customary practice of the house.
23 Rule 5A
24 House Budget
25 The speaker of the house shall annually prepare a
26 proposed budget for the house of representatives for
27 the payment of expenses, salaries, per diems, and other
28 items. The proposed budget shall be submitted on the
29 fourteenth day of each legislative session to the house
30 administration and rules committee, which shall approve

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1 a proposed budget in house resolution form. The house
2 shall adopt a budget prior to adjournment.
3 Rule 6
4 The Speaker Pro Tempore
5 The house shall, at its pleasure, elect a speaker
6 pro tempore. When the speaker shall for any cause be

7 absent, the speaker pro tempore shall preside, except
8 when the chair is filled by appointment by either the
9 speaker or the speaker pro tempore. If a vacancy
10 occurs in the office of speaker, the speaker pro
11 tempore shall assume the duties and responsibilities of
12 the speaker until such time as the house shall elect a
13 new speaker. The speaker or the speaker pro tempore
14 shall have the right to name any member to perform the
15 duties of speaker, but such substitution shall not
16 extend beyond the adjournment. The acts of the speaker
17 pro tempore shall have the same validity as those of
18 the speaker. In the absence of both the speaker and
19 the speaker pro tempore, the house shall name a speaker
20 who shall preside over it and perform all the duties of
21 the speaker with the exception of signing bills, until
22 such time as the speaker or speaker pro tempore shall
23 be present, and the person's acts shall have the same
24 force and validity as those of the regularly elected
25 speaker.

26 Rule 7

27 Amendment of Rules

28 A motion to change or rescind a standing rule or
29 order of the house requires one day's notice.

30 Rule 8

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1 Violation of House Rules

2 The speaker shall, or any member may, call to order
3 a member who violates the rules of the house. With
4 leave of the house, the member called to order may be
5 permitted to explain. If the case requires it, the
6 member shall be subject to censure of the house.

7 Rule 9

8 Referral of Rule Violations

9 The speaker shall, upon complaint of a member,
10 or upon the speaker's own motion, refer any alleged
11 violation of house or joint rules by house members,
12 employees or staff to the house ethics committee upon
13 an initial finding that an investigation is warranted.

14 The ethics committee shall investigate such
15 allegations and report them back to the house with a
16 recommendation.

17 Rule 10

18 Recognition and Decorum in Debate

19 A member who wishes to speak in debate shall be
20 appropriately attired, with male members wearing coat
21 or tie. After recognition by the chair, a member
22 shall respectfully address the presiding officer
23 by saying "Mr. or Madam Speaker". A member shall
24 confine all remarks to the question under debate,
25 shall be respectful of other members, and shall avoid

26 referencing or questioning the motives of another
27 member.

28 Rule 11

29 Limit on Debate

30 No member shall speak more than once on the same

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1 question without leave of the speaker, nor more than
2 twice until every member choosing to speak has spoken,
3 except as provided in Rule 81. A member shall be
4 limited to ten minutes debate on bills, resolutions,
5 and amendments, but may be granted an extension of time
6 by consent of the house. However, the floor manager
7 of a bill or resolution and the lead sponsor of an
8 amendment may exceed the ten-minute limit on opening
9 and closing remarks.

10 Rule 12

11 Decorum During Debate

12 No member shall leave the house while the speaker
13 is putting a question. No one shall pass between the
14 speaker and a member who is speaking or two members who
15 have been recognized by the speaker.

16 Rule 13

17 Stating the Question

18 When a motion is made, it shall be stated by the
19 speaker. A motion made in writing shall be passed to
20 the speaker's station before it is debated.

21 Rule 14

22 Putting the Question

23 Questions shall be distinctly put in this form:
24 "All those in favor of (the question) shall say 'aye';"
25 and after the affirmative voice is expressed, "All
26 those opposed to (the question) shall say 'no'." If
27 the speaker is in doubt or a member of the house
28 requests, a nonrecord roll call vote shall be taken.

29 DIVISION II – EMPLOYEES OF THE HOUSE

30 Rule 15

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1 Chief Clerk of the House

2 The chief clerk of the house shall serve as
3 parliamentarian and chief administrative officer of the
4 house under the direction of the speaker of the house.
5 The chief clerk shall supervise the chief clerk's
6 office; be responsible for the custody and safekeeping
7 of all bills, resolutions, and amendments filed,
8 except when they are in the custody of a committee;
9 have charge of the daily journal; have control of all
10 rooms assigned for the use of the house; attest to the
11 accuracy and correctness of text and action on bills

12 and resolutions; process the handling of amendments
13 when filed and during the floor consideration of bills;
14 insert adopted amendments into bills before transmittal
15 to the senate and prior to final enrollment; supervise
16 legislative printing and the distribution of printed
17 material; and perform all other duties pertaining to
18 the office of the chief clerk.

19 Rule 16

20 Legislative and Session Days

21 For purposes of these rules, a legislative day is a
22 day when the house is called to order. A legislative
23 day that runs past midnight is not considered a new
24 legislative day. A session day is any calendar day
25 beginning with the convening of the annual regular
26 session and ending with adjournment sine die.

27 Rule 17

28 Sergeant-At-Arms

29 The sergeant-at-arms shall execute all orders
30 of the house and the presiding officer; perform all

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1 assigned duties related to the policing and good order
2 of the house; supervise the entrance and exit of all
3 persons to and from the chamber; promptly execute all
4 messages, etc.; provide that the chamber is properly
5 ventilated and open for the use of the members; and
6 perform all other services pertaining to the office of
7 sergeant-at-arms.

8 Rule 18

9 Secretaries

10 Each member may hire a secretary for the legislative
11 session who shall be under the general direction of the
12 member and the chief clerk. Secretaries shall be on
13 duty at the house from 8:00 a.m. to 4:30 p.m. Monday
14 through Thursday and on other legislative days when
15 required by the chief clerk, except when excused by the
16 member for whom the secretary works. Secretaries shall
17 perform such duties as may be assigned to them by the
18 member or the chief clerk.

19 Rule 19

20 Extra Compensation of Employees

21 No employee shall receive any extra compensation,
22 except as provided by the house, or tips for services
23 performed while on duty. Any violation of this rule
24 shall be grounds for removal.

25 DIVISION III – VISITORS AND LOBBYISTS

26 Rule 20

27 Admission to the House; Lobbying

28 The chamber of the house shall include the
29 vestibule, restrooms, bill room, lounge, visitors'
30 galleries, and floor of the house.

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1 The floor of the house shall consist of the
2 area between the north and south walls, including
3 the representatives' desks, the press box, and the
4 speaker's station, but excluding the visitors'
5 galleries.

6 During a legislative day while the house is in
7 order, no member of the general assembly or legislative
8 employee or intern shall be admitted to the floor of
9 the house if attired in jeans of any color without
10 leave of the speaker.

11 During a legislative day while the house is in
12 order, and one-half hour before the house convenes and
13 one-half hour after the house recesses or adjourns,
14 no person shall be admitted to the floor of the house
15 except:

- 16 1. Members of the general assembly and authorized
17 legislative employees in the performance of their
18 duties.
- 19 2. Former members of the general assembly who are
20 not registered lobbyists.
- 21 3. A general assembly member's family.
- 22 4. Representatives of the press, radio, and
23 television who shall go directly to and from the press
24 box.
- 25 5. Legislative interns registered with the chief
26 clerk who shall go directly to and from the seat of
27 their assigned representative or to be seated in the
28 perimeter seating area.
- 29 6. Designated representatives of a political party
30 having members serving in the house.

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1 7. Members of the state executive council, the
2 lieutenant governor, the attorney general, the
3 governor's executive assistants and administrative
4 assistants, and the administrative rules coordinator,
5 all of whom shall be confined to the perimeter area.
6 The current status of former members of the general
7 assembly shall govern their access to the floor under
8 these rules.

9 No other persons shall be allowed on the house floor
10 while the house is in order without permission of the
11 presiding officer of the house. When the house is not
12 in order, guests of a member of the general assembly
13 escorted by that member shall be allowed on the house
14 floor.

15 No person admitted to the floor of the house while
16 the house is in order, except members of the general
17 assembly, shall lobby or attempt to exercise any

18 influence with any member for or against any matter
19 then pending or that may thereafter be considered by
20 the house.

21 A registered lobbyist shall not be admitted to
22 the floor of the house on any legislative day except
23 for ceremonial purposes or for attendance at public
24 hearings.

25 A lobbyist who represents the position of a state
26 government agency, in which the person serves or is
27 employed as the designated representative for purposes
28 of encouraging the passage or defeat of legislation,
29 shall file with the chief clerk of the house a
30 statement of the general subjects of legislation

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1 in which the lobbyist is or may be interested, but
2 shall not lobby for or against a bill, resolution,
3 or study bill unless the lobbyist does so with the
4 written authorization and on behalf of a statewide
5 elected or retained official. The official's writing
6 may authorize the lobbyist to register and lobby for
7 or against any or all bills in which the lobbyist is
8 or may be interested or may restrict the lobbyist to
9 register and lobby for or against only some bills
10 in which the lobbyist is or may be interested. The
11 written authorizations shall be filed with the chief
12 clerk, according to a procedure established by the
13 clerk for the filing of the authorizations and for
14 making them available to the public, by the following
15 statewide elected or retained official for the
16 following offices, departments, agencies, and branch:

17 By the attorney general, auditor of state, secretary
18 of state, and treasurer of state, for their respective
19 offices.

20 By the secretary of agriculture, for the department
21 of agriculture and land stewardship.

22 By the chairperson of the ethics and campaign
23 disclosure board, for the executive director, legal
24 counsel, and other employees of the board.

25 By the governor, for all other executive branch
26 offices and departments.

27 By the chief justice of the supreme court, for the
28 judicial branch.

29 Each member, employee of the house, and registered
30 lobbyist shall report violations of this rule

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1 immediately to the sergeant-at-arms.

2 Any person for cause may be summarily dismissed
3 from the chamber of the house, by action of the house,

4 and may forfeit that person's right to admission
5 thereafter.

6 Rule 20A

7 Legislative Interns

8 A member may appoint one or more interns who shall
9 register with the chief clerk. Only one legislative
10 intern per member of the house is allowed on the floor
11 of the house at any one time.

12 Rule 21

13 Distribution of Literature

14 No person except a member or employee of the house
15 of representatives shall generally distribute or cause
16 to be distributed any pamphlets, material, or other
17 printed literature, or any other items to the members'
18 desks in the house. An employee of the house shall
19 generally distribute or cause to be distributed such
20 literature or items only on behalf of the employee's
21 office or staff. Items which are permissible gifts
22 under chapter 68B of the Code may be distributed to
23 the members' desks with the authorization of the chief
24 clerk.

25 All copies of pamphlets, material, or printed
26 literature distributed by a member or employee of the
27 house of representatives shall bear the name of the
28 member or employee's office or staff.

29 Other distributions of pamphlets, material, or other
30 printed literature shall bear their source of origin

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1 and be distributed through the legislative post office
2 by completing a form containing a member's or the chief
3 clerk's authorization, with the authorization form
4 attached to one copy of the distribution. The copy
5 with the attached authorization form shall be retained
6 for a reasonable time period by the legislative post
7 office.

8 Rule 22

9 Distribution of Materials Printed by the State

10 A member of the house shall not distribute maps,
11 books, and pamphlets which have been printed by the
12 state of Iowa and upon which the name of the member
13 of the house has been affixed unless the member has
14 purchased the materials or unless the member has
15 affixed the words "Paid for by the citizens of Iowa and
16 distributed by representative (member's name)."

17 DIVISION IV – FORMS AND PROCEDURES FOR BILLS AND OTHER
18 DOCUMENTS

19 Rule 23

20 Documents Signed by the Speaker

21 All acts and joint resolutions shall be signed by
22 the speaker, and all writs, warrants, and subpoenas

23 issued by order of the house, shall be signed by the
24 speaker and attested by the chief clerk. The speaker
25 shall cause certificates of recognition or condolence
26 to be issued by the house which shall be signed by
27 the speaker and the chief clerk. The chief clerk
28 shall maintain a list of certificates issued including
29 the name of the requesting member of the house, the
30 name of the recipient, the reason for recognition or

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1 condolence, and the date of issuance.

2 Rule 24

3 Presentation of Petitions

4 All petitions, memorials, and other papers addressed
5 to the house shall be signed by the member and filed
6 with the chief clerk. The receipt of petitions shall
7 be noted in the journal and such petitions shall be
8 available in the office of the chief clerk.

9 Rule 25

10 Consideration of Simple and Concurrent Resolutions

11 Action on a simple or concurrent resolution, except
12 a memorial resolution, shall not be taken until one day
13 after the resolution has been placed on the members'
14 desks. After the resolution is adopted, the chief
15 clerk shall have the resolution printed in the compiled
16 journal and shall transmit certified copies of the
17 resolution as directed.

18 Rule 26

19 Unanimous Consent Calendar

20 The speaker may, upon the request of three members,
21 place on a unanimous consent calendar any house
22 resolution or concurrent resolution which does not
23 contain an appropriation and which has been laid over
24 under Rule 25.

25 If such resolution is placed on the unanimous
26 consent calendar, it may be removed only upon a written
27 request submitted to the speaker by a member of the
28 house.

29 If not removed after five legislative days, the
30 chief clerk shall call up the resolution and without

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1 debate the speaker shall pronounce that it has passed
2 by unanimous consent.

3 If the resolution is removed from the unanimous
4 consent calendar, the speaker may again lay the
5 resolution over under Rule 25, place it on a different
6 calendar, or refer the resolution to any of the
7 standing committees of the house.

8 Rule 26A

9 Senate Bills and Resolutions

10 A senate bill or resolution may be referred to a
11 standing committee or passed on file.

12 Rule 27

13 Forms of Bills and Joint Resolutions

14 Every house bill shall be introduced by one or more
15 members or by any standing or specially authorized
16 committee of the house or the administrative rules
17 review committee. All bills and joint resolutions
18 introduced shall be prepared by the legislative
19 services agency with title, enacting clause, text
20 and explanation as directed by the chief clerk of the
21 house. One copy of each bill shall be presented in a
22 bill cover with the number of copies of the bill and
23 the title as directed by the chief clerk.

24 Rule 28

25 Joint and Nullification Resolutions

26 Joint resolutions shall be framed and treated as
27 bills.

28 A "nullification resolution" is a joint resolution
29 which nullifies all of an administrative rule, or
30 a severable item of an administrative rule adopted

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1 pursuant to chapter 17A of the Code. A nullification
2 resolution shall not amend an administrative rule by
3 adding language or by inserting new language in lieu
4 of existing language.

5 A nullification resolution may be introduced by an
6 individual, a standing committee or the administrative
7 rules review committee, and may be referred to a
8 standing committee. A nullification resolution is
9 debatable, but cannot be amended on the floor of the
10 house.

11 Rule 29

12 Time of Introduction of Bills

13 No bill or joint resolution under individual
14 sponsorship, other than a nullification resolution,
15 shall be read for the first time after 4:30 p.m. on
16 Friday of the ~~6th~~ 5th week of the first regular session
17 of the general assembly unless a formal request for
18 drafting the bill has been filed with the legislative
19 services agency before that time.

20 After adjournment of the first regular session,
21 bills may be prefiled at any time before the convening
22 of the second regular session. No bill or joint
23 resolution under individual sponsorship, other than a
24 nullification resolution, shall be read for the first
25 time after 4:30 p.m. on Friday of the second week of
26 the second regular session of the general assembly
27 unless a formal request for drafting the bill has been

28 filed with the legislative services agency before that
29 time.
30 However, bills or joint resolutions sponsored

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1 by standing committees or the administrative rules
2 review committee, co-sponsored by the majority and
3 minority floor leaders, or companion bills sponsored
4 by the house majority leader and the senate majority
5 leader may be drafted and introduced at any time
6 permissible under Joint Rule 20. House, concurrent,
7 and nullification resolutions may be introduced at any
8 time.

9 Rule 30

10 Introduction and Reading of Bills

11 All bills and resolutions to be introduced in
12 the house shall be prepared in proper form and filed
13 with the chief clerk no later than 4:30 p.m. on the
14 legislative day preceding its introduction.

15 Every bill shall receive two readings but no bill
16 shall receive its first and last readings on the same
17 day.

18 A "reading of a bill" as required by these rules
19 shall consist of a reading of the title and enacting
20 clause.

21 Rule 31

22 First Reading, Commitment, and Amendment

23 1. A bill is introduced into the house by an
24 initial or "first reading of the bill".

25 2. When the house is in session the first reading
26 shall consist of a "reading" as provided in Rule 30.

27 3. Upon a first reading of the bill, the speaker
28 shall state that it is ready for commitment or
29 amendment; and the speaker shall commit it to the
30 standing or select committee, or to a committee of the

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1 whole house. If to a committee of the whole house, the
2 house shall determine on what day.

3 4. On a nonlegislative day the speaker may cause a
4 statement, which shall consist of the title, enacting
5 clause, bill number and committee to which the bill
6 is referred, to be published in the house journal.

7 This publication shall constitute a first reading and
8 commitment and shall contain the notation "read and
9 committed under Rule 31".

10 5. All amendments offered to bills and resolutions
11 shall be accompanied by such copies as the chief clerk
12 shall direct.

13 6. Such amendments shall give the number of

14 the bill sought to amend and the chief clerk shall
15 designate each such amendment thus: Amendment to
16 House File _____, or Senate File _____, by
17 _____.

18 7. A bill reported out by committee shall go to the
19 speaker who shall direct that the bill be placed on the
20 regular calendar unless it covers subject matter more
21 properly within the jurisdiction of some other standing
22 committee, in which case the speaker shall refer the
23 bill to the proper standing committee. In order to
24 expedite important business and set a definite time for
25 the bill's consideration, the speaker may direct the
26 bill to be placed on the special order calendar.

27 8. No amendment to the rules of the house, to
28 any resolution or bill, except technical amendments
29 and amendments to bills substituted for by senate
30 files containing substantially identical title,

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1 language, subject matter, purpose and intrasectional
2 arrangement, shall be considered by the membership
3 of the house without a copy of the amendment having
4 been filed with the chief clerk by 4:00 p.m. or within
5 one-half hour of adjournment, whichever is later,
6 on the day preceding floor debate on the amendment.
7 If the house adjourns prior to 2:00 p.m. on Friday,
8 the final deadline is two hours after adjournment.
9 However, committee amendments filed pursuant to the
10 submission of the committee report may be accepted
11 after this deadline. This provision shall not apply
12 to any proposal debated on the floor of the house
13 after the ~~fourteenth~~ thirteenth week of the first
14 session and the twelfth week of the second session.
15 No amendment or amendment to an amendment to a bill,
16 rule of the house, or resolution shall be considered
17 by the membership of the house without a copy of the
18 amendment being on the desks of the entire membership
19 of the house prior to consideration. However, the
20 membership of the house may consider an amendment or an
21 amendment to an amendment to a bill, rule of the house,
22 or resolution without a copy of the amendment being
23 on the desks of the entire membership of the house
24 prior to consideration if a copy of the amendment is
25 made available to the entire membership of the house
26 electronically.

27 Rule 32

28 Commitment of Appropriation and Revenue Bills

29 All bills to appropriate money shall be referred to
30 the appropriations committee, and all bills pertaining

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1 to the levy, assessment, or collection of taxes or fees
2 shall be referred to the committee on ways and means.

3 Rule 33

4 Regular Calendar

5 Bills, nullification resolutions, and joint
6 resolutions reported out for passage, amendment and
7 passage, or without recommendation by a committee,
8 or passed on file shall be arranged on a regular
9 calendar by the chief clerk each day and electronically
10 distributed to the members at the opening of each
11 legislative day. The regular calendar shall include
12 a list of bills, nullification resolutions, and joint
13 resolutions which have been special ordered, including
14 the date upon which debate is scheduled to begin
15 on each of them, which shall be no sooner than five
16 session days from the first date of publication on the
17 regular calendar.

18 Rule 34

19 Daily Debate Calendar

20 The majority floor leadership shall cause to
21 be prepared and distributed to the members at the
22 opening of each legislative day when floor action is
23 scheduled, a daily debate calendar consisting of bills,
24 nullification resolutions, and joint resolutions from
25 the regular calendar setting forth the number and
26 title of bills, nullification resolutions, and joint
27 resolutions for the next legislative day that floor
28 action is scheduled.

29 This rule does not apply to bills which have passed
30 both houses in different forms, reconsiderations, or

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1 veto reconsiderations.

2 Rule 35

3 Substitution of Bills

4 A senate bill or resolution may be substituted
5 for an identical house bill or resolution which has
6 been called up for debate. An amendment to a senate
7 bill or resolution which has been substituted for an
8 identical house bill or resolution is out of order if
9 an identical amendment to the house bill or resolution
10 was considered.

11 Rule 36

12 Consideration of Committee Amendments

13 After a bill has been referred and reported back,
14 it shall be considered on its first reading after the
15 amendments of the committee have been read.

16 Rule 37

17 Amendments to Special Order Bills

18 All amendments to bills which have been special
 19 ordered shall be filed at least three session days
 20 prior to the date set for debate. Amendments to an
 21 amendment shall be filed at least two session days
 22 prior to the date set for debate. However, corrective
 23 amendments and amendments sponsored by either the
 24 majority floor leader or the minority floor leader may
 25 be filed at any time. Rule 31, subsection 8, shall not
 26 apply to these amendments.

27 A corrective amendment is an amendment which does
 28 not substantively change the amendment or the bill.

29 Rule 38

30 ~~Germaneness~~ Germane Amendments

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1 An amendment must be germane to the subject matter
 2 of the bill it seeks to amend. An amendment to an
 3 amendment must be germane to both the amendment and the
 4 bill it seeks to amend. When a member ~~questions the~~
 5 ~~germaneness of an amendment~~ objects to an amendment on
 6 grounds that the amendment is not germane, the speaker
 7 may invite members, who shall include the majority and
 8 minority leaders, to the speaker's station to discuss
 9 the objection.

10 Rule 39

11 Consideration of Bills

12 Bills, including committee bills, joint resolutions,
 13 and nullification resolutions, reported out for
 14 passage, for amendment and passage, or without
 15 recommendation by the committee, are first eligible to
 16 be acted upon beginning the third legislative day they
 17 appear on the regular calendar.

18 Committee reports shall be printed in the journal
 19 immediately after they are filed with the chief clerk.
 20 Reports recommending bills, joint resolutions, and
 21 nullification resolutions for passage, for amendment
 22 and passage, or without recommendation shall stand
 23 approved unless written objections are filed during
 24 the first legislative day following their printing in
 25 the journal. If objections are filed, they shall be
 26 disposed of as soon as possible.

27 Rule 40

28 Consideration of Bills Upon Last Reading

29 No amendment, unless by way of correcting an error
 30 or omission, shall be received to any bill on its last

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1 reading, and no debate shall be allowed on it.

2 Rule 41

3 Printing of Bills and Joint Resolutions

4 Bills and joint resolutions shall be printed in form
5 as provided by law and by rule. Each house may direct
6 the printing of an additional number of its own bills.
7 Legalizing bills of a local or private nature shall
8 be printed in bill form and placed in the files of the
9 members, the same as other bills, in the order of their
10 introduction. The cost of printing shall be deposited
11 with the treasurer of state in advance at a rate to be
12 fixed, and the newspaper publication of the bill shall
13 be without cost to the state. No legalizing act may
14 be introduced until all provisions of law have been
15 complied with.

16 Rule 42

17 Certification and Engrossment of Bills

18 The chief clerk shall certify the passage of each
19 bill and note the date of its passage.

20 In engrossing a bill, the chief clerk shall
21 correct all obvious typographical, spelling, or other
22 clerical errors and change section subunit numbers
23 and letters and internal references as required to
24 conform the original bill to any amendments which have
25 been adopted. The chief clerk shall report all such
26 corrections or changes in the journal. The engrossed
27 bill shall be placed in the bill file with the original
28 bill and amendments.

29 Rule 43

30 Rereferral

Page 24

1 A bill may be rereferred by the speaker or, upon
2 motion, by the house at any time before its passage and
3 after the report of its referral to committee.

4 Rule 44

5 Effect of Indefinite Postponement

6 When a question is indefinitely postponed, it shall
7 not be acted upon again during that session.

8 Rule 45

9 Status of Bills Following First Regular Session

10 Except for those bills which have been adopted by
11 both houses in different forms, all bills which have
12 not been withdrawn, defeated or indefinitely postponed,
13 shall be rereferred to committee upon adjournment of
14 the first regular session. Within seven days after
15 the first committee meeting following convening of
16 the second regular session, the committee chair shall
17 submit the bill to the full committee for action or the
18 chair shall reassign the bill to a subcommittee.

19 DIVISION V – COMMITTEE PROCEDURES

20 Rule 46

21 Appointment of Committees

22 All committees shall be appointed by the speaker,

23 unless otherwise especially directed by the house.
 24 Minority party members of a committee shall be
 25 appointed by the speaker upon recommendation of the
 26 minority leader.
 27 Rule 47
 28 Reserved
 29 Rule 48
 30 Study Bills

Page 25

1 A study bill is any matter which a member of
 2 the house wishes to have considered by a standing
 3 committee, other than appropriations, without being
 4 introduced in the house by a first reading. A
 5 study bill shall be prepared in proper form by the
 6 legislative services agency prior to submission.
 7 Upon taking possession of a study bill, the
 8 committee chair shall notify the speaker and then
 9 submit four copies of the bill to the legal counsel's
 10 office for numbering.
 11 A study bill shall bear the name of the member who
 12 wishes to have the bill considered. A study bill
 13 submitted by a state agency or board for consideration
 14 shall bear the name of the state agency or board. A
 15 committee chair may submit a study bill in the name of
 16 that committee.
 17 Final committee action on a study bill shall not be
 18 taken until one day following the notation of the study
 19 bill assignment in the house journal.
 20 Rule 49
 21 Committee Meetings
 22 No committee, except a conference committee or the
 23 administrative rules review committee, shall meet
 24 while the house is in session without special leave.
 25 Committees with overlapping memberships shall not meet
 26 at the same time without special leave.
 27 Rule 50
 28 Smoking Prohibited
 29 Smoking shall not be permitted in the house or in
 30 any area of the capitol building.

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1 Rule 50A
 2 Nondegradable Polystyrene Cups
 3 ~~The use of nondegradable polystyrene cups shall not~~
 4 ~~be permitted on the floor of the house.~~
 5 Rule 51
 6 Assignments to Subcommittee
 7 The chair of the committee shall report to the house
 8 the bill number of each bill assigned to subcommittee

9 and the names of the subcommittee members. The report
10 shall be printed in the journal.

11 All bills, prior to consideration by the committee,
12 shall be referred by the chair to a subcommittee,
13 unless acted upon by a committee of the whole.

14 The chair may assign bills to subcommittees without
15 a meeting of the committee, but the membership of the
16 subcommittee so appointed shall be reported at the next
17 meeting of the committee.

18 Rule 52

19 Open Meetings

20 Standing committee meetings shall be open, and
21 voting by secret ballot is prohibited. The committee
22 on administration and rules may close its meetings to
23 evaluate the professional competency of an individual
24 ~~whose appointment, hiring, performance, or discharge is~~
25 ~~being considered when necessary to prevent needless and~~
26 ~~irreparable injury to that individual's reputation on~~
27 ~~the request of the affected individual.~~

28 Rule 53

29 Quorum and Vote Requirements

30 The committee roll shall be taken at the convening

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1 of each meeting to determine the presence of a quorum.

2 A majority of the committee membership shall constitute
3 a quorum.

4 An affirmative vote of a majority of the committee
5 membership is required to report a bill out of
6 committee or to suspend a committee rule.

7 A motion to reconsider may be made only by a
8 committee member who voted on the prevailing side of
9 the question sought to be reconsidered. A motion to
10 reconsider may only be made prior to the adjournment of
11 the committee meeting at which the bill was reported
12 out.

13 If a member, who is in the committee room when a
14 question to report a bill out of committee is put, has
15 not asked to be excused prior to commencing to take
16 the vote on the question, the member shall vote aye or
17 nay unless the committee has excused the member for
18 special reasons. However, a member may pass on the
19 first taking of the roll call on the question but shall
20 vote aye or nay when the member's name is called for a
21 second time.

22 Rule 54

23 Committee Attendance Record and Report of Committee

24 Form

25 1. A committee attendance record shall be filed
26 with the chief clerk no later than 10:00 a.m. or two
27 hours after the house convenes, whichever is later,

28 of the legislative day immediately following the day
29 of the committee meeting. The committee attendance
30 record is a public record and may be published in the

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1 journal. The committee attendance record shall include
2 the following information:
3 a. The time the meeting convened.
4 b. The members present at the meeting.
5 c. The time the meeting adjourned.
6 d. A list of bills receiving final committee
7 disposition.
8 2. A report of committee form shall be filed with
9 the chief clerk no later than 10:00 a.m. or two hours
10 after the house convenes, whichever is later, of the
11 legislative day immediately following the day of the
12 committee meeting for each study bill, numbered bill
13 or resolution receiving final committee disposition.
14 The report of committee form is a public record and
15 a report of committee action shall be printed in the
16 journal. The report of committee form shall include
17 the following information:
18 a. The committee action taken.
19 b. The committee amendment number, if any.
20 c. The roll call vote of the committee on final
21 disposition.
22 d. The minority recommendation, if any.
23 3. Upon final adjournment of the first session
24 and final adjournment of the second session of the
25 general assembly, the chair of each committee shall
26 have placed the committee's book of record containing
27 minutes, record roll calls on final disposition, record
28 roll call votes on any amendments considered, rules,
29 etc., with the chief clerk for access of any interested
30 person.

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1 Rule 55
2 Minority Recommendation
3 The minority of the members of a committee may
4 present its recommendations on the final disposition
5 of a bill to the house by attaching its recommendation
6 to the committee report. The minority recommendation
7 shall be noted in the journal along with the committee
8 report.
9 Rule 56
10 Committee Amendment
11 Whenever a committee amendment is proposed which
12 would amend another committee amendment, the amendment
13 shall be drafted in the form of a substitute amendment

14 and shall be considered as such.

15 Rule 57

16 Committee Notice and Agenda

17 Each committee shall prepare and publish a notice
18 and agenda of each committee meeting at least one
19 legislative day prior to the meeting. The notice and
20 agenda may be placed on the desks of or transmitted
21 electronically to committee members.

22 The notice shall contain the committee name, the
23 date, time, and location of the meeting.

24 The agenda shall contain the matters to be
25 discussed, including a list of bills, joint
26 resolutions, nullification resolutions, and study
27 bills by number. The agenda should contain the names
28 of individuals who are scheduled to appear before the
29 committee and the organization which they represent.

30 A bill, joint resolution, nullification resolution,

Page 30

1 or study bill shall not be reported out of committee if
2 the bill was not included in the published notice and
3 agenda unless this rule is suspended by a majority of
4 the total membership of the committee.

5 A committee chair may call a meeting without
6 providing the required notice and agenda upon leave
7 of the house if a notice is either electronically
8 transmitted to committee members or placed on the desks
9 of committee members.

10 Rule 58

11 Clearing of Committee Room

12 The chair of a committee may clear the committee
13 room in case of any disturbance or disorderly conduct.

14 Rule 58A

15 Use of Telephonic or Electronic Devices in Committee
16 Rooms Restricted

17 1. In any committee room while a standing committee
18 is in session:

19 a. A person shall mute any cell phone, computer, or
20 other electronic device under the person's control.

21 b. A person shall not use a cell phone or other
22 electronic device to audibly transmit or receive
23 communications.

24 2. The chair or acting chair of a standing
25 committee may clear the committee room of any person
26 acting in violation of this rule.

27 Rule 59

28 Committee Amendments

29 All amendments to a bill or resolution adopted in
30 committee shall be incorporated in a single committee

Page 31

1 amendment or incorporated in a new committee bill.

2 Rule 60

3 Withdrawal of Bills, Joint Resolutions, or
4 Nullification Resolutions From Committee

5 A bill, joint resolution, or nullification

6 resolution which has been in committee for eighteen

7 legislative days following notation of such referral

8 in the journal may be withdrawn from the committee and

9 placed on the calendar by an affirmative vote of not

10 less than fifty-one members of the house.

11 Rule 61

12 Committee Public Hearings

13 The chair of a committee may call a public hearing

14 for the purpose of receiving public comment on any

15 matter within the purview of the committee.

16 The chair shall call a public hearing upon the

17 written request of committee members according to

18 committee rules, but no more than one-third of the

19 committee members shall be required.

20 A public hearing shall not be called or requested

21 after final action on the bill, joint resolution,

22 or nullification resolution has been taken by the

23 committee. However, a public hearing called or

24 requested before final action has been taken by the

25 committee may be held after final action on the bill,

26 joint resolution, or nullification resolution has been

27 taken by the committee.

28 The chair shall designate a time and place for a

29 public hearing and provide public notice at least five

30 days prior to a public hearing.

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1 A bill, joint resolution, or nullification

2 resolution for which a public hearing has been called

3 can be voted to the calendar but cannot be debated

4 until after the public hearing has been held.

5 However, public hearings which have been requested

6 during or after the 9th week of the first session and

7 during or after the 7th week of the second session must

8 be held within four legislative days of the date of the

9 request.

10 Rule 62

11 Limitation on Filing of Claims

12 All claims shall be referred to the appropriations

13 committee. A claim referred to the appropriations

14 committee in a prior session of the general assembly

15 shall not be considered by the appropriations

16 committee or by the house unless it has been

17 specifically referred to this session by a vote of the

18 appropriations committee. The appropriations committee
19 is authorized to set a definite date each session after
20 which it will not receive claims or claim bills for
21 consideration.

22 DIVISION VI – COMMITTEE OF THE WHOLE

23 Rule 63

24 Organization of Committee of the Whole

25 In forming the committee of the whole house, the
26 speaker shall appoint a member to preside in committee
27 and then leave the chair.

28 Rule 64

29 Rules in Committee of the Whole

30 The rules of the house shall be observed in

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1 committee of the whole house, so far as they are
2 applicable.

3 Rule 65

4 Bills in Committee of the Whole

5 Bills committed to the committee of the whole house
6 shall first be debated by section. After the report
7 of the committee of the whole, the bill shall again be
8 subject to debate and amendment before a vote is had on
9 its last reading and passage.

10 Rule 66

11 Amendments by Committee of the Whole

12 All amendments made to a report committed to a
13 committee of the whole house shall be noted and
14 reported as in the case of bills.

15 DIVISION VII – MOTIONS

16 Rule 67

17 Order and Precedence of Motions

18 The following order of motions, listed in order
19 of precedence, shall govern when a question is under
20 debate:

21 1. Adjourn.

22 2. Recess.

23 3. Questions of privilege.

24 4. Lay on the table.

25 5. Previous question.

26 6. Limit debate.

27 7. Postpone definitely or to a certain time.

28 8. Refer or rerefer.

29 9. Defer.

30 10. Amend an amendment.

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1 11. Amend.

2 12. Postpone indefinitely.

3 A motion to postpone definitely or to a certain

4 time, to refer or commit, or to postpone indefinitely a
5 particular question shall not be considered more than
6 once on the same day.

7 Adoption of a motion to strike the enacting words is
8 equivalent to rejection of the question.

9 Rule 68

10 Order of Consideration of Amendments

11 Amendments shall be considered by earliest position
12 in the bill. Amendments to the same place in the bill
13 shall be considered by the lowest amendment number. An
14 amendment which inserts language after a line and an
15 amendment which inserts language before the succeeding
16 line shall be considered amendments to the same place
17 in the bill.

18 However, an amendment to strike the enacting clause
19 shall always be considered first. An amendment filed
20 by a committee shall have the next highest order of
21 priority, followed by an amendment to strike everything
22 after the enacting clause and insert new language. An
23 amendment to strike language or to strike and insert
24 new language, except an amendment to strike everything
25 after the enacting clause and insert new language,
26 shall not be considered before amendments to perfect
27 all or part of the same portion of the bill.

28 Rule 69

29 Motions Not Debatable

30 The following motions are not debatable:

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- 1 1. Adjourn.
- 2 2. Adjourn to a certain time.
- 3 3. Suspend house rules.
- 4 4. Previous question.
- 5 5. Close debate at a certain time.
- 6 6. Recess.
- 7 7. Defer.
- 8 8. Refer or rerefer.
- 9 9. Lay on the table.
- 10 10. Take from the table.
- 11 11. Call of the house.
- 12 12. Withdraw a bill or resolution from committee.
- 13 13. Appeal a decision of the chair.
- 14 14. Immediately message a bill or resolution.

15 Rule 69A

16 Constitutional Majority

- 17 1. The following motions require a constitutional
18 majority for approval:
 - 19 a. Final passage of a bill, joint resolution, or
20 nullification resolution.
 - 21 b. Lay on the table.
 - 22 c. Take from the table.

- 23 d. Suspend house rules.
24 e. Previous question.
25 f. Withdraw a bill or resolution from committee.
26 g. Reconsider a bill, joint resolution, or
27 nullification resolution.
28 h. Immediately message a bill or resolution.
29 2. A division must be taken on any motion which
30 requires a constitutional majority.

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- 1 Rule 70
2 Motion to Adjourn
3 A motion to adjourn shall always be in order, except
4 when a member is speaking or the house is voting.
5 Rule 71
6 Withdrawal of Motions
7 After a motion is stated by the speaker or read by
8 the chief clerk, it shall be deemed to be in possession
9 of the house, but may be withdrawn by leave of the
10 house.
11 Rule 72
12 Unanimous Consent
13 Unanimous consent of the members may be asked for
14 suspension of any rule of the house. If there is no
15 objection to the request, the rule shall be considered
16 suspended.
17 Rule 73
18 Reconsideration
19 1. A motion to reconsider may be made only by a
20 member who voted on the prevailing side of the question
21 sought to be reconsidered.
22 2. A motion to reconsider may be made not later
23 than adjournment on the legislative day following
24 the legislative day of the action sought to be
25 reconsidered. Where the floor manager voted on
26 the prevailing side, the floor manager has the
27 prior right to make the motion, until adjournment
28 on the legislative day of the action sought to be
29 reconsidered. A motion to reconsider a nullification
30 resolution shall be acted upon not later than

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- 1 adjournment on the legislative day following
2 the legislative day of the action sought to be
3 reconsidered.
4 3. A motion to reconsider made beginning the
5 fifteenth week of the first regular session, or the
6 thirteenth week of the second regular session, may be
7 taken up when made. A motion made at any other time
8 may be taken up prior to the third legislative day

9 succeeding the legislative day of the action sought
10 to be reconsidered only if called up by the mover,
11 and after the second legislative day succeeding the
12 legislative day of the action sought to be reconsidered
13 if called up by any member.

14 4. The making of a motion to reconsider takes
15 precedence over all other questions.

16 5. When passage, adoption, or failure of any
17 bill, joint resolution, or nullification resolution
18 is reconsidered, questions on amendments may also be
19 reconsidered and shall be disposed of immediately.

20 6. In the event that a motion to reconsider
21 is pending at the end of the first session or any
22 extraordinary session of any general assembly, or the
23 general assembly adjourns sine die, and the motion to
24 reconsider has not been voted upon by the house, the
25 motion shall be determined to have failed.

26 DIVISION VIII – VOTING

27 Rule 74

28 Manner of Voting

29 Members present may cast their votes, either
30 by operating the voting mechanism located at their

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1 assigned desk or by signaling the speaker from the
2 floor of the house or from the south visitors' gallery
3 if they are unable to vote at their assigned desk.
4 Only a member may operate the voting mechanism at that
5 member's assigned desk. The speaker shall announce the
6 votes of members signaling their votes. Upon direction
7 of the speaker only those members at their desks and
8 voting shall be counted. Members who are not present
9 shall not cast their votes except:

10 1. Members who have not voted may record their
11 votes on any record roll call vote except quorum
12 calls within ten minutes after the outcome of the
13 vote has been announced. Members shall initial their
14 recorded votes on a copy of the record roll call at the
15 speaker's station. However, if the aggregate of votes
16 cast under this rule would change the outcome of the
17 vote on a question, then none of the votes cast on the
18 question under this rule shall be recorded. A member
19 may request announcement of the names of members so
20 recorded after the ten-minute period.

21 2. Members meeting in a conference committee
22 or in administrative rules review committee at the
23 time a vote is taken on a question may have their
24 vote recorded within thirty minutes or adjournment,
25 whichever is first, of that same legislative day,
26 provided the aggregate of votes cast does not change
27 the outcome of the vote on a question.

28 Rule 75
29 Voting in the House and Duty of Voting
30 Voting on a question put to the house shall not

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1 occur between midnight and 8 a.m. on any legislative
2 day except for voting on a motion to adjourn. Except
3 as limited in Rule 76, every member who is in the house
4 when a question is put shall vote unless the house has
5 excused that member from voting for special reasons;
6 however, such member must have asked to be excused from
7 voting prior to the time the speaker puts the question.

8 Rule 76
9 Limitation on Right to Vote
10 No member shall vote on any question in which
11 the member or the member's immediate family member,
12 as defined in chapter 68B of the Code, has a direct
13 financial interest different from other similarly
14 situated persons or classes of persons of the general
15 public.

16 Rule 77
17 Call of the House
18 Upon written request of five members, the presiding
19 officer shall compel attendance of absent and unexcused
20 members for the consideration of specified bills,
21 resolutions, or amendments.
22 A call of the house shall specify the propositions
23 to which it is to apply and must be put into effect
24 before roll call is taken on the proposition. The
25 request may be filed with the chief clerk at any time
26 before final action upon the propositions, who shall
27 notify the house immediately.

28 Rule 78
29 Method of Calling the House
30 Upon a call of the house, the names of the members

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1 shall be called by the chief clerk and the absentees
2 noted, after which the names of the absentees shall
3 again be called. The sergeant-at-arms shall be
4 directed by the speaker to compel the attendance of
5 absent members, unless they are previously excused.
6 Any member occupying the member's seat during a call
7 of the house shall be counted by the speaker and that
8 person's name entered in the journal as being present
9 for the purpose of making a quorum.

10 Rule 79
11 Method of Calling the Roll
12 The electrical voting machine shall be used for a
13 call of the house, a quorum call or a roll call vote

14 on any question. If the electrical voting machine is
15 not in operating order when it is necessary to take
16 a record roll call vote, the presiding officer shall
17 order the vote to be taken by calling the roll in
18 alphabetical order, except the name of the presiding
19 officer shall be called last.
20 During the casting of the vote with the voting
21 machine, the individual votes and the vote totals shall
22 be shown on the display boards. Before the voting
23 machine is closed, the presiding officer shall inquire
24 of the house, "Have you all voted?"
25 Rule 80
26 Quorum and Record Roll Call Votes
27 A majority of the members shall constitute a quorum.
28 A record roll call vote shall be ordered upon
29 request of any two members. The names of the members
30 requesting the record roll call shall be entered in the

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1 journal.
2 Rule 81
3 Previous Question
4 When a member moves for the previous question, the
5 member shall state whether the motion will apply to the
6 main question, to all the amendments, or to particular
7 amendments. The motion requires an affirmative vote of
8 at least a constitutional majority of the members. If
9 the motion for a previous question is not adopted, the
10 house shall proceed in the same manner as before the
11 motion was made.
12 If the motion is adopted, all debate must end and
13 the house will vote upon the question except:
14 1. If the motion applies to the main question, the
15 member in charge of the measure will have ten minutes
16 to speak for the purpose of closing discussion before
17 the vote on the measure is taken.
18 2. If the motion applies to an amendment, the
19 member proposing the amendment will have five minutes
20 to speak for the purpose of closing discussion before
21 the vote on the amendment is taken.
22 3. If a member has filed a written request with
23 the chief clerk of the house indicating the member's
24 desire to speak on a particular question. The request
25 must be filed before the motion is made by the movant.
26 The request allows a member to speak on a particular
27 question before the closing discussion by the member
28 who is in charge of the measure or who is proposing the
29 amendment.
30 Rule 82

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1 Division of the Question
2 Any member may call for a division of the question,
3 which shall be divided if it comprehends questions so
4 distinct that one being taken away, the remainder may
5 stand separately for discussion by the house. Upon
6 request to divide an amendment, the chief clerk shall
7 restate the division and note the divided amendment in
8 the house journal. An amendment to strike out being
9 lost shall not preclude an amendment to strike out and
10 insert. An amendment to strike out and insert shall be
11 deemed indivisible.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 7

Koester of Polk asked and received unanimous consent for the immediate consideration of **House Resolution 7**, as follows, and moved its adoption:

HOUSE RESOLUTION 7 BY COMMITTEE ON ETHICS

1 A resolution relating to the House code of ethics.
2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
3 the House Code of Ethics shall be as follows:
4 HOUSE CODE OF ETHICS
5 PREAMBLE. Every legislator and legislative employee
6 has a duty to uphold the integrity and honor of the
7 general assembly, to encourage respect for the law and
8 for the general assembly, and to observe the house code
9 of ethics. The members and employees of the house
10 have a responsibility to conduct themselves so as to
11 reflect credit on the general assembly, and to inspire
12 the confidence, respect, and trust of the public. The
13 following rules are adopted pursuant to chapter 68B of
14 the Code, to assist the members and employees in the
15 conduct of their activities:
16 1. DEFINITIONS. The definitions of terms provided
17 in chapter 68B of the Code apply to the use of those
18 terms in these rules.
19 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
20 HOUSE.
21 a. Economic or investment opportunity. A member
22 or employee of the house shall not solicit or accept
23 economic or investment opportunity under circumstances
24 where the member or employee knows, or should know,
25 that the opportunity is being afforded with the intent
26 to influence the member's or employee's conduct in

27 the performance of official duties. If a member

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1 or employee of the house learns that an economic
2 or investment opportunity previously accepted was
3 offered with the intent of influencing the member's or
4 employee's conduct in the performance of the official
5 duties, the member or employee shall take steps to
6 divest that member or employee of that investment or
7 economic opportunity, and shall report the matter
8 in writing to the chairperson of the house ethics
9 committee.

10 b. Excessive charges for services, goods, or
11 property interests. A member or employee of the
12 house shall not charge to or accept from a person
13 known to have a legislative interest, a price, fee,
14 compensation, or other consideration for the sale or
15 lease of any property or the furnishing of services
16 which is in excess of that which the member or employee
17 would ordinarily charge another person.

18 c. Use of confidential information. A member or
19 employee of the house, in order to further the member's
20 or employee's own economic interests, or those of any
21 other person, shall not disclose or use confidential
22 information acquired in the course of the member's or
23 employee's official duties. For the purpose of this
24 rule, information disclosed in open session at a public
25 meeting and information that is a public record is not
26 confidential information.

27 d. Employment. A member or employee of the
28 house shall not accept employment, either directly
29 or indirectly, from a political action committee. A
30 member of the house shall not act as a paid lobbyist

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1 for any organization. However, this paragraph shall
2 not prohibit a member or employee of the house from
3 working for a candidate's committee, a political
4 party's action committee, or a political action
5 committee which does not expressly advocate the
6 nomination, election, or defeat of a candidate for
7 public office in this state or expressly advocate the
8 passage or defeat of a ballot issue in this state and
9 which is not interested in issues before the general
10 assembly.

11 For the purpose of this rule, a political action
12 committee means a committee, but not a candidate's
13 committee, which accepts contributions, makes
14 expenditures, or incurs indebtedness in the aggregate
15 of more than seven hundred fifty dollars in any one

16 calendar year to expressly advocate the nomination,
17 election, or defeat of a candidate for public office or
18 to expressly advocate the passage or defeat of a ballot
19 issue or for the purpose of influencing legislative
20 action.

21 e. A member or employee of the house shall not
22 solicit employment on behalf of the member or employee,
23 or on behalf of another legislator or employee, as a
24 lobbyist while the general assembly is in session.

25 f. Certain goods or services. A member or employee
26 of the house shall not solicit or obtain goods or
27 services from another person under circumstances where
28 the member or employee knows or should know that the
29 goods or services are being offered or sold with the
30 intent to influence the member's or employee's conduct

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1 in the performance of official duties. If a member or
2 employee of the house is afforded goods or services
3 by another person at a price that is not available to
4 other members or classes of members of the general
5 public or is afforded goods or services that are
6 not available to other members or classes of members
7 of the general public by another person where the
8 member or employee knows or should know that the other
9 person intends to influence the member's or employee's
10 official conduct, the member or employee shall not take
11 or purchase the goods or services.

12 3. APPEARANCE BEFORE STATE AGENCY. A member or
13 employee of the house may appear before a state agency
14 in any representation case but shall not act as a
15 lobbyist with respect to the passage, defeat, approval,
16 veto, or modification of any legislation, rule, or
17 executive order. Whenever a member or employee of
18 the house appears before a state agency, the member
19 or employee shall carefully avoid all conduct which
20 might in any way lead members of the general public
21 to conclude that the member or employee is using the
22 member's or employee's official position to further the
23 member's or employee's professional success or personal
24 financial interest.

25 4. CONFLICTS OF INTEREST. In order for the general
26 assembly to function effectively, members of the house
27 may be required to vote on bills and participate in
28 committee work which will affect their employment and
29 other areas in which they may have a monetary interest.
30 Action on bills and committee work which furthers a

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1 member's specific employment, specific investment, or

2 other specific interest, as opposed to the interests of
3 the public in general or the interests of a profession,
4 trade, business, or other class of persons, shall be
5 avoided. In making a decision relative to a member's
6 activity on particular bills or in committee work, the
7 following factors should be considered:
8 a. Whether a substantial threat to the member's
9 independence of judgment has been created by the
10 conflict situation.
11 b. The effect of the member's participation on
12 public confidence in the integrity of the general
13 assembly.
14 c. Whether the member's participation is likely to
15 have any significant effect on the disposition of the
16 matter.
17 d. The need for the member's particular
18 contribution, such as special knowledge of the subject
19 matter, to the effective functioning of the general
20 assembly.
21 If a member decides not to participate in committee
22 work or to abstain from voting because of a possible
23 conflict of interest, the member should disclose
24 this fact to the legislative body. The member shall
25 not vote on any question in which the member has an
26 economic interest that is distinguishable from the
27 interests of the general public or a substantial class
28 of persons.
29 5. STATUTORY REQUIREMENTS. Members and employees
30 of the house shall comply with the requirements

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1 contained in chapters 68B (~~Conflicts of Interest of~~
2 ~~Public Officers and Employees~~ Government Ethics and
3 Lobbying), 721 (Official Misconduct), and 722 (Bribery
4 and Corruption), and sections 2.18 (Contempt) and 711.4
5 (Extortion) of the Code.
6 6. CHARGE ACCOUNTS. Members and employees of the
7 house shall not charge any amount or item to a charge
8 account to be paid for by a lobbyist or any client of
9 a lobbyist.
10 7. TRAVEL EXPENSES. A member or employee of the
11 house shall not charge to the state of Iowa amounts
12 for travel and expenses unless the member or employee
13 actually has incurred those mileage and expense costs.
14 Members or employees shall not file the vouchers for
15 weekly mileage reimbursement required by section 2.10,
16 subsection 1 of the Code, unless the travel expense was
17 actually incurred.
18 A member or employee of the house shall not file
19 a claim for per diem compensation for a meeting of
20 an interim study committee or a visitation committee

21 unless the member or employee attended the meeting.
22 However, the speaker may waive this provision and allow
23 a claim to be filed if the member or employee attempted
24 to attend the meeting but was unable to do so because
25 of circumstances beyond the member's or employee's
26 control.
27 8. GIFTS ACCEPTED OR RECEIVED. Members and
28 employees of the house shall comply with the
29 restrictions relating to the receipt or acceptance of
30 gifts contained in section 68B.22 of the Code.

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1 9. HONORARIA RESTRICTIONS. Members and employees
2 of the house shall comply with the restrictions
3 relating to the receipt of honoraria contained in
4 section 68B.23 of the Code.
5 10. DISCLOSURE REQUIRED. Each member of the
6 house and the chief clerk of the house shall file the
7 personal financial disclosure statements required under
8 section 68B.35 of the Code by February 15 of each year
9 for the prior calendar year.
10 11. SEXUAL HARASSMENT. Members and employees of
11 the house shall not engage in conduct which constitutes
12 sexual harassment as defined in section 19B.12 of
13 the Code or pursuant to the sexual harassment policy
14 adopted by the house committee on administration and
15 rules.
16 12. COMPLAINTS.
17 a. Filing of complaint. Complaints may be filed by
18 any person believing that a member or employee of the
19 house, a lobbyist, or a client of a lobbyist is guilty
20 of a violation of the house code of ethics, the house
21 rules governing lobbyists, or chapter 68B of the Code.
22 b. Complaints by committee. The ethics committee
23 may initiate a complaint on its own motion. Committee
24 complaints may be initiated by the committee as a
25 result of a committee investigation or as a result of
26 receipt of any complaint or other information that does
27 not meet the requirements of these rules regarding the
28 form of a complaint but that contains allegations that
29 would form the basis for a valid complaint.
30 c. Form and contents of complaint. A complaint

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1 shall be in writing.
2 Complaint forms shall be available from the chief
3 clerk of the house, but a complaint shall not be
4 rejected for failure to use the approved form if it
5 complies with the requirements of these rules. The
6 complaint shall contain a certification made by the

7 complainant, under penalty of perjury, that the facts
8 stated in the complaint are true to the best of the
9 complainant's knowledge.

10 To be valid, a complaint shall allege all of the
11 following:

12 (1) Facts, that if true, establish a violation of a
13 provision of chapter 68B of the Code, the house code of
14 ethics, or house rules governing lobbyists for which
15 penalties or other remedies are provided.

16 (2) That the conduct providing the basis for the
17 complaint occurred within three years of the filing of
18 the complaint.

19 (3) That the party charged with a violation is
20 a party subject to the jurisdiction of the ethics
21 committee.

22 d. Confidentiality of complaint. The ~~filing of the~~
23 ~~complaint~~ identity of the parties and the contents of
24 the complaint shall be confidential until the time that
25 the committee meets to determine whether the complaint
26 is valid, unless either the complainant or the party
27 charged in the complaint makes the ~~existence~~ identity
28 of the parties, or the information contained in, the
29 complaint public. However, if either the complainant
30 or party alleged to have committed the violation

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1 requests that the meeting to determine whether the
2 complaint is valid be a closed meeting and the ~~filing~~
3 identity of the ~~complaint~~ parties or the contents of
4 the complaint have not been disclosed, the meeting
5 shall be closed.

6 e. Notice of complaint. Upon receipt of the
7 complaint, the chief clerk of the house shall promptly
8 notify the chairperson and ranking member of the
9 ethics committee that a complaint has been filed and
10 provide both the chairperson and the ranking member
11 with copies of the complaint and any supporting
12 information. Within two working days, the chief clerk
13 shall send notice, either by personal delivery or by
14 certified mail, return receipt requested, to the person
15 or persons alleged to have committed the violation,
16 along with a copy of the complaint and any supporting
17 information. The notice to the accused person shall
18 contain a request that the person submit a written
19 response to the complaint within ten working days of
20 the date that the notice was sent by the chief clerk.
21 At the request of the accused person, the committee may
22 extend the time for the response, not to exceed ten
23 additional calendar days.

24 f. Hearing regarding validity of complaint. The
25 committee chairperson and the ranking member shall

26 review the complaint and supporting information to
27 determine whether the complaint meets the requirements
28 as to form. If the complaint is deficient as to form,
29 the complaint shall be returned to the complainant
30 with instructions indicating the deficiency unless the

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1 committee decides to proceed on its own motion. If the
2 complaint is in writing and contains the appropriate
3 certification, as soon as practicable, the chairperson
4 shall call a meeting of the committee to review the
5 complaint to determine whether the complaint meets the
6 requirements for validity and whether the committee
7 should take action on the complaint pursuant to
8 paragraph "g" or whether the committee should request
9 that the chief justice of the supreme court appoint an
10 independent special counsel to conduct an investigation
11 to determine whether probable cause exists to believe
12 that a violation of the house code of ethics, house
13 rules governing lobbyists, or chapter 68B of the Code,
14 has occurred.

15 If the committee finds that a complaint does not
16 meet the content requirements for a valid complaint,
17 the committee shall dismiss the complaint and notify
18 both the complainant and the party alleged to have
19 committed the violation of the dismissal and the
20 reasons for dismissal. A dismissal for failure to meet
21 the formal requirements for the filing of a complaint
22 shall be without prejudice and the complainant may
23 refile the complaint at any time within three years of
24 the date that the alleged violation took place. If
25 the dismissal is based upon a failure to allege facts
26 and circumstances necessary for a valid complaint, the
27 dismissal shall be with prejudice and the party shall
28 not be permitted to file a complaint based upon the
29 same facts and circumstances.

30 g. If the committee determines a complaint is

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1 valid and determines no dispute exists between the
2 parties regarding the material facts that establish
3 a violation, the committee may take action on the
4 complaint under this paragraph without requesting the
5 appointment of an independent special counsel.

6 The committee may do any of the following:

7 (1) Issue an admonishment to advise against the
8 conduct that formed the basis for the complaint and to
9 exercise care in the future.
10 (2) Issue an order to cease and desist the conduct
11 that formed the basis for the complaint.

12 (3) Make a recommendation to the house that
13 the person subject to the complaint be censured or
14 reprimanded.
15 h. Request for appointment of independent special
16 counsel. If, after review of the complaint and any
17 response made by the party alleged to have committed
18 the violation, the committee determines that the
19 complaint meets the requirements for form and content
20 and the committee has not taken action under paragraph
21 "g", the committee shall request that the chief justice
22 of the supreme court appoint independent special
23 counsel to investigate the matter and determine whether
24 probable cause exists to believe that a violation of
25 chapter 68B of the Code, the house code of ethics, or
26 the house rules governing lobbyists has occurred.
27 i. Receipt of report of independent special
28 counsel. The report from the independent special
29 counsel regarding probable cause to proceed on a
30 complaint shall be filed with the chief clerk of the

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1 house. Upon receipt of the report of the independent
2 special counsel, the chief clerk shall notify the
3 chairperson of the filing of the report and shall send
4 copies of the report to the members of the ethics
5 committee. As soon as practicable after the filing of
6 the report, the chairperson shall schedule a public
7 meeting for review of the report. The purpose of
8 the public meeting shall be to determine whether the
9 complaint should be dismissed, whether a formal hearing
10 should be held on the complaint, or whether other
11 committee action is appropriate. The complainant and
12 the person alleged to have committed the violation
13 shall be given notice of the public meeting, shall have
14 the right to be present at the public meeting, and may,
15 at the discretion of the committee, present testimony
16 in support of or against the recommendations contained
17 in the report.
18 If the committee determines that the matter should
19 be dismissed, the committee shall cause an order to
20 be entered dismissing the matter and notice of the
21 dismissal shall be given to the complainant and the
22 party alleged to have committed the violation. If
23 the committee determines that the complaint should be
24 scheduled for formal hearing, the committee shall issue
25 a charging statement which contains the charges and
26 supporting facts that are to be set for formal hearing
27 and notice shall be sent to the complainant and the
28 accused person.
29 The notice shall include a statement of the nature
30 of the charge or charges, a statement of the time and

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1 place of hearing, a short and plain statement of the
2 facts asserted, and a statement of the rights of the
3 accused person at the hearing.
4 j. Formal hearing. Formal hearings shall be public
5 and conducted in the manner provided in section 68B.31,
6 subsection 8 of the Code. At a formal hearing the
7 accused shall have the right to be present and to
8 be heard in person and by counsel, to cross-examine
9 witnesses, and to present evidence. Members of
10 the committee shall also have the right to question
11 witnesses.
12 The committee may require, by subpoena or otherwise,
13 the attendance and testimony of witnesses and the
14 production of such books, records, correspondence,
15 memoranda, papers, documents, and any other things it
16 deems necessary to the conduct of the inquiry.
17 Evidence at the formal hearing shall be received
18 in accordance with rules and procedures applicable to
19 contested cases under chapter 17A of the Code.
20 The committee chairperson, or the vice chairperson
21 or ranking member in the absence of the chairperson,
22 shall preside at the formal hearing and shall rule on
23 the admissibility of any evidence received. The ruling
24 of the chairperson may be overturned by a majority
25 vote of the committee. Independent special counsel
26 shall present the evidence in support of the charge
27 or charges. The burden shall be on the independent
28 special counsel to prove the charge or charges by
29 a preponderance of clear and convincing evidence.
30 Upon completion of the formal hearing, the committee

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1 shall adopt written findings of fact and conclusions
2 concerning the merits of the charges and make its
3 report and recommendation to the house.
4 k. Disqualification of member. Members of the
5 committee may disqualify themselves from participating
6 in any investigation of the conduct of another person
7 upon submission of a written statement that the member
8 cannot render an impartial and unbiased decision
9 in a case. A member may also be disqualified by a
10 unanimous vote of the remaining eligible members of the
11 committee.
12 A member of the committee is ineligible to
13 participate in committee meetings, as a member of the
14 committee, in any proceeding relating to the member's
15 own official conduct.
16 If a member of the committee is disqualified or
17 ineligible to act, the majority or minority leader who

18 appointed the member shall appoint a replacement member
19 to serve as a member of the committee during the period
20 of disqualification or ineligibility.

21 ~~k. l.~~ Recommendations by the committee. The
22 committee shall recommend to the house that the
23 complaint be dismissed, or that one or more of the
24 following be imposed:

25 (1) That the member or employee of the house
26 or lobbyist or client of a lobbyist be censured or
27 reprimanded, and the recommended appropriate form of
28 censure or reprimand be used.

29 (2) That the member of the house be suspended or
30 expelled from membership in the house and required

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1 to forfeit the member's salary for that period, the
2 employee of the house be suspended or dismissed from
3 employment, or that the lobbyist's or lobbyist's
4 client's lobbying privileges be suspended.

5 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
6 complaint has been filed or an investigation has been
7 initiated, a party to the complaint or investigation
8 shall not communicate, or cause another to communicate,
9 as to the merits of the complaint or investigation with
10 a member of the committee, except under the following
11 circumstances:

12 a. During the course of any meetings or other
13 official proceedings of the committee regarding the
14 complaint or investigation.

15 b. In writing, if a copy of the writing is
16 delivered to the adverse party or the designated
17 representative for the adverse party.

18 c. Orally, if adequate prior notice of the
19 communication is given to the adverse party or the
20 designated representative for the adverse party.

21 d. As otherwise authorized by statute, the house
22 code of ethics, house rules governing lobbyists, or
23 vote of the committee.

24 14. PERMANENT RECORD. The chief clerk of the house
25 shall maintain a permanent record of all complaints
26 filed and any corresponding committee action. The
27 permanent record shall be prepared by the ethics
28 committee and shall contain the date the complaint was
29 filed, name and address of the complainant, name and
30 address of the accused person, a brief statement of the

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1 charges made, any evidence received by the committee,
2 any transcripts or recordings of committee action, and
3 ultimate disposition of the complaint. The chief clerk

4 shall keep each complaint confidential until public
5 disclosure is made by the ethics committee.

6 15. MEETING AUTHORIZATION. The house ethics
7 committee is authorized to meet at the discretion of
8 the committee chairperson in order to conduct hearings
9 and other business that properly may come before it.
10 If the committee submits a report seeking house action
11 against a member or employee of the house or lobbyist
12 after the second regular session of a general assembly
13 has adjourned sine die, the report shall be submitted
14 to and considered by the subsequent general assembly.

15 16. ADVISORY OPINIONS.

16 a. Requests for formal opinions. A request for a
17 formal advisory opinion may be filed by any person who
18 is subject to the authority of the ethics committee.
19 The ethics committee may also issue a formal advisory
20 opinion on its own motion, without having previously
21 received a formal request for an opinion, on any issue
22 that is within the jurisdiction of the committee.

23 Requests shall be filed with either the chief clerk of
24 the house or the chairperson of the ethics committee.

25 b. Form and contents of requests. A request for
26 a formal advisory opinion shall be in writing and
27 may pertain to any subject matter that is related to
28 application of the house code of ethics, the house
29 rules governing lobbyists, or chapter 68B of the Code
30 to any person who is subject to the authority of

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1 the ethics committee. Requests shall contain one or
2 more specific questions and shall relate either to
3 future conduct or be stated in the hypothetical. A
4 request for an advisory opinion shall not specifically
5 name any individual or contain any other specific
6 identifying information, unless the request relates
7 to the requester's own conduct. However, any request
8 may contain information which identifies the kind of
9 individual who may be affected by the subject matter
10 of the request. Examples of this latter kind of
11 identifying information may include references to
12 conduct of a category of individuals, such as but not
13 limited to conduct of legislators, legislative staff,
14 or lobbyists.

15 c. Confidentiality of formal requests and opinions.
16 Requests for formal opinions are not confidential and
17 any deliberations of the committee regarding a request
18 for a formal opinion shall be public. Opinions issued
19 in response to requests for formal opinions are not
20 confidential, shall be in writing, and shall be placed
21 on file in the office of the chief clerk of the house.
22 Persons requesting formal opinions shall personally

23 receive a copy of the written formal opinion that is
 24 issued in response to the request.
 25 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
 26 following form shall be used for disclosure of economic
 27 interests under these rules and section 68B.35 of the
 28 Code:
 29 STATEMENT OF ECONOMIC INTERESTS
 30 Name: _____

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1 (Last) (First) (Middle Initial)
 2 Address: _____
 3 (Street Address, Apt.#/P.O. Box)
 4 _____
 5 (City)(State)(Zip)
 6 Phone:(Home)_____/_____-_____(Business)_____/_____-_____
 7 *****
 8 This form is due each year on or before February 15.
 9 The reporting period is the most recently completed
 10 calendar year.
 11 In completing Division III of this form, if your
 12 percentage of ownership of an asset is less than 100
 13 percent, multiply your percentage of ownership by the
 14 total revenue produced to determine if you have reached
 15 the \$1,000 threshold.
 16 Do not report income received by your spouse or
 17 other family members.
 18 In completing this form, if insufficient space is
 19 provided for your answer, you may attach additional
 20 information/answers on full-size sheets of paper.
 21 Division I. Business, Occupation, Profession.
 22 List each business, occupation, or profession in
 23 which you are engaged, the nature of the business if
 24 not evident, and your position or job title. No income
 25 threshold or time requirement applies.
 26 Examples:
 27 If you are employed by an individual, state the name
 28 of the individual employer, the nature of the business,
 29 and your position.
 30 If you are self-employed and are not incorporated

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1 or are not doing business under a particular business
 2 name, state that you are self-employed, the nature of
 3 the business, and your position.
 4 If you own your own corporation, are employed by a
 5 corporation, or are doing business under a particular
 6 business name, state the name and nature of the
 7 business or corporation and your position.
 8 1 _____

9 2 _____
 10 3 _____
 11 4 _____
 12 5 _____
 13 6 _____

14 Division II. Commissions from Sales of Goods or
 15 Services to Political Subdivisions.

16 This part is to be completed only by Legislators.
 17 If you received income in the form of a commission
 18 from the sale of goods or services to a political
 19 subdivision, state the name of the purchasing political
 20 subdivision. The amount of commission earned is not
 21 required to be listed.

22 1 _____
 23 2 _____
 24 3 _____
 25 4 _____
 26 5 _____
 27 6 _____

28 Division III. Sources of Gross Income.

29 In each one of the following categories list each
 30 source which produces more than \$1,000 in annual gross

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1 income, if the revenue produced by the source was
 2 subject to federal or state income taxes last year.
 3 List the nature or type of each company, business,
 4 financial institution, corporation, partnership, or
 5 other entity which produces more than \$1,000 of annual
 6 gross income. Neither the amount of income produced
 7 nor value of the holding is required to be listed in
 8 any of the items.

9 A. Securities: State the nature of the business of
 10 any company in which you hold stock, bonds, or other
 11 pecuniary interests that generate more than \$1,000 in
 12 annual gross income. Income generated by multiple
 13 holdings in a single company are deemed received from
 14 a single source.

15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____

21 B. Instruments of Financial Institutions: State
 22 the types of institutions in which you hold financial
 23 instruments, such as certificates of deposit, savings
 24 accounts, etc., that produce annual gross income in
 25 excess of \$1,000, e.g., banks, savings and loans, or
 26 credit unions.

27 _____

28 _____
 29 _____
 30 _____

Page 21

1 _____
 2 _____
 3 C. Trusts: State the nature or type of any trust
 4 from which you receive more than \$1,000 of gross income
 5 annually.
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____

12 D. Real Estate: State the general nature of real
 13 estate interests that generate more than \$1,000 of
 14 gross income annually, e.g., residential leasehold
 15 interest or farm leasehold interest. The size or
 16 location of the property interest is not required to
 17 be listed.
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____

24 E. Retirement Systems: State the name of each
 25 pension plan or other corporation or company that pays
 26 you more than \$1,000 annually in retirement benefits.
 27 _____
 28 _____
 29 _____
 30 _____

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1 _____
 2 _____
 3 F. Other Income Categories Specified in State and
 4 Federal Income Tax Regulations.
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____

11 (Signature of Filer) _____ (Date) _____

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 8:50 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:01 p.m., Kaufmann of Cedar in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 10, by Moore, Wolfe, Kelley, Klein, Jorgensen, Hager, Pearson, Paustian, S. Olson, Hein, Vander Linden, and Kaufmann, house joint resolution a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to term limits for members of the general assembly.

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

House File 190, by committee on judiciary, a bill for an act relating to the appointment of a district associate judge.

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

House File 191, by Hunter, a bill for an act relating to due process requirements associated with child abuse assessments performed by the department of human services and providing penalties.

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

House File 192, by Windschitl and Alons, a bill for an act relating to the protocol for a medical abortion, and providing penalties.

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

House File 193, by Kaufmann, Swaim, Thomas, Arnold, Tjepkes, and Hanson, a bill for an act relating to the protection and care of pioneer cemeteries.

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

House File 194, by committee on ways and means, a bill for an act providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

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

House File 195, by committee on veterans affairs, a bill for an act relating to assignment of visitation or joint physical care parenting time for children of military service members on active duty and including effective date provisions.

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

House File 196, by Willems, Isenhardt, Gaskill, Hunter, T. Taylor, Murphy, Kearns, and Kajtazovic, a bill for an act relating to employee leave by providing for time off and vacation leave, and including effective date and applicability provisions.

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

House File 197, by Horbach, a bill for an act abolishing construction contractor registration fees collected by the department of workforce development.

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

House File 198, by Wessel-Kroeschell, a bill for an act relating to eligibility for the preparation for adult living program administered by the department of human services.

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

House File 199, by Wessel-Kroeschell and Gaskill, a bill for an act establishing a parole procedure for certain class "A" felons.

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

House File 200, by Wolfe, a bill for an act relating to expunging criminal records upon acquittal or dismissal.

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

House File 201, by Mascher, a bill for an act increasing punitive damages that may be awarded for wrongful retention of certain rental deposits.

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

House File 202, by Isenhardt, Hanson, and Murphy, a bill for an act relating to the property tax exemption for property owned by certain municipalities and the Iowa national guard and including applicability provisions.

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

SENATE MESSAGE CONSIDERED

Senate File 7, by Johnson, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

REPORT OF ADMINISTRATION AND RULES COMMITTEE

The Administration and Rules Committee on February 2, 2011, reviewed and approved the employees of the House hired in the interim and have reported the same.

W. Charles Smithson - Chief Clerk
Meghan J. Van Wyk - Assistant Chief Clerk II
Jeffrey G. Mitchell - Senior Caucus Staff Director
Joseph P. Romano - Senior Caucus Staff Director
Mary C. Braun - Senior Deputy Caucus Staff Director
Lon W. Anderson - Senior Deputy Caucus Staff Director
Andrea N. Jansa - Administrative Assistant to Minority Leader
Noreen F. Otto - Administrative Assistant II to Speaker
Josie L. Albrecht - Administrative Assistant II to Speaker
Matthew E. Hinch - Administrative Assistant II to Speaker
Anthony D. Phillips - Administrative Assistant II to Majority Leader
Brian J. Meyer - Senior Administrative Assistant to Minority Leader
Jason M. Chapman - Legislative Research Analyst
Amanda J. Freel - Legislative Research Analyst
Kristi L. Kielhorn - Legislative Research Analyst
Louis A. Vander Streek - Legislative Research Analyst
Dustin W. Blythe - Legislative Research Analyst II
Lewis E. Olson - Senior Legislative Research Analyst
Bradley A. Trow - Senior Legislative Research Analyst
Jill M. Jennings - Caucus Secretary

Rachelle D. Thomas - Legislative Research Analyst
William T.D. Freeland - Legislative Research Analyst I
Ezekiel L. Furlong - Legislative Research Analyst II
David L. Epley - Legislative Research Analyst III
Anna M. Hyatt-Crozier - Senior Legislative Research Analyst
D. Dean Fiihr, Jr. - Senior Legislative Research Analyst
Joseph M. Gilde - Senior Caucus Secretary
Terri P. Steinke - Confidential Secretary to Speaker and Majority Leader
Sarah E. Vanderploeg - Supervisor of Secretaries I
Susan K. Jennings - Senior Administrative Services Officer
Doreen R. Terrell - Administrative Services Officer III
Kristin L. Wentz - Administrative Services Officer III
Michelle K. Bauer - Administrative Services Officer
Robin L. Bennett - Administrative Services Officer
Katherine G. Kenline - Administrative Services Officer
Kelly M. Bronsink - Senior Finance Officer III
Debra K. Rex - Senior Finance Officer III
Diane K. Burget - Recording Clerk II
Pauline E. Kephart - Engrossing & Enrolling Processor
Jane E. Phalen - Switchboard Operator
Kelly M. Schall - Switchboard Operator
Joan Acela - Legislative Secretary
Mary Ann Ahrens - Legislative Secretary
Clarice E. Alons - Legislative Secretary
Cheryl K. Arnold - Legislative Secretary
Jeffrey Badker - Legislative Secretary
Emma Barden - Legislative Secretary
Adrienne H. Branstad - Legislative Secretary
Ryan Bratvold - Legislative Secretary
Jenna Brownell - Legislative Secretary
Beverly A. Burns - Legislative Secretary
Collin Byrnes - Legislative Secretary
Jason Covey - Legislative Secretary
Jesse Dick - Legislative Secretary
Bruce Droessler - Legislative Secretary
M. Kathy Ellett - Legislative Secretary
Pat Ferin - Legislative Secretary
Jennifer Fisher - Legislative Secretary
Carolyn McNeill Gaukel - Legislative Secretary
Tara Gent - Legislative Secretary
Aaron Gingerich - Legislative Secretary
Reginald Hawkins - Legislative Secretary
Claire M. Haws - Legislative Secretary
Celma Higgins - Legislative Secretary
Susan Hoing - Legislative Secretary
Vicki L. Iverson - Legislative Secretary
Jase H. Jensen - Legislative Secretary
Charlie Johnson - Legislative Secretary
Catherine S. Jury - Legislative Secretary
Robert F. Kaufmann - Legislative Secretary
Diane Kearns - Legislative Secretary
Adam Kenworthy - Legislative Secretary

Caleb Knutson - Legislative Secretary
Felix Knutson - Legislative Secretary
Kevin Kuhle - Legislative Secretary
Carol J. Lamb - Legislative Secretary
DeShana Langford - Legislative Secretary
Karen A. Lischer - Legislative Secretary
Emily Lofgren - Legislative Secretary
Kelsey Lovell - Legislative Secretary
Carole I. Martin - Legislative Secretary
Nicole Moriniere - Legislative Secretary
Pam Massie - Legislative Secretary
Katie McKnight - Legislative Secretary
Susan G. Meimann - Legislative Secretary
Brooke N. Miller - Legislative Secretary
Charlotte M. Mosher - Legislative Secretary
Falecia Mtayari - Legislative Secretary
Patty Muhlbauer - Legislative Secretary
Kelsey Nead - Legislative Secretary
Neil Nelsen - Legislative Secretary
Shannon Newman - Legislative Secretary
Brenda R. Olson - Legislative Secretary
Sara B. Otrok - Legislative Secretary
Lauren EJ Page - Legislative Secretary
Matthew Peirce - Legislative Secretary
Jeff Perry - Legislative Secretary
Nicole Persson - Legislative Secretary
Jenica Quandt - Legislative Secretary
Mary M. Sanders - Legislative Secretary
Diana Shaw - Legislative Secretary
Fran D. Smith - Legislative Secretary
Kent Sorenson - Legislative Secretary
Benjamin Sparks - Legislative Secretary
Kim Taylor - Legislative Secretary
Rosemary G. Thomas - Legislative Secretary
Phillip Valenziano - Legislative Secretary
Patricia J. Van Cleave - Legislative Secretary
Ruth A. Vander Linden - Legislative Secretary
Sarah West - Legislative Secretary
Linda Yanney - Legislative Secretary
Pamela D. Anderson - Legislative Committee Secretary
Jessica Bruning - Legislative Committee Secretary
Coy Clark - Legislative Committee Secretary
Mary Cownie - Legislative Committee Secretary
Zach Dalluge - Legislative Committee Secretary
Shirley J. Drake - Legislative Committee Secretary
Jennifer Erstad - Legislative Committee Secretary
Kelley A. Fifer - Legislative Committee Secretary
Drew Flickinger - Legislative Committee Secretary
Carol J. Forristall - Legislative Committee Secretary
Jane M. Hughes - Legislative Committee Secretary
John Johnson - Legislative Committee Secretary
Sam Kavalier - Legislative Committee Secretary

Andrew R. Klein - Legislative Committee Secretary
 Vicki Loomer-Hokel - Legislative Committee Secretary
 John R. Lund - Legislative Committee Secretary
 Charity McCauley - Legislative Committee Secretary
 Catherine J. Miller-Sands - Legislative Committee Secretary
 Melba K. Murken - Legislative Committee Secretary
 Jean P. Olson - Legislative Committee Secretary
 Martha S. Raecker - Legislative Committee Secretary
 Andrew J. Soderberg - Legislative Committee Secretary
 Ray Sorensen - Legislative Committee Secretary
 Phyllis Toy - Legislative Committee Secretary
 Darlene A. Van Oort - Legislative Committee Secretary
 Alina Waggoner - Legislative Committee Secretary
 Joyce A. Hendrix - Bill Clerk
 Joan E. Skeffington - Assistant Bill Clerk
 William C. Walling - Postmaster
 Maynard L. Boatwright - Sergeant-at-Arms I
 Harold L. Harker - Assistant Sergeant-at-Arms
 Jack R. Hall - Chief Doorkeeper
 Robert B. Yeager - Chief Doorkeeper
 Darrell E. Brown - Doorkeeper
 James F. Mason - Doorkeeper
 Frank P. Mauro - Doorkeeper
 Donald L. Wederquist - Doorkeeper
 Joshua L. Wederquist - Doorkeeper

PAGES GROUP I

Seth M. Wester - Speaker's Page
 Graham O. Lohman - Chief Clerk's Page
 Delaney P. Olson - Chief Clerk's Page

Conner D. Archer	Heidi F. Noneman
Zaakary T. Barnes	Ariani N. Oehrlein
Lauren A. Burdt	Hae K. Pak
Jael C. Chepkwony	Miguel A. Paramo
Kelsey A. Frisk	Michael J. Terrell
Brendan M. Grady	Melanie S. Weber
Bryant J. Hickie	Andrew B. Young
Benjamin D. Keagle	

PAGES GROUP II

Tiffany M. Anderson	Kassi J. Guinn
Daniel P. Breitbarth	

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated.

<u>Position</u>	<u>Name</u>	<u>Grade- And Step</u>	<u>Class of Appoint- ment</u>	<u>Effective Date</u>
Admin. Services Officer II	Susan K. Jennings	29-7	P-FT	05-10-10
Asst. Editor	Robin L. Bennett	19-3 to	E-FT	07-23-10
Editor I		22-3	P-FT	
Sr. Caucus Secretary	Jason M. Chapman	24-6 to	P-FT	10-01-10
Legis. Research Analyst		27-6		
Caucus Secretary	Jill M. Jennings	21-3	P-FT	11-04-10
Admin. Asst. II	Josie L. Albrecht	32-3 to	P-FT	11-26-10
		32-5		
Sr. Legis. Research Analyst	Lon W. Anderson	38-7 to	P-FT	11-26-10
Sr. Deputy Caucus Staff Director		39-7		
Text Processor I	Michelle K. Bauer	19-4 to	P-FT	11-26-10
Admin. Services Officer		23-2		
Editor I	Robin L. Bennett	22-3 to	P-FT	11-26-10
Admin. Services Officer		23-3		
Sr. Finance Officer II	Kelly M. Bronsink	35-4 to	P-FT	11-26-10
Sr. Finance Officer III		38-4		
Recording Clerk I	Diane K. Burget	21-4 to	E-FT	11-26-10
Recording Clerk II		24-3		
Legis. Research Analyst	Jason M. Chapman	27-6 to	P-FT	11-26-10
		27-7		
Legis. Research Analyst II	David L. Epley	32-6 to	P-FT	11-26-10
Legis. Analyst III		35-5		
Sr. Admin. Asst.	D. Dean Fiihr, Jr.	38-3 to	P-FT	11-26-10
Sr. Legis. Research Analyst		38-5		
Legis. Research Analyst	William T.D. Freeland	27-6 to	P-FT	11-26-10
Legis. Research Analyst I		29-6		
Legis. Research Analyst I	Ezekiel L. Furlong	29-6 to	P-FT	11-26-10
Legis. Research Analyst II		32-5		
Caucus Secretary	Joseph M. Gilde	21-6	P-FT	11-26-10
Sr. Caucus Secretary		24-5		
Legis. Research Analyst	Matthew E. Hinch	27-5 to	P-FT	11-26-10
Admin. Asst. II		32-7		
Sr. Legis. Research Analyst	Anna M. Hyatt-Crozier	38-4 to	P-FT	11-26-10
		38-6		
Admin. Services Officer II	Susan K. Jennings	29-7 to	P-FT	11-26-10
Sr. Admin. Services Officer		35-2		
Indexing Asst.	Katherine G. Kenline	19-4 to	P-FT	11-26-10
Admin. Services Officer		23-2		
Legis. Research Analyst	Kristi L. Kielhorn	27-3 to	P-FT	11-26-10
		27-5		
Admin. Asst. I	Noreen F. Otto	29-6 to	P-FT	11-26-10
Admin. Asst. II		32-7		
Legis. Research Analyst	Anthony D. Phillips	27-2 to	P-FT	11-26-10
Admin. Asst. II		32-7		
Supervisor of Secretaries I	Mary M. Sanders	24-3 to	P-FT	11-26-10
Supervisor of Secretaries II		27-4		
Asst. Chief Clerk III	David F. Schrader	38-4 to	P-FT	11-26-10
		38-7		

<u>Position</u>	<u>Name</u>	<u>Grade- And Step</u>	<u>Class of Appoint- ment</u>	<u>Effective Date</u>
Asst. Legal Counsel I	Doreen R. Terrell	30-7 to	P-FT	11-26-10
Admin. Services Officer III		32-6		
Legis. Research Analyst	Rachelle D. Thomas	27-3 to	P-FT	11-26-10
		27-5		
Sr. Legis. Research Analyst	Bradley A. Trow	38-5 to	P-FT	11-26-10
		38-7		
Sr. Indexer	Kristin L. Wentz	28-7 to	P-FT	11-26-10
Admin. Services Officer III		32-5		
Chief Clerk	W. Charles Smithson	44-6	P-FT	12-01-10
Legis. Research Analyst	Amanda J. Freel	27-3	P-FT	12-13-10
Legis. Research Analyst	Louis A. Vander Streek	27-2	P-FT	12-13-10
Asst. Chief Clerk II	Meghan J. Van Wyk	35-1	P-FT	12-21-10
Legis. Research Analyst II	Dustin W. Blythe	32-4	P-FT	12-29-10
Supervisor of Secretaries I	Sarah E. Vanderploeg	24-1	P-FT	12-29-10
Confidential Secretary	Terri P. Steinke	27-1	P-FT	01-03-11
Doorkeeper	Harold L. Harker	11-2 to	S-O	01-07-11
Asst. Sergeant-at-Arms		14-2		
Doorkeeper	Jack R. Hall	11-2 to	S-O	01-07-11
Chief Doorkeeper		12-2		
Admin. Asst.	Andrea N. Jansa	27-3 to	P-FT	01-07-11
		27-5		
Doorkeeper	James F. Mason	11-1	S-O	01-07-11
Admin. Asst. III	Brian J. Meyer	35-4 to	P-FT	01-07-11
Sr. Admin. Asst.		38-3		
Doorkeeper	Joshua L. Wederquist	11-1	S-O	01-07-11
Switchboard Operator	Kelly M. Schall	14-1	S-O	01-07-11
Legis. Secretary	Joan Acela	17-1	S-O	01-10-11
Legis. Committee Secretary	Mary Ann Ahrens	17-1 to	S-O	01-10-11
Legis. Secretary		17-1		
Legis. Secretary	Clarice E. Alons	16-3 to	S-O	01-10-11
		15-3		
Legis. Secretary	Pamela D. Anderson	16-2 to	S-O	01-10-11
Legis. Committee Secretary		17-2		
Legis. Secretary	Jeffrey Badker	16-1	S-O	01-10-11
Legis. Secretary	Emma Barden	16-1	S-O	01-10-11
Legis. Committee Secretary	Sara B. Birkenholz	17-1 to	S-O	01-10-11
Legis. Secretary	Sara B. Otrok	16-1		
Legis. Secretary	Ryan Bratvold	16-1	S-O	01-10-11
Legis. Secretary	Jenna Brownell	17-2	S-O	01-10-11
Legis. Committee Secretary	Jessica Bruning	18-1	S-O	01-10-11
Legis. Secretary	Collin Byrnes	16-1	S-O	01-10-11
Legis. Committee Secretary	Coy Clark	18-1	S-O	01-10-11
Legis. Secretary	Jason Covey	15-1 to	S-O	01-10-11
		17-1		
Legis. Secretary	Mary Cownie	16-1 to	S-O	01-10-11
Legis. Committee Secretary		17-1		
Legis. Secretary	Zach Dalluge	15-1 to	S-O	01-10-11
Legis. Committee Secretary		17-1		

<u>Position</u>	<u>Name</u>	<u>Grade- And Step</u>	<u>Class of Appoint- ment</u>	<u>Effective Date</u>
Legis. Secretary	Jesse Dick	17-1 to 16-1	S-O	01-10-11
Legis. Secretary	Shirley J. Drake	16-6 to 17-6	S-O	01-10-11
Legis. Committee Secretary	Bruce Droessler	16-1	S-O	01-10-11
Legis. Secretary	M. Kathy Ellett	17-2 to 16-2	S-O	01-10-11
Legis. Secretary	Jennifer Erstad	16-1 to 17-1	S-O	01-10-11
Legis. Committee Secretary	Kelley A. Fifer	16-3 to 17-3	S-O	01-10-11
Legis. Secretary	Jennifer Fisher	18-1	S-O	01-10-11
Legis. Committee Secretary	Drew Flickinger	18-1	S-O	01-10-11
Legis. Secretary	Carol J. Forristall	16-1 to 17-1	S-O	01-10-11
Legis. Committee Secretary	Carolyn McNeill Gaukel	41-7 to	P-FT to	01-10-11
Sr. Admin. Asst. to Speaker II				
Legis. Secretary		15-7+2	S-O	
Legis. Secretary	Tara Gent	16-1	S-O	01-10-11
Legis. Secretary	Aaron Gingerich	16-1	S-O	01-10-11
Legis. Committee Secretary	Claire M. Haws	17-1 to 16-1	S-O	01-10-11
Legis. Secretary	Celma Higgins	16-1	S-O	01-10-11
Legis. Secretary	Susan Hoing	16-1	S-O	01-10-11
Legis. Secretary	Jane M. Hughes	16-2 to 17-2	S-O	01-10-11
Legis. Committee Secretary	Vicki L. Iverson	15-3	S-O	01-10-11
Legis. Secretary	Jase H. Jensen	15-1	S-O	01-10-11
Legis. Secretary	Charlie Johnson	16-1	S-O	01-10-11
Legis. Committee Secretary	John Johnson	17-1	S-O	01-10-11
Legis. Committee Secretary	Catherine S. Jury	17-7 to 15-7	S-O	01-10-11
Legis. Secretary	Sam Kavalier	17-1	S-O	01-10-11
Legis. Committee Secretary	Diane Kearns	16-1	S-O	01-10-11
Legis. Secretary	Adam Kenworthy	16-1	S-O	01-10-11
Legis. Secretary	Andrew R. Klein	15-1 to 17-1	S-O	01-10-11
Legis. Committee Secretary	Felix Knutson	16-1	S-O	01-10-11
Legis. Secretary	Kevin Kuhle	16-1	S-O	01-10-11
Legis. Committee Secretary	Carol J. Lamb	17-2 to 16-2	S-O	01-10-11
Legis. Secretary	DeShana Langford	15-1	S-O	01-10-11
Legis. Committee Secretary	Karen A. Lischer	17-1 to 17-1	S-O	01-10-11
Legis. Secretary	Emily Lofgren	16-1	S-O	01-10-11
Legis. Secretary	Vicki Loomer-Hokel	16-1 to 17-1	S-O	01-10-11
Legis. Committee Secretary	Kelsey Lovell	15-1	S-O	01-10-11
Legis. Secretary	John R. Lund	16-2 to	S-O	01-10-11

<u>Position</u>	<u>Name</u>	<u>Grade- And Step</u>	<u>Class of Appoint- ment</u>	<u>Effective Date</u>
Legis. Committee Secretary		17-2		
Legis. Committee Secretary	Carole I. Martin	17-2 to	S-O	01-10-11
Legis. Secretary		16-2		
Legis. Secretary	Pam Massie	16-1	S-O	01-10-11
Legis. Secretary	Charity McCauley	17-1 to	S-O	01-10-11
Legis. Committee Secretary		17-1		
Legis. Committee Secretary	Katie McKnight	17-1 to	S-O	01-10-11
Legis. Secretary		16-1		
Legis. Committee Secretary	Susan G. Meimann	17-3 to	S-O	01-10-11
Legis. Secretary		16-3		
Legis. Committee Secretary	Brooke N. Miller	17-1 to	S-O	01-10-11
Legis. Secretary		16-1		
Legis. Secretary	Catherine J. Miller-Sands	16-1 to	S-O	01-10-11
Legis. Committee Secretary		17-1		
Legis. Secretary	Nicole Moriniere	16-1	S-O	01-10-11
Legis. Secretary	Falecia Mtayari	15-1	S-O	01-10-11
Legis. Secretary	Patty Muhlbauer	15-1	S-O	01-10-11
Legis. Secretary	Melba K. Murken	15-4 to	S-O	01-10-11
Legis. Committee Secretary		17-4		
Legis. Secretary	Kelsey Nead	16-1	S-O	01-10-11
Legis. Secretary	Neil Nelsen	16-1	S-O	01-10-11
Legis. Secretary	Shannon Newman	16-1	S-O	01-10-11
Legis. Committee Secretary	Brenda R. Olson	17-2 to	S-O	01-10-11
Legis. Secretary		15-2		
Legis. Secretary	Jean P. Olson	16-4 to	S-O	01-10-11
Legis. Committee Secretary		17-4		
Legis. Secretary	Lauren EJ Page	15-1 to	S-O	01-10-11
		16-1		
Legis. Secretary	Matthew Peirce	16-1	S-O	01-10-11
Legis. Secretary	Jeff Perry	16-1	S-O	01-10-11
Legis. Secretary	Nicole Persson	15-1	S-O	01-10-11
Legis. Secretary	Jenica Quandt	16-1	S-O	01-10-11
Legis. Secretary	Martha S. Raecker	16-3 to	S-O	01-10-11
Legis. Committee Secretary		18-3		
Supervisor of Secretaries II	Mary M. Sanders	27-4 to	P-FT to	01-10-11
Legis. Secretary		16-7	S-O	
Legis. Secretary	Diana Shaw	16-1	S-O	01-10-11
Legis. Secretary	Andrew J. Soderberg	16-1 to	S-O	01-10-11
Legis. Committee Secretary		17-1		
Legis. Committee Secretary	Ray Sorensen	17-1	S-O	01-10-11
Legis. Secretary	Kent Sorenson	17-1	S-O	01-10-11
Legis. Secretary	Benjamin Sparks	16-1	S-O	01-10-11
Legis. Secretary	Kim Taylor	16-1	S-O	01-10-11
Legis. Committee Secretary	Rosemary G. Thomas	17-3 to	S-O	01-10-11
Legis. Secretary		16-3		
Legis. Committee Secretary	Phyllis Toy	17-1	S-O	01-10-11
Legis. Secretary	Phillip Valenziano	17-1	S-O	01-10-11
Legis. Committee Secretary	Patricia J. Van Cleave	17-1 to	S-O	01-10-11
Legis. Secretary		16-1		

<u>Position</u>	<u>Name</u>	<u>Grade- And Step</u>	<u>Class of Appoint- ment</u>	<u>Effective Date</u>
Legis. Secretary	Darlene A. Van Oort	15-4 to	S-O	01-10-11
Legis. Committee Secretary		17-4		
Legis. Secretary	Ruth A. Vander Linden	16-2 to	S-O	01-10-11
		15-2		
Legis. Committee Secretary	Alina Waggoner	17-1	S-O	01-10-11
Legis. Secretary	Sarah West	16-1	S-O	01-10-11
Legis. Secretary	Linda Yanney	16-1	S-O	01-10-11

PAGES-GROUP I

Speaker's Page	Seth M. Wester	9-1	S-O
Chief Clerk's Page	Graham O. Lohman	9-1	S-O
Chief Clerk's Page	Delaney P. Olson	9-1	S-O
Page	Conner D. Archer	9-1	S-O
Page	Zaakary T. Barnes	9-1	S-O
Page	Lauren A. Burdt	9-1	S-O
Page	Jael C. Chepkwony	9-1	S-O
Page	Kelsey A. Frisk	9-1	S-O
Page	Brendan M. Grady	9-1	S-O
Page	Bryant J. Hickie	9-1	S-O
Page	Benjamin D. Keagle	9-1	S-O
Page	Heidi F. Noneman	9-1	S-O
Page	Ariani N. Oehrlein	9-1	S-O
Page	Hae K. Pak	9-1	S-O
Page	Miguel A. Paramo	9-1	S-O
Page	Michael J. Terrell	9-1	S-O
Page	Melanie S. Weber	9-1	S-O
Page	Andrew B. Young	9-1	S-O

PAGES-GROUP II

Page	Tiffany M. Anderson	9-1	S-O
Page	Daniel P. Breitbarth	9-1	S-O
Page	Kassi J. Guinn	9-1	S-O

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

Sr. Editor	Gayle A. Goble	04-12-10
Editor II	Vicki L. Jones	06-24-10
Sr. LRA	Paulee Lipsman	06-24-10
Sr. LRA	Jenifer L. Parsons	06-24-10
Executive Secretary to Chief Clerk	Janet R. Ramsay	06-24-10
Sr. LRA	Ann M. McCarthy	11-10-10
Chief Clerk	Mark W. Brandsgard	12-30-10
Sr. Admin. Asst. to Speaker II	Edward J. Conlow	12-30-10
Asst. Chief Clerk III	David F. Schrader	12-30-10
Sr. LRA	Thomas R. Patterson	01-07-11

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

<u>Position</u>	<u>Name</u>	<u>Grade- And Step</u>	<u>Class of Appoint- ment</u>	<u>Effective Date</u>
Conservation/Restoration Specialist II	Zachary L. Bunkers	31-1	P-FT	06-01-10
Legis. Security Officer I	Barbara A. Malone	20-1	P-FT	07-23-10
Legis. Security Officer I	Gabriel S. Wilson	20-1	P-FT	01-03-11

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

Legis. Security Officer I	Marshall T. Irwin			06-24-10
Conservation/Restoration Specialist II	Richard J. Labertew			06-24-10
Legis. Security Officer I	Steven D. Marsh			06-24-10
Legis. Security Officer I	Judith A. Salier			06-24-10

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF REVENUE

Dependent Health Care Coverage in Iowa Report, pursuant to House File 2539, 2008 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS

House File 160

Education: Pearson, Chair; Byrnes and Hanson.

House File 163

Economic Growth/Rebuild Iowa: Schultz, Chair; Soderberg and Steckman.

House File 169

Local Government: Klein, Chair; Horbach and Thede.

House File 170

Labor: Jorgensen, Chair; Brandenburg and Kearns.

House File 171

Labor: Horbach, Chair; Hanusa and Running-Marquardt.

House File 172

Natural Resources: Lukan, Chair; Hager and Lykam.

House File 176

Economic Growth/Rebuild Iowa: Baltimore, Chair; Anderson and Heddens.

House File 179

Education: L. Miller, Chair; Chambers and Kelley.

House File 180

Economic Growth/Rebuild Iowa: Anderson, Chair; Hager and Jacoby.

House File 181

Economic Growth/Rebuild Iowa: Grassley, Chair; Byrnes and Wittneben.

House File 188

Human Resources: Schulte, Chair; Brandenburg and Mascher.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 50 Reassigned

Judiciary: Anderson, Chair; Heaton and Lensing.

House Study Bill 54

Human Resources: Koester, Chair; Massie and M. Smith.

House Study Bill 55

Human Resources: Koester, Chair; Massie and M. Smith.

House Study Bill 56

Commerce: Baltimore, Chair; Quirk and Soderberg.

House Study Bill 57

Commerce: Pettengill, Chair; Kajtazovic and Shaw.

House Study Bill 58

Local Government: Baltimore, Chair; Gaskill and Wagner.

House Study Bill 59

Local Government: J. Smith, Chair; Iverson and Kressig.

House Study Bill 61

Commerce: Watts, Chair; Brandenburg and Muhlbauer.

House Study Bill 62

Human Resources: Fry, Chair; Brandenburg and Wessel-Kroeschell.

House Study Bill 63

Judiciary: Hagenow, Chair; R. Olson and Pearson.

House Study Bill 64

Judiciary: Baltimore, Chair; Heaton and Wolfe.

House Study Bill 65

Judiciary: Rogers, Chair; Lensing and Massie.

House Study Bill 66

Judiciary: Rogers, Chair; Gaines and Massie.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 67 Public Safety**

Requiring an arrested person to submit a DNA sample if the arrest is for a felony and providing for the reimbursement of costs.

H.S.B. 68 Public Safety

Authorizing the modification of the designation of a state patrol officer.

H.S.B. 69 Public Safety

Modifying the criminal offense of interference with official acts.

H.S.B. 70 Public Safety

Relating to the criminal offense of intimidation with a dangerous weapon or motor vehicle, and providing penalties.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 77), relating to school district dress code policies and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 12), to prohibit political telephone calls during the nighttime hours and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2011.

On motion by Upmeyer of Hancock the House adjourned at 4:11 p.m., until 9:30 a.m., Friday, February 4, 2011.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 4, 2011

The House met pursuant to adjournment at 9:34 a.m., Pettengill of Benton in the chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Pettengill of Benton.

The Journal of Thursday, February 3, 2011 was approved.

INTRODUCTION OF BILLS

House File 203, by Hunter, a bill for an act relating to indemnification of hospitals participating in the volunteer health care provider program.

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

House File 204, by Isenhart, Wittneben, Hanson, Gaskill, and Wessel-Kroeschell, a bill for an act requiring the executive director of the ethics and campaign disclosure board to conduct a study relating to the feasibility of public financing of elections in Iowa.

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

House File 205, by Hunter, a bill for an act relating to open records and public meetings, including the creation of the Iowa public information board.

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

House File 206, by Jorgensen, a bill for an act concerning public employee collective bargaining and including applicability provisions.

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

House File 207, by Wolfe, a bill for an act relating to civil service commission appeal procedures and including effective date and applicability provisions.

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

House File 208, by Windschitl, a bill for an act relating to the disposition of legal firearms and ammunition seized by a law enforcement agency.

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

House File 209, by Windschitl, a bill for an act relating to physical defense training and firearms training including the creation of a domestic abuse assault fund, and providing for a sales tax refund and a fee.

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

SUBCOMMITTEE ASSIGNMENTS

House File 46

Transportation: Tjepkes, Chair; Iverson and Lykam.

House File 49

Transportation: Iverson, Chair; Lykam and Tjepkes.

House File 122

Public Safety: Hagenow, Chair; R. Olson and Shaw.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 49

Veterans Affairs: Chambers, Chair; Heddens and Vander Linden.

House Study Bill 60

Public Safety: Worthan, Chair; Fry and Swaim.

House Study Bill 67

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

House Study Bill 68

Public Safety: Tjepkes, Chair; Gaines and Sands.

House Study Bill 69

Public Safety: Shaw, Chair; Muhlbauer and S. Olson.

House Study Bill 70

Public Safety: Tjepkes, Chair; Berry and Shaw.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 71 Education

Repealing the statewide voluntary preschool program for four-year-old children and including effective date provisions.

H.S.B. 72 Local Government

Setting a maximum fee for the publication of certain legal notices in a newspaper.

AMENDMENTS FILED

H-1073	H.F.	184	McCarthy of Polk
H-1074	H.F.	185	McCarthy of Polk

On motion by Upmeyer of Hancock the House adjourned at 9:37 a.m., until 1:00 p.m., Monday, February 7, 2011.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 7, 2011

The House met pursuant to adjournment at 1:01 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Brad Sherman, Solid Rock Christian Church, Coralville. He was the guest of Representative De Boef of Keokuk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brendan Grady, Page from Dunlap.

The Journal of Friday, February 4, 2011 was approved.

INTRODUCTION OF BILLS

House File 210, by Grassley, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

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

House File 211, by Sands, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

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

SUBCOMMITTEE ASSIGNMENTS

House File 42

State Government: Pettengill, Chair; Kaufmann and Quirk.

House File 177

Local Government: Hager, Chair; Wagner and Wittneben.

House File 192

Human Resources: Anderson, Chair; Garrett and Wessel-Kroeschell.

House File 198

Human Resources: Schulte, Chair; Fry and Steckman.

House File 203

Human Resources: Schulte, Chair; Fry and Hunter.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 71

Education: Lofgren, Chair; Forristall, Koester, Mascher and Willems.

House Study Bill 72

Local Government: Wagner, Chair; Hager and Kajtazovic.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 73 State Government

Relating to state procurement processes.

AMENDMENTS FILED

H-1075	H.F.	189	Jacoby of Johnson
H-1076	H.F.	189	Jacoby of Johnson

On motion by Upmeyer of Hancock the House adjourned at 1:10 p.m., until 8:30 a.m., Tuesday, February 8, 2011.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 8, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Dennis Morey, First Presbyterian Church, Oskaloosa. He was the guest of Representative Vander Linden of Mahaska County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andy Young, Page from Clarion.

The Journal of Monday, February 7, 2011 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 11, by committee on commerce, a joint resolution nullifying an administrative rule of the Iowa finance authority relating to the Iowa jobs program, and including an effective date provision.

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

House File 212, by committee on education, a bill for an act relating to school district dress code policies and including effective date provisions.

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

House File 213, by Helland, a bill for an act relating to the meetings and actions of the governing boards of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

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

House File 214, by Hunter, a bill for an act abolishing the declaration that the English language is the official language of the state of Iowa.

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

House File 215, by Horbach, a bill for an act relating to employer credits for overpayments of weekly workers' compensation benefits.

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

House File 216, by Hunter, a bill for an act requiring employers to provide employees with meal periods and rest periods and providing penalties.

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

House File 217, by Horbach, a bill for an act relating to the award of penalty benefits in workers' compensation cases.

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

House File 218, by M. Smith, Wessel-Kroeschell, Murphy, Hanson, Kelley, Gaines, Isenhart, Berry, Cohoon, Thede, Willems, Heddens, Hall, Kressig, and Steckman, a bill for an act relating to social work, including the licensure of social workers and the creation of a licensed social worker loan repayment program and a revolving fund.

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

House File 219, by J. Taylor, a bill for an act prohibiting the use of credit information to underwrite or rate risks for private passenger automobile insurance, providing penalties, and including effective and applicability date provisions.

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

House File 220, by Alons, Brandenburg, Schultz, Iverson, Pearson, Fry, Drake, Forristall, Huseman, Chambers, Pettengill, Hagenow, Massie, Shaw, Klein, Rogers, Sands, and Windschitl, a bill

for an act eliminating the requirement of an annual permit to acquire a pistol or revolver.

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

House File 221, by Alons, Huseman, J. Smith, Brandenburg, and Chambers, a bill for an act excluding individual retirement account conversions from the computation of net income and including retroactive applicability provisions.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama on request of Speaker Paulsen; H. Miller of Webster and Berry of Black Hawk on request of M. Smith of Marshall.

CONSIDERATION OF BILLS

Regular Calendar

House File 126, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly, was taken up for consideration.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-1070 filed by him on January 31, 2011.

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

On the question "Shall the bill pass?" (H.F. 126)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Hunter	Huseman	Isenhart	Iverson

Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 10:

Berry	Gaskill	Hall	Horbach
Miller, H.	Olson, R.	Pettengill	Running-Marquardt
Swaim	Taylor, T.		

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

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 11:30 a.m.

The House reconvened at 11:32 a.m., Speaker Paulsen in the chair.

The House stood at ease at 11:33 a.m., until the fall of the gavel.

The House resumed session at 12:07 p.m., Speaker Paulsen in the chair.

House File 189, a bill for an act establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions, was taken up for consideration.

Jacoby of Johnson offered amendment H-1075 filed by him and moved its adoption.

Byrnes of Mitchell rose on a point of order that amendment H-1075 was not germane.

The Speaker ruled the point well taken and amendment H-1075 not germane.

Jacoby of Johnson asked for unanimous consent to suspend the rules to consider amendment H-1075.

Objection was raised.

Jacoby of Johnson moved to suspend the rules to consider amendment H-1075.

Roll call was requested by Jacoby of Johnson and Hunter of Polk.

On the question "Shall the rules be suspended to consider amendment H-1075?" (H.F. 189)

The ayes were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Heaton
Hein	Helland	Huseman	Iverson
Kaufmann	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker
			Paulsen

Absent or not voting, 7:

Berry	Hanusa	Horbach	Jorgensen
Miller, H.	Swaim	Upmeyer	

The motion to suspend the rules lost.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment H-1076 filed by him on February 7, 2011.

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

On the question "Shall the bill pass?" (H.F. 189)

The ayes were, 73:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kajtazovic	Kaufmann	Kelley
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Muhlbauer
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Thomas	Tjepkes	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 22:

Abdul-Samad	Cohoon	Gaines	Heddens
Hunter	Isenhart	Jacoby	Kearns
Kressig	Lensing	Lykam	Mascher
McCarthy	Murphy	Olson, R.	Smith, M.
Steckman	Taylor, T.	Thede	Wessel-Kroeschell
Willems	Winckler		

Absent or not voting, 5:

Berry	Horbach	Miller, H.	Swaim
Upmeyer			

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

House File 184, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Willems of Linn offered amendment H-1073 filed by McCarthy of Polk and moved its adoption.

Roll call was requested by Willems of Linn and T. Taylor of Linn.

On the question "Shall amendment H-1073 be adopted?" (H.F. 184)

The ayes were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg

Sweeney	Taylor, J.	Tjepkes	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 5:

Berry	Horbach	Miller, H.	Swaim
Upmeyer			

Amendment H-1073 lost.

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

On the question "Shall the bill pass?" (H.F. 184)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 4:

Berry Miller, H. Swaim Upmeyer

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

On motion by Helland of Polk, the House was recessed at 12:41 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 3:22 p.m., Kaufmann of Cedar in the chair.

INTRODUCTION OF BILLS

House File 222, by committee on state government, a bill for an act to prohibit political telephone calls during the nighttime hours and making penalties applicable.

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

House File 223, by Watts, a bill for an act relating to filling vacancies in elective city offices.

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

House File 224, by Heaton, a bill for an act providing for implementation of a voluntary licensure system for certain home-based child care providers.

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

House File 225, by Heaton, a bill for an act relating to the disclosure of relationships with pharmaceutical manufacturers by members of the medical assistance pharmaceutical and therapeutics committee and the drug utilization review commission.

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

House File 226, by Sweeney, Forristall, Drake, Worthan, Chambers, Soderberg, Alons, Schulte, Rayhons, Huseman, Anderson, Horbach, Van Engelenhoven, J. Taylor, Windschitl, L. Miller, Deyoe, Lofgren, and Iverson, a bill for an act relating to secondary level career and technical endorsements for persons holding a standard, master educator, or permanent professional teaching license and including effective date and applicability provisions.

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

House File 227, by Watts, a bill for an act deleting provisions requiring submission of an annual greenhouse gas emissions report by the department of natural resources.

Read first time and referred to committee on **environmental protection**.

House File 228, by Watts, a bill for an act relating to greenhouse gas emissions by deleting specific references to such emissions.

Read first time and referred to committee on **environmental protection**.

House File 229, by Chambers, a bill for an act excluding from the computation of net income military retirement benefits of certain retired veterans and including retroactive applicability provisions.

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

House File 230, by Wagner, a bill for an act allowing the operation of certain motorboats on lake Macbride at any time.

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

House File 231, by Willems, a bill for an act relating to public access to audio recordings of 911 telephone calls.

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

CONSIDERATION OF BILL
Regular Calendar

House File 185, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Willems of Linn offered amendment H-1074 filed by McCarthy of Polk and moved its adoption.

Speaker Paulsen in the chair at 4:00 p.m.

Roll call was requested by Willems of Linn and Mascher of Johnson.

On the question "Shall amendment H-1074 be adopted?" (H.F. 185)

The ayes were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes

Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker
			Paulsen

Absent or not voting, 3:

Berry	Miller, H.	Swaim
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Amendment H-1074 lost.

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

On the question "Shall the bill pass?" (H.F. 185)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker
			Paulsen

The nays were, 37:

Abdul-Samad	Cphoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 3:

Berry Miller, H. Swaim

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 126, 184, 185 and 189.**

HOUSE FILE 218 REREFERRED

The Speaker announced that House File 218, previously referred to committee on **state government** was rereferred to committee on **human resources.**

SPONSOR ADDED

(House File 119)

Pettengill of Benton requested to be added as a sponsor of House File 119.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 8, 2011. Had I been present, I would have voted "aye" on House File 126.

PETTENGILL of Benton

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 8, 2011. Had I been present, I would have voted "aye" on House File 126.

RUNNING-MARQUARDT of Linn

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

Mental Health Services System for Children, Youth, and their Families Report, pursuant to Chapter 225C.54(5), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 30**

State Government: Rogers, Chair; Jorgensen and Mascher.

House File 41

State Government: Koester, Chair; Isenhardt and Schulte.

House File 55

State Government: Pettengill, Chair; Hunter and Schulte.

House File 59

Transportation: Iverson, Chair; Lykam and Tjepkes.

House File 65

State Government: Iverson, Chair; Hein and T. Taylor.

House File 68

State Government: Koester, Chair; Gaskill and Jorgensen.

House File 70

Transportation: Tjepkes, Chair; Iverson and Lykam.

House File 72

State Government: Hein, Chair; Hunter and Koester.

House File 98

State Government: Rogers, Chair; Jorgensen and Wenthe.

House File 99

State Government: Vander Linden, Chair; Hunter and Schulte.

House File 129

State Government: Iverson, Chair; Hein and Isenhardt.

House File 140

State Government: Iverson, Chair; Hein and Wenthe.

House File 178

Labor: Forristall, Chair; Hunter and L. Miller.

House File 187

State Government: Drake, Chair; Jorgensen and Kajtazovic.

House File 191

Human Resources: Fry, Chair; Hunter and Jorgensen.

House File 193

State Government: Kaufmann, Chair; Lensing and Vander Linden.

House File 196

Labor: L. Miller, Chair; Forristall and Willems.

House File 197

Labor: Horbach, Chair; Kearns and Klein.

House File 205

State Government: Koester, Chair; Lensing and Raecker.

House File 206

Labor: Jorgensen, Chair; Hanusa and Willems.

House File 210

Economic Growth/Rebuild Iowa: Schultz, Chair; Rasmussen and Thomas.

Senate File 7

Natural Resources: J. Smith, Chair; Baudler and Steckman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 21

State Government: Iverson, Chair; Mascher and Pettengill.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 74 Environmental Protection

Relating to recycling by repealing beverage container control laws, increasing littering fines, changing waste volume reduction goals, and making penalties applicable.

H.S.B. 75 Environmental Protection

Relating to certain fees assessed for activities regulated under the federal Clean Air Act.

H.S.B. 76 Natural Resources

Relating to snowmobile registration and permit fees.

H.S.B. 77 Public Safety

Establishing a parole procedure for certain persons serving a class "A" felony sentence and including effective date provisions.

H.S.B. 78 Commerce

Relating to the provision of telecommunications services to multiple-unit residential buildings or complexes.

H.S.B. 79 Commerce

Relating to matters under the purview of the division of banking of the department of commerce.

H.S.B. 80 Commerce

Relating to indemnification provisions in construction contracts.

H.S.B. 81 Local Government

Permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 63), relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2011.

Committee Bill (Formerly House File 138), relating to gubernatorial appointments made to a district judicial nominating commission.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2011.

Committee Bill (Formerly House Study Bill 6), relating to the release and satisfaction of judgments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2011.

Committee Bill (Formerly House Study Bill 43), relating to instruments used to update the county transfer books and index maintained by the county auditor.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2011.

AMENDMENT FILED

H-1077 H.F. 222 Hunter of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:13 p.m., until 8:30 a.m., Wednesday, February 9, 2011.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 9, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Bishop R. Walker Nickless, Sioux City Diocese. He was the guest of Representative Hall of Woodbury County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Heidi Noneman, Page from Keokuk.

The Journal of Tuesday, February 8, 2011 was approved.

INTRODUCTION OF BILL

House File 232, by Swaim, a bill for an act relating to an exemption for smoking in public places meeting certain restrictions, including age-related provisions.

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

On motion by Upmeyer of Hancock, the House was recessed at 8:37 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:05 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 233, by T. Taylor, a bill for an act relating to the construction and maintenance of walkways in rail yards and providing a penalty.

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

House File 234, by Chambers, a bill for an act relating to teacher salary supplement requirements for professional development and providing for repayment of teacher salary supplement funds under certain conditions.

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

House File 235, by Schulte, a bill for an act relating to payment for mental health counselor behavioral health services provided under the Medicaid program.

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

House File 236, by Kaufmann, a bill for an act relating to city and county property assessment officials and boards.

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

House File 237, by Schultz, a bill for an act concerning implementation of the federal REAL ID Act of 2005.

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

House File 238, by Watts, a bill for an act relating to the department of administrative services by broadening the authority of state agencies to make purchases directly from vendors and expanding the scope of those records of the department that are public.

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

House File 239, by R. Olson, a bill for an act concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies.

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

House File 240, by Kaufmann, a bill for an act relating to the property tax exemptions for cemetery associations and religious institutions.

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

House File 241, by Wagner, a bill for an act exempting vessels without motor or sail from state registration and numbering requirements.

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

House File 242, by committee on judiciary, a bill for an act relating to gubernatorial appointments made to a district judicial nominating commission.

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

SPONSOR ADDED
(House File 213)

Murphy of Dubuque requested to be added as a sponsor of House File 213.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 8, 2011. Had I been present, I would have voted "aye" on House Files 126 and 189 and "nay" on House Files 184 and 185.

SWAIM of Davis

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 7

Judiciary: Tjepkes, Chair; Kaufmann and Wessel-Kroeschell.

House File 103

State Government: Koester, Chair; Jorgensen and Mascher.

House File 128

Transportation: Iverson, Chair; Lykam and Tjepkes.

House File 150

Appropriations: Wagner, Chair; Hagenow and Heddens.

House File 161

Transportation: Tjepkes, Chair; Iverson and Lykam.

House File 199

Judiciary: Alons, Chair; Heaton and Wolfe.

House File 201

Judiciary: Kaufmann, Chair; Baltimore and Lensing.

House File 204

State Government: Iverson, Chair; Gaskill and Hein.

House File 207

Judiciary: Massie, Chair; Gaines and Rogers.

House File 213

Judiciary: Baltimore, Chair; Garrett and Oldson.

House File 229

Veterans Affairs: Hanusa, Chair; Kearns and Rayhons.

Senate Concurrent Resolution 2

Administration and Rules: Schulte, Chair; Deyoe and Isenhart.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 76

Natural Resources: J. Smith, Chair; Hager and Wittneben.

House Study Bill 78

Commerce: Wagner, Chair; Paustian and Quirk.

House Study Bill 79

Commerce: J. Smith, Chair; Baltimore and Kressig.

House Study Bill 80

Commerce: Fry, Chair; T. Olson and Wagner.

House Study Bill 81

Local Government: Horbach, Chair; Baltimore and Berry.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 82 Transportation**

Relating to railroads including hit-and-run motor vehicle accidents involving a train and investigations of railroad crossing violations, and providing penalties.

H.S.B. 83 Human Resources

Relating to county and state responsibilities for mental health, mental retardation, and developmental disabilities services for adults and children and including effective date provisions.

H.S.B. 84 Appropriations

Requiring the state board of regents to sell a work of art and providing for the earnings from the proceeds to be used for scholarship assistance and including effective date provisions.

H.S.B. 85 Commerce

Relating to equipment dealership agreements by providing for supplier liability.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 52), relating to the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2011.

Committee Bill (Formerly House Study Bill 53), relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2011.

On motion by Upmeyer of Hancock the House adjourned at 4:07 p.m., until 8:30 a.m., Thursday, February 10, 2011.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 10, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Tony Brandt, Indianola Church of Christ. He was the guest of Representative Fry of Clarke County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bryant Hickie, Page from Marshalltown.

The Journal of Wednesday, February 9, 2011 was approved.

INTRODUCTION OF BILLS

House File 243, by committee on judiciary, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

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

House File 244, by committee on judiciary, a bill for an act relating to the release and satisfaction of judgments.

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

House File 245, by committee on judiciary, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

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

House File 246, by Wenthe, a bill for an act expanding the definition of a manufacturer of native wine.

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

House File 247, by Schultz, a bill for an act relating to a statement of professional recognition for persons qualified as instructors of the junior reserve officer training corps program curriculum.

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

House File 248, by Heddens and Heaton, a bill for an act concerning community mental health centers.

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

House File 249, by Rogers and Kaufmann, a bill for an act relating to modification of a custody order based on the relocation of a parent.

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

House File 250, by Isenhardt, a bill for an act relating to certain campaign communications, providing for fees, and making a penalty applicable.

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

House File 251, by Worthan, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

House File 252, by Wenthe, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

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

On motion by Upmeyer of Hancock, the House was recessed at 8:39 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:08 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 253, by committee on commerce, a bill for an act relating to the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

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

House File 254, by committee on commerce, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

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

House File 255, by Lykam, a bill for an act requiring a safety examination of the repairs made to a salvage vehicle prior to issuance of a regular certificate of title.

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

House File 256, by Windschitl, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

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

House File 257, by Swaim, a bill for an act prohibiting certain trapping practices and providing penalties.

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

House File 258, by Horbach, a bill for an act providing for hunting preserves confining swine, which is a member of the species *sus scrofa linnaeus*, making penalties applicable, and including contingent effective date provisions.

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

House File 259, by Steckman, Murphy, Thede, Hall, Swaim, Abdul-Samad, Wittneben, Wessel-Kroeschell, Gaskill, Kelley, Muhlbauer, Byrnes, Petersen, Kajtazovic, Koester, and Kressig, a bill for an act relating to a property assessment adjustment for certain

persons, applying income and age limitations, providing a penalty, and including retroactive and other applicability provisions.

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

House File 260, by committee on education, a bill for an act granting home rule power and authority, subject to certain limitations, to school districts.

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

SPONSOR ADDED
(House File 93)

Kajtazovic of Black Hawk requested to be added as a sponsor of House File 93.

SUBCOMMITTEE ASSIGNMENTS

House File 180 Reassigned

Economic Growth/Rebuild Iowa: Soderberg, Chair; Hager and Jacoby.

House File 215

Labor: Horbach, Chair; Brandenburg and T. Taylor.

House File 216

Labor: L. Miller, Chair; Forristall and Hunter.

House File 217

Labor: Horbach, Chair; Hanusa and T. Taylor.

House File 218

Human Resources: L. Miller, Chair; Schulte and M. Smith.

House File 224

Human Resources: Heaton, Chair; Mascher and Pearson.

House File 225

Human Resources: Heaton, Chair; Massie and Steckman.

House File 226

Education: Sweeney, Chair; Cohoon and J. Taylor.

House File 230

Natural Resources: Hager, Chair; Steckman and Vander Linden.

House File 234

Education: Chambers, Chair; Koester and Winckler.

House File 235

Human Resources: Schulte, Chair; Fry and M. Smith.

House File 247

Education: Hanusa, Chair; Kelley and Lofgren.

House File 249

Judiciary: Heaton, Chair; Oldson and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 81 Reassigned**

Local Government: Horbach, Chair; Baltimore and Kressig.

**House Study Bill 84
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

House Study Bill 85

Commerce: Paustian, Chair; Grassley and Muhlbauer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 86 Judiciary**

Relating to the extradition of criminal defendants and securing of certain witnesses by a county attorney.

H.S.B. 87 Judiciary

Relating to elections or appointments to a county magistrate appointing commission.

H.S.B. 88 Judiciary

Relating to county attorney duties when representing the department of human services in juvenile court.

H.S.B. 89 Human Resources

Relating to investigative costs of the Medicaid fraud control unit.

H.S.B. 90 Human Resources

Relating to programs and activities under the purview of the department of public health.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 47), relating to the exercise by school districts of any broad and implied powers except as expressly prohibited by the Constitution of the State of Iowa or by statute.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2011.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 63), relating to bail restrictions placed on criminal defendants.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2011.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 172), authorizing the issuance of special senior shotgun season deer hunting licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 60), relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2011.

On motion by Upmeyer of Hancock the House adjourned at 4:10 p.m., until 1:00 p.m., Friday, February 11, 2011.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 11, 2011

The House met pursuant to adjournment at 1:01 p.m., Pettengill of Benton in the chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Pettengill of Benton.

The Journal of Thursday, February 10, 2011 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 12, by Alons, Massie, Shaw, Pearson, Chambers, De Boef, and Lofgren, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the appointment of supreme court justices and district judges.

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

House Joint Resolution 13, by Alons, Shaw, Pearson, Chambers, and De Boef, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the term of office of supreme court justices and district judges.

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

House File 261, by Kaufmann and Willems, a bill for an act reducing the period of time during which records of a state bank or state credit union are required to be preserved.

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

House File 262, by Helland, a bill for an act concerning mechanics' liens including the establishment of a state construction

registry for residential construction property and including effective date provisions.

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

House File 263, by Heaton, Pettengill, Rayhons, Lofgren, Worthan, Lukan, Arnold, Tjepkes, De Boef, Huseman, and Brandenburg, a bill for an act requiring regulatory analysis for new administrative rules regarding the impact of the rules on small business.

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

House File 264, by Forristall, a bill for an act relating to foreign language unit requirements under the educational standards applicable to school districts.

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

House File 265, by Schulte, a bill for an act requiring health insurance coverage of certain services provided by licensed marital and family therapists and mental health counselors and including applicability provisions.

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

House File 266, by Lukan, a bill for an act relating to county compensation boards and compensation for elected county officials.

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

House File 267, by committee on economic growth/rebuild Iowa, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

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

House File 268, by committee on natural resources, a bill for an act authorizing the issuance of special senior shotgun season deer hunting licenses.

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

HOUSE FILE 253 REFERRED

The Speaker announced that House File 253, previously placed on the **calendar** was referred to committee on **ways and means**.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA NATIONAL GUARD

ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 7 Reassigned**

Public Safety: Windschitl, Chair; Baudler, Kressig, R. Olson and Sands.

House File 173

Public Safety: Shaw, Chair; Fry and Gaines.

House File 208

Public Safety: Tjepkes, Chair; Baudler and Muhlbauer.

House File 209

Public Safety: Shaw, Chair; Brandenburg and Wolfe.

House File 220

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

House File 239

Transportation: Rasmussen, Chair; Wolfe and Worthan.

House File 251

Transportation: Worthan, Chair; Arnold and Cohoon.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 77**

Public Safety: R. Olson, Chair; Hagenow and Wolfe.

House Study Bill 82

Transportation: Watts, Chair; Iverson and Murphy.

House Study Bill 86

Judiciary: Alons, Chair; Gaines and Massie.

House Study Bill 87

Judiciary: Tjepkes, Chair; R. Olson and Pearson.

House Study Bill 88

Judiciary: Garrett, Chair; Alons and Wolfe.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA

Committee Bill (Formerly House File 210), relating to the identification of historic properties by certain rural electric cooperatives.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2011.

COMMITTEE ON JUDICIARY

Senate File 72, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2011.

On motion by Upmeyer of Hancock the House adjourned at 1:04 p.m., until 1:00 p.m., Monday, February 14, 2011.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 14, 2011

The House met pursuant to adjournment at 1:02 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Bob Dishman, Park Church of Christ, Goldfield. He was the guest of Representative Iverson of Wright County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Expo High School, Waterloo.

The Journal of Friday, February 11, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Worthan of Buena Vista on request of Deyoe of Story.

INTRODUCTION OF BILLS

House File 269, by Isenhart, a bill for an act relating to the approval or modification of certain urban renewal projects and including effective date and applicability provisions.

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

House File 270, by Grassley, a bill for an act requiring the department of administrative services to adopt rules to ensure the publication of certain state employee benefit information.

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

The House stood at ease at 1:10 p.m., until the fall of the gavel.

The House resumed session at 1:24 p.m., Speaker Paulsen in the chair.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF REVENUE

Research Activities Credit Report, pursuant to Senate File 478, 2009 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS

House File 248

Human Resources: Heaton, Chair; Schulte and Steckman.

House File 264

Education: J. Taylor, Chair; Abdul-Samad and Jorgensen.

House File 265

Human Resources: L. Miller, Chair; Fry and Petersen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 84 Reassigned

Appropriations: Watts, Chair; Murphy and Wagner.

House Study Bill 89

Human Resources: L. Miller, Chair; Jorgensen and Winckler.

House Study Bill 90

Human Resources: L. Miller, Chair; Abdul-Samad and Fry.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 91 Labor

Relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.

H.S.B. 92 Judiciary

Creating the health care professional lien Act.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ETHICS

Committee Bill (Formerly House Study Bill 13), relating to the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2011.

AMENDMENTS FILED

H-1078	H.F.	212	Kelley of Jasper
H-1079	H.F.	194	Jacoby of Johnson
			Kajtazovic of Black Hawk
			Oldson of Polk
			Petersen of Polk
H-1080	H.F.	194	T. Olson of Linn
			Petersen of Polk
			Oldson of Polk
			Kajtazovic of Black Hawk

On motion by Helland of Polk the House adjourned at 1:26 p.m., until 8:30 a.m., Tuesday, February 15, 2011.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 15, 2011

The House met pursuant to adjournment at 8:31 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Keith A. Ratliff, Maple Street Baptist Church, Des Moines. He was the guest of Representative Abdul-Samad of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jael Chepkwony, Page from Waukee.

The Journal of Monday, February 14, 2011 was approved.

INTRODUCTION OF BILLS

House File 271, by committee on judiciary, a bill for an act relating to bail restrictions placed on criminal defendants.

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

House File 272, by Murphy, a bill for an act requiring the establishment of a collaborative nurse council in licensed hospitals and licensed nursing facilities.

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

House File 273, by Hagenow, a bill for an act relating to the renewal of a license to practice dietetics.

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

House File 274, by Van Engelenhoven, a bill for an act relating to smoking prohibitions for certain locations providing health-related services, and making penalties applicable.

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

House File 275, by Murphy, a bill for an act relating to the compulsory school attendance age, a driver's license penalty for failure to attend, and school district dropout prevention measures, and including effective date provisions.

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

House File 276, by Kressig, T. Olson, Isenhardt, Lensing, Petersen, Hunter, Hall, T. Taylor, Jacoby, Mascher, M. Smith, Steckman, Wolfe, Kajtazovic, Thomas, Murphy, Lykam, Wenthe, Abdul-Samad, Kelley, Gaskill, Kearns, Oldson, Wessel-Kroeschell, and Winckler, a bill for an act concerning requirements for motor vehicle operators when overtaking and passing a bicycle, and making penalties applicable.

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

House File 277, by Hanusa, Chambers, Huseman, Iverson, Running-Marquardt, Alons, Brandenburg, Pearson, Cownie, L. Miller, Schulte, J. Taylor, Sweeney, M. Smith, Wittneben, Muhlbauer, Grassley, Koester, Massie, Drake, Hager, Helland, Paustian, Worthan, Schultz, Shaw, Lukan, Thomas, Heddens, Jacoby, Rayhons, Vander Linden, Lofgren, J. Smith, Forristall, Deyoe, Willems, Kearns, Horbach, Klein, Windschitl, De Boef, Hein, Baltimore, Byrnes, Rasmussen, Soderberg, Van Engelenhoven, Arnold, Wagner, Hanson, Upmeyer, Garrett, Steckman, Baudler, Rogers, Hagenow, Raecker, Heaton, Gaskill, and Paulsen, a bill for an act relating to the Iowa civil rights Act and discrimination based upon a person's status as a veteran.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock; Winckler of Scott on request of Wessel-Kroeschell of Story.

On motion by Upmeyer of Hancock, the House was recessed at 8:40 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:08 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 278, by committee on public safety, a bill for an act relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

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

House File 279, by Hall, a bill for an act relating to the appointment of clerks of the district court.

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

House File 280, by Wessel-Kroeschell, a bill for an act relating to earned time accrual by an inmate at a correctional institution of the department of corrections.

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

House File 281, by Willems, a bill for an act relating to agreements between landholders and developers constructing wind energy facilities.

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

House File 282, by Swaim, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

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

House File 283, by Abdul-Samad, Gaines, M. Smith, Kressig, and Kajtazovic, a bill for an act providing for a streamlined issuance process for identity theft passports under specified circumstances.

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

House File 284, by Willems, a bill for an act relating to the method of collecting property taxes by a county treasurer.

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

House File 285, by Watts, a bill for an act relating to intellectual diversity in community colleges and institutions of higher education under the control of the state board of regents and providing a reporting requirement.

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

House File 286, by Kaufmann, Lensing, Heaton, Wessel-Kroeschell, and Tjepkes, a bill for an act relating to an assault that occurs between persons in an intimate relationship and the crime of domestic abuse assault and making penalties applicable.

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

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 4:41 p.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS Regular Calendar

House File 245, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 245)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby

Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 2:

Arnold Winckler

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

House File 243, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 243)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby

Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Arnold Winckler

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 243 and 245.**

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 4

State Government: Kaufmann, Chair; Hunter and Pettengill.

House Joint Resolution 8

State Government: Koester, Chair; Jorgensen and Wenthe.

House Joint Resolution 10

State Government: Vander Linden, Chair; Jorgensen and T. Taylor.

House File 14

Ways and Means: Helland, Chair; Quirk and Sands.

House File 47

Ways and Means: Helland, Chair; Sands and Thomas.

House File 69

Ways and Means: Helland, Chair; Kajtazovic and Sands.

House File 75

Ways and Means: Helland, Chair; Sands and Willems.

House File 101

Ways and Means: Helland, Chair; Sands and Thomas.

House File 119

Ways and Means: Moore, Chair; Jacoby and Paustian.

House File 135

Ways and Means: Helland, Chair; Isenhart and Sands.

House File 136

Ways and Means: Kaufmann, Chair; Helland and Isenhart.

House File 141

Ways and Means: Vander Linden, Chair; Hein, Kearns, Petersen and Pettengill.

House File 164

Ways and Means: Helland, Chair; Oldson and Sands.

House File 175

Ways and Means: Helland, Chair; Muhlbauer and Sands.

House File 192 Reassigned

Human Resources: L. Miller, Chair; Garrett and Wessel-Kroeschell.

House File 202

Ways and Means: Helland, Chair; Isenhart and Sands.

House File 214

State Government: Iverson, Chair; Drake and Mascher.

House File 219

Commerce: Grassley, Chair; Iverson and Lykam.

House File 227

Environmental Protection: Paustian, Chair; Kelley and Klein.

House File 228

Environmental Protection: Hein, Chair; De Boef and Kelley.

House File 232

Commerce: Windschitl, Chair; Shaw and Swaim.

House File 233

Commerce: Windschitl, Chair; Kressig and Paustian.

House File 237

State Government: Kaufmann, Chair; Jorgensen and T. Taylor.

House File 238

State Government: Vander Linden, Chair; Kajtazovic and Rogers.

House File 241

Natural Resources: Baudler, Chair; Hager and H. Miller.

House File 250

State Government: Iverson, Chair; Drake and Isenhardt.

House File 256

Veterans Affairs: Alons, Chair; Chambers and Wittneben.

House File 258

Natural Resources: Rasmussen, Chair; Hanson and Vander Linden.

House File 261

Commerce: J. Smith, Chair; Brandenburg and Quirk.

House File 262

Commerce: Baltimore, Chair; Jacoby and Wagner.

House File 263

Economic Growth/Rebuild Iowa: J. Smith, Chair; Lofgren and Running-Marquardt.

House File 269

Economic Growth/Rebuild Iowa: Schultz, Chair; De Boef and Steckman.

House File 270

State Government: Kaufmann, Chair; Pettengill and Wenthe.

House File 275

Education: L. Miller, Chair; Forristall and Willems.

House File 277

Veterans Affairs: Hanusa, Chair; Berry and Lukan.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 80 Reassigned**

Commerce: Horbach, Chair; Fry and T. Olson.

House Study Bill 84 Reassigned

Appropriations: Watts, Chair; Wagner and Wenthe.

House Study Bill 91

Labor: Horbach, Chair; Hanusa and Murphy.

House Study Bill 92

Judiciary: Kaufmann, Chair; Alons and Wolfe.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 93 Transportation**

Relating to the use of automated traffic enforcement systems.

H.S.B. 94 Transportation

Allowing the department of transportation to accept reports from advanced registered nurse practitioners disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

H.S.B. 95 Public Safety

Relating to operating-while-intoxicated offenses and providing penalties.

H.S.B. 96 Judiciary

Relating to the conveyance or encumbrance of a homestead by a spouse.

H.S.B. 97 Human Resources

Exempting certain outpatient surgical facilities from certificate of need requirements.

H.S.B. 98 Human Resources

Exempting certain outpatient surgical facilities located in certain areas of the state from certificate of need requirements.

H.S.B. 99 Agriculture

Relating to preferred stock issued by cooperative associations.

H.S.B. 100 State Government

Concerning the duties and responsibilities of the auditor of state.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 51), applying criminal trespass provisions to public utility property, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2011.

Committee Bill (Formerly House Study Bill 56), relating to the assessment of certain subdivided real property and including applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2011.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 65), modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 2011.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 53), to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2011.

RESOLUTIONS FILED

H.C.R. 9, by Isenhart, a concurrent resolution urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

Referred to committee on **commerce**.

H.R. 12, by committee on ethics, a resolution relating to the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

AMENDMENTS FILED

H-1081	H.F.	260	Forristall of Pottawattamie
H-1082	H.F.	260	Hagenow of Polk
H-1083	H.F.	194	Jacoby of Johnson
			Gaskill of Wapello
			Kressig of Black Hawk
			Petersen of Polk
H-1084	H.F.	194	Helland of Polk

On motion by Upmeyer of Hancock the House adjourned at 4:51 p.m., until 8:30 a.m., Wednesday, February 16, 2011.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 16, 2011

The House met pursuant to adjournment at 8:34 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Rick Biedermann, Holy Trinity Lutheran Church, Ankeny. He was the guest of Representative Grassley of Butler County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Delaney Olson, Page from Mt. Vernon.

The Journal of Tuesday, February 15, 2011 was approved.

INTRODUCTION OF BILLS

House File 287, by Heaton, a bill for an act relating to eligibility requirements under the medical assistance program and providing penalties.

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

House File 288, by Heaton and Grassley, a bill for an act requiring the department of human services to request authorization from the United States department of agriculture to allow the state to restrict the use of food assistance benefits for food items with a low nutritional value and including effective date provisions.

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

House File 289, by Heaton, J. Smith, Rayhons, Lofgren, Worthan, Soderberg, Arnold, Tjepkes, De Boef, Huseman, and Brandenburg, a bill for an act providing a credit against the individual income tax for volunteer fire fighters, certified reserve peace officers, and volunteer

emergency medical services personnel and including effective and applicability date provisions.

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

COMMITTEE TO NOTIFY THE SENATE

Upmeyer of Hancock moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee Wagner of Linn, Running-Marquardt of Linn and Moore of Jackson.

The House stood at ease at 8:42 a.m., until the fall of the gavel.

The House resumed session at 9:50 a.m., Speaker Paulsen in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Wagner of Linn, Chair of the committee appointed to notify the Senate that the House was ready to receive it in Joint Convention reported that the committee had performed its duty.

The report was accepted, and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 6, duly adopted, the Joint Convention was called to order at 9:53 a.m., President Kibbie presiding.

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

The motion prevailed.

President Kibbie announced a quorum present and the Joint Convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Governor Terry E. Branstad to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Jochum of Dubuque, Dandekar of Linn and Bertrand of Woodbury, on the part of the Senate, and Representatives Forristall of Pottawattamie, Hager of Allamakee and Hall of Woodbury, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Adjutant General Timothy E. Orr to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Soddors of Marshall, Wilhelm of Howard and Ernst of Clarke, on the part of the Senate, and Representatives Chambers of O'Brien, Shaw of Pocahontas and Kearns of Lee, on the part of the House.

State Auditor, David Vaudt; Treasurer of State, Michael Fitzgerald; Secretary of State, Matt Schultz and Attorney General, Tom Miller were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Suzanne Orr, wife of General Orr was escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him into the House chamber.

The committee waited upon General Orr, Adjutant General of the Iowa National Guard and escorted him to the Speaker's station.

President Kibbie presented Major General Timothy E. Orr, Adjutant General of the Iowa National Guard. General Orr provides command and control of more than 100 Army and Air National Guard Units with approximately 9,400 Army and Air National Guard members in the state of Iowa.

General Orr delivered the following Condition of the Iowa National Guard Message:

Good Morning Ladies and Gentleman – thank you for that warm welcome.

I am honored and privileged once again to stand before you and provide this annual report on the Condition of the Iowa National Guard.

Your Iowa National Guard has evolved from a State Militia created in 1836 into a full-spectrum operational force prepared to defend our state and nation during an era of persistent conflict.

Your Iowa National Guard has executed every mission assigned, served their state here at home, and deployed wherever needed in a moment's notice. Your Iowa National Guard is truly making a difference every day.

Speaker Paulsen, President Kibbie – thank you for your gracious invitation to address this joint convention of the eighty-fourth General Assembly of the Iowa Legislature.

Governor Branstad, Lieutenant Governor Reynolds, members of the General Assembly, distinguished guests and fellow Iowans.

I want to begin by saying thank you to Governor Branstad and Lieutenant Governor Reynolds for your support and confidence in me to continue leading the Iowa National Guard in the future. I also want to thank you for devoting your first day in office and all the Inaugural events to the men and women serving in the Iowa National Guard. You demonstrated from the very beginning your strong support for the Iowa National Guard by signing your Salute to the Iowa National Guard Executive Proclamation on January 14, 2011, honoring the service of the men and women of the Iowa National Guard, their families, and employers.

I want to thank Governor Culver and Lieutenant Governor Judge for their strong leadership during this most significant period of time in the history of the Iowa National Guard. Thank you for your efforts to attend our homecoming and sendoff events, your strong support of our families and employers, and your willingness to travel overseas to visit our deployed warriors.

I would also like to give a special thank you to our citizen-legislators, who have done so much to honor and support the Iowa National Guard over the years. Through your legislative programs and participation in our community events, you have embodied unwavering support for our Soldiers and Airmen. The state of Iowa has one of the strongest traditions of any state for its commitment to their National Guard. Our success is directly attributable to what you have done for your Iowa National Guard – we humbly thank you.

But above all, I want to thank the people of Iowa. Last year I asked all Iowans for their support in helping our deployed families and warriors. I am pleased to report that the citizens of Iowa have delivered. The support we have received can be summed up in two words – simply incredible. What they have done and continue to do for our Soldiers, Airmen, and their families throughout our combat deployments and state emergency response missions is a true testament to the unmatched community support we are so privileged to enjoy in this state.

Through all the efforts of our Soldiers, Airmen, families, employers, elected leaders, and our citizens, we have demonstrated that Iowa is a state that truly serves together.

Over this past year, I've had the privilege of visiting our men and women at their local armories, annual training locations, community sendoffs and welcome home events. In addition, Command Sergeant Major John Breitsprecker and I have traveled outside of Iowa to visit Soldiers preparing for mobilization at the Camp Shelby and the National Training Center, and overseas to places like Kosovo, Germany, Kuwait, Iraq and Afghanistan to visit our deployed troops, seeing first-hand the readiness and strong resolve of the Iowa National Guard.

We have also visited our injured and ill Soldiers all across the nation at Walter Reed Medical Center, Brooke Army Medical Center, Bethesda Naval Hospital, Fort Gordon, Fort Riley, Fort Leonard Wood, the National Institute of Health, and the Regional Warrior Transition Battalions. Despite the high operational tempo, mission requirements, and daily challenges for our Iowa National Guard Soldiers and Airmen, we remain unconditionally "Mission Focused, Warrior Ready!"

Today, I deliver my second Condition of the Guard address. Over the next several minutes I want to focus on two important areas:

Where we have come over the last year;

And what we are doing to care for the force.

It's been nearly nine and a half years since the United States and our allies responded to the attacks of September 11, 2001. The Soldiers and Airmen of the Iowa National Guard answered the call on 9/11 and have served continuously since, working

side by side with their Army and Air Force counterparts to help liberate nearly 50 million people from tyranny and terror in Iraq and Afghanistan, maintain peace in Egypt, Israel, and Kosovo, and protect the United States of America.

Since 9/11, the Soldiers and Airmen of the Iowa National Guard, their families, and their employers have made significant sacrifices on behalf of the American people. More than sixty-five percent of our Soldiers and Airmen currently serving are combat veterans. More than 16,000 of our men and women have served in the ongoing campaigns in Iraq and Afghanistan, peacekeeping duties in the Balkans and the Sinai Peninsula, and during emergency response missions in Iowa and across the country.

Through multiple combat deployments and domestic support missions, the men and women currently serving in the Iowa National Guard are among the most seasoned and experienced military professionals our state has ever fielded in the more than 170-year history of the Iowa National Guard.

The demand for National Guard forces over the past two decades has required almost continuous use of Active, National Guard, and Reserve forces in order to meet the operational requirements of our armed forces. Our experience during this timeframe has validated the Total Force concept in support of our national security interests. We are now at a point where current and projected demands for Army and Air Force assets will require continued access to the National Guard and Reserve forces, making very real what has been a policy for some time. This means that the mobilization and operational use of National Guard Soldiers, Airmen, and units will continue for the foreseeable future, despite ongoing reductions in U.S. forces overseas. The National Guard of the 21st century will require a versatile mix of tailorable, modular, and adaptable organizations, interdependently operating on a predictable, rotational deployment cycle. This new concept is what we call the Operational Force, which is part of the Department of Defense's Total Force Policy.

Over this last year, the Iowa National Guard has remained a national leader in many categories, consistently ranking near the top among the 54 states and territories.

The Iowa National Guard remains a national leader in personnel recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2011 with over 100 percent of authorized strength. And our retention rates exceed national goals and are among the highest in the nation. We have been at or exceeded 100 percent strength every year since 2003— a significant accomplishment considering that we have been at war as a nation with an all-volunteer force for nearly ten years.

Last year, the Iowa Air and Army National Guard executed the largest construction program in our history with more than \$148 million dollars in military construction projects in Iowa. Those projects totaled \$134 million dollars, or more than 91 percent, in federal funds. Additionally, we received nearly \$9.3 million dollars in federal stimulus funding allowing us to complete twenty-six infrastructure projects around Iowa. We also started the process of replacing armories in Muscatine, Burlington and Cedar Rapids, totaling more than \$77 million in federal funding.

As part of our requirement as an operational force, the Iowa National Guard prepared, deployed, and returned to Iowa several Army and Air National Guard units

this past year, and announced several unit notifications for mobilization in support of upcoming Overseas Contingency Operations in 2012.

The 185th Air Refueling Wing from Sioux City continues to provide ongoing support of real-world missions to the Air Force, Army, Navy, and Marine Corps. Of the 185th's many world-wide missions, evacuating wounded warriors from a combat zone is one of the most important and unique missions that it executes. These Aeromedical evacuation missions provide timely and efficient movement and mobile care to wounded Servicemen and women being evacuated from the battlefield to Landstuhl, Germany. In the past year, the 185th has deployed nearly 400 Airmen around the globe for operational missions.

As we gather together today, more than 120 Airmen from the Iowa Air National Guard's 132nd Fighter Wing, based in Des Moines, and the 185th Air Refueling Wing are 8,000 miles away from home participating in Sentry Down Under, a three-week exercise with our coalition partner, Australia. These Iowa Airmen will conduct numerous flight missions, maintain high-performance fighter aircraft to exacting standards, and learn about the capabilities and operations of the Royal Australian Air Force so we can more effectively operate with them during combat missions.

The 135th Mobile Public Affairs Detachment returned to Iowa from Iraq in late October. During their deployment, they provided public affairs support to the U.S. Army's 3rd Infantry Division. The mission of the 135th was to collect, produce and disseminate video, audio, and print stories, as well as online stories, to civilian and military media organizations.

The Information Operations Field Support Team deployed last March and has been operating in both Afghanistan and Iraq. Their expertise in processing and utilizing multiple sources of information has created opportunities for successful coalition operations. We look forward to welcoming them back in Iowa later this spring.

Company C, 2nd Battalion, 147th Aviation from Boone is currently deployed to Kosovo where they are conducting peacekeeping missions for that fledgling democracy. They've flown more than 150 missions and 2,000 accident-free flight hours while providing around-the-clock aviation support. In their spare time, many unit members teach English to local students and also interact with the local community members.

The 734th Agribusiness Development Team, comprised of 60 Soldiers and Airmen, is the first ever overseas combat deployment with both Army National Guard Soldiers and Air National Guard Airmen serving together in the history of the Iowa National Guard. This team's mission is the revitalization of the agricultural and livestock sector within Kunar Province, Afghanistan. Our team provides expertise, advice, and training in agricultural-related specialties to various provincial ministries and local farmers. During their pre-deployment preparation, the team established a partnership with Iowa State University and received training on a variety of agricultural topics. They also spent time training at Living History Farms and with the Amish community to gain a hands-on experience into past farming techniques and practices.

Soldiers from Company B, 2nd of the 211th General Support Aviation Battalion based in Davenport have recently arrived in Iraq and will be providing airlift capabilities in support of coalition forces with their Chinook helicopters.

But by far the most significant and anticipated deployment was the 2nd Brigade Combat Team's mission to Afghanistan, with more than 3,000 Soldiers deployed.

The 2nd Brigade Combat Team deployment was the largest single unit call-up of its type in Iowa since World War II. Almost every community in Iowa has been affected in some way by this mission.

To properly prepare, train, certify, sendoff and deploy all these forces to standard, it takes a team effort from everyone, including our families, employers, and communities. As part of last summer's surge of forces, we conducted our first State Annual Training Exercise in more than 30 years, at Camp Ripley, Minnesota. This event involved nearly all Iowa Army National Guard units to provide logistical and training support to assist the 2nd Brigade in their mobilization preparation over a three-week period.

In late July and early August last year, we conducted nearly 30 community send offs all across Iowa for the Soldiers of the 2nd Brigade. The community support and participation by loyal Iowans was outstanding. At every major community sendoff event, Boy Scouts, Girl Scouts, Patriot Guard and Legion Riders, members of veterans' organizations, local law enforcement, fire departments, veterans from all services, and community members showed up by the hundreds and in some cases thousands, to show their respect and appreciation for our deploying Warriors and their families.

Members of the 2nd Brigade Combat Team serving in Afghanistan currently operate in five provinces across Regional Command-East. These Soldiers execute missions ranging from security, cordon and search, and convoy operations, to counterinsurgency, key leader engagements, and numerous other tasks. But one of the most important and unique missions conducted by this Iowa unit is the Female Engagement Team initiative.

Led by Captain Jodi Marti, this hand-picked team of female Iowa Soldiers works with coalition forces to gather intelligence and provide security for Afghan females in accordance with Islamic culture. Members of the Female Engagement Team serve side-by-side with their male counterparts during combat operations in some of the most rugged terrain in the world. The dedication, courage, skill, and professionalism of these Iowa women inspire male and female Soldiers alike.

Every day, we continue to see acts of kindness and generosity coming from our communities and businesses.

When Sgt. Bryan Pfeiler from Dyersville, Iowa, was wounded and lost part of his leg when he stepped on an anti-personnel mine in Afghanistan, the communities of Dyersville and Earlville immediately stepped up to the plate. The Earlville American Legion gave his family donations of over \$2100 to assist with expenses, while Beckman High School in Dyersville and the Earlville American Legion sponsored spaghetti suppers to raise money for the family. In addition, members of these communities

have mowed the grass and shoveled snow for SGT Pfeiler's family since he mobilized last August.

Recently, Sgt. Adam Craig from Cherokee returned to the U.S. from Afghanistan with a very aggressive form of cancer. He is currently undergoing medical treatment at the National Institute of Health in Bethesda, Maryland. In order for his mother, a long-time Hy-Vee employee with the Cherokee Hy-Vee store, to remain with her son while he receives medical care, Hy-Vee sponsored a spaghetti feed and silent auction to raise funds for the family. In addition, the Store Director, Tim Hoppert, and fellow co-workers have filled in at Hy-Vee during the absence of Sgt. Craig's mother so she doesn't have to worry about taking extensive sick leave and family leave in order to be with her son.

We have companies like Charles Gabus Ford of Des Moines, who donated more than one hundred thousand dollars to support the Officers' Auxiliary deployment teddy bear project. This program provides all children of deployed Soldiers and Airmen with a teddy bear during the unit sendoff event.

Dr. Pepper-Snapple of Des Moines donated over \$45,000 to purchase phone cards and post-exchange gift cards for our Soldiers and Airmen to use overseas.

These are just several of many efforts that so vividly demonstrate the profound and heartfelt generosity of our citizens. Iowa is a state that is truly serving together.

Another important priority for the Iowa National Guard is ensuring that we can provide an effective and timely emergency response capability right here in Iowa. Since the days of the Iowa Territory in the late 1830s, we have been deeply committed to protecting Iowans and safeguarding critical infrastructure in a moment's notice.

With the large number of Iowa Army National Guard Soldiers deployed in 2010 and 2011, our Joint Staff developed the Guard Emergency Situational Assessment Contact, or *GESAC*, program to bring back National Guard retirees on a voluntary basis for critical assistance during local emergencies. Ironically, we had just completed training our first group of retirees when the Lake Delhi dam breached. We immediately called retired Command Sergeant Major Lowell Tiedt from Anamosa, who quickly traveled to Lake Delhi and provided us with a situation report and assessed possible future requirements. As of today we have more than 75 trained retirees ready to provide assistance all across the state.

Two weeks ago, during the winter blizzard that hit the southeastern corner of Iowa, we deployed 18 Soldiers as part of our Highway Assistance Team operations. We partnered with the Iowa Department of Transportation and Iowa Department of Public Safety to travel the highways and assist stranded motorists. During this two-day operation, the Highway Assistance Teams rescued 36 motorists from the blizzard.

Finally, an area of significant importance is how we are caring for Soldiers, Airmen, Families and Employers.

Since the start of the war, we have shown significant progress in resourcing and manning our Warrior Services. One area we're particularly proud of our efforts is the

creation of the Survivor Outreach Support program. The purpose of this program is to provide unparalleled support to the families of Iowa's fallen service members in every possible way. This includes assisting them with understanding and procuring benefits and entitlements, receiving counseling services, connecting with other families of fallen warriors through support groups, or assisting with any other issues that result from the loss of a loved one. Through this program, our staff will help ensure these survivors receive all benefits they are entitled to and encourage them to remain an integral part of our military family for as long as they desire.

We recognize that the mental and emotional wellness of our force is as important as physical health. We are implementing a new program called Comprehensive Soldier Fitness, which increases the resilience of Soldiers and families by strengthening their spiritual, emotional, and family well-being, in addition to living physically healthy lives.

We are also training Soldiers to be Master Resiliency Trainers at the unit level, in order to provide immediate support for our warriors during deployments, as well as at home. The focus of this program will ultimately help us to maintain the long-term total health of our force.

As part of our preparation for the 2nd Brigade Combat Team's deployment, we added three more Family Assistance Specialists, bringing the total to seven. These specialists help family members connect to military, community and veterans' resources, provide financial counseling, get answers to military health insurance questions, and provide military identification cards for dependents. During mobilizations, the Family Assistance Specialists regularly check in with the families of deployed service members to ensure they are coping well and receiving any needed services. We currently have Family Assistance Specialists located at Camp Dodge, Iowa City, Council Bluffs, and Waterloo, as well as new offices in Sioux City, Ft. Dodge and Davenport.

Finally, let me say "thank you" for what the Legislature and Senate does every day to support the men and women of the Iowa National Guard.

We deeply appreciate your efforts to provide critical state funding to the Iowa National Guard to support our men and women in this challenging fiscal environment. We are extremely grateful for your continued support of our National Guard Educational Assistance Program, which is helping nearly 1,200 Iowa National Guard Soldiers and Airmen defray their college or trade school educational expenses this academic year.

The Home Ownership Assistance Program and the Injured Veteran Grant Program are highly effective programs that keep faith with those who have sacrificed to protect our state and defend our nation. There are currently more than 125 Soldiers and Airmen that have used the Home Ownership Assistance Program to purchase their first home in Iowa. We have over 18 military families like the families of Sergeant Pfeiler and Sergeant Craig that received Injured Veteran Grants due to injuries sustained during deployments by their loved ones.

The Home Ownership Assistance program, coupled with membership in the Iowa National Guard and participation in the Tuition Assistance Program, help create powerful opportunities for our Soldiers, Airmen and their families to live, learn and lead happy and fulfilling lives right here in Iowa. These young men and women join Iowa National Guard units, they attend Iowa trade schools, colleges, and universities, they are hired by Iowa employers, and they buy Iowa homes, all of which creates a solid foundation for maintaining quality Iowa roots. None of this would be possible without the efforts of our Legislature and Senate.

Throughout the missions of the Iowa National Guard since our inception, Iowans from across the state have shown unbelievable kindness and encouragement to our members and we are so grateful for their continued support.

For the last eight years, the Iowa National Guard has been tested like few times in its history – and this year is shaping up to be the most challenging yet.

It's no small feat to prepare, train, equip and deploy more than 3,300 Soldiers and Airmen, while maintaining our organizational readiness, preparing trained war fighters for future missions, and taking care of our Soldiers, Airmen, families, and their employers, all while providing a robust domestic emergency response capability for Iowa.

Yet despite these incredible challenges, I am confident that the Iowa National Guard will continue to set the example for all states; we will be there for Iowa whenever we're called. And as a force, we will remain "Mission Focused and Warrior Ready."

May God bless you and your families, and God bless our men and women serving in harm's way.

Thank you.

General Orr was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Upmeyer of Hancock moved that the Joint Convention be dissolved at 10:33 a.m.

The House resumed session at 10:34 a.m., Speaker Paulsen in the chair.

On motion by Upmeyer of Hancock, the House was recessed at 10:35 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:08 p.m., Kaufmann of Cedar in the chair.

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

The House resumed session at 4:05 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swaim of Davis on request of Abdul-Samad of Polk; Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock.

INTRODUCTION OF BILLS

House File 290, by committee on transportation, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

House File 291, by Pearson, Brandenburg, Windschitl, Schultz, Massie, Alons, Shaw, Rogers, Sands, Huseman, Drake, Byrnes, Chambers, Wagner, Helland, Hagenow, J. Taylor, Dolecheck, Tjepkes, Rayhons, J. Smith, Garrett, Hanusa, and Sweeney, a bill for an act relating to the carrying of weapons including provisions relating to permits to carry weapons and providing a penalty.

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

House File 292, by Dolecheck, a bill for an act relating to requests for agency action involving rules affecting livestock production, and including effective date provisions.

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

House File 293, by Deyoe, a bill for an act relating to a tax credit for the promotion of biodiesel blended fuel, and including effective date and applicability provisions.

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

House File 294, by De Boef, Alons, Windschitl, Massie, Pearson, Huseman, Fry, Shaw, Klein, Hanusa, and Schultz, a bill for an act providing for a credit against the individual income tax for the cost of home school textbooks and instructional materials and including retroactive applicability provisions.

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

House File 295, by Drake, a bill for an act relating to wastewater discharges by on-farm processing operations.

Read first time and referred to committee on **environmental protection**.

House File 296, by Heaton and Grassley, a bill for an act relating to including telemedicine services as a distinct covered service under the medical assistance program.

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

House File 297, by Soderberg, a bill for an act relating to grandparent and great-grandparent visitation.

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

House File 298, by Petersen, Murphy, T. Olson, Kelley, Isenhardt, Lensing, Hunter, Oldson, Winckler, Kajtazovic, Kearns, Hanson, Lykam, Thomas, Muhlbauer, Wessel-Kroeschell, Heddens, Steckman, Mascher, McCarthy, Abdul-Samad, M. Smith, Gaines, Gaskill, Cohoon, Jacoby, Kressig, Thede, and Hall, a bill for an act creating a government watchdog hotline within the office of the citizens' aide.

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

House File 299, by committee on commerce, a bill for an act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties.

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

House File 300, by committee on commerce, a bill for an act relating to the assessment of certain subdivided real property and including applicability provisions.

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

House File 301, by J. Taylor, Fry, Schulte, and De Boef, a bill for an act relating to school district teaching assignments and responsibilities, student advancement by a teacher or school district, and providing for the withholding of state aid to school districts under certain conditions.

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

House File 302, by Lukan, a bill for an act concerning the sales and use tax imposed on the operation of bingo games.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 194, a bill for an act providing for a reduction in the individual income tax rates and including effective date and applicability provisions, was taken up for consideration.

Helland of Polk offered amendment H-1084 filed by him.

Helland of Polk offered amendment H-1088, to amendment H-1084, filed by him from the floor and moved its adoption.

Amendment H-1088, to amendment H-1084, was adopted.

Helland of Polk moved the adoption of amendment H-1084, as amended.

Winckler of Scott rose on a point of order that amendment H-1084, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1084, as amended, not germane.

Helland of Polk asked and received unanimous consent to suspend the rules to consider amendment H-1084, as amended.

Objection was raised.

Helland of Polk moved to suspend the rules to consider amendment H-1084, as amended.

A non-record roll call was requested.

The ayes were 55, nays 38.

The motion to suspend the rules prevailed.

Amendment H-1084, as amended, was adopted.

T. Olson of Linn offered amendment H-1080 filed by T. Olson, et al., and moved its adoption.

Roll call was requested by T. Olson of Linn and Hunter of Polk.

On the question "Shall amendment H-1080 be adopted?" (H.F. 194)

The ayes were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 60:

Alons	Anderson	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Thede	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 3:

Arnold	Olson, R.	Swaim
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Amendment H-1080 lost.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment H-1079 filed by Jacoby of Johnson et al., on February 14, 2011.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment H-1083 filed by Jacoby of Johnson et al., on February 15, 2011.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jorgensen of Woodbury on request of Upmeyer of Hancock.

Kaufmann of Cedar in the chair at 5:20 p.m.

Speaker Paulsen in the chair at 6:00 p.m.

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

On the question "Shall the bill pass?" (H.F. 194)

The ayes were, 62:

Alons	Anderson	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jacoby	Kaufmann
Klein	Koester	Lofgren	Lukan
Lykam	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 33:

Abdul-Samad	Berry	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Mascher	McCarthy
Muhlbauer	Murphy	Oldson	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 5:

Arnold	Jorgensen	Miller, H.	Olson, R.
Swaim			

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

House File 260, a bill for an act granting home rule power and authority, subject to certain limitations, to school districts, was taken up for consideration.

Forristall of Pottawattamie offered amendment H-1081 filed by him.

Hagenow of Polk offered amendment H-1082, to amendment H-1081, filed by him and moved its adoption.

Amendment H-1082, to amendment H-1081, was adopted.

Forristall of Pottawattamie moved the adoption of amendment H-1081, as amended.

Amendment H-1081, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 260)

The ayes were, 65:

Alons	Anderson	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hall	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Olson, T.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Steckman	Sweeney
Taylor, J.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Windschitl	Wittneben	Worthan
			Mr. Speaker
			Paulsen

The nays were, 30:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Petersen	Running-Marquardt	Smith, M.
Taylor, T.	Thede	Wessel-Kroeschell	Willems
Winckler	Wolfe		

Absent or not voting, 5:

Arnold Jorgensen Miller, H. Olson, R.
Swaim

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 194** and **260**.

SUBCOMMITTEE ASSIGNMENTS

House File 162

Transportation: Iverson, Chair; Lykam and Tjepkes.

House File 223

Local Government: J. Smith, Chair; Berry and Horbach.

House File 236

Local Government: Tjepkes, Chair; Klein and Kressig.

House File 266

Local Government: Baltimore, Chair; Gaines and Hager.

House File 273

State Government: Vander Linden, Chair; Kajtazovic and Pettengill.

House File 285

Education: Koester, Chair; Pearson and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 57 Reassigned

Commerce: Pettengill, Chair; Oldson and Shaw.

House Study Bill 84 Reassigned

Appropriations: Watts, Chair; Murphy and Wagner.

House Study Bill 93

Transportation: Watts, Chair; Arnold, Lykam, Murphy and Rogers.

House Study Bill 94

Transportation: Massie, Chair; Petersen and Windschitl.

House Study Bill 96

Judiciary: Baltimore, Chair; Pearson and Wolfe.

House Study Bill 97

Human Resources: L. Miller, Chair; Jorgensen and Mascher.

House Study Bill 98

Human Resources: L. Miller, Chair; Jorgensen and Mascher.

House Study Bill 99

Agriculture: Hein, Chair; Muhlbauer and Paustian.

House Study Bill 100

State Government: Rogers, Chair; Drake and Hunter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 101 Labor**

Relating to stays of decrees or judgments in workers' compensation cases pending judicial review.

H.S.B. 102 Commerce

Relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

H.S.B. 103 Economic Growth/Rebuild Iowa

Relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

H.S.B. 104 Ways and Means

Making changes relating to the administration of the tax and related laws by updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability provisions.

H.S.B. 105 Ways and Means

Eliminating specified provisions relating to the administration of the replacement tax for new cogeneration facilities.

COMMITTEE RECOMMENDATION

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

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 79), relating to matters under the purview of the division of banking of the department of commerce.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2011.

Committee Bill (Formerly House Study Bill 85), relating to equipment dealership agreements by providing for supplier liability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2011.

COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA

Committee Bill (Formerly House File 176), relating to the implementation of federal law or policy by state administrative agencies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2011.

Committee Bill (Formerly House File 180), relating to the rulemaking authority and voting requirements of the environmental protection commission.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2011.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 23), relating to restrictions for drug product selection relative to antiepileptic drugs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 18), relating to the regulation of firearms and ammunition in a state of public emergency and providing a remedy.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2011.

AMENDMENTS FILED

H-1085	H.F.	182	Hagenow of Polk
H-1086	H.F.	222	Isenhardt of Dubuque
H-1087	H.F.	222	Isenhardt of Dubuque
H-1089	H.F.	195	J. Taylor of Woodbury
H-1090	H.F.	222	Isenhardt of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 6:47 p.m., until 8:30 a.m., Thursday, February 17, 2011.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 17, 2011

The House met pursuant to adjournment at 8:37 a.m., Speaker Paulsen in the chair.

Prayer was offered by Reverend Keith Williams, Gateway Baptist Church, Clinton. He was the guest of Representative S. Olson of Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ariani Oehrlein, Page from DeWitt.

The Journal of Wednesday, February 16, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock;
L. Miller of Scott on request of McCarthy of Polk.

INTRODUCTION OF BILL

House File 303, by De Boef, a bill for an act removing an exemption for specified electric public utilities from the regulatory authority of the utilities board of the department of commerce.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 16, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 166, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Also: That the Senate has on February 16, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 167, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 12:00 p.m.

AFTERNOON SESSION

The House reconvened at 12:04 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 304, by Isenhardt, a bill for an act relating to the education requirements for licensed massage therapists.

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

House File 305, by Windschitl, a bill for an act relating to the use of floodplain maps published by the federal emergency management agency.

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

House File 306, by Grassley, a bill for an act to create a Lyme disease task force within the department of public health.

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

House File 307, by De Boef and Pettengill, a bill for an act relating to the authorized uses of moneys under the decategorization of child welfare and juvenile justice funding initiative and including effective and retroactive applicability date provisions.

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

House File 308, by Lofgren, a bill for an act requiring hospitals and outpatient surgical facilities to report data on the use of a registered nurse as a circulating nurse during surgical procedures and including effective date provisions.

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

House File 309, by Heaton, a bill for an act relating to visitation or interaction with siblings by children participating in the subsidized guardianship program administered by the department of human services and including effective date provisions.

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

House File 310, by Lofgren, a bill for an act relating to the division of retirement and pension accounts in a dissolution of marriage.

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

House File 311, by Horbach, a bill for an act relating to the interest rate on weekly workers' compensation payments that are not paid when due and including applicability date provisions.

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

House File 312, by Watts, a bill for an act relating to public employees, by requiring a survey and report on state employee salaries and benefits and relating to the arbitration of public employee collective bargaining agreements.

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

House File 313, by Horbach, a bill for an act concerning private sector employee drug testing.

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

House File 314, by Helland, a bill for an act prohibiting the Iowa lottery authority from charging specified fees.

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

House File 315, by Cownie, a bill for an act relating to the option of voting straight party at certain elections.

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

House File 316, by Cownie, a bill for an act relating to a voter's designee for purposes of returning absentee ballots.

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

House File 317, by Lukan, a bill for an act providing for advance notification of the need to renew a driver's license at the request of a licensee and establishing a fee.

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

House File 318, by Alons, Chambers, Watts, Shaw, Lukan, Wagner, Drake, Rayhons, De Boef, Pearson, Van Engelenhoven, Rasmussen, and Iverson, a bill for an act excluding from the computation of net income the net capital gain from the sale of certain business property and including retroactive applicability provisions.

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

House File 319, by Wagner, a bill for an act establishing a property tax exemption for certain residential property.

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

House File 320, by committee on public safety, a bill for an act relating to the regulation of firearms and ammunition in a state of public emergency and providing a remedy.

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

House File 321, by committee on judiciary, a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

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

House File 322, by committee on human resources, a bill for an act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions.

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

House File 323, by committee on economic growth/rebuild Iowa, a bill for an act relating to the rulemaking authority and voting requirements of the environmental protection commission.

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

On motion by Upmeyer of Hancock, the House was recessed at 12:09 p.m., until 1:00 p.m.

The House reconvened at 1:01 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 324, by committee on economic growth/rebuild Iowa, a bill for an act relating to the implementation of federal statute, regulation, or policy by state administrative agencies.

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

House File 325, by J. Taylor, Willems, Hanson, Steckman, Paustian, Windschitl, Kaufmann, Byrnes, Klein, Chambers, Shaw, Lukan, De Boef, and Fry, a bill for an act relating to administrators of school districts and area education agencies and providing a penalty.

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

House File 326, by Isenhart, a bill for an act providing for the collection and retention of fees by the public employment relations board.

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

House File 327, by Rayhons, a bill for an act providing for special deer hunting licenses for certain nonresident landowners and providing penalties and an appropriation.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama on request of Deyoe of Story; Jorgensen of Woodbury on request of Lukan of Dubuque.

CONSIDERATION OF BILL

Regular Calendar

House File 267, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 267)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Baudler
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Hunter	Huseman	Isenhart	Iverson
Jacoby	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig

Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
		Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 7:

Arnold	Baltimore	Fry	Horbach
Jorgensen	Miller, H.	Olson, R.	

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 267** be immediately messaged to the Senate.

HOUSE FILE 294 REREFERRED

The Speaker announced that House File 294, previously referred to committee on **education** was rereferred to committee on **ways and means**.

SPONSOR ADDED (House File 297)

Pettengill of Benton requested to be added as a sponsor of House File 297.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF MANAGEMENT

Report of Standing Appropriations, pursuant to Chapter 8.6(2), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 9

Commerce: Watts, Chair; Swaim and Wagner.

House File 92 Reassigned

Agriculture: Alons, Chair; Drake and Hanson.

House File 231

Public Safety: Hagenow, Chair; Berry and Fry.

House File 246

Commerce: Grassley, Chair; Horbach and Kajtazovic.

House File 255

Commerce: Horbach, Chair; Grassley and Lykam.

House File 274

Commerce: Windschitl, Chair; Iverson and T. Olson.

House File 276

Public Safety: Tjepkes, Chair; Baudler and Kressig.

House File 279

Judiciary: Alons, Chair; Massie and Wolfe.

House File 280

Judiciary: Rogers, Chair; Lensing and Massie.

House File 281

Commerce: Watts, Chair; Quirk and Wagner.

House File 282

Judiciary: Baltimore, Chair; Hagenow and Swaim.

House File 283

Judiciary: Tjepkes, Chair; Massie and M. Smith.

House File 284

Local Government: Van Engelenhoven, Chair; Arnold and Kearns.

House File 286

Judiciary: Pearson, Chair; Heaton and Wessel-Kroeschell.

House File 287

Human Resources: Heaton, Chair; Abdul-Samad and Jorgensen.

House File 288

Human Resources: Heaton, Chair; Garrett and Petersen.

House File 296

Human Resources: Heaton, Chair; Pearson and Wessel-Kroeschell.

House File 297

Human Resources: Fry, Chair; Massie and Winckler.

House File 298

State Government: Iverson, Chair; Drake and Mascher.

House File 301

Education: J. Taylor, Chair; Schulte and Steckman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 95**

Public Safety: Shaw, Chair; Fry and R. Olson.

House Study Bill 102

Commerce: Brandenburg, Chair; Iverson and Muhlbauer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 106 State Government

Excluding certain employees of the secretary of state from the public employee collective bargaining law.

H.S.B. 107 Local Government

Providing for the nonpartisan election of certain county officers.

H.S.B. 108 Agriculture

Placing the agricultural development authority within the department of agriculture and land stewardship.

H.S.B. 109 Agriculture

Relating to ethanol by providing for tax credits and reporting for ethanol blended gasoline, and including effective date and applicability provisions.

H.S.B. 110 Agriculture

Relating to the regulation of egg production.

H.S.B. 111 Agriculture

Providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

H.S.B. 112 Agriculture

Relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

H.S.B. 113 Agriculture

Relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

H.S.B. 114 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

H.S.B. 115 Appropriations

Relating to and making appropriations to the judicial branch.

H.S.B. 116 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including effective date provisions.

H.S.B. 117 Labor

Relating to public employee collective bargaining agreements and including applicability provisions.

H.S.B. 118 State Government

Relating to filling a vacancy in an elective city office.

H.S.B. 119 State Government

Relating to voter registration.

H.S.B. 120 State Government

Relating to persons not permitted to return an absentee voter's ballot.

H.S.B. 121 Local Government

Modifying water service requirements for rural water providers.

On motion by Upmeyer of Hancock the House adjourned at 1:09 p.m., until 10:00 a.m., Friday, February 18, 2011.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 18, 2011

The House met pursuant to adjournment at 10:04 a.m., Representative Hagenow of Polk in the chair.

Prayer was offered by Representative Watts of Dallas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Hagenow of Polk.

The Journal of Thursday, February 17, 2011 was approved.

INTRODUCTION OF BILLS

House File 328, by committee on commerce, a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

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

House File 329, by committee on commerce, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

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

House File 330, by Alons, Massie, Shaw, Pearson, Chambers, and De Boef, a bill for an act relating to the granting of a marriage license when the parties are of the same gender and the related appellate jurisdiction of the supreme court.

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

House File 331, by Hagenow, Vander Linden, Forristall, J. Taylor, Fry, Klein, Huseman, Kaufmann, Pearson, and Soderberg,

a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

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

House File 332, by Hanson, a bill for an act requiring the use of safety helmets by certain young persons operating motorized bicycles, and making penalties applicable.

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

House File 333, by Chambers, a bill for an act relating to the injured veterans grant program.

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

SENATE MESSAGES CONSIDERED

Senate File 166, by committee on education, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

Senate File 167, by committee on education, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 17, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal

Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 40

Labor: Horbach, Chair; Klein and T. Taylor.

House Study Bill 106

State Government: Schulte, Chair; Hunter and Massie.

House Study Bill 118

State Government: Rogers, Chair; Hein and T. Taylor.

House Study Bill 119

State Government: Jorgensen, Chair; Gaskill and Koester.

House Study Bill 120

State Government: Schulte, Chair; Isenhardt and Rogers.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly House Study Bill 3), relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 99), modifying the repeal date for the climate change advisory council, deleting related provisions, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2011.

RESOLUTION FILED

H.C.R. 10, by Schulte, a concurrent resolution requesting the legislative council to establish an interim study committee to examine domestic abuse.

Referred to committee on **human resources**.

On motion by Watts of Dallas the House adjourned at 10:09 a.m., until 1:00 p.m., Monday, February 21, 2011.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 21, 2011

The House met pursuant to adjournment at 1:03 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Jeff Mullen, Point of Grace Church, Waukee. He was the guest of Representative Pearson of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ben Keagle, Page from St. Charles.

The Journal of Friday, February 18, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock; Swaim of Davis on request of McCarthy of Polk; Wessel-Kroeschell on request of Isenhart of Dubuque.

INTRODUCTION OF BILLS

House File 334, by Wagner, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

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

House File 335, by Pettengill, a bill for an act adding geothermal to specified definitions or references relating to alternate and renewable energy.

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

House File 336, by Van Engelenhoven, a bill for an act relating to the compensation paid by a motor vehicle manufacturer, distributor, or importer for warranty parts, repairs, or service supplied by a motor vehicle dealer.

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

House File 337, by Petersen, Oldson, Wolfe, Kressig, Hanson, Kearns, Heddens, M. Smith, Berry, Thede, Steckman, Mascher, Abdul-Samad, Gaskill, H. Miller, Lensing, Wessel-Kroeschell, Wittneben, Kelley, Hunter, Swaim, T. Olson, Kajtazovic, and Hall, a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, making penalties applicable, and including effective date provisions.

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

House File 338, by Kaufmann, a bill for an act relating to the criminal offense of homicide by vehicle and making penalties applicable.

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

SENATE MESSAGE CONSIDERED

Senate File 209, by committee on ways and means, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 17, 2011, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 45, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and

including effective, retroactive, and other applicability date provisions, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 2:00 p.m., Speaker Paulsen in the chair.

SENATE AMENDMENT CONSIDERED

Wagner of Linn called up for consideration **House File 45**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, amended by the Senate, and moved that the House concur in Senate amendment H-1091.

The motion prevailed and the House concurred in the Senate amendment H-1091.

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

On the question "Shall the bill pass?" (H.F. 45)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian

Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Sweeney	Taylor, J.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Arnold	Koester	Swaim	Taylor, T.
Wessel-Kroeschell			

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

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

Direct Care Worker Advisory Council Interim Progress Report, pursuant to House File 2526, 2010 Iowa Acts.

SUBCOMMITTEE ASSIGNMENTS

House File 292

Agriculture: Dolecheck, Chair; Paustian and Quirk.

House File 293

Agriculture: Deyoe, Chair; S. Olson and Swaim.

House File 295

Environmental Protection: Klein, Chair; Byrnes and Kelley.

House File 303

Commerce: Grassley, Chair; Kressig and Shaw.

House File 304

Commerce: Windschitl, Chair; Jacoby and Shaw.

House File 305

Economic Growth/Rebuild Iowa: Schultz, Chair; De Boef and Thomas.

House File 314

State Government: Helland, Chair; Hein and Lensing.

House File 315

State Government: Jorgensen, Chair; Hunter and Massie.

House File 316

State Government: Iverson, Chair; Quirk and Rogers.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 108**

Agriculture: Deyoe, Chair; Kelley and Rasmussen.

House Study Bill 109

Agriculture: Sweeney, Chair; Hein and Muhlbauer.

House Study Bill 110

Agriculture: Moore, Chair; Muhlbauer and Shaw.

House Study Bill 111

Agriculture: Paustian, Chair; Shaw and Wenthe.

House Study Bill 112

Agriculture: De Boef, Chair; Moore and Thomas.

House Study Bill 113

Agriculture: Sweeney, Chair; Hein and Quirk.

**House Study Bill 114
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson,

Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 115
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 116
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

House Study Bill 117

Labor: Jorgensen, Chair; Horbach and Willems.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 122 Human Resources

To exclude tests not intended to evaluate the risk of developing a disease from the restrictions on genetic testing contained in the Iowa criminal code.

H.S.B. 123 Education

Relating to public construction bidding requirements for public school corporation improvements and including applicability provisions.

H.S.B. 124 Commerce

Relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

H.S.B. 125 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce.

H.S.B. 126 Commerce

Relating to the licensing and regulation of real estate brokers and salespersons.

H.S.B. 127 Public Safety

Relating to possession under the criminal law.

H.S.B. 128 Commerce

Establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

H.S.B. 129 Ways and Means

Relating to the percentage of actual value at which certain classifications of property are assessed for property tax purposes and including future repeal and applicability provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 49), relating to veterans records by requiring county recorders to provide copies of certain records to the department of veterans affairs and the county commission of veteran affairs and by requiring the department of veterans affairs to provide copies of certain discharge documents to the appropriate county commission of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2011.

Committee Bill (Formerly House File 256), relating to the duties and rulemaking authority of the commission on veterans affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2011.

On motion by Upmeyer of Hancock the House adjourned at 2:08 p.m., until 8:30 a.m., Tuesday, February 22, 2011.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 22, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Father Wally Helms, St. Thomas More Catholic Church, Coralville. He was the guest of Representative Jacoby of Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zaak Barnes, Page from Des Moines.

The Journal of Monday, February 21, 2011 was approved.

INTRODUCTION OF BILLS

House File 339, by Isenhart, a bill for an act relating to campaign finance and making penalties applicable.

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

House File 340, by Isenhart, a bill for an act relating to the state's workers' compensation laws by modifying alternate care procedures for medical treatment, creating registries of physicians who treat and evaluate work-related injuries, providing for the retention of a medical director, creating a state workplace injury care providers registry fund, establishing a workers' compensation advisory board, providing for and appropriating fees, and including effective date provisions.

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

House File 341, by committee on state government, a bill for an act modifying the repeal date for the climate change advisory council, deleting related provisions, and including effective date provisions.

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

House File 342, by Windschitl, a bill for an act allowing the issuance of joint permits to manufacture various types of alcoholic beverages and providing for fees.

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

House File 343, by Hagenow, a bill for an act relating to the membership and procedures of the state judicial nominating commission, the procedures of all judicial nominating commissions, and certain retention procedures, and including effective date provisions.

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

House File 344, by Hagenow, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

House File 345, by Kaufmann, Rogers, Abdul-Samad, Rasmussen, Sands, and Muhlbauer, a bill for an act relating to joint physical care of children.

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

House File 346, by Hunter, a bill for an act requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

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

House File 347, by Hunter, a bill for an act requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

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

SPECIAL PRESENTATION

T. Taylor of Linn introduced to the House the Honorable United States Congressman David Loeb sack.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, through February 23, 2011, on request of Upmeyer of Hancock.

On motion by Upmeyer of Hancock, the House was recessed at 8:39 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:27 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 348, by Drake, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

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

House File 349, by Watts, a bill for an act relating to energy management and regulation by repealing provisions establishing the office of energy independence and the Iowa power fund, repealing provisions establishing the office of consumer advocate, creating the Iowa energy regulatory board and transferring current responsibilities of the Iowa utilities board to the Iowa energy regulatory board, and including transition provisions.

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

House File 350, by Watts, a bill for an act relating to the rights of members of a residential cooperative, owners of a condominium, or owners of certain other residential property.

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

House File 351, by Mascher, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions.

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

House File 352, by Kajtazovic, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

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

House File 353, by Lofgren, L. Miller, Heaton, Byrnes, Sands, Kaufmann, Grassley, J. Taylor, Jorgensen, Alons, Kelley, Upmeyer, and Helland, a bill for an act relating to a minor child's prospective claim for negligence.

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

House File 354, by Watts, a bill for an act requiring the verification of lawful immigration status to receive funds through the federal low-income home energy assistance program.

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

House File 355, by Sweeney and Grassley, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

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

House File 356, by Alons, a bill for an act requiring applicants for and participants in certain public assistance programs administered by the department of human services to participate in a substance abuse screening program.

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

House File 357, by Jorgensen, a bill for an act relating to the powers of city boards of adjustment.

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

House File 358, by Sweeney, a bill for an act relating to the definition of off-road utility vehicle and the operation of off-road utility vehicles on public areas and trails designated for all-terrain vehicle use.

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

House File 359, by Isenhardt, Wittneben, Hunter, Winckler, and Kajtazovic, a bill for an act relating to the public financing for elections to the general assembly, establishing spending limits, making penalties applicable, providing an appropriation and an income tax exemption, and including effective date provisions.

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

House File 360, by Cownie, a bill for an act eliminating the referendum requirement for the licensing of gambling games.

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

House File 361, by Kajtazovic, Thomas, Willems, Isenhardt, Petersen, M. Smith, Kressig, Steckman, Wolfe, Murphy, Lykam, Mascher, T. Taylor, McCarthy, Hunter, Heddens, Hall, Lensing, Wessel-Kroeschell, Kearns, and Muhlbauer, a bill for an act creating the red tape commission.

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

House File 362, by Sweeney, a bill for an act providing an exemption from commercial vehicle marking requirements for certain vehicles operated intrastate.

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

House File 363, by committee on veterans affairs, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

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

House File 364, by committee on veterans affairs, a bill for an act relating to veterans records managed by the department of veterans affairs.

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

House File 365, by Klein, a bill for an act providing for the home delivery of alcoholic beverages by retailers.

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

House File 366, by Sweeney, a bill for an act relating to the sale of child restraint systems and making a penalty applicable.

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

House File 367, by Chambers, a bill for an act relating to the operation of all-terrain vehicles in cities of a certain size, providing registration fees, and making penalties applicable.

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

House File 368, by Pettengill, a bill for an act requiring regular reporting by the state board of regents concerning the school for the deaf and the Iowa braille and sight saving school.

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

HOUSE FILE 5 REREFERRED

The Speaker announced that House File 5, previously referred to committee on **human resources** was rereferred to committee on **government oversight**.

SPONSOR ADDED
(House File 308)

Murphy of Dubuque requested to be added as a sponsor of House File 308.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday February 21, 2011. Had I been present, I would have voted "aye" on Senate amendment H-1091 to House File 45 and on House File 45.

Koester of Polk

I was necessarily absent from the House chamber on Monday February 21, 2011. Had I been present, I would have voted "aye" on Senate amendment H-1091 to House File 45 and on House File 45.

T. Taylor of Linn

SUBCOMMITTEE ASSIGNMENTS

House File 174 Reassigned

Human Resources: L. Miller, Chair; Schulte and Winckler.

House File 211

Ways and Means: Sands, Chair; Pettengill and Willems.

House File 287 Reassigned

Human Resources: Schulte, Chair; Abdul-Samad and Lofgren.

House File 308

Human Resources: Jorgensen, Chair; Brandenburg and Hunter.

House File 309

Human Resources: Heaton, Chair; Pearson and Steckman.

House File 310

Judiciary: Hagenow, Chair; R. Olson and Pearson.

House File 325

Education: Koester, Chair; Hanson and Hanusa.

House File 327

Natural Resources: Rayhons, Chair; Arnold and Kelley.

House File 330

Judiciary: Tjepkes, Chair; Heaton and Wessel-Kroeschell.

House File 333

Veterans Affairs: Shaw, Chair; Sweeney and Thomas.

House File 338

Judiciary: Rogers, Chair; Heaton and Lensing.

House File 343

Judiciary: Heaton, Chair; Swaim and Tjepkes.

House File 344

Judiciary: Baltimore, Chair; Swaim and J. Taylor.

House File 345

Judiciary: Garrett, Chair; Heaton and Wolfe.

Senate File 209**(Committee of the Whole)**

Ways and Means: Vander Linden, Chair; Byrnes, Cownie, De Boef, Forristall, Grassley, Hein, Helland, Isenhardt, Jacoby, Kajtazovic, Kaufmann, Kearns, Moore, Muhlbauer, Oldson, Paustian, Petersen, Pettengill, Quirk, Sands, Soderberg, J. Taylor, Thomas and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 101**

Labor: Hanusa, Chair; Brandenburg and Willems.

House Study Bill 103

Economic Growth/Rebuild Iowa: Lukan, Chair; Grassley, H. Miller, Running-Marquardt and Soderberg.

House Study Bill 104

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

House Study Bill 105

Ways and Means: Helland, Chair; Quirk and Soderberg.

House Study Bill 123

Education: Forristall, Chair; Byrnes and Willems.

House Study Bill 124

Commerce: Soderberg, Chair; Brandenburg, Jacoby, Quirk and Wagner.

House Study Bill 125

Commerce: Pettengill, Chair; Fry, Oldson, Quirk and Shaw.

House Study Bill 126

Commerce: Shaw, Chair; Kressig and Windschitl.

House Study Bill 128

Commerce: Horbach, Chair; Baltimore and Oldson.

House Study Bill 129

Ways and Means: Sands, Chair; Helland, Jacoby, Kaufmann and Kearns.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 130 Appropriations**

Relating to and making appropriations to the justice system and including effective date provisions.

H.S.B. 131 Appropriations

Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2010, and including effective date and retroactive applicability provisions.

H.S.B. 132 Human Resources

Relating to the child abuse registry administered by the department of human services.

H.S.B. 133 State Government

Relating to election recounts.

H.S.B. 134 State Government

Prohibiting county auditors from providing or appearing to provide certain political endorsements.

H.S.B. 135 Local Government

Allowing certain cities to adopt and establish an alternative benefits retirement system for police officers and fire fighters.

H.S.B. 136 Local Government

Abolishing county compensation boards.

H.S.B. 137 Public Safety

Relating to the sex offender registry and including retroactive and other applicability provisions.

H.S.B. 138 Local Government

Relating to the meetings and activities of the governing boards of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

H.S.B. 139 State Government

Authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

H.S.B. 140 State Government

Relating to the assignment of debts placed with the centralized collection unit of the department of revenue to a private debt collection designee.

H.S.B. 141 State Government

Concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

H.S.B. 142 State Government

Requiring a separate tally of absentee votes by precinct.

H.S.B. 143 Transportation

Concerning implementation of a statewide program for electronic registration and titling of vehicles and including effective date provisions.

H.S.B. 144 Education

Relating to the use of a high school proficiency examination as a condition of graduation and for payment of school foundation aid funding to community colleges and regents universities on behalf of certain students who pass the examination.

H.S.B. 145 Education

Creating an Iowa preschool scholarship program for four-year-old children, repealing the statewide preschool program for four-year-old children, and including effective date and applicability provisions.

H.S.B. 146 Education

Relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a recognized non-Iowa institution.

H.S.B. 147 Education

Relating to the establishment of an independent private instruction option for students of compulsory attendance age.

H.S.B. 148 Environmental Protection

Relating to water resources, by transferring the water resources coordinating council from the office of the governor to the department of agriculture and land stewardship.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 13), requiring all payments for prepaid cemetery and funeral merchandise, and funeral services to be placed in trust or secured by a surety bond.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

Committee Bill (Formerly House File 261), reducing the period of time during which records of a state bank or state credit union are required to be preserved.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 81), relating to the use of school district physical plant and equipment levy revenue and statewide school infrastructure funding.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 25), allowing an advanced registered nurse practitioner to sign a death certificate.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

Committee Bill (Formerly House File 60), relating to the Alzheimer's disease task force report.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

Committee Bill (Formerly House Study Bill 89), relating to investigative costs of the Medicaid fraud control unit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2011.

COMMITTEE ON WAYS AND MEANS

Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1093** February 21, 2011.

Pursuant to Rule 31.7, Senate File 209 was referred to the committee on appropriations.

SUBCOMMITTEE ASSIGNMENT

Senate File 209
(Committee of the Whole)

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

RESOLUTIONS FILED

H.C.R. 11, by Upmeyer and McCarthy, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

H.C.R. 12, by committee on administration and rules, a concurrent resolution relating to joint rules of the Senate and House of representatives for the Eighty-fourth General Assembly.

Placed on the **calendar**.

H.R. 13, by Sweeney, a resolution urging support of efforts to improve the sustainability of the horse industry.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1092	H.F.	278	Swaim of Davis Kressig of Black Hawk R. Olson of Polk
H-1093	S.F.	209	Committee on Ways and Means
H-1094	H.F.	299	Brandenburg of Pottawattamie Wagner of Linn
H-1095	H.F.	278	Swaim of Davis Kressig of Black Hawk R. Olson of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:31 p.m., until 8:30 a.m., Wednesday, February 23, 2011.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 23, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andy Young, Page from Clarion.

The Journal of Tuesday, February 22, 2011 was approved.

INTRODUCTION OF BILLS

House File 369, by Klein, a bill for an act relating to pseudorabies testing.

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

House File 370, by Kajtazovic, Berry, M. Smith, Kearns, Hanson, Wittneben, Wessel-Kroeschell, Gaines, Lensing, Abdul-Samad, Mascher, Steckman, Thede, Hunter, Wenthe, Hall, Kressig, Wolfe, Kelley, Isenhardt, Swaim, Murphy, Heddens, and Gaskill, a bill for an act establishing a solar energy rebate program and fund, and making an appropriation.

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

House File 371, by De Boef, a bill for an act relating to the requirement that school districts have a qualified guidance counselor.

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

House File 372, by De Boef, a bill for an act relating to the requirement that school districts have a school nurse to provide health services to its students.

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

House File 373, by Sweeney, a bill for an act requiring health classes to be taught by practitioners holding certain endorsements and including effective date provisions.

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

House File 374, by Hagenow, Klein, Fry, Vander Linden, Huseman, Soderberg, J. Taylor, Pearson, Forristall, and Kaufmann, a bill for an act to designate August 7 of each year as Purple Heart Day.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 12

Schulte of Linn asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 12**, as follows, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 12

BY COMMITTEE ON ADMINISTRATION AND RULES

- 1 A concurrent resolution relating to joint rules of
- 2 the Senate and House of Representatives for the
- 3 Eighty-fourth General Assembly.
- 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
- 5 SENATE CONCURRING, That the joint rules of the Senate
- 6 and House of Representatives for the ~~Eighty-third~~
- 7 Eighty-fourth General Assembly shall be:
- 8 JOINT RULES OF THE SENATE AND HOUSE
- 9 Rule 1
- 10 Suspension of Joint Rules
- 11 The joint rules of the general assembly may be
- 12 suspended by concurrent resolution, duly adopted by a
- 13 constitutional majority of the senate and the house.
- 14 Rule 2
- 15 Designation of Sessions
- 16 Each regular session of a general assembly shall be
- 17 designated by the year in which such regular session
- 18 commences.
- 19 Rule 3

20 Sessions of a General Assembly
21 The election of officers, organization, hiring and
22 compensation of employees, and standing committees in
23 each house of the general assembly and action taken
24 by each house shall carry over from the first to the
25 second regular session and to any extraordinary session
26 of the same general assembly. The status of each
27 bill and resolution shall be the same at the beginning

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1 of each second session as it was immediately before
2 adjournment of the previous regular or extraordinary
3 session; however the rules of either house may provide
4 for re-referral of some or all bills and resolutions
5 to standing committees upon adjournment of each
6 session or at the beginning of a subsequent regular or
7 extraordinary session, except those which have been
8 adopted by both houses in different forms.

9 Upon final adoption of a concurrent resolution at
10 any extraordinary session affecting that session, or at
11 a regular session affecting any extraordinary session
12 which may be held before the next regular session,
13 the creation of any calendar by either house shall be
14 suspended and the business of the session shall consist
15 solely of those bills or subject matters stated in the
16 resolution adopted. Bills named in the resolution, or
17 bills containing the subject matter provided for in the
18 resolution, may, at any time, be called up for debate
19 in either house by the majority leader of that house.

20 Rule 3A

21 International Relations Protocol

22 The senate and the house of representatives shall
23 comply with the international relations protocol policy
24 adopted by the international relations committee of the
25 legislative council.

26 Rule 4

27 Presentation of Messages

28 All messages between the two houses shall be sent
29 and accepted, as soon as practicable, by the secretary
30 of the senate ~~or~~ and the chief clerk of the house

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1 of representatives, ~~and~~. The messages shall be
2 communicated to and received by the presiding officer
3 of the other house at the earliest appropriate time
4 when that house is in session.

5 Rule 5

6 Printing and Form of Bills and Other Documents

7 Bills and joint resolutions shall be introduced,
8 numbered, prepared, and printed as provided by

9 law, or in the absence of such law, in a manner
10 determined by the secretary of the senate and the
11 chief clerk of the house of representatives. Proposed
12 bills and resolutions which are not introduced but
13 are referred to committee shall be tracked in the
14 legislative computer system as are introduced bills
15 and resolutions. The referral of proposed bills
16 and resolutions to committee shall be entered in the
17 journal.

18 All bills and joint resolutions introduced shall be
19 in a form and number approved by the secretary of the
20 senate and chief clerk of the house.

21 The legal counsel's office of each house shall
22 approve all bills before introduction.

23 Rule 6

24 Companion Bills

25 Identical bills introduced in one or both houses
26 shall be called companion bills. Each house shall
27 designate the sponsor in the usual way followed in
28 parentheses by the sponsor of any companion bill or
29 bills in the other house. The house where a companion
30 bill is first introduced shall print the complete text.

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1 Rule 7

2 Reprinting of Bills

3 Whenever any bill has been substantially amended by
4 either house, the secretary of the senate or the chief
5 clerk of the house shall order the bill reprinted on
6 paper of a different color. All adopted amendments
7 shall be distinguishable.

8 The secretary of the senate or the chief clerk
9 of the house may order the printing of a reasonable
10 number of additional copies of any bill, resolution,
11 amendment, or journal.

12 Rule 8

13 Daily Clip Sheet

14 The secretary of the senate and the chief clerk of
15 the house shall prepare a daily clip sheet covering all
16 amendments filed.

17 Rule 9

18 Reintroduction of Bills and Other Measures

19 A bill or resolution which has passed one house and
20 is rejected in the other shall not be introduced again
21 during that general assembly.

22 Rule 10

23 Certification of Bills and Other Enrollments

24 When any bill or resolution which has passed one
25 house is rejected or adopted in the other, notice of
26 such action and the date thereof shall be given to the
27 house of origin in writing signed by the secretary of

28 the senate or the chief clerk of the house.
29 Rule 11
30 Code Editor's Correction Bills

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1 A bill recommended by the Code editor which is
2 passed out of committee to the floor for debate by a
3 committee of the house or senate and which contains
4 Code corrections of a nonsubstantive nature shall
5 not be amended on the floor of either house except
6 pursuant to corrective or nonsubstantive amendments
7 filed by the judiciary committee of the senate or
8 the house. Such committee amendments, whether filed
9 at the time of initial committee passage of the bill
10 to the floor for debate or after rereferral to the
11 committee, shall not be incorporated into the bill in
12 the originating house but shall be filed separately.
13 Amendments filed from the floor to strike sections of
14 the bill or the committee amendments shall be in order.
15 Following amendment and passage by the second house,
16 only amendments filed from the floor which strike
17 sections of the amendment of the second house shall be
18 in order.
19 A bill recommended by the Code editor which is
20 passed out of committee to the floor for debate by a
21 committee of the house or senate and which contains
22 Code corrections beyond those of a nonsubstantive
23 nature shall not be amended on the floor of either
24 house except pursuant to amendments filed by the
25 judiciary committee of the senate or the house. Such
26 committee amendments, whether filed at the time of
27 initial committee passage of the bill to the floor for
28 debate or after rereferral to the committee, shall
29 not be incorporated into the bill in the originating
30 house but shall be filed separately. Such a bill shall

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1 be limited to corrections which: Adjust language to
2 reflect current practices, insert earlier omissions,
3 delete redundancies and inaccuracies, delete temporary
4 language, resolve inconsistencies and conflicts,
5 update ongoing provisions, and remove ambiguities.
6 Amendments filed from the floor to strike sections of
7 the bill or the committee amendments shall be in order.
8 Following amendment and passage by the second house,
9 only amendments filed from the floor which strike
10 sections of the amendment of the second house shall be
11 in order.
12 It is the intent of the house and the senate that
13 such bills be passed out of committee to the floor for

14 debate within the first four weeks of convening of a
15 legislative session.

16 Rule 12

17 Amendments by Other House

18 1. When a bill which originated in one house is
19 amended in the other house, the house originating
20 the bill may amend the amendment, concur in full in
21 the amendment, or refuse to concur in full in the
22 amendment. Precedence of motions shall be in that
23 order. The amendment of the other house shall not be
24 ruled out of order based on a question of germaneness.

25 a. If the house originating the bill concurs in the
26 amendment, the bill shall then be immediately placed
27 upon its final passage.

28 b. If the house originating the bill refuses to
29 concur in the amendment, the bill shall be returned to
30 the amending house which shall either:

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1 (1) Recede, after which the bill shall be read for
2 the last time and immediately placed upon its final
3 passage; or

4 (2) Insist, which will send the bill to a
5 conference committee.

6 c. If the house originating the bill amends the
7 amendment, that house shall concur in the amendment
8 as amended and the bill shall be immediately placed
9 on final passage, and shall be returned to the other
10 house. The other house cannot further amend the bill.

11 (1) If the amending house which gave second
12 consideration to the bill concurs in the amendment
13 to the amendment, the bill shall then be immediately
14 placed upon its final passage.

15 (2) If the amending house refuses to concur in the
16 amendment to the amendment, the bill shall be returned
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for
19 the last time as amended and immediately placed upon
20 its final passage; or

21 (b) Insist, which will send the bill to a
22 conference committee.

23 2. A motion to recede has precedence over a motion
24 to insist. Failure to recede means to insist; and
25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely
27 postpone shall be out of order with respect to motions
28 to recede from or insist upon and to amendments to
29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,

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1 insist, or adopt a conference committee report is in
2 order even though the subject matter has previously
3 been acted upon.

4 Rule 13
5 Conference Committee

6 1. Within one legislative day after either house
7 insists upon an amendment to a bill, the presiding
8 officer of the house, after consultation with the
9 majority leader, shall appoint three majority party
10 members and, after consultation with the minority
11 leader, shall appoint two minority party members
12 to a conference committee. The majority leader of
13 the senate, after consultation with the president,
14 shall appoint three majority party members and,
15 after consultation with and approval by the minority
16 leader, shall appoint two minority party members to a
17 conference committee. The papers shall remain with the
18 house that originated the bill.

19 2. The conference committee shall meet before
20 the end of the next legislative day after their
21 appointment, shall select a chair and shall discuss the
22 controversy.

23 3. The authority of the first conference committee
24 shall cover only issues related to provisions of the
25 bill and amendments to the bill which were adopted
26 by either the senate or the house of representatives
27 and on which the senate and house of representatives
28 differed. If a conference committee report is not
29 acted upon because such action would violate this
30 subsection of this rule, the inaction on the report

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1 shall constitute refusal to adopt the conference
2 committee report and shall have the same effect as if
3 the conference committee had disagreed.

4 4. An agreement on recommendations must be approved
5 by a majority of the committee members from each house.
6 The committee shall submit two originals of the report
7 signed by a majority of the committee members of each
8 house with one signed original and three copies to be
9 submitted to each house. The report shall first be
10 acted upon in the house originating the bill. Such
11 action, including all papers, shall be immediately
12 referred by the secretary of the senate or the chief
13 clerk of the house of representatives to the other
14 house.

15 5. The report of agreement is debatable, but
16 cannot be amended. If the report contains recommended
17 amendments to the bill, adoption of the report shall

18 automatically adopt all amendments contained therein.
 19 After the report is adopted, there shall be no more
 20 debate, and the bill shall immediately be placed upon
 21 its final passage.
 22 6. Refusal of either house to adopt the conference
 23 committee report has the same effect as if the
 24 committee had disagreed.
 25 7. If the conference committee fails to reach
 26 agreement, a report of such failure signed by a
 27 majority of the committee members of each house shall
 28 be given promptly to each house. The bill shall
 29 be returned to the house that originated the bill,
 30 the members of the committee shall be immediately

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1 discharged, and a new conference committee appointed in
 2 the same manner as the first conference committee.
 3 8. The authority of a second or subsequent
 4 conference committee shall cover free conference during
 5 which the committee has authority to propose amendments
 6 to any portion of a bill provided the amendment is
 7 within the subject matter content of the bill as passed
 8 by the house of origin or as amended by the second
 9 house.

10 Rule 14

11 Enrollment and Authentication of Bills

12 A bill or resolution which has passed both houses
 13 shall be enrolled in the house of origin under the
 14 direction of either the secretary of the senate or the
 15 chief clerk of the house and its house of origin shall
 16 be certified by the endorsement of the secretary of the
 17 senate or the chief clerk of the house.
 18 After enrollment, each bill shall be signed by the
 19 president of the senate and by the speaker of the
 20 house.

21 Rule 15

22 Concerning Other Enrollments

23 All resolutions and other matters which are to
 24 be presented to the governor for approval shall be
 25 enrolled, signed, and presented in the same manner as
 26 bills.
 27 All resolutions and other matters which are not to
 28 be presented to the governor or the secretary of state
 29 shall be enrolled, signed, and retained permanently
 30 by the secretary of the senate or chief clerk of the

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1 house.

2 Rule 16

3 Transmission of Bills to the Governor

4 After a bill has been signed in each house, it shall
5 be presented by the house of origin to the governor by
6 either the secretary of the senate or the chief clerk
7 of the house. The secretary or the chief clerk shall
8 report the date of the presentation, which shall be
9 entered upon the journal of the house of origin.

10 Rule 17

11 Fiscal Notes

12 A fiscal note shall be attached to any bill or joint
13 resolution which reasonably could have an annual effect
14 of at least one hundred thousand dollars or a combined
15 total effect within five years after enactment of
16 five hundred thousand dollars or more on the aggregate
17 revenues, expenditures, or fiscal liability of the
18 state or its subdivisions. This rule does not apply
19 to appropriation and ways and means measures where the
20 total effect is stated in dollar amounts.

21 Each fiscal note shall state in dollars the
22 estimated effect of the bill on the revenues,
23 expenditures, and fiscal liability of the state or
24 its subdivisions during the first five years after
25 enactment. The information shall specifically note
26 the fiscal impact for the first two years following
27 enactment and the anticipated impact for the succeeding
28 three years. The fiscal note shall specify the source
29 of the information. Sources of funds for expenditures
30 under the bill shall be stated, including federal

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1 funds. If an accurate estimate cannot be made, the
2 fiscal note shall state the best available estimate or
3 shall state that no dollar estimate can be made and
4 state concisely the reason.

5 The preliminary determination of whether the bill
6 appears to require a fiscal note shall be made by
7 the legal services staff of the legislative services
8 agency. Unless the requestor specifies the request is
9 to be confidential, upon completion of the bill draft,
10 the legal services staff shall immediately send a copy
11 to the fiscal services director for review.

12 When a committee reports a bill to the floor, the
13 committee shall state in the report whether a fiscal
14 note is or is not required.

15 The fiscal services director or the director's
16 designee shall review all bills placed on the senate
17 or house calendars to determine whether the bills are
18 subject to this rule.

19 Additionally, a legislator may request the
20 preparation of a fiscal note by the fiscal services
21 staff for any bill or joint resolution introduced which
22 reasonably could be subject to this rule.

23 The fiscal services director or the director's
24 designee shall cause to be prepared and shall approve
25 a fiscal note within a reasonable time after receiving
26 a request or determining that a bill is subject to
27 this rule. All fiscal notes approved by the fiscal
28 services director shall be transmitted immediately to
29 the secretary of the senate or the chief clerk of the
30 house, after notifying the sponsor of the bill that a

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1 fiscal note has been prepared, for publication in the
2 daily clip sheet. The secretary of the senate or chief
3 clerk of the house shall attach the fiscal note to the
4 bill as soon as it is available.

5 The fiscal services director may request the
6 cooperation of any state department or agency in
7 preparing a fiscal note.

8 A revised fiscal note may be requested by a
9 legislator if the fiscal effect of the bill has been
10 changed by adoption of an amendment. However, a
11 request for a revised fiscal note shall not delay
12 action on a bill unless so ordered by the presiding
13 officer of the house in which the bill is under
14 consideration.

15 If a date for adjournment has been set, then a
16 constitutional majority of the house in which the
17 bill is under consideration may waive the fiscal note
18 requirement during the three days prior to the date set
19 for adjournment.

20 Rule 18

21 Legislative Interns

22 Legislators may arrange student internships during
23 the legislative session with Iowa college, university,
24 or law school students, for which the students may
25 receive college credit at the discretion of their
26 schools. Each legislator is allowed only one intern
27 at a time per legislative session, and all interns must
28 be registered with the offices of the secretary of the
29 senate and the chief clerk of the house.

30 The purpose of the legislative intern program shall

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1 be: to provide useful staff services to legislators
2 not otherwise provided by the general assembly; to give
3 interested college, graduate, and law school students
4 practical experience in the legislative process as well
5 as providing a meaningful educational experience; and
6 to enrich the curriculum of participating colleges and
7 universities.

8 The secretary of the senate and the chief clerk of

9 the house or their designees shall have the following
10 responsibilities as regards the legislative intern
11 program:
12 1. Identify a supervising faculty member at each
13 participating institution who shall be responsible
14 for authorizing students to participate in the intern
15 program.
16 2. Provide legislators with a list of participating
17 institutions and the names of supervising professors to
18 contact if interested in arranging for an intern.
19 3. Provide interns with name badges which will
20 allow them access to the floor of either house when
21 required to be present by the legislators for whom they
22 work.
23 4. Provide orientation materials to interns prior
24 to the convening of each session.
25 Rule 19
26 Administrative Rules Review Committee Bills and Rule
27 Referrals
28 A bill which relates to departmental rules and
29 which is approved by the administrative rules review
30 committee by a majority of the committee's members

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1 of each house is eligible for introduction in either
2 house at any time and must be referred to a standing
3 committee, which must take action on the bill within
4 three weeks of referral, except bills referred to
5 appropriations and ways and means committees.
6 If, on or after July 1, 1999, the administrative
7 rules review committee delays the effective date of a
8 rule until the adjournment of the next regular session
9 of the general assembly and the speaker of the house
10 or the president of the senate refers the rule to a
11 standing committee, the standing committee shall review
12 the rule within twenty-one days of the referral and
13 shall take formal committee action by sponsoring a
14 joint resolution to disapprove the rule, by proposing
15 legislation relating to the rule, or by refusing to
16 propose a joint resolution or legislation concerning
17 the rule. The standing committee shall inform the
18 administrative rules review committee of the committee
19 action taken concerning the rule.
20 Rule 20
21 Time of Committee Passage and Consideration of Bills
22 1. This rule does not apply to concurrent or
23 simple resolutions, joint resolutions nullifying
24 administrative rules, senate confirmations, bills
25 embodying redistricting plans prepared by the
26 legislative services agency pursuant to chapter
27 42, or bills passed by both houses in different

28 forms. Subsection 2 of this rule does not apply to
29 appropriations bills, ways and means bills, government
30 oversight bills, legalizing acts, administrative

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1 rules review committee bills, bills sponsored by
2 standing committees in response to a referral from
3 the president of the senate or the speaker of the
4 house of representatives relating to an administrative
5 rule whose effective date has been delayed until the
6 adjournment of the next regular session of the general
7 assembly by the administrative rules review committee,
8 bills cosponsored by majority and minority floor
9 leaders of one house, bills in conference committee,
10 and companion bills sponsored by the majority floor
11 leaders of both houses after consultation with the
12 respective minority floor leaders. For the purposes of
13 this rule, a joint resolution is considered as a bill.
14 To be considered an appropriations, ways and means,
15 or government oversight bill for the purposes of this
16 rule, the appropriations committee, the ways and means
17 committee, or the government oversight committee must
18 either be the sponsor of the bill or the committee of
19 first referral in the originating house.
20 2. To be placed on the calendar in the house of
21 origin, a bill must be first reported out of a standing
22 committee by Friday of the ~~9th~~ 8th week of the first
23 session and the 8th week of the second session. To be
24 placed on the calendar in the other house, a bill must
25 be first reported out of a standing committee by Friday
26 of the ~~13th~~ 12th week of the first session and the 11th
27 week of the second session.
28 3. During the ~~11th~~ 10th week of the first session
29 and the 9th week of the second session, each house
30 shall consider only bills originating in that house and

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1 unfinished business. During the ~~14th~~ 13th week of the
2 first session and the 12th week of the second session,
3 each house shall consider only bills originating in the
4 other house and unfinished business. Beginning with
5 the ~~15th~~ 14th week of the first session and the 13th
6 week of the second session, each house shall consider
7 only bills passed by both houses, bills exempt from
8 subsection 2, and unfinished business.
9 4. A motion to reconsider filed and not disposed
10 of on an action taken on a bill or resolution which is
11 subject to a deadline under this rule may be called up
12 at any time before or after the day of the deadline by
13 the person filing the motion or after the deadline by

14 the majority floor leader, notwithstanding any other
15 rule to the contrary.

16 Rule 21

17 Resolutions

18 1. A "concurrent resolution" is A resolution to
19 be adopted by both houses of the general assembly
20 which expresses the sentiment of the general assembly
21 or deals with temporary legislative matters. It
22 may authorize the expenditure, for any legislative
23 purpose, of funds appropriated to the general assembly.
24 A concurrent resolution is not limited to, but may
25 provide for a joint convention of the general assembly,
26 adjournment or recess of the general assembly, or
27 requests to a state agency or to the general assembly
28 or a committee. A concurrent resolution requires
29 the affirmative vote of a majority of the senators or
30 representatives present and voting unless otherwise

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1 specified by statute. A concurrent resolution does
2 not require the governor's approval unless otherwise
3 specified by statute. A concurrent resolution shall
4 be filed with the secretary of the senate or the chief
5 clerk of the house. A concurrent resolution shall be
6 printed in the bound journal after its adoption.

7 2. A "joint resolution" is A resolution which
8 requires for approval the affirmative vote of a
9 constitutional majority of each house of the general
10 assembly. A joint resolution which appropriates funds
11 or enacts temporary laws must contain the clause "Be It
12 Enacted by the General Assembly of the State of Iowa:",
13 is equivalent to a bill, and must be transmitted to
14 the governor for approval. A joint resolution which
15 proposes amendments to the Constitution of the State
16 of Iowa, ratifies amendments to the Constitution of
17 the United States, proposes a request to Congress
18 or an agency of the government of the United States
19 of America, proposes to Congress an amendment to the
20 Constitution of the United States of America, nullifies
21 an administrative rule, or creates a special commission
22 or committee must contain the clause "Be It Resolved by
23 the General Assembly of the State of Iowa:" and shall
24 not be transmitted to the governor. A joint resolution
25 shall not amend a statute in the Code of Iowa.

26 Rule 22

27 Nullification Resolutions

28 A "nullification resolution" is a joint resolution
29 which nullifies all of an administrative rule, or
30 a severable item of an administrative rule adopted

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1 pursuant to chapter 17A of the Code. A nullification
2 resolution shall not amend an administrative rule by
3 adding language or by inserting new language in lieu of
4 existing language.

5 A nullification resolution is debatable, but cannot
6 be amended on the floor of the house or senate. The
7 effective date of a nullification resolution shall
8 be stated in the resolution. Any motions filed to
9 reconsider adoption of a nullification resolution
10 must be disposed of within one legislative day of the
11 filing.

12 Rule 23

13 Consideration of Vetoes

14 1. The senate and house calendar shall include a
15 list known as the "Veto Calendar." The veto calendar
16 shall consist of:

17 a. Bills returned to that house by the governor
18 in accordance with Article III, section 16 of the
19 Constitution of the State of Iowa.

20 b. Appropriations items returned to that house by
21 the governor in accordance with Article III, section 16
22 of the Constitution of the State of Iowa.

23 c. Bills and appropriations items received from the
24 other house after that house has voted to override a
25 veto of them by the governor.

26 2. Vetoes bills and appropriations items shall
27 automatically be placed on the veto calendar upon
28 receipt. Vetoes bills and appropriations items shall
29 not be referred to committee.

30 3. Upon first publication in the veto calendar, the

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1 senate majority leader or the house majority leader
2 may call up a vetoed bill or appropriations item at any
3 time.

4 4. The affirmative vote of two-thirds of the
5 members of the body by record roll call is required on
6 a motion to override an executive veto or item veto.

7 5. A motion to override an executive veto or item
8 veto is debatable. A vetoed bill or appropriation item
9 cannot be amended in this case.

10 6. The vote by which a motion to override an
11 executive veto or item veto passes or fails to pass
12 either house is not subject to reconsideration under
13 senate rule 24 or house rule 73.

14 7. The secretary of the senate or the chief clerk
15 of the house shall immediately notify the other house
16 of the adoption or rejection of a motion to override an
17 executive veto or item veto.

18 8. All bills and appropriations items on the veto
19 calendar shall be disposed of before adjournment sine
20 die, unless the house having a bill or appropriation
21 item before it declines to do so by unanimous consent.

22 9. Bills and appropriations items on the veto
23 calendar are exempt from deadlines imposed by joint
24 rule 20.

25 Rule 24

26 Special Rules Regarding Redistricting for 2010

27 1. If, pursuant to chapter 42, either the senate or
28 the house of representatives rejects a redistricting
29 plan submitted by the legislative services agency, the
30 house rejecting the plan shall convey the reasons for

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1 the rejection of the plan to the legislative services
2 agency by resolution.

3 2. If, pursuant to chapter 42, the legislative
4 services agency submits a third redistricting plan
5 as provided by law, the senate and the house of
6 representatives, when considering a bill embodying the
7 third plan, shall be allowed to accept for filing as
8 amendments only such amendments which constitute the
9 total text of a congressional plan without striking
10 a legislative redistricting plan, the total text of
11 a legislative redistricting plan without striking a
12 congressional plan, or the combined total text of a
13 congressional plan and a legislative redistricting
14 plan, and nonsubstantive, technical corrections to the
15 text of any such bills or amendments.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that
House File 45 be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 8:48
a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:05 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Willems of Linn on request of Gaines of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 120, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

Also: That the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 121, a bill for an act relating to donations made in a criminal proceeding.

Also: That the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 130, a bill for an act relating to raccoon hunting.

Also: That the Senate has on February 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 375, by Murphy, a bill for an act providing labeling requirements for certain genetically modified agricultural commodities and products, making penalties applicable, providing penalties, and including effective date provisions.

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

House File 376, by Kajtazovic and Petersen, a bill for an act requiring public hearings in each congressional district for certain proposed health insurance rate increases.

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

House File 377, by Kajtazovic, a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

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

House File 378, by Pettengill, a bill for an act relating to the requirements for early childhood Iowa areas.

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

House File 379, by Klein, a bill for an act relating to access to and funding of the educational services offered under a home school assistance program.

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

House File 380, by Pearson, a bill for an act relating to the production or manufacture of goods retained within the state of Iowa and federal authority in relation thereto, providing penalties, and including effective date and applicability provisions.

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

House File 381, by T. Olson, a bill for an act relating to the rights of parties to private and public construction contracts and including applicability provisions.

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

House File 382, by R. Olson, a bill for an act relating to license revocation periods for persons under the age of twenty-one and Iowa's operating-while-intoxicated law.

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

House File 383, by Schultz, a bill for an act directing state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement to the applicable school districts, allowing school districts to establish the method of providing the services the funding supports, and including applicability provisions.

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

House File 384, by Schultz, a bill for an act authorizing area education agencies to competitively bid to provide services to school districts and accredited nonpublic schools.

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

House File 385, by Koester and Lofgren, a bill for an act concerning the protection of student athletes from concussions and other brain injuries.

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

House File 386, by Gaskill and Steckman, a bill for an act relating to public utility operation and regulation.

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

House File 387, by Gaskill, a bill for an act relating to a review of certain financial processes of state agencies.

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

House File 388, by Gaskill, a bill for an act relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 120, by committee on education, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

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

Senate File 121, by committee on judiciary, a bill for an act relating to donations made in a criminal proceeding.

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

Senate File 130, by committee on natural resources and environment, a bill for an act relating to raccoon hunting.

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

Senate File 205, by committee on transportation, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

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

IMMEDIATE MESSAGE

Helland of Polk asked and received unanimous consent that **House Concurrent Resolution 12** be immediately messaged to the Senate.

COMMITTEE REVISION

The Speaker announced the following change to the House committee assignments, effective immediately:

Winckler of Scott replaced Gaines of Polk on the committee on **environmental protection**.

SUBCOMMITTEE ASSIGNMENTS

House File 291

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

House File 317

Transportation: Rogers, Chair; Hall and Massie.

House File 331

Transportation: Massie, Chair; Wenthe and Windschitl.

House File 332

Transportation: Tjepkes, Chair; Iverson and Lykam.

House File 334

Commerce: Wagner, Chair; Quirk and Watts.

House File 335

Commerce: Pettengill, Chair; Muhlbauer and Shaw.

House File 336

Commerce: Fry, Chair; Iverson and Lykam.

House File 337

Commerce: Windschitl, Chair; T. Olson and Paustian.

House File 339

State Government: Drake, Chair; Isenhart and Jorgensen.

House File 342

Commerce: Windschitl, Chair; Kajtazovic and Paustian.

House File 348

Agriculture: Drake, Chair; Deyoe and Kelley.

House File 353

Judiciary: Hagenow, Chair; R. Olson and Pearson.

House File 354

State Government: Koester, Chair; Jorgensen and Mascher.

House File 355

Agriculture: Sweeney, Chair; Alons and H. Miller.

House File 359

State Government: Rogers, Chair; Isenhart and Kaufmann.

House File 360

State Government: Cownie, Chair; Quirk and Raecker.

House File 361

State Government: Drake, Chair; Kajtazovic and Schulte.

House File 362

Transportation: Worthan, Chair; Murphy and Rasmussen.

House File 366

Transportation: Pearson, Chair; Petersen and Windschitl.

House File 367

Transportation: Garrett, Chair; Hanson and Rasmussen.

House File 369

Agriculture: Hein, Chair; Moore and Muhlbauer.

House File 371

Education: L. Miller, Chair; Forristall and Willems.

House File 372

Education: L. Miller, Chair; Forristall and Willems.

House File 373

Education: L. Miller, Chair; Forristall and Willems.

House File 374

Veterans Affairs: Alons, Chair; Kearns and J. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 40 Reassigned
(Committee of the Whole)**

Labor: Horbach, Chair; Brandenburg, Deyoe, Forristall, Hanusa, Hunter, Jorgensen, Kearns, Klein, L. Miller, Moore, Murphy, Running-Marquardt, Schultz, T. Taylor, Watts and Willems.

House Study Bill 107

Local Government: Hager, Chair; Iverson and Wittneben.

House Study Bill 127

Public Safety: Hagenow, Chair; Abdul-Samad and S. Olson.

**House Study Bill 130
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 131
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

House Study Bill 132

Human Resources: Fry, Chair; Hunter and Jorgensen.

House Study Bill 133

State Government: Schulte, Chair; Mascher and Rogers.

House Study Bill 134

State Government: Vander Linden, Chair; Gaskill and Koester.

House Study Bill 135

Local Government: Baltimore, Chair; Kearns and Wagner.

House Study Bill 136

Local Government: Iverson, Chair; Berry and Klein.

House Study Bill 137

Public Safety: Hagenow, Chair; Berry and Shaw.

House Study Bill 138

Local Government: Iverson, Chair; Arnold and Gaskill.

House Study Bill 139

State Government: Koester, Chair; Rogers and Wenthe.

House Study Bill 140

State Government: Vander Linden, Chair; Kaufmann and T. Taylor.

House Study Bill 141

State Government: Iverson, Chair; Drake and Hunter.

House Study Bill 142

State Government: Jorgensen, Chair; Koester and Mascher.

House Study Bill 143

Transportation: Tjepkes, Chair; Lykam and Van Engelenhoven.

House Study Bill 144

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

House Study Bill 145

Education: Forristall, Chair; Lofgren, Mascher, L. Miller and Willems.

House Study Bill 146

Education: Forristall, Chair; Jorgensen and Winckler.

House Study Bill 147

Education: Forristall, Chair; Byrnes and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 149 Agriculture

Relating to reimbursement for state audits of certain commodity organizations, and including effective date provisions.

H.S.B. 150 Judiciary

Restricting claims involving mineral rights underlying land owned by another person.

H.S.B. 151 Judiciary

Relating to the probate and trust codes and state inheritance tax and medical assistance claims and including applicability provisions.

H.S.B. 152 Public Safety

Relating to sexual misconduct committed by employees and agents of the department of corrections and judicial district departments of correctional services, and providing a penalty.

H.S.B. 153 Public Safety

Relating to the criminal offense of possessing contraband at a secure facility and making penalties applicable.

H.S.B. 154 Local Government

Relating to actions against political subdivisions.

H.S.B. 155 Local Government

Providing for the assumption by certain cities of county powers and authority, establishing an advisory committee, and including effective date provisions.

H.S.B. 156 Commerce

Limiting the number of transactions entered into in connection with a delayed deposit services business, creating a statewide database, and providing for a fee.

H.S.B. 157 Commerce

Relating to hearings conducted with regard to petitions for an electric transmission line franchise.

H.S.B. 158 Commerce

Providing for the installation and operation of an automatic metering and termination of service system by electric utilities.

H.S.B. 159 Commerce

Authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

H.S.B. 160 Education

Relating to vehicular transportation for students and making penalties applicable.

H.S.B. 161 Education

Relating to the duties and operations of the state's community colleges.

H.S.B. 162 Local Government

Relating to the administration of the special appraiser's fund and the assessment expense fund.

H.S.B. 163 Local Government

Relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

H.S.B. 164 Agriculture

Providing for services relating to livestock pregnancy, and including effective date provisions.

H.S.B. 165 Judiciary

Relating to the operations of certain common interest communities.

H.S.B. 166 Judiciary

Relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

H.S.B. 167 Labor

Relating to teacher termination and appeals thereof.

H.S.B. 168 State Government

Relating to the solicitation, delivery, and return of absentee ballot applications.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 99), relating to preferred stock issued by cooperative associations.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 108), placing the agricultural development authority within the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 110), relating to the regulation of egg production.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 111), providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 113), relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

Committee Bill (Formerly House File 293), relating to a tax credit for the promotion of biodiesel blended fuel, and including effective date and applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** February 23, 2011.

COMMITTEE ON APPROPRIATIONS

Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1097** February 22, 2011.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Study Bill 102), relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 126), relating to the licensing and regulation of real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 48), relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

Committee Bill (Formerly House Study Bill 75), relating to certain fees assessed for activities regulated under the federal Clean Air Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 90), relating to programs and activities under the purview of the department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 40), excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2011.

Committee Bill (Formerly House Study Bill 91), relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 67), requiring an arrested person to submit a DNA sample if the arrest is for a felony and providing for the reimbursement of costs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

Committee Bill (Formerly House Study Bill 69), modifying the criminal offense of interference with official acts.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 42), repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

Committee Bill (Formerly House File 103), relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 23, 2011.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 239), concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2011.

RESOLUTION FILED

H.R. 14, by Abdul-Samad, H. Miller, Berry, Gaines, and Thede, a resolution designating February 2011 as Black History Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1096	H.F.	341	Hunter of Polk
H-1097	S.F.	209	Committee on Appropriations
H-1098	H.F.	268	Lukan of Dubuque
H-1099	H.F.	186	Baudler of Adair

On motion by Helland of Polk the House adjourned at 5:09 p.m., until 8:30 a.m., Thursday, February 24, 2011.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 24, 2011

The House met pursuant to adjournment at 8:36 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Reverend Rick Jenkins, Chaplain at the Anamosa State Penitentiary. He was the guest of Representative Hein of Jones County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alyssa Frese, Legislative Services Agency Page from Norway.

The Journal of Wednesday, February 23, 2011 was approved.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

HOUSE MEMORIAL RESOLUTION 101

WHEREAS, The Honorable Robert M. L. Johnson, of Linn County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra and Sixty-ninth Second-Extra General Assemblies, passed away April 13, 2009; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Helland of Polk moved the adoption of House Memorial Resolution 101. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

HOUSE MEMORIAL RESOLUTION 102

WHEREAS, The Honorable Jane Svoboda, of Tama County, Iowa, who was a member of the Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra and Seventy-fourth Second-extra General Assemblies, passed away on March 14, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating her life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

M. Smith of Marshall moved the adoption of House Memorial Resolution 102. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

HOUSE MEMORIAL RESOLUTION 103

WHEREAS, The Honorable Opal L. Miller, of Calhoun County, Iowa, who was a member of the Sixty-sixth and Sixty-seventh General Assemblies, passed away on April 1, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating her life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

H. Miller of Webster moved the adoption of House Memorial Resolution 103. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

HOUSE MEMORIAL RESOLUTION 104

WHEREAS, The Honorable Samuel Anania, of Polk County, Iowa, who was a member of the Sixty-fourth General Assembly, passed away on May 25, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Hunter of Polk moved the adoption of House Memorial Resolution 104. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

HOUSE MEMORIAL RESOLUTION 105

WHEREAS, The Honorable Paul Bell, of Jasper County, Iowa, who was a member of the Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, Seventy-ninth, Seventy-ninth Extra, Seventy-ninth Second-extra, Eightieth, Eightieth Extra, Eightieth Second-extra, Eighty-first, Eighty-first Extra, Eighty-second and Eighty-third General Assemblies, passed away on June 7, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Kelley of Jasper moved the adoption of House Memorial Resolution 105. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

HOUSE MEMORIAL RESOLUTION 106

WHEREAS, The Honorable Joseph M. Kremer, of Buchanan County, Iowa, who was a member of the Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, Seventy-fourth Second-extra, Seventy-sixth and Seventy-seventh General Assemblies, passed away on June 30, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Rasmussen of Buchanan moved the adoption of House Memorial Resolution 106. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

HOUSE MEMORIAL RESOLUTION 107

WHEREAS, The Honorable Donald LeRoy Gries, of Crawford County, Iowa, who was a member of the Seventy-fifth, Seventy-sixth and Seventy-seventh General Assemblies, passed away on July 8, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Schultz of Crawford moved the adoption of House Memorial Resolution 107. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

HOUSE MEMORIAL RESOLUTION 108

WHEREAS, The Honorable William H. Harbor, of Mills County, Iowa, who was a member of the Fifty-sixth, Fifty-seventh, Fifty-eighth, Sixty-second, Sixty-third, Sixty-fourth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth

Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra and Seventy-fourth Second-extra General Assemblies, he was also the Chief Clerk of the House during the Sixty-fifth General Assembly, passed away on July 30, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Anderson of Page moved the adoption of House Memorial Resolution 108. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

HOUSE MEMORIAL RESOLUTION 109

WHEREAS, The Honorable Robert M. Kreamer, of Polk County, Iowa, who was a member of the Sixty-third, Sixty-fourth, Sixty-fifth and Sixty-sixth General Assemblies, passed away on October 1, 2010; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a suitable resolution commemorating his life, character and service to the state be prepared and presented at the April 6, 2011 memorial service.

Hagenow of Polk moved the adoption of House Memorial Resolution 109. The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 11

Helland of Polk called up for consideration **House Concurrent Resolution 11**, a concurrent resolution relating to Pioneer Lawmakers, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 14

Abdul-Samad of Polk called up for consideration **House Resolution 14**, a resolution designating February 2011 as Black History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Helland of Polk, the House was recessed at 8:56 a.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:01 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 389, by committee on human resources, a bill for an act relating to investigative costs of the Medicaid fraud control unit.

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

House File 390, by committee on human resources, a bill for an act relating to an Alzheimer's disease response strategy.

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

House File 391, by committee on education, a bill for an act relating to the use of school district physical plant and equipment levy revenue for certain joint infrastructure projects.

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

House File 392, by committee on state government, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and to the fee structure for professional licenses.

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

House File 393, by committee on human resources, a bill for an act allowing an advanced registered nurse practitioner to sign a death certificate.

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

House File 394, by Schultz, a bill for an act allowing certain milk and products using milk to be transferred directly by operators of dairy farms, and making penalties applicable.

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

House File 395, by R. Olson, a bill for an act relating to verification of payment of child support, and providing a penalty.

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

House File 396, by Hein, a bill for an act relating to the underage possession or consumption of alcohol and providing penalties.

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

House File 397, by R. Olson and Wolfe, a bill for an act relating to the dissemination of criminal history data and expunging records relating to the dismissal of or acquittal on a criminal charge.

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

House File 398, by committee on public safety, a bill for an act modifying the criminal offense of interference with official acts.

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

House File 399, by T. Taylor, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

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

House File 400, by T. Taylor, a bill for an act relating to passive highway-rail grade crossings by providing for the establishment and enforcement of statewide standards and providing requirements for road users approaching passive highway-rail grade crossings, and including penalty provisions.

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

House File 401, by committee on labor, a bill for an act excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws.

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

House File 402, by committee on environmental protection, a bill for an act relating to certain fees assessed for activities regulated under the federal Clean Air Act.

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

House File 403, by committee on public safety, a bill for an act requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing for the reimbursement of costs.

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

House File 404, by committee on commerce, a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

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

House File 405, by committee on commerce, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

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

House File 406, by committee on transportation, a bill for an act concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies and including applicability provisions.

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House Concurrent Resolution 11** be immediately messaged to the Senate.

HOUSE FILE REFERRED

The Speaker announced that House File 300, previously placed on the **calendar** was referred to committee on **ways and means**.

SUBCOMMITTEE ASSIGNMENTS**House File 171 Reassigned
(Committee of the Whole)**

Labor: Horbach, Chair; Brandenburg, Deyoe, Forristall, Hanusa, Hunter, Jorgensen, Kearns, Klein, L. Miller, Moore, Murphy, Running-Marquardt, Schultz, T. Taylor, Watts and Willems.

House File 200

Judiciary: Kaufmann, Chair; Gaines and Heaton.

House File 307

Human Resources: Schulte, Chair; Fry and Mascher.

House File 311

Labor: Jorgensen, Chair; Deyoe and Willems.

House File 312

Labor: Watts, Chair; Deyoe and Murphy.

House File 313

Labor: Brandenburg, Chair; Kearns and Moore.

House File 326

Labor: Moore, Chair; Forristall and Hunter.

House File 327 Reassigned

Natural Resources: Rayhons, Chair; Arnold, Hanson, Kelley and J. Smith.

House File 340

Labor: Moore, Chair; Forristall and Hunter.

House File 346

Labor: Moore, Chair; Hunter and Schultz.

House File 347

Labor: L. Miller, Chair; Hunter and Moore.

House File 351

Commerce: Wagner, Chair; Iverson and Lykam.

House File 352

Economic Growth/Rebuild Iowa: Byrnes, Chair; Hall and Hanusa.

House File 357

Local Government: Arnold, Chair; Iverson and Thede.

House File 358

Natural Resources: Sweeney, Chair; Hager and Hall.

House File 365

Commerce: Windschitl, Chair; Brandenburg and Muhlbauer.

House File 370

Commerce: Watts, Chair; Kressig and Shaw.

House File 376

Commerce: Pettengill, Chair; Kajtazovic and Paustian.

House File 377

Economic Growth/Rebuild Iowa: Byrnes, Chair; Baltimore and Hall.

House File 378

Education: L. Miller, Chair; Forristall and Willems.

House File 379

Education: L. Miller, Chair; Forristall and Willems.

House File 380

Commerce: Grassley, Chair; J. Smith and Swaim.

House File 381

Commerce: Baltimore, Chair; Horbach and T. Olson.

House File 383

Education: Forristall, Chair; Jorgensen and Willems.

House File 384

Education: Forristall, Chair; Jorgensen and Willems.

House File 386

Commerce: Wagner, Chair; Kressig and Shaw.

House Concurrent Resolution 9 Reassigned

Commerce: Watts, Chair; Quirk and Wagner.

Senate File 205

Transportation: Iverson, Chair; Huseman, Lykam, Tjepkes and Wolfe.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 122**

Human Resources: L. Miller, Chair; Koester and Wolfe.

House Study Bill 149

Agriculture: De Boef, Chair; H. Miller and Rasmussen.

House Study Bill 150

Judiciary: Tjepkes, Chair; Alons and Oldson.

House Study Bill 151

Judiciary: Hagenow, Chair; Anderson, Baltimore, Gaines and Swaim.

House Study Bill 152

Public Safety: Alons, Chair; Abdul-Samad and Shaw.

House Study Bill 153

Public Safety: Fry, Chair; Alons and Gaines.

House Study Bill 154

Local Government: Helland, Chair; Berry and Iverson.

House Study Bill 155

Local Government: Wagner, Chair; Baltimore and Kearns.

House Study Bill 156

Commerce: J. Smith, Chair; Iverson and T. Olson.

House Study Bill 157

Commerce: Wagner, Chair; Kressig and J. Smith.

House Study Bill 158

Commerce: Paustian, Chair; Muhlbauer and Windschitl.

House Study Bill 159

Commerce: Pettengill, Chair; Fry and Oldson.

House Study Bill 160

Education: Hanusa, Chair; Abdul-Samad and J. Taylor.

House Study Bill 161

Education: Byrnes, Chair; Gaines and Lofgren.

House Study Bill 162

Local Government: Wagner, Chair; Helland and Kajtazovic.

House Study Bill 163

Local Government: Wagner, Chair; Gaines and Klein.

House Study Bill 165

Judiciary: Kaufmann, Chair; Hagenow and Oldson.

House Study Bill 166

Judiciary: Garrett, Chair; Swaim and J. Taylor.

House Study Bill 167

Labor: Deyoe, Chair; Forristall and Willems.

House Study Bill 168

State Government: Schulte, Chair; Massie and T. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 169 State Government

Related to absentee voting by tenants of assisted living programs.

H.S.B. 170 State Government

Relating to preservation of tally lists after an election.

H.S.B. 171 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters.

H.S.B. 172 Appropriations

Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

H.S.B. 173 Labor

Providing that the workers' compensation commissioner and the labor commissioner shall be appointed by and serve at the pleasure of the director of the department of workforce development and including effective date provisions.

H.S.B. 174 Judiciary

Relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

H.S.B. 175 Judiciary

Relating to interpreters and translators for limited English proficient participants in legal proceedings and in court-ordered programs.

H.S.B. 176 Judiciary

Relating to the administration of the judicial branch including shorthand reporters and the practice of law, making appropriations, and providing for a fee.

H.S.B. 177 Judiciary

Relating to the appointment of judicial officers, senior judges, and clerks of the district court.

H.S.B. 178 Local Government

Relating to county support of county civil service commissions.

H.S.B. 179 Environmental Protection

Relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 295), relating to wastewater discharges by on-farm processing operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 10), concerning the retention of funds due to contractors on public improvements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 64), relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

COMMITTEE ON LABOR

Committee Bill (Formerly House File 171), repealing requirements relating to the aggregate ratio in the number of executive branch employees per supervisory employee in executive branch agencies and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

COMMITTEE ON LOCAL GOVERNMENT

House File 132, a bill for an act relating to recording requirements and required notices when approving, amending, or modifying certain urban renewal plans.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1100** February 23, 2011.

Committee Bill (Formerly House Study Bill 58), relating to the determination of city population for purposes of civil service commissions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 59), providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

Committee Bill (Formerly House Study Bill 81), permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 96), relating to the attachment of tags to deer carcasses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2011.

Committee Bill (Formerly House File 230), allowing the operation of certain motorboats on lake Macbride at any time.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 193), relating to the protection and care of pioneer cemeteries.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 251), relating to the enforcement of weight limitations for vehicles with retractable axles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

Committee Bill (Formerly House File 331), providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2011.

Committee Bill (Formerly House Study Bill 94), allowing the department of transportation to accept reports from advanced registered nurse practitioners

disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

RESOLUTION FILED

H.R. 15, by Cownie and Oldson, a resolution recognizing February 26, 2011, as Iowa Bacon Day.

Laid over under **Rule 25**.

AMENDMENT FILED

H-1100 H.F. 132 Committee on Local Government

On motion by Upmeyer of Hancock the House adjourned at 5:04 p.m., until 9:00 a.m., Friday, February 25, 2011.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 25, 2011

The House met pursuant to adjournment at 9:08 a.m., L. Miller of Scott in the chair.

Prayer was a moment of silence.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mollee and Mark Patten from Clemons, Iowa. They were the guests of Representative L. Miller of Scott.

The Journal of Thursday, February 24, 2011 was approved.

INTRODUCTION OF BILLS

House File 407, by Sweeney, a bill for an act establishing the council for agricultural education.

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

House File 408, by Berry, a bill for an act prohibiting certain alcoholic beverage licensees or permit holders from knowingly permitting or engaging in any criminal activity on the premises covered by the license or permit, and making penalties applicable.

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

House File 409, by Berry, a bill for an act relating to revocation and subsequent reissuance of alcoholic beverage licenses and permits.

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

House File 410, by Swaim, a bill for an act relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

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

House File 411, by Garrett, a bill for an act relating to mechanics' liens including the establishment of a state construction registry for residential construction property and including effective date provisions.

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

House File 412, by Koester, a bill for an act prohibiting smoking in all areas of gambling structures, excursion gambling boats, and racetrack enclosures.

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

House File 413, by Petersen and Kaufmann, a bill for an act relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, and including effective date provisions.

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

House File 414, by Koester and Abdul-Samad, a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

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

House File 415, by Swaim, a bill for an act relating to removal of a guardian in a termination of parental rights proceeding.

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

House File 416, by Garrett, a bill for an act relating to the membership of the state judicial nominating commission and district judicial nominating commissions and providing an effective date.

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

House File 417, by Hagenow, a bill for an act relating to increasing certain criminal and administrative penalties for operating-while-intoxicated offenses.

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

House File 418, by Iverson, a bill for an act creating a mandatory defined contribution pension plan for certain covered employees and making the plan optional for all other employees covered by the Iowa public employees' retirement system.

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

House File 419, by Wagner, Huseman, De Boef, Klein, Paustian, Chambers, and Pearson, a bill for an act creating a tenth amendment commission under the legislative council and including effective date provisions.

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

House File 420, by Baltimore, a bill for an act requiring that public schools and accredited nonpublic schools cause the pledge of allegiance to be recited each school day.

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

ADOPTION OF HOUSE RESOLUTION 15

Helland of Polk called up for consideration **House Resolution 15**, a resolution recognizing February 26, 2011, as Iowa Bacon Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 83

Human Resources: Schulte, Chair; Brandenburg, Fry, Heaton, M. Smith, Winckler and Wolfe.

House Study Bill 169

State Government: Iverson, Chair; Hein and Wenthe.

House Study Bill 170

State Government: Iverson, Chair; Drake and Gaskill.

House Study Bill 173

Labor: Watts, Chair; Brandenburg and T. Taylor.

House Study Bill 174

Judiciary: Massie, Chair; Gaines and J. Taylor.

House Study Bill 175

Judiciary: Garrett, Chair; Heaton and Wessel-Kroeschell.

House Study Bill 176

Judiciary: Kaufmann, Chair; Lensing and Massie.

House Study Bill 177

Judiciary: Baltimore, Chair; Rogers and M. Smith.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 180 Environmental Protection**

Relating to the transfer of certain administrative duties from the department of natural resources to the department of agriculture and land stewardship, making appropriations, and including effective date provisions.

H.S.B. 181 Commerce

Providing for a surplus lines insurance multistate compliance compact, coordinating provisions, and repeals, and including effective date provisions.

H.S.B. 182 Agriculture

Providing for a cow-calf tax credit, providing for an appropriation, and including applicability provisions.

On motion by Helland of Polk the House adjourned at 9:14 a.m., until 1:00 p.m., Monday, February 28, 2011.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 28, 2011

The House met pursuant to adjournment at 1:03 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Michael Demastus, Fort Des Moines Church of Christ, Des Moines. He was the guest of Representative Massie of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brock and Brady Olson, Grand Mound. They are the grandsons of Representative S. Olson of Clinton.

The Journal of Friday, February 25, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kressig of Black Hawk on request of R. Olson of Polk.

INTRODUCTION OF BILLS

House File 421, by Kaufmann, a bill for an act relating to the performance of radon testing, and providing a penalty.

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

House File 422, by Heddens, a bill for an act establishing a long-term care system task force.

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

House File 423, by Schulte, a bill for an act relating to quality standards for children in a foster care, preadoption or adoption, or subsidized guardianship placement.

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

House File 424, by Lukan, a bill for an act providing a sales tax exemption for certain equipment used in making and grooming snow.

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

House File 425, by Running-Marquardt, a bill for an act relating to certain law enforcement officer uniforms and accessories.

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

House File 426, by Running-Marquardt, a bill for an act requiring community colleges and state board of regents universities to waive tuition and mandatory fee charges for the children of peace officers, police officers, and fire fighters killed or totally and permanently incapacitated in the line of duty.

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

SUBCOMMITTEE ASSIGNMENTS

House File 368

Education: Hanusa, Chair; Gaines and Lofgren.

House File 385

Education: Koester, Chair; Abdul-Samad and Lofgren.

House File 408

Commerce: Windschitl, Chair; Kressig and Paustian.

House File 409

Commerce: Windschitl, Chair; Brandenburg and Kressig.

House File 410

Commerce: Horbach, Chair; J. Smith and Swaim.

House File 411

Commerce: Baltimore, Chair; Quirk and Wagner.

House File 412

Commerce: Windschitl, Chair; Grassley and T. Olson.

House File 414

Education: Abdul-Samad, Chair; Byrnes and Koester.

House File 418

State Government: Iverson, Chair; Drake and Mascher.

House File 419

State Government: Iverson, Chair; Hunter and Schulte.

House File 420

Education: Lofgren, Chair; Abdul-Samad and Hanusa.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 178

Local Government: J. Smith, Chair; Gaskill and Wagner.

House Study Bill 179

Environmental Protection: Klein, Chair; Byrnes and Steckman.

House Study Bill 180

Environmental Protection: S. Olson, Chair; Paustian and M. Smith.

House Study Bill 181

Commerce: Horbach, Chair; Baltimore and T. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 183 Economic Growth/Rebuild Iowa

Relating to an annual review of certain disaster-related programs, plans, and systems.

H.S.B. 184 Veterans Affairs

Exempting all or a portion of homesteads owned by certain disabled veterans from property taxation.

H.S.B. 185 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

H.S.B. 186 Commerce

Relating to residential contractors and providing a penalty.

H.S.B. 187 State Government

Relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 117), relating to public employee collective bargaining agreements and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2011.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House File 333), relating to the injured veterans grant program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2011.

Committee Bill (Formerly House File 374), to designate August 7 of each year as Purple Heart Day.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2011.

AMENDMENTS FILED

H-1101	H.F.	328	J. Smith of Dickinson
H-1102	H.F.	328	Petersen of Polk
H-1103	S.F.	209	Sands of Louisa

On motion by Upmeyer of Hancock the House adjourned at 1:14 p.m., until 8:30 a.m., Tuesday, March 1, 2011.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 1, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Jay Jaeger, St. Paul Lutheran Church, Buckeye. He was the guest of Representative Sweeney of Hardin County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Pak, Page from Clive.

The Journal of Monday, February 28, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kressig of Black Hawk on request of R. Olson of Polk; Rasmussen of Buchanan on request of Arnold of Lucas; Brandenburg of Pottawattamie on request of Windschitl of Harrison; Lofgren of Muscatine, until his arrival, on request of Lukan of Dubuque.

INTRODUCTION OF BILLS

House File 427, by R. Olson, a bill for an act relating to circumstances requiring a court to order the revocation of a defendant's driver's license.

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

House File 428, by R. Olson, a bill for an act relating to installment agreements entered into with a county attorney or the centralized collection unit of the department of revenue.

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

House File 429, by Alons, a bill for an act relating to gubernatorial appointments to fill a vacancy on the court of appeals.

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

House File 430, by Sweeney, a bill for an act providing for nuisance actions arising out of agricultural uses and practices.

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

House File 431, by Sweeney, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

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

House File 432, by Petersen, T. Olson, and Heddens, a bill for an act relating to state child care assistance program eligibility and provider requirements.

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

House File 433, by Wessel-Kroeschell and Heddens, a bill for an act providing that certain programs offered by regents institutions must be open to all students and including effective date provisions.

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

House File 434, by Schulte, a bill for an act relating to the sealing of juvenile delinquency records.

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

House File 435, by M. Smith, a bill for an act relating to the provision of absentee ballots to residents or patients of certain health care facilities and hospitals.

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

CONSIDERATION OF BILLS
Regular Calendar

Senate File 72, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 72)

The ayes were, 85:

Anderson	Arnold	Baltimore	Baudler
Berry	Byrnes	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hager
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Lensing	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Petersen	Pettengill	Raecker	Rayhons
Rogers	Running-Marquardt	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 5:

Alons	Hagenow	Pearson	Sands
Watts			

Absent or not voting, 10:

Abdul-Samad	Brandenburg	Hall	Horbach
Jorgensen	Kressig	Lofgren	Olson, R.
Quirk	Rasmussen		

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

House File 195, a bill for an act relating to assignment of visitation or joint physical care parenting time for children of military service members on active duty and including effective date provisions, was taken up for consideration.

J. Taylor of Woodbury offered amendment H-1089 filed by him and moved its adoption.

Amendment H-1089 was adopted.

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

On the question "Shall the bill pass?" (H.F. 195)

The ayes were, 92:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Lensing	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven

Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 8:

Abdul-Samad	Brandenburg	Forristall	Horbach
Kressig	Lofgren	Olson, R.	Rasmussen

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

House File 323, a bill for an act relating to the rulemaking authority and voting requirements of the environmental protection commission, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 323)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Hunter	Huseman	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell

Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker Paulsen	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Forristall	Horbach	Kressig
Rasmussen			

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

HOUSE FILE 66 WITHDRAWN

J. Taylor of Woodbury asked and received unanimous consent to withdraw House File 66 from further consideration by the House.

House File 329, a bill for an act relating to equipment dealership agreements by providing for supplier liability, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 329)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker

Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 4:

Brandenburg	Kressig	Miller, H.	Rasmussen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 364, a bill for an act relating to veterans records managed by the department of veterans affairs, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 364)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rayhons	Rogers	Running-Marquardt	Sands

Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 4:

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

HOUSE FILE 180 WITHDRAWN

Soderberg of Plymouth asked and received unanimous consent to withdraw House File 180 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 195, 323, 329, 364** and **Senate File 72**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 122, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

Also: That the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 123, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

Also: That the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 155, a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

Also: That the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 185, a bill for an act relating to the membership of the medical assistance advisory council.

Also: That the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 233, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

Also: That the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 291, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Also: That the Senate has on March 1, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 303, a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 9:14 a.m., until 5:30 p.m.

AFTERNOON SESSION

The House reconvened at 5:32 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, until his return, on request of Upmeyer of Hancock.

INTRODUCTION OF BILLS

House File 436, by Isenhart, a bill for an act relating to the utilization of energy by modifying and expanding the energy city designation program.

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

House File 437, by Koester, a bill for an act allowing certain teachers an individual income tax credit for certain expenses and including retroactive applicability provisions.

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

House File 438, by Helland, a bill for an act relating to school district administration costs.

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

House File 439, by Pearson, a bill for an act relating to reporting of waivers granted from abortion notification requirements for pregnant minors.

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

House File 440, by Isenhart, a bill for an act relating to the actions of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

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

House File 441, by Alons, a bill for an act relating to a general assembly member's right to intervene in a court action and including effective date and applicability provisions.

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

House File 442, by Kaufmann, a bill for an act relating to operating-while-intoxicated offenses including license revocation periods and ignition interlock licenses and devices and providing penalties.

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

House File 443, by R. Olson, a bill for an act relating to license revocation periods in criminal actions and administrative proceedings under Iowa's operating-while-intoxicated law.

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

House File 444, by R. Olson, a bill for an act relating to the impoundment of a motor vehicle owned or operated by a person convicted of a second or subsequent operating-while-intoxicated offense.

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

House File 445, by Wittneben, Murphy, Steckman, Wolfe, Wessel-Kroeschell, Hunter, Hanson, and Thomas, a bill for an act relating to the return of refund values to consumers for empty beverage containers.

Read first time and referred to committee on **environmental protection**.

House File 446, by Arnold, a bill for an act requiring issuance of hunter safety and ethics education certificates to residents who are peace officers, active duty military personnel, or honorably discharged veterans.

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

House File 447, by Murphy, a bill for an act relating to state employee life insurance programs and recording certain benefits to the Iowa public employees' retirement system and including effective date provisions.

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

House File 448, by Hanson, Kelley, Wessel-Kroeschell, Gaskill, Steckman, and Isenhardt, a bill for an act providing a sales tax exemption for the sales price of high-efficiency vehicle conversion kits.

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

House File 449, by Kaufmann, Mascher, Abdul-Samad, Schultz, Hunter, Pettengill, Cohoon, Shaw, Kressig, Lensing, Winckler, and Drake, a bill for an act providing for midwife licensure and providing for a fee and a penalty, and including effective date provisions.

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

House File 450, by Helland, a bill for an act relating to the operations of certain intergovernmental entities.

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

House File 451, by committee on agriculture, a bill for an act relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

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

House File 452, by committee on agriculture, a bill for an act relating to a tax credit for the promotion of biodiesel blended fuel, and including effective date and applicability provisions.

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

House File 453, by committee on agriculture, a bill for an act relating to the regulation of egg production, and including effective date provisions.

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

House File 454, by committee on local government, a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

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

House File 455, by committee on agriculture, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

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

House File 456, by committee on state government, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, and including effective date provisions.

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

House File 457, by committee on agriculture, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

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

House File 458, by committee on judiciary, a bill for an act concerning the retention of funds due to contractors on public improvements.

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

House File 459, by committee on local government, a bill for an act relating to civil service commissions.

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

House File 460, by committee on judiciary, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

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

House File 461, by committee on natural resources, a bill for an act relating to the attachment of tags to deer carcasses.

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

House File 462, by committee on natural resources, a bill for an act allowing the operation of certain motorboats on lake Macbride at any time.

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

House File 463, by committee on transportation, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

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

House File 464, by committee on environmental protection, a bill for an act relating to wastewater discharges by on-farm processing operations.

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

House File 465, by committee on transportation, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

House File 466, by committee on transportation, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

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

House File 467, by committee on human resources, a bill for an act relating to programs and activities under the purview of the department of public health.

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

House File 468, by committee on agriculture, a bill for an act relating to preferred stock issued by cooperative associations.

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

House File 469, by committee on state government, a bill for an act relating to the protection and care of pioneer cemeteries.

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

House File 470, by committee on commerce, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

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

The House stood at ease at 5:38 p.m., until the fall of the gavel.

The House resumed session at 6:15 p.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS Regular Calendar

Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa offered amendment H-1093 filed by the committee on ways and means.

Jacoby of Johnson offered amendment H-1107, to the committee amendment H-1093, filed by him from the floor and moved its adoption.

Roll call was requested by Jacoby of Johnson and McCarthy of Polk.

On the question "Shall amendment H-1107 to the committee amendment H-1093 be adopted?" (S.F. 209)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.

Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 3:

Horbach	Kressig	Rasmussen
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Amendment H-1107 lost.

Sands of Louisa offered amendment H-1103, to the committee amendment H-1093, filed by him and moved its adoption.

Amendment H-1103, to the committee amendment H-1093, was adopted.

Isenhardt of Dubuque offered amendment H-1108, to the committee amendment H-1093, filed by him from the floor and moved its adoption.

Sands of Louisa rose on a point of order that amendment H-1108 was not germane, to the committee amendment H-1093.

The Speaker ruled the point well taken and amendment H-1108 not germane, to the committee amendment H-1093.

Jacoby of Johnson requested a division to the committee amendment H-1093, as amended, as follows:

Division A: Page 1, lines 3 through 14 and lines 16 through 17.

Division B: Page 1, line 15.

Sands of Louisa moved the adoption of the committee amendment H-1093A, as amended.

Roll call was requested by Jacoby of Johnson and Oldson of Polk.

On the question "Shall the committee amendment H-1093A, as amended, be adopted?" (S.F. 209)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Kressig Rasmussen

The committee amendment H-1093A, as amended, was adopted.

Sands of Louisa moved the adoption of the committee amendment H-1093B, as amended.

Roll call was requested by Jacoby of Johnson and Murphy of Dubuque.

On the question "Shall the committee amendment H-1093B, as amended, be adopted?" (S.F. 209)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 2:

Kressig	Rasmussen
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The committee amendment H-1093B, as amended, was adopted.

Wagner of Linn offered amendment H-1097 filed by the committee on appropriations.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1106, to the committee amendment H-1097, filed by him from the floor.

T. Olson of Linn asked and received unanimous consent that amendment H-1104, to the committee amendment H-1097, be deferred.

Murphy of Dubuque offered amendment H-1105, to the committee amendment H-1097, filed by him from the floor and moved its adoption.

Wagner of Linn rose on a point of order that amendment H-1105 was not germane, to the committee amendment H-1097.

The Speaker ruled the point well taken and amendment H-1105 not germane, to the committee amendment H-1097.

T. Olson of Linn offered amendment H-1104, to the committee amendment H-1097, previously deferred, filed by him from the floor and moved its adoption.

Wagner of Linn rose on a point of order that amendment H-1104 was not germane, to the committee amendment H-1097.

The Speaker ruled the point well taken and amendment H-1104 not germane, to the committee amendment H-1097.

T. Olson of Linn asked for unanimous consent to suspend the rules to consider amendment H-1104 to the committee amendment H-1097.

Objection was raised.

T. Olson of Linn moved to suspend the rules to consider amendment H-1104 to the committee amendment H-1097.

Roll call was requested by T. Olson of Linn and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment H-1104 to the committee amendment H-1097?" (S.F. 209)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 2:

Kressig	Rasmussen
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The motion to suspend the rules lost.

Wagner of Linn moved the adoption of the committee amendment H-1097.

T. Olson of Linn rose on a point of order that the committee amendment H-1097 was not germane.

The Speaker ruled the point well taken and the committee amendment H-1097 not germane.

Wagner of Linn asked unanimous consent to suspend the rules to consider the committee amendment H-1097.

Objection was raised.

Wagner of Linn moved to suspend the rules to consider the committee amendment H-1097.

Roll call was requested by T. Olson of Linn and Murphy of Dubuque.

On the question "Shall the rules be suspended to consider the committee amendment H-1097? (S.F. 209)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winkler	Wittneben	Wolfe	

Absent or not voting, 2:

Kressig	Rasmussen
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The motion to suspend the rules prevailed.

Wagner of Linn moved the adoption of the committee amendment H-1097.

Roll call was requested by Wagner of Linn and Upmeyer of Hancock.

On the question "Shall the committee amendment H-1097 be adopted?" (S.F. 209)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 2:

Kressig	Rasmussen
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The committee amendment H-1097 was adopted.

Kaufmann of Cedar in the chair at 7:19 p.m.

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

On the question "Shall the bill pass?" (S.F. 209)

The ayes were, 64:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hall
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jorgensen
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Muhlbauer
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Wittneben	Worthan	Kaufmann, Presiding

The nays were, 34:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wolfe		

Absent or not voting, 2:

Kressig Rasmussen

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 209** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday morning March 1, 2011. Had I been present, I would have voted "aye" on House File 364.

JORGENSEN of Woodbury

I was necessarily absent from the House chamber on Tuesday, morning March 1, 2011. Had I been present, I would have voted "aye" on House File 195 and Senate File 72.

LOFGREN of Muscatine

SUBCOMMITTEE ASSIGNMENTS

**House File 223 Reassigned
(Committee of the Whole)**

Local Government: J. Smith, Chair; Arnold, Baltimore, Berry, Gaines, Gaskill, Hager, Helland, Horbach, Iverson, Kajtazovic, Kearns, Klein, Kressig, Rayhons, Running-Marquardt, Thede, Tjepkes, Van Engelenhoven, Wagner and Wittneben.

House File 349

Commerce: Watts, Chair; Quirk and Wagner.

House File 350

Commerce: Watts, Chair; Muhlbauer and Windschitl.

House File 375

Agriculture: Alons, Chair; Muhlbauer and Rasmussen.

House File 382

Judiciary: Tjepkes, Chair; Lensing and Rogers.

House File 394

Economic Growth/Rebuild Iowa: Schultz, Chair; Hanusa and Heddens.

House File 395

Judiciary: Heaton, Chair; Gaines and Rogers.

House File 396

Judiciary: Alons, Chair; Pearson and Wessel-Kroeschell.

House File 397

Judiciary: Kaufmann, Chair; Gaines and Heaton.

House File 399

Transportation: Iverson, Chair; Lykam and Tjepkes.

House File 400

Transportation: Iverson, Chair; Lykam and Tjepkes.

House File 407

Agriculture: Drake, Chair; H. Miller and Moore.

House File 413

Economic Growth/Rebuild Iowa: Soderberg, Chair; Lofgren and Thomas.

House File 415

Judiciary: Pearson, Chair; J. Taylor and Wolfe.

House File 416

Judiciary: Tjepkes, Chair; Garrett and Swaim.

House File 421

Commerce: Grassley, Chair; Kajtazovic and J. Smith.

House File 423

Human Resources: Garrett, Chair; Mascher and Massie.

House File 426

Education: L. Miller, Chair; Forristall and Willems.

House File 430

Agriculture: Sweeney, Chair; Paustian and Swaim.

House File 431

Agriculture: Sweeney, Chair; Baudler and Quirk.

Senate File 120

Education: Byrnes, Chair; Jorgensen and Mascher.

Senate File 121

Judiciary: Rogers, Chair; Alons and Oldson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 164

Agriculture: S. Olson, Chair; H. Miller and Sweeney.

House Study Bill 183

Economic Growth/Rebuild Iowa: Schultz, Chair; De Boef and Jacoby.

House Study Bill 184

Veterans Affairs: Chambers, Chair; Kearns and Sweeney.

House Study Bill 185

Judiciary: Rogers, Chair; Pearson and Wessel-Kroeschell.

House Study Bill 186

Commerce: Iverson, Chair; Fry and Muhlbauer.

House Study Bill 187

State Government: Iverson, Chair; Lensing and Schulte.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 188 Agriculture

Relating to the environmental impact of livestock operations by providing for financial assistance, and making an appropriation.

H.S.B. 189 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

H.S.B. 190 Appropriations

Relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

H.S.B. 191 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and the Iowa finance authority, and related matters.

H.S.B. 192 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

H.S.B. 193 Appropriations

Relating to and making appropriations to the justice system.

H.S.B. 194 Appropriations

Relating to and making appropriations to the judicial branch.

H.S.B. 195 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

H.S.B. 196 Local Government

Relating to the construction of subdivision improvements and certain notice requirements.

H.S.B. 197 Local Government

Delaying increases in employee and employer contribution rates to the Iowa public employees' retirement system.

H.S.B. 198 State Government

Relating to government property and projects, including competitive bidding, the location of state agencies, and outstanding state warrants.

H.S.B. 199 Veterans Affairs

Relating to officers or enlisted persons within the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol.

H.S.B. 200 Commerce

Creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 112), relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 149), relating to reimbursement for state audits of certain commodity organizations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House File 355), relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 28, 2011.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House Concurrent Resolution 9), urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 27), creating a certificate of merit in a medical malpractice action.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 80), relating to indemnification provisions in construction contracts.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 125), relating to various matters under the purview of the insurance division of the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA

Committee Bill (Formerly House File 181), relating to the legislative review of administrative rules, and rescinding all rules every five years.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House File 263), requiring regulatory analysis for new administrative rules regarding the impact of the rules on small business.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 139), requiring faculty members of regents institutions and community colleges charged with a crime to repay all salary received during a paid leave of absence if convicted.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (House File 144), relating to the minimum hours of instructional school time in a school year for public and accredited nonpublic elementary and secondary schools, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 145), creating an Iowa preschool scholarship program for four-year-old children, repealing the statewide preschool program for four-year-old children, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 179), relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 122), to exclude tests not intended to evaluate the risk of developing a disease from the restrictions on genetic testing contained in the Iowa criminal code.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House File 235), relating to payment for mental health counselor behavioral health services provided under the Medicaid program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

Committee Bill (Formerly House File 309), relating to visitation or interaction with siblings by children participating in the subsidized guardianship program administered by the department of human services and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 167), relating to teacher termination and appeals thereof.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 173), providing that the workers' compensation commissioner and the labor commissioner shall be appointed by and serve at the pleasure of the director of the department of workforce development and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House File 215), relating to employer credits for overpayments of weekly workers' compensation benefits.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House File 311), relating to the interest rate on weekly workers' compensation payments that are not paid when due and including applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House File 312), relating to public employees, by requiring a survey and report on state employee salaries and benefits and relating to the arbitration of public employee collective bargaining agreements.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 76), relating to snowmobile registration and permit fees.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 122), relating to the authority to possess offensive weapons and the carrying of weapons by a licensed private investigator and a licensed private security officer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 100), concerning the duties and responsibilities of the auditor of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 106), excluding certain employees of the secretary of state from the public employee collective bargaining law.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House Study Bill 141), concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House File 316), relating to a voter's designee for purposes of returning absentee ballots.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 93), relating to the use of automated traffic enforcement systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

RESOLUTIONS FILED

H.R. 16, by J. Taylor, a resolution honoring the life of service of Iowan Richard "Dick" Sturgeon.

Laid over under **Rule 25**.

H.R. 17, by Heddens, Heaton, Schulte, and M. Smith, a resolution recognizing Wednesday, March 2, 2011, as "Spread the Word to End the Word" day of awareness in Iowa and encouraging the American Medical Association, the American Psychiatric Association, and kindred organizations to utilize the term "intellectual disability" for clinical purposes.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 7:26 p.m., until 8:30 a.m., Wednesday, March 2, 2011.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 2, 2011

The House met pursuant to adjournment at 8:36 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Thede of Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ben Keagle, Page from St. Charles.

The Journal of Tuesday, March 1, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rasmussen of Buchanan, until his arrival, on request of Windschitl of Harrison; Sands of Louisa on request of Upmeyer of Hancock; R. Olson of Polk on request of McCarthy of Polk.

INTRODUCTION OF BILLS

House File 471, by Pettengill and Heaton, a bill for an act creating an Iowa state board for blind and deaf education with authority over the Iowa school for the deaf and the Iowa braille and sight saving school.

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

House File 472, by Cohoon, a bill for an act relating to open enrollment by providing for the retention of state funding by the sending district.

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

ADOPTION OF HOUSE RESOLUTION 17

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Resolution 17**, a resolution recognizing Wednesday, March 2, 2011, as “Spread the Word to End the Word” day of awareness in Iowa and encouraging the American Medical Association, the American Psychiatric Association, and kindred organizations to utilize the term “intellectual disability” for clinical purposes, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 8:44 a.m., until the fall of the gavel.

The House resumed session at 9:02 a.m., Kaufman of Cedar in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 290, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads, was taken up for consideration.

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

On the question “Shall the bill pass?” (H.F. 290)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher

Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rayhons	Rogers	Running-Marquardt
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Worthan	Kaufmann, Presiding	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Olson, R.	Rasmussen	Sands
Wolfe			

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

HOUSE FILE 53 WITHDRAWN

Rogers of Black Hawk asked and received unanimous consent to withdraw House File 53 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 12

Koester of Polk asked and received unanimous consent for the immediate consideration of **House Resolution 12**, as follows, and moved its adoption:

HOUSE RESOLUTION 12 BY COMMITTEE ON ETHICS

- 1 A resolution relating to the rules governing lobbyists
- 2 in the House of Representatives.
- 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
- 4 That the House Rules Governing Lobbyists shall be as
- 5 follows:
- 6 HOUSE RULES GOVERNING LOBBYISTS
- 7 1. DEFINITIONS OF TERMS. As used in these
- 8 rules, "client", "gift", "immediate family member",
- 9 "lobbyist", and "person" have the meanings provided
- 10 in section 68B.2 of the Code, except that the terms
- 11 "lobbyist" and "client" shall only refer to persons

12 who are lobbyists or clients of lobbyists of the house
13 of representatives. Except as otherwise provided,
14 "employee of the house" means a full-time permanent
15 paid employee of the house of representatives.

16 2. REGISTRATION REQUIRED.

17 a. All lobbyists shall, on or before the day their
18 lobbying activity begins, register in the manner
19 provided under section 68B.36 of the Code. Lobbyist
20 registration forms shall be available in the office of
21 the chief clerk of the house.

22 b. In addition each registered lobbyist shall file
23 with the chief clerk of the house a statement of the
24 general subjects of legislation in which the lobbyist
25 is or may be interested, the file number of the bills
26 and resolutions and the bill number of study bills,
27 if known, which will be lobbied, whether the lobbyist

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1 intends to lobby for or against each bill, resolution,
2 or study bill, if known, and on whose behalf the
3 lobbyist is lobbying the bill, resolution, or study
4 bill. A lobbyist filing a declaration for a bill,
5 resolution, or study bill may also submit a position
6 statement with the declaration explaining the position
7 of the lobbyist's client on the bill, resolution, or
8 study bill. The chief clerk of the house shall include
9 in the electronic bill declaration system a method for
10 the submission of position statements by lobbyists.

11 Any change in or addition to the information
12 required by this rule shall be registered with the
13 chief clerk of the house within ten days from the time
14 the change or addition is known to the lobbyist.

15 c. Beginning with lobbyist registration for the
16 2012 session of the Eighty-fourth General Assembly,
17 lobbyist registration shall include an affirmation by
18 the lobbyist regarding compliance with rule 16.

19 d. A lobbyist who represents the position of a
20 state government agency, in which the person serves
21 or is employed as the designated representative for
22 purposes of encouraging the passage or defeat of
23 legislation, shall comply with rule 20 of the house
24 rules.

25 3. CANCELLATION OF REGISTRATION. If a lobbyist's
26 service on behalf of a particular employer, client, or
27 cause is concluded after the lobbyist registers but
28 before the first day of the next legislative session,
29 the lobbyist shall cancel the registration in the
30 manner required under section 68B.36 of the Code. Upon

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1 cancellation of registration, a person is prohibited
2 from engaging in any lobbying activity on behalf
3 of that particular employer, client, or cause until
4 reregistering and complying with the requirements of
5 section 68B.36 of the Code.

6 4. AMENDMENT OF REGISTRATION. If a registered
7 lobbyist represents more than one employer, client,
8 or cause and the lobbyist's services are concluded
9 on behalf of a particular employer, client, or cause
10 after the lobbyist registers but before the first day
11 of the next legislative session, the lobbyist shall
12 file an amendment to the lobbyist's registration
13 indicating which employer, client, or cause is no
14 longer represented by the lobbyist and the date upon
15 which the representation concluded.

16 If a lobbyist is retained by one or more additional
17 employers, clients, or causes after the lobbyist
18 registers but before the first day of the next
19 legislative session, the lobbyist shall file an
20 amendment to the lobbyist's registration indicating the
21 employer, client, or cause to be added and the date
22 upon which the representation begins.

23 Amendments to a lobbyist's registration regarding
24 changes which occur during the time that the general
25 assembly is in session shall be filed within one
26 working day after the date upon which the change in
27 the lobbyist's representation becomes effective.
28 Amendments regarding changes which occur when the
29 general assembly is not in session shall be filed
30 within ten days after the date upon which the change in

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1 the lobbyist's representation becomes effective.

2 5. PUBLIC ACCESS. All information filed by a
3 lobbyist or a client of a lobbyist under chapter 68B
4 of the Code is a public record and open to public
5 inspection at any reasonable time.

6 6. CHARGE ACCOUNTS. Lobbyists and the clients
7 they represent shall not allow members of the house
8 to charge any amounts or items to a charge account to
9 be paid for by those lobbyists or by the clients they
10 represent.

11 7. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
12 permitted on the floor of the house pursuant to ~~rule 20~~
13 ~~of the rules of the house~~ rules.

14 8. FEE OR BONUS PROHIBITED. A fee or bonus shall
15 not be paid to any lobbyist with reference to any
16 legislative action that is conditioned wholly or in
17 part upon the results attained by the lobbyist.

18 9. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY. A
19 lobbyist, employer, or client of a lobbyist shall not
20 offer economic or investment opportunity or promise
21 of employment to any member of the house with intent
22 to influence conduct in the performance of official
23 duties.
24 10. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist
25 shall not do anything with the purpose of placing
26 a member of the house under personal or financial
27 obligation to a lobbyist or a lobbyist's principal or
28 agent.
29 11. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A
30 lobbyist shall not cause or influence the introduction

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1 of any bill or amendment for the purpose of being
2 employed to secure its passage or defeat.
3 12. CAMPAIGN SUPPORT. A lobbyist shall not
4 influence or attempt to influence a member's actions
5 by the promise of financial support for the member's
6 candidacy or threat of financial support for an
7 opposition candidate. A lobbyist shall not make a
8 campaign contribution to a member or to a member's
9 candidate's committee during the time that the general
10 assembly is in session.
11 13. COMMUNICATION WITH MEMBER'S EMPLOYER
12 PROHIBITED. A lobbyist shall not communicate with a
13 member's employer for the purpose of influencing a vote
14 of the member.
15 14. EXCESS PAYMENTS. A lobbyist shall not pay or
16 agree to pay to a member a price, fee, compensation,
17 or other consideration for the sale or lease of
18 any property or the furnishing of services which is
19 substantially in excess of that which other persons in
20 the same business or profession would charge in the
21 ordinary course of business.
22 15. PROHIBITION AGAINST GIFTS. A lobbyist or
23 client of a lobbyist shall not, directly or indirectly,
24 offer or make a gift or series of gifts to any member
25 or full-time permanent employee of the house or the
26 immediate family members of a member or full-time
27 permanent employee of the house except as otherwise
28 provided in section 68B.22 of the Code. A lobbyist
29 or client of a lobbyist who intends or plans to give
30 a nonmonetary item, other than food or drink consumed

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1 in the presence of the donor, which does not have a
2 readily ascertainable value, to a member or full-time
3 permanent employee of the house, prior to giving or

4 sending the item to the member or employee, shall seek
5 approval of the item from the chief clerk of the house.
6 A lobbyist or client of a lobbyist who seeks approval
7 of an item from the chief clerk shall submit the item
8 and evidence of the value of the item at the time that
9 approval is requested.

10 ~~16.~~ 16. **GIFT LAW REQUIREMENTS.** A lobbyist shall inform
11 each of the lobbyist's clients of the requirements of
12 section 68B.22 of the Code and of the responsibility to
13 seek approval prior to giving or sending a nonmonetary
14 item which does not have a readily ascertainable value
15 to a member or a full-time permanent employee of the
16 house.

17 ~~16.~~ 17. **FINANCIAL TRANSACTIONS.** A lobbyist shall
18 not, directly or indirectly, make a loan to a member of
19 the house or to an employee of the house.

20 A loan prohibited under this section does not
21 include a loan made in the ordinary course of business
22 of a lobbyist if the primary business of the lobbyist
23 is something other than lobbying, if consideration of
24 equal or greater value is received by the lobbyist,
25 and if fair market value is given or received for the
26 benefit conferred.

27 ~~17.~~ 18. **HONORARIA ---- RESTRICTIONS.** A lobbyist
28 or client of a lobbyist shall not pay an honorarium
29 to a member or employee of the house for a speaking
30 engagement or other formal public appearance in the

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1 official capacity of the member or employee except as
2 otherwise provided in section 68B.23 of the Code.

3 ~~18.~~ 19. **COMPLAINTS.** The procedures for complaint
4 and enforcement of these rules shall be the same as
5 those provided in the house code of ethics.

6 ~~19.~~ 20. **PROCEDURES AND FORMS.** The chief clerk of
7 the house, subject to the approval of the house ethics
8 committee, shall prescribe procedures for compliance
9 with these rules, and shall prepare forms for the
10 filing of complaints and make them available to any
11 person.

The motion prevailed and the resolution was adopted.

House File 322, a bill for an act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 322)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rayhons	Rogers
Running-Marquardt	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, none.

Absent or not voting, 3:

Olson, R.	Rasmussen	Sands
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 328, a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions, was taken up for consideration.

Petersen of Polk offered amendment H-1102 filed by her and moved its adoption.

J. Smith of Dickinson rose on a point of order that amendment H-1102 was not germane.

The Speaker ruled the point well taken and amendment H-1102 not germane.

Petersen of Polk asked for unanimous consent to suspend the rules to consider amendment H-1102.

Objection was raised.

Petersen of Polk moved to suspend the rules to consider amendment H-1102.

Roll call was requested by Petersen of Polk and Abdul-Samad of Polk.

On the question "Shall the rules be suspended to consider amendment H-1102?" (H.F. 328)

The ayes were, 40:

Abdul-Samad	Baudler	Berry	Cphoon
Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.

Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 2:

Olson, R. Rasmussen

The motion to suspend the rules lost.

J. Smith of Dickinson offered amendment H-1101 filed by him and moved its adoption.

Amendment H-1101 was adopted.

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

On the question "Shall the bill pass?" (H.F. 328)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.

Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Kaufmann, Presiding		

The nays were, none.

Absent or not voting, 2

Olson, R. Rasmussen

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 290, 322 and 328.**

On motion by Upmeyer of Hancock, the House was recessed at 9:31 a.m., until 5:30 p.m.

AFTERNOON SESSION

The House reconvened at 5:36 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 473, by committee on labor, a bill for an act relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.

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

House File 474, by committee on veterans affairs, a bill for an act to designate August 7 of each year as Purple Heart Day.

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

House File 475, by committee on veterans affairs, a bill for an act relating to the injured veterans grant program.

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

House File 476, by Iverson, a bill for an act relating to agricultural associations, by providing for a community investment board.

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

House File 477, by Kajtazovic, a bill for an act establishing solar energy ownership or purchasing goals applicable to electric utilities.

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

House File 478, by Heddens, Wessel-Kroeschell, Petersen, Steckman, Thede, Winckler, Abdul-Samad, and Mascher, a bill for an act relating to state and county responsibilities for adult mental health, mental retardation, and developmental disabilities services and including effective date provisions.

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

House File 479, by Swaim, a bill for an act relating to the definition of assault in the criminal code.

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

House File 480, by Berry, a bill for an act relating to restoration of rights of citizenship for persons convicted of a crime.

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

House File 481, by committee on agriculture, a bill for an act relating to reimbursement for state audits of certain commodity organizations, and including effective date provisions.

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

House File 482, by committee on commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce.

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

House File 483, by committee on commerce, a bill for an act relating to indemnification provisions in construction contracts.

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

House File 484, by committee on state government, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

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

House File 485, by committee on economic growth/rebuild Iowa, a bill for an act relating to the legislative review of administrative rules, and rescinding all rules every five years.

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

House File 486, by Isenhart, a bill for an act providing for a local food and farm program initiative and making appropriations.

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

House File 487, by H. Miller, Hanson, Thede, Thomas, Kearns, Steckman, Mascher, Abdul-Samad, Cohoon, Gaskill, Wessel-Kroeschell, Lensing, Kelley, Wittneben, Wenthe, Jacoby, Muhlbauer, Murphy, Winckler, Hunter, Berry, R. Olson, S. Olson, Sweeney, De Boef, Alons, Isenhart, Swaim, and Quirk, a bill for an act establishing a committee to provide for greater collaboration between urban and rural communities.

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

House File 488, by Cohoon, a bill for an act relating to grade acceleration for students identified as gifted and talented.

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

House File 489, by Alons, a bill for an act relating to the application of foreign laws, and including effective date provisions.

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

House File 490, by committee on commerce, a bill for an act creating a certificate of merit affidavit in a medical malpractice action.

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

House File 491, by committee on economic growth/rebuild Iowa, a bill for an act requiring regulatory analysis for new administrative rules regarding the impact of the rules on small business.

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

House File 492, by committee on state government, a bill for an act excluding certain employees of the secretary of state from the public employee collective bargaining law.

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

House File 493, by committee on education, a bill for an act requiring faculty members of regents institutions and community colleges charged with a crime to repay all salary received during a paid leave of absence if convicted.

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

House File 494, by committee on human resources, a bill for an act relating to visitation or interaction with siblings by children participating in the subsidized guardianship program administered by the department of human services and including effective date provisions.

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

House File 495, by committee on human resources, a bill for an act to exclude tests not intended to evaluate the risk of developing a disease from the restrictions on genetic testing contained in the Iowa criminal code.

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

House File 496, by Sweeney and Steckman, a bill for an act relating to disclosure statements required to be delivered to persons interested in acquiring real property, by providing a notice if the real property is located in a levee or drainage district.

Read first time and referred to committee on **environmental protection**.

House File 497, by committee on human resources, a bill for an act relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program.

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

House File 498, by committee on labor, a bill for an act repealing requirements relating to the aggregate ratio in the number of executive branch employees per supervisory employee in executive branch agencies and including effective date provisions.

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

House File 499, by committee on state government, a bill for an act relating to a voter's designee for purposes of returning absentee ballots.

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

House File 500, by committee on environmental protection, a bill for an act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

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

House File 501, by committee on commerce, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

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

HOUSE FILE 450 REREFERRED

The Speaker announced that House File 450, previously referred to committee on **state government** was rereferred to committee on **local government**.

HOUSE FILE 457 REFERRED

The Speaker announced that House File 457, previously placed on the **calendar** was referred to committee on **appropriations**.

SUBCOMMITTEE ASSIGNMENTS**House File 387**

State Government: Rogers, Chair; Gaskill and Jorgensen.

House File 413 Reassigned

Economic Growth/Rebuild Iowa: Thomas, Chair; Hall and Lofgren.

House File 425

Commerce: Watts, Chair; Grassley and Kajtazovic.

House File 427

Judiciary: Alons, Chair; Lensing and Massie.

House File 428

Judiciary: Rogers, Chair; Gaines and J. Taylor.

House File 429

Judiciary: Hagenow, Chair; Garrett and M. Smith.

House File 433

Education: L. Miller, Chair; Forristall and Willems.

House File 434

Judiciary: Massie, Chair; M. Smith and J. Taylor.

House File 435

State Government: Drake, Chair; Helland and Wenthe.

House File 436

Commerce: Watts, Chair; Quirk and Wagner.

House File 438

Education: L. Miller, Chair; Forristall and Willems.

House File 440

Judiciary: Anderson, Chair; Kaufmann and Wessel-Kroeschell.

House File 441

Judiciary: Baltimore, Chair; R. Olson and Tjepkes.

House File 442

Judiciary: Tjepkes, Chair; Lensing and Rogers.

House File 443

Judiciary: Pearson, Chair; Gaines and J. Taylor.

House File 444

Judiciary: Pearson, Chair; Gaines and J. Taylor.

House File 446

Natural Resources: Baudler, Chair; Gaskill and Rayhons.

House File 447

State Government: Helland, Chair; Kaufmann and Mascher.

House File 450**(Committee of the Whole)**

Local Government: Helland, Chair; Arnold, Baltimore, Berry, Gaines, Gaskill, Hager, Horbach, Iverson, Kajtazovic, Kearns, Klein, Kressig, Rayhons, Running-Marquardt, J. Smith, Thede, Tjepkes, Van Engelenhoven, Wagner and Wittneben.

House File 472

Education: L. Miller, Chair; Forristall and Willems.

Senate File 130

Natural Resources: Rayhons, Chair; Thede and Van Engelenhoven.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 181 Reassigned

Commerce: Horbach, Chair; Baltimore and Oldson.

House Study Bill 188

Agriculture: S. Olson, Chair; Deyoe and Hanson.

**House Study Bill 189
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 190
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 191
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 192
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 193
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 194
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

**House Study Bill 196
(Committee of the Whole)**

Local Government: Wagner, Chair; Arnold, Baltimore, Berry, Gaines, Gaskill, Hager, Helland, Horbach, Iverson, Kajtazovic, Kearns, Klein, Kressig, Rayhons, Running-Marquardt, J. Smith, Thede, Tjepkes, Van Engelenhoven and Wittneben.

House Study Bill 197

Local Government: Baltimore, Chair; Running-Marquardt and Wagner.

House Study Bill 198

State Government: Rogers, Chair; Hein and Hunter.

House Study Bill 199

Veterans Affairs: Hanusa, Chair; Berry and Lukan.

House Study Bill 200

Commerce: Pettengill, Chair; Fry and Oldson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 201 Commerce

Relating to wind energy development and production.

H.S.B. 202 Commerce

Relating to expert witness standards, damage awards, and proportionate liability in medical malpractice actions.

H.S.B. 203 Agriculture

Relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

H.S.B. 204 Public Safety

Making changes to the membership of the Iowa drug policy advisory council.

H.S.B. 205 State Government

Relating to the use of adult stem cells in this state, including uses relating to the practice of medicine, the practice of pharmacy, and clinical research.

H.S.B. 206 Appropriations

Relating to and making appropriations involving state government entities concerned with agriculture, natural resources, and environmental protection, and including effective date provisions.

H.S.B. 207 Local Government

Relating to actions against counties and cities.

H.S.B. 208 State Government

Concerning live dog racing at pari-mutuel dog racetracks and including effective date provisions.

H.S.B. 209 Agriculture

Creating a committee to provide for greater collaboration between urban and rural communities.

H.S.B. 210 Local Government

Providing for allocation of E911 wireless surcharge revenue to counties for specified purposes.

H.S.B. 211 Local Government

Restricting the ability of cities and counties to adopt or enforce certain ordinances relating to residential property.

H.S.B. 212 Ways and Means

Providing an individual income tax credit for certain supplies purchased by a teacher and including retroactive applicability provisions.

H.S.B. 213 Ways and Means

Providing a sales tax exemption for global positioning systems used in farming operations.

H.S.B. 214 Ways and Means

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

H.S.B. 215 Ways and Means

Relating to the assessment and taxation of qualifying local exchange carrier property.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 348, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2011.

Committee Bill (Formerly House File 292), relating to requests for agency action involving rules affecting livestock production, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House File 369), relating to pseudorabies testing.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 109), relating to ethanol by providing for tax credits and reporting for ethanol blended gasoline, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 262), concerning mechanics' liens including the establishment of a state construction registry for residential construction property and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 57), prohibiting the inclusion of health plans that provide coverage for abortion in a state health benefit exchange and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 124), relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 158), providing for the installation and operation of an automatic metering and termination of service system by electric utilities.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 159), authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA

Committee Bill (Formerly House File 305), relating to the use of floodplain maps published by the federal emergency management agency.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 183), relating to an annual review of certain disaster-related programs, plans, and systems.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 124), replacing the charter school establishment option under the state's system of public education.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 165), relating to donation of newborn umbilical cord blood.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House File 296), relating to including telemedicine services as a distinct covered service under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 54), relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 132), relating to the child abuse registry administered by the department of human services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 166), creating the transparency in private attorney contracts Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 38), relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 92), creating the health care professional lien Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 96), relating to the conveyance or encumbrance of a homestead by a spouse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 150), restricting claims involving mineral rights underlying land owned by another person.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 185), relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 223), relating to filling vacancies in elective city offices.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 162), relating to the administration of the special appraiser's fund and the assessment expense fund.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 163), relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 178), relating to county support of county civil service commissions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 196), relating to the construction of subdivision improvements and certain notice requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 7), relating to the justifiable use of reasonable force and providing a remedy.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 127), relating to possession under the criminal law.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 119), relating to voter registration.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 133), relating to election recounts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 139), authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

Committee Bill (Formerly House Study Bill 187), relating to matters under the purview of the alcoholic beverages division of the department of commerce including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2011.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 79), concerning a study of the unlawful use of persons with disabilities parking spaces.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 143), concerning implementation of a statewide program for electronic registration and titling of vehicles and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

RESOLUTIONS FILED

H.C.R. 13, by committee on commerce, a concurrent resolution urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

Placed on the **calendar**.

H.C.R. 14, by Tjepkes, a concurrent resolution requesting the legislative council create a study committee relating to law enforcement officer training in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1109	H.F.	470	Baudler of Adair
H-1110	H.F.	271	McCarthy of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:41 p.m., until 8:30 a.m., Thursday, March 3, 2011.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 3, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Lance V. Mack, Abraham Lincoln Impersonator, Marion. He was the guest of Representative Kaufmann of Cedar County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brendan Grady, Page from Dunlap.

The Journal of Wednesday, March 2, 2011 was approved.

INTRODUCTION OF BILLS

House File 502, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

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

House File 503, by Swaim, a bill for an act relating to agricultural land for purposes of awarding financial incentives and property tax valuation, and including effective date and applicability provisions.

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

House File 504, by Petersen, a bill for an act relating to the development of a uniform form to provide a prisoner's medical

information to the receiving institution upon the transfer of a prisoner.

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

House File 505, by Vander Linden, a bill for an act relating to public land survey corner certificates filed with the county recorder.

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

House File 506, by Wittneben and Vander Linden, a bill for an act relating to preparation and recording of public land survey corner certificates.

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

House File 507, by H. Miller, a bill for an act relating to requirements and inspections of municipal housing projects.

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

House File 508, by Arnold, Baudler, Dolecheck, Huseman, Chambers, Alons, and Schultz, a bill for an act allowing the establishment of an open season for hunting mourning doves.

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

House File 509, by Isenhardt, a bill for an act relating to the creation of the division of public information in the department of justice and providing an appropriation.

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

House File 510, by Heddens, a bill for an act relating to the composition of election board panels appointed by the county commissioner of elections and including effective date and applicability provisions.

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

House File 511, by Schultz, a bill for an act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties.

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

House File 512, by committee on local government, a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

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

The House stood at ease at 8:41 a.m., until the fall of the gavel.

The House resumed session at 9:39 a.m., Cownie of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Van Engelenhoven of Marion; Forristall of Pottawattamie on request of Lukan of Dubuque.

CONSIDERATION OF BILLS

Regular Calendar

House File 132, a bill for an act relating to recording requirements and required notices when approving, amending, or modifying certain urban renewal plans, with committee recommending passage, was taken up for consideration.

J. Smith of Dickinson offered amendment H-1100 filed by the committee on local government and moved its adoption.

The committee amendment H-1100 was adopted.

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

On the question "Shall the bill pass?" (H.F. 132)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	De Boef	Deyoe
Dolecheck	Drake	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Cownie, Presiding			

The nays were, none.

Absent or not voting, 3:

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

House File 299, a bill for an act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties, was taken up for consideration.

Wagner of Linn offered amendment H-1094 filed by him and Brandenburg of Pottawattamie.

Amendment H-1094 was adopted.

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

On the question "Shall the bill pass?" (H.F. 299)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	De Boef	Deyoe
Dolecheck	Drake	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Winckler
Windschitl	Wittneben	Worthan	Cownie, Presiding

The nays were, 6:

Hunter	Olson, R.	Taylor, J.	Taylor, T.
Wessel-Kroeschell	Wolfe		

Absent or not voting, 2:

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

House File 190, a bill for an act relating to the appointment of a district associate judge, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 190)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	De Boef	Deyoe
Drake	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Ishenart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Cownie, Presiding

The nays were, none.

Absent or not voting, 4:

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

HOUSE FILE 58 WITHDRAWN

Garrett of Warren asked and received unanimous consent to withdraw House File 58 from further consideration by the House.

House File 363, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 363)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Baltimore
Berry	Brandenburg	Byrnes	Chambers
Cohoon	De Boef	Deyoe	Dolecheck
Drake	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Cownie, Presiding			

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 256 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 256 from further consideration by the House.

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of House File 271.

House File 271, a bill for an act relating to bail restrictions placed on criminal defendants, was taken up for consideration.

McCarthy of Polk offered amendment H-1110 filed by him and moved its adoption.

Amendment H-1110 was adopted.

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

On the question "Shall the bill pass?" (H.F. 271)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	De Boef	Deyoe
Dolecheck	Drake	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner

Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 132, 190, 271, 299 and 363.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 2011, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, a concurrent resolution supporting the reuse and repurposing of the former Veterans Affairs Hospital campus in Knoxville, Iowa in order to provide services to veterans of the United States armed forces.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 10:09 a.m., until 5:30 p.m.

AFTERNOON SESSION

The House reconvened at 5:33 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 14, by Pearson, a joint resolution proposing an amendment to the Constitution of the State of Iowa

prohibiting the courts of this state from using international law when exercising judicial power.

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

House File 513, by committee on natural resources, a bill for an act relating to snowmobile registration and permit fees.

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

House File 514, by committee on environmental protection, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

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

House File 515, by committee on labor, a bill for an act relating to the interest rate on weekly workers' compensation payments that are not paid when due and including applicability date provisions.

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

House File 516, by committee on local government, a bill for an act relating to the construction of subdivision improvements and certain notice requirements.

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

House File 517, by committee on judiciary, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse.

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

House File 518, by committee on judiciary, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

House File 519, by committee on state government, a bill for an act relating to voter registration.

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

House File 520, by committee on public safety, a bill for an act relating to the carrying of weapons on school grounds by licensed private investigators and licensed private security officers.

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

House File 521, by committee on labor, a bill for an act relating to teacher termination and appeals thereof.

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

House File 522, by committee on labor, a bill for an act providing that the workers' compensation commissioner and the labor commissioner shall be appointed by and serve at the pleasure of the director of the department of workforce development and including effective date provisions.

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

House File 523, by committee on labor, a bill for an act relating to employer credits for overpayments of weekly workers' compensation benefits.

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

House File 524, by committee on local government, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund.

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

House File 525, by committee on labor, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions.

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

House File 526, by committee on public safety, a bill for an act relating to possession under the criminal law.

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

House File 527, by committee on labor, a bill for an act relating to public employees, by requiring a survey and report on state employee salaries and benefits and relating to the arbitration of public employee collective bargaining agreements.

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

House File 528, by committee on economic growth/rebuild Iowa, a bill for an act relating to an annual review of certain disaster-related programs, plans, and systems.

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

House File 529, by committee on economic growth/rebuild Iowa, a bill for an act relating to the use of floodplain maps published by the federal emergency management agency.

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

House File 530, by committee on human resources, a bill for an act relating to donation of newborn umbilical cord blood.

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

House File 531, by committee on human resources, a bill for an act relating to including telemedicine services as a distinct covered service under the medical assistance program.

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

House File 532, by committee on agriculture, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

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

House File 533, by committee on state government, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

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

House File 534, by committee on education, a bill for an act relating to school instructional hours and school instructional days and including effective date provisions.

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

House File 535, by committee on education, a bill for an act creating an Iowa preschool scholarship program for four-year-old children, repealing the statewide preschool program for four-year-old children, and including effective date and applicability provisions.

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

House File 536, by committee on state government, a bill for an act concerning the duties and responsibilities of the auditor of state.

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

House File 537, by committee on human resources, a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

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

House File 538, by committee on local government, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

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

House File 539, by committee on judiciary, a bill for an act restricting claims involving mineral rights underlying land owned by another person.

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

House File 540, by committee on judiciary, a bill for an act creating the health care professional lien Act.

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

House File 541, by Heddens, M. Smith, and Heaton, a bill for an act providing for continuation of the judicial branch and department of human services workgroup to improve the processes for involuntary commitment for chronic substance abuse and serious mental illness.

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

House File 542, by Pearson, a bill for an act relating to jurors judging the law as well as finding the facts in a trial.

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

House File 543, by Pearson, a bill for an act requiring birth certificates to be filed with affidavits of candidacy for presidential and vice presidential candidates.

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

House File 544, by Isenhart, a bill for an act related to the discontinuance of live dog racing at certain racetracks, providing for a surcharge, making an appropriation, and including effective date provisions.

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

House File 545, by committee on agriculture, a bill for an act relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

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

HOUSE FILE 463 REFERRED

The Speaker announced that House File 463, previously placed on the **calendar** was referred to the committee on **appropriations**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 3rd day of March, 2011: House File 45.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS**House File 471**

Education: Hanusa, Chair; Gaines and Pearson.

House File 479

Judiciary: Pearson, Chair; Alons and R. Olson.

House File 480

Judiciary: Massie, Chair; Gaines and J. Taylor.

House File 488

Education: L. Miller, Chair; Forristall and Willems.

House File 489

Judiciary: Rogers, Chair; R. Olson and Pearson.

House File 504

Judiciary: Pearson, Chair; Alons and Gaines.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 201

Commerce: J. Smith, Chair; Iverson and Kressig.

House Study Bill 202

Commerce: Baltimore, Chair; Swaim and Wagner.

House Study Bill 205

State Government: Rogers, Chair; Mascher and Vander Linden.

**House Study Bill 206
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

House Study Bill 207

Local Government: Helland, Chair; Berry and Iverson.

House Study Bill 208

State Government: Koester, Chair; Lensing and Schulte.

**House Study Bill 210
(Committee of the Whole)**

Local Government: Wagner, Chair; Arnold, Baltimore, Berry, Gaines, Gaskill, Hager, Helland, Horbach, Iverson, Kajtazovic, Kearns, Klein, Kressig, Rayhons, Running-Marquardt, J. Smith, Thede, Tjepkes, Van Engelenhoven and Wittneben.

**House Study Bill 211
(Committee of the Whole)**

Local Government: Wagner, Chair; Arnold, Baltimore, Berry, Gaines, Gaskill, Hager, Helland, Horbach, Iverson, Kajtazovic, Kearns, Klein, Kressig, Rayhons, Running-Marquardt, J. Smith, Thede, Tjepkes, Van Engelenhoven and Wittneben.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 216 Ways and Means

Providing a sales tax exemption for mowing implements used in farming operations.

H.S.B. 217 Commerce

Relating to certain cooperative associations formed for agricultural purposes, by providing for a community investment board.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 182), providing for a cow-calf tax credit, providing for an appropriation, and including applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 188), relating to the environmental impact of livestock operations by providing for financial assistance, and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 203), relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 209), creating a committee to provide for greater collaboration between urban and rural communities.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House File 407), establishing the council for agricultural education.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House File 431), relating to offenses involving agricultural operations, and providing penalties and remedies.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 148), relating to water resources, by transferring the water resources coordinating council from the office of the governor to the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 83), relating to county and state responsibilities for mental health, mental retardation, and developmental disabilities services for adults and children and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House File 106), relating to the treatment of benefits for individuals committed to certain public institutions including medical assistance, social security, and supplemental security income benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House File 203), relating to indemnification of hospitals participating in the volunteer health care provider program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 42), relating to the boards of directors of public corporations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 44), establishing a parole procedure for certain persons serving a class "A" felony sentence.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House File 64), relating to eminent domain authority and procedures and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 88), relating to county attorney duties when representing the department of human services in juvenile court.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 151), relating to the probate and trust codes and state inheritance tax and medical assistance claims and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 165), relating to the operations of certain common interest communities.

Fiscal note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 166), relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 174), relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

COMMITTEE ON LABOR

Committee Bill (Formerly House Study Bill 101), relating to stays of decrees or judgments in workers' compensation cases pending judicial review.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House File 120), authorizing a retrieval fee for copies of certain medical records or reports in workers' compensation cases.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House File 170), establishing a one-week waiting period prior to the receipt of unemployment compensation benefits and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 105), requiring that revenue from a city's use of automated traffic enforcement systems be allocated for property tax relief.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2011.

Committee Bill (Formerly House File 151), authorizing a rural water district to declare bankruptcy, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 197), delaying increases in employee and employer contribution rates to the Iowa public employees' retirement system.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 207), relating to actions against counties and cities.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 210), providing for allocation of E911 wireless surcharge revenue to counties for specified purposes.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House Study Bill 211), restricting the ability of cities and counties to adopt or enforce certain ordinances relating to residential property.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

Committee Bill (Formerly House File 450), relating to the operations of certain intergovernmental entities.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 446), requiring issuance of hunter safety and ethics education certificates to residents who are peace officers, active duty military personnel, or honorably discharged veterans.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 152), relating to sexual misconduct committed by employees and agents of the department of corrections and judicial district departments of correctional services, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 153), relating to the criminal offense of possessing contraband at a secure facility and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 204), for making changes to the membership of the Iowa drug policy advisory council.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 10), repealing statewide licensure requirements for electricians and electrical contractors, including transition provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 65), allowing qualified organizations to lease electronic bingo equipment in order to assist disabled participants.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 205), relating to open records and public meetings, including the creation of the Iowa public information board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 237), concerning implementation of the federal REAL ID Act of 2005.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 199), relating to officers or enlisted persons within the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2011.

AMENDMENTS FILED

H-1111	H.F.	502	Committee on Judiciary
H-1112	H.F.	473	Murphy of Dubuque
H-1113	H.F.	473	Murphy of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 5:38 p.m., until 1:00 p.m., Friday, March 4, 2011.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 4, 2011

The House met pursuant to adjournment at 1:02 p.m., Speaker Paulsen in the chair.

The Journal of Thursday, March 3, 2011 was approved.

INTRODUCTION OF BILLS

House File 546, by Isenhart, a bill for an act providing for implementation of a local services approach for addressing child foster care and associated services provided outside this state.

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

House File 547, by committee on state government, a bill for an act relating to election recounts.

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

House File 548, by committee on local government, a bill for an act relating to county support of county civil service commissions.

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

House File 549, by committee on transportation, a bill for an act relating to the use of automated traffic enforcement systems.

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

SENATE MESSAGES CONSIDERED

Senate File 122, by committee on education, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

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

Senate File 123, by committee on education, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

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

Senate File 155, by committee on judiciary, a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

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

Senate File 185, by committee on human resources, a bill for an act relating to the membership of the medical assistance advisory council.

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

Senate File 233, by committee on human resources, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

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

Senate File 291, by committee on judiciary, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

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

Senate File 303, by committee on labor and business relations, a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

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

Senate Concurrent Resolution 8, by committee on rules and administration, a concurrent resolution supporting the reuse and repurposing of the former Veterans Affairs Hospital campus in

Knoxville, Iowa in order to provide services to veterans of the United States armed forces.

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

HOUSE FILE 439 REREFERRED

The Speaker announced that House File 439, previously referred to committee on **human resources** was rereferred to committee on **government oversight**.

SUBCOMMITTEE ASSIGNMENT

House File 477

Commerce: Watts, Chair; Kajtazovic and Wagner.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 217

Commerce: Iverson, Chair; Paustian and Quirk.

AMENDMENTS FILED

H-1114	H.F.	525	Murphy of Dubuque
H-1115	H.F.	525	T. Taylor of Linn
H-1116	H.F.	525	Kearns of Lee
H-1117	H.F.	525	Murphy of Dubuque
H-1118	H.F.	525	Murphy of Dubuque
H-1119	H.F.	525	Kearns of Lee
H-1120	H.F.	525	T. Taylor of Linn
H-1121	H.F.	525	Murphy of Dubuque
H-1122	H.F.	525	Hunter of Polk
H-1123	H.F.	525	Hunter of Polk
H-1124	H.F.	525	Hunter of Polk
H-1125	H.F.	525	Hunter of Polk
H-1126	H.F.	525	Hunter of Polk
H-1127	H.F.	525	Hunter of Polk
H-1128	H.F.	525	Hunter of Polk
H-1129	H.F.	525	Hunter of Polk
H-1130	H.F.	525	Hunter of Polk
H-1131	H.F.	525	Willems of Linn
H-1132	H.F.	525	Kearns of Lee

H-1133	H.F.	525	T. Taylor of Linn
H-1134	H.F.	525	T. Taylor of Linn
H-1135	H.F.	525	T. Taylor of Linn
H-1136	H.F.	525	Murphy of Dubuque
H-1137	H.F.	525	Murphy of Dubuque
H-1138	H.F.	525	Murphy of Dubuque
H-1139	H.F.	525	Murphy of Dubuque
H-1140	H.F.	525	Murphy of Dubuque
H-1141	H.F.	525	T. Taylor of Linn
H-1142	H.F.	525	Hunter of Polk
H-1143	H.F.	525	Murphy of Dubuque
H-1144	H.F.	525	Kearns of Lee
H-1145	H.F.	525	Hunter of Polk
H-1146	H.F.	525	Hunter of Polk
H-1147	H.F.	525	Murphy of Dubuque
H-1148	H.F.	525	Hunter of Polk
H-1149	H.F.	525	Hunter of Polk
H-1150	H.F.	525	T. Taylor of Linn
H-1151	H.F.	525	Hunter of Polk
H-1152	H.F.	525	Hunter of Polk
H-1153	H.F.	525	Willems of Linn
H-1154	H.F.	525	Willems of Linn
H-1155	H.F.	525	Hunter of Polk
H-1156	H.F.	525	Willems of Linn
H-1157	H.F.	525	Willems of Linn
H-1158	H.F.	525	Willems of Linn
H-1159	H.F.	525	Kearns of Lee
H-1160	H.F.	525	Willems of Linn
H-1161	H.F.	525	Willems of Linn

On motion by Upmeyer of Hancock the House adjourned at 1:03 p.m., until 1:00 p.m., Monday, March 7, 2011.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 7, 2011

The House met pursuant to adjournment at 1:03 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Rich Taylor, Samuel and Holmes Lutheran Churches, Eagle Grove and Holmes. He was the guest of Representative Iverson of Wright County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Melanie Weber, Chief Clerk's Page from Winthrop.

The Journal of Friday, March 4, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hager of Allamakee on request of Upmeyer of Hancock.

INTRODUCTION OF BILLS

House File 550, by committee on agriculture, a bill for an act relating to the environmental impact of livestock operations by providing for financial assistance, and making an appropriation.

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

House File 551, by Hunter, T. Taylor, Kearns, and Murphy, a bill for an act increasing certain penalties for employers willfully misclassifying employees for unemployment compensation contribution purposes.

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

House File 552, by Pearson, Massie, and Shaw, a bill for an act relating to the termination of the family planning waiver under the medical assistance program.

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

House File 553, by Hunter, a bill for an act providing for the restoration of the right to register to vote and to vote and hold elective office for certain persons and including effective date and retroactive applicability provisions.

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

House File 554, by Kelley, Kearns, Iverson, and Koester, a bill for an act relating to state military service by providing mortgage foreclosure and real estate protections for certain military service members.

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

House File 555, by committee on agriculture, a bill for an act relating to ethanol by providing for tax credits and reporting for ethanol blended gasoline, and including effective date and applicability provisions.

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

House File 556, by committee on agriculture, a bill for an act creating a committee to provide for greater collaboration between urban and rural communities.

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

House File 557, by committee on agriculture, a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

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

House File 558, by committee on agriculture, a bill for an act relating to requests for agency action involving rules affecting livestock production, and including effective date provisions.

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

House File 559, by committee on commerce, a bill for an act authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

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

House File 560, by committee on commerce, a bill for an act providing for the installation and operation of an automatic metering and termination of service system by electric utilities.

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

House File 561, by committee on commerce, a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

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

House File 562, by committee on human resources, a bill for an act relating to the child abuse registry administered by the department of human services.

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

House File 563, by committee on judiciary, a bill for an act creating the transparency in private attorney contracts Act.

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

House File 564, by committee on judiciary, a bill for an act relating to the operations of certain common interest communities.

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

House File 565, by committee on judiciary, a bill for an act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

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

House File 566, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

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

House File 567, by committee on labor, a bill for an act relating to stays of decrees or judgments in workers' compensation cases pending judicial review.

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

House File 568, by committee on local government, a bill for an act relating to the operations of certain intergovernmental entities.

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

House File 569, by committee on local government, a bill for an act relating to filling vacancies in elective city offices.

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

House File 570, by committee on local government, a bill for an act relating to actions against counties and cities.

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

House File 571, by committee on local government, a bill for an act authorizing a rural water district to declare bankruptcy, and including effective date provisions.

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

House File 572, by committee on local government, a bill for an act delaying increases in employee and employer contribution rates to the Iowa public employees' retirement system.

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

House File 573, by committee on public safety, a bill for an act relating to the justifiable use of reasonable force and providing a remedy.

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

House File 574, by committee on veterans affairs, a bill for an act relating to officers or enlisted persons within the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol.

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

The House stood at ease at 1:15 p.m., until the fall of the gavel.

The House resumed session at 3:09 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 93, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

Also: That the Senate has on March 7, 2011, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 241, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 292, a bill for an act relating to scheduled violations that require a court appearance.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 299, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 313, a bill for an act relating to medical assistance program-related provisions.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 315, a bill for an act relating to emergency management planning.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 320, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 321, a bill for an act relating to wastewater discharges by on-farm processing operations.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 325, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 242, a bill for an act relating to gubernatorial appointments made to a district judicial nominating commission, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 242)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtaovic	Kaufmann	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Hager Kearns

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

HOUSE FILE 138 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 138 from further consideration by the House.

House File 348, a bill for an act providing for voting methods which may be utilized by members of cooperative associations, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 348)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.

Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 2:

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

House File 404, a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 404)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.

Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Hager

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

HOUSE FILE 13 WITHDRAWN

Pettengill of Benton asked and received unanimous consent to withdraw House File 13 from further consideration by the House.

S. Olson of Clinton in the chair at 3:28 p.m.

House File 465, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 465)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig

Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Olson, S., Presiding	

The nays were, none.

Absent or not voting, 1:

Hager

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

HOUSE FILE 251 WITHDRAWN

Worthan of Buena Vista asked and received unanimous consent to withdraw House File 251 from further consideration by the House.

House File 468, a bill for an act relating to preferred stock issued by cooperative associations, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 468)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall

Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Olson, S., Presiding	

The nays were, none.

Absent or not voting, 1:

Hager

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

House File 474, a bill for an act to designate August 7 of each year as Purple Heart Day, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 474)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter

Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Olson, S., Presiding		

The nays were, none.

Absent or not voting, 2:

Hager Watts

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

HOUSE FILE 374 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 374 from further consideration by the House.

House File 494, a bill for an act relating to visitation or interaction with siblings by children participating in the subsidized guardianship program administered by the department of human services and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 494)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Upmeyer	Thede	Thomas
Tjepkes	Watts	Van Engelenhoven	Vander Linden
Wagner	Winckler	Wenthe	Wessel-Kroeschell
Willems	Worthan	Windschitl	Wittneben
Wolfe		Olson, S., Presiding	

The nays were, none.

Absent or not voting, 1:

Hager

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

HOUSE FILE 309 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 309 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 242, 348, 404, 465, 468, 474 and 494.**

On motion by Upmeyer of Hancock, the House was recessed at 3:48 p.m., until 5:30 p.m.

AFTERNOON SESSION

The House reconvened at 5:57 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 149, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 243, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 259, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 267, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 285, a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 286, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision.

Also: That the Senate has on March 7, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 290, a bill for an act relating to asbestos regulations administered by the division of labor services of the department of workforce development.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 5:57 p.m., until 8:30 p.m.

EVENING SESSION

The House reconvened at 8:30 p.m., Speaker Paulsen in the chair.

HOUSE FILE 572 REFERRED

The Speaker announced that House File 572, previously placed on the **calendar** was referred to committee on **state government**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 7, 2011. Had I been present, I would have voted "aye" on House File 242.

KEARNS of Lee

I was necessarily absent from the House chamber on March 7, 2011. Had I been present, I would have voted "aye" on House File 348.

RAECKER of Polk

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

House File 381, a bill for an act relating to the rights of parties to private and public construction contracts and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1194** March 3, 2011.

Committee Bill (Formerly House Study Bill 186), relating to residential contractors and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 200), creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 201), relating to wind energy development and production.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 217), relating to certain cooperative associations formed for agricultural purposes, by providing for a community investment board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 304), relating to the education requirements for licensed massage therapists.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House File 335), adding geothermal to specified definitions or references relating to alternate and renewable energy.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 350), relating to the rights of members of a residential cooperative, owners of a condominium, or owners of certain other residential property.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA

House File 394, a bill for an act allowing certain milk and products using milk to be transferred directly by operators of dairy farms, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011

Committee Bill (Formerly House Study Bill 103), relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

Fiscal Note is not required.

Recommended **Amend and Do pass** March 3, 2011.

Committee Bill (Formerly House File 413), relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 144), relating to the use of a high school proficiency examination as a condition of graduation and for payment of school foundation aid funding to community colleges and regents universities on behalf of certain students who pass the examination.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 146), relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a recognized non-Iowa institution.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 147), relating to the establishment of an independent private instruction option for students of compulsory attendance age.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House File 160), concerning driver education instruction by a teaching parent.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 160), relating to vehicular transportation for students and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 161), relating to the duties and operations of the state's community colleges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 167), relating to independent accreditation of nonpublic schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 247), relating to a statement of professional recognition for persons qualified as instructors of the junior reserve officer training corps program curriculum.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 379), relating to access to and funding of the educational services offered under a home school assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 385), concerning the protection of student athletes from concussions and other brain injuries.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 414), prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 438), relating to school district administration costs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

COMMITTEE ON JUDICIARY

House File 345, a bill for an act relating to joint physical care of children.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House File 36), relating to the payment of reasonable attorney fees relating to an appeal of a termination of parental rights order.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House Study Bill 46), relating to limitations on creditors' rights in spendthrift trusts and discretionary trusts.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

Committee Bill (Formerly House File 115), relating to considering the educational setting of a minor child in a child custody proceeding.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 200), relating to expunging criminal records upon acquittal or dismissal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2011.

Committee Bill (Formerly House File 382), relating to license revocation periods for persons under the age of twenty-one and Iowa's operating-while-intoxicated law.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2011.

RESOLUTION FILED

H.R. 18, by Sweeney, a resolution in support of cooperation between the United States Food and Drug Administration and its state partners on dairy testing.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1162	H.C.R.	13	Isenhart of Dubuque
H-1163	H.F.	475	Shaw of Pocahontas
H-1164	H.F.	525	Hunter of Polk
H-1165	H.F.	525	Hunter of Polk
H-1166	H.F.	525	Hunter of Polk
H-1167	H.F.	525	Hunter of Polk
H-1168	H.F.	525	Hunter of Polk
H-1169	H.F.	525	Hunter of Polk
H-1170	H.F.	525	Hunter of Polk
H-1171	H.F.	525	Hunter of Polk
H-1172	H.F.	525	Hunter of Polk
H-1173	H.F.	525	Hunter of Polk
H-1174	H.F.	525	Hunter of Polk
H-1175	H.F.	525	Willems of Linn
H-1176	H.F.	525	Hunter of Polk
H-1177	H.F.	525	Hunter of Polk
H-1178	H.F.	525	Hunter of Polk
H-1179	H.F.	525	Hunter of Polk
H-1180	H.F.	525	Hunter of Polk
H-1181	H.F.	525	Hunter of Polk
H-1182	H.F.	525	Hunter of Polk
H-1183	H.F.	525	Horbach of Tama

H-1184	H.F.	148	Raecker of Polk Wenthe of Fayette
H-1185	H.F.	212	M. Smith of Marshall
H-1186	H.F.	535	Willems of Linn
H-1187	H.F.	393	L. Miller of Scott
H-1188	H.F.	535	Forristall of Pottawattamie
H-1189	H.F.	500	Isenhart of Dubuque
H-1190	H.F.	525	Isenhart of Dubuque
H-1191	H.F.	525	Isenhart of Dubuque
H-1192	H.F.	148	Isenhart of Dubuque
H-1193	H.F.	566	Committee on Judiciary
H-1194	H.F.	381	Committee on Commerce
H-1195	H.F.	490	Baltimore of Boone
H-1196	H.F.	525	Running-Marquardt of Linn
H-1197	H.F.	525	Running-Marquardt of Linn
H-1198	H.F.	459	Gaskill of Wapello
H-1199	H.F.	525	Hunter of Polk
H-1200	H.F.	525	Hunter of Polk
H-1201	H.F.	525	Heddens of Story
H-1202	H.F.	525	Hunter of Polk
H-1203	H.F.	525	Running-Marquardt of Linn
H-1204	H.F.	222	Cownie of Polk
H-1205	H.F.	525	Hunter of Polk
H-1206	H.F.	525	Hunter of Polk
H-1207	H.F.	525	Hunter of Polk
H-1208	H.F.	525	Thede of Scott
H-1209	H.F.	525	Murphy of Dubuque
H-1210	H.F.	459	Gaskill of Wapello
H-1211	H.F.	525	Willems of Linn
H-1212	H.F.	525	Hunter of Polk
H-1213	H.F.	525	Heddens of Story
H-1214	H.F.	525	Heddens of Story
H-1215	H.F.	268	Alons of Sioux Lukan of Dubuque
H-1216	H.F.	535	Forristall of Pottawattamie
H-1217	H.F.	525	Winckler of Scott
H-1218	H.F.	525	Jorgensen of Woodbury
H-1219	H.F.	549	Watts of Dallas
H-1220	H.F.	525	Isenhart of Dubuque
H-1221	S.F.	321	Isenhart of Dubuque
H-1222	H.F.	459	Gaskill of Wapello

H-1223	H.F.	459	Gaskill of Wapello
H-1224	H.F.	459	Gaskill of Wapello
H-1225	H.F.	525	Jacoby of Johnson
H-1226	H.F.	535	J. Taylor of Woodbury Muhlbauer of Crawford
H-1227	H.F.	212	Kelley of Jasper
H-1228	H.F.	525	M. Smith of Marshall
H-1229	H.F.	525	Wolfe of Clinton
H-1230	H.F.	493	Pearson of Polk
H-1231	H.F.	535	Winckler of Scott Mascher of Johnson
H-1232	H.F.	537	Isenhart of Dubuque
H-1233	H.F.	537	Isenhart of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 8:31 p.m., until 8:30 a.m., Tuesday, March 8, 2011.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 8, 2011

The House met pursuant to adjournment at 8:33 a.m., Sands of Louisa in the chair.

Prayer was offered by Pastor John Seitz, Antioch Christian Church, Marion. He was the guest of Representative Schulte of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Graham Lohman, Chief Clerk's Page from Iowa City.

The Journal of Monday, March 7, 2011 was approved.

INTRODUCTION OF BILLS

House File 575, by Pearson, a bill for an act establishing an Iowa freedom and sovereignty Act and including penalties.

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

House File 576, by committee on commerce, a bill for an act prohibiting the inclusion of health plans that provide coverage for abortion in a state health benefit exchange and including effective date provisions.

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

SENATE MESSAGES CONSIDERED

Senate File 149, by committee on transportation, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

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

Senate File 259, by committee on judiciary, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

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

Senate File 299, by committee on natural resources and environment, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

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

Senate File 321, by committee on agriculture, a bill for an act relating to wastewater discharges by on-farm processing operations.

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

On motion by Helland of Polk, the House was recessed at 8:44 a.m., until 1:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILL

House File 577, by Pearson, Massie, and Shaw, a bill for an act relating to the validity of marriage in the state and restricting judicial review of laws determining marriage validity.

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

SENATE MESSAGES CONSIDERED

Senate File 93, by committee on judiciary, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

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

Senate File 241, by committee on human resources, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

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

Senate File 267, by Danielson, McCoy, and Beall, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

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

Senate File 285, by committee on labor and business relations, a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development.

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

Senate File 286, by committee on human resources, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision.

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

Senate File 290, by committee on labor and business relations, a bill for an act relating to asbestos regulations administered by the division of labor services of the department of workforce development.

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

Senate File 292, by committee on judiciary, a bill for an act relating to scheduled violations that require a court appearance.

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

Senate File 315, by committee on local government, a bill for an act relating to emergency management planning.

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

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 3:12 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 124, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 175, a bill for an act extending the repeal date for the prevention of disabilities policy council.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 177, a bill for an act relating to the director of the Iowa law enforcement academy and the membership of the Iowa law enforcement academy council and including applicability provisions.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 184, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 236, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 244, a bill for an act relating to the release and satisfaction of judgments.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

Also: That the Senate has on March 8, 2011, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, a concurrent resolution directing the Office of Citizens' Aide/Ombudsman to perform mediation services, under the supervision of the Legislative Council, to resolve a dispute between the board of trustees of a drainage district and residents of land in the district.

Also: That the Senate has on March 8, 2011, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide.

Also: That the Senate has on March 8, 2011, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 7, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 578, by committee on judiciary, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

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

House File 579, by committee on education, a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

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

House File 580, by committee on education, a bill for an act relating to the provision of competent private instruction to school-age children.

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

House File 581, by committee on education, a bill for an act concerning the protection of students from concussions and other brain injuries.

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

House File 582, by committee on education, a bill for an act exempting junior reserve officer training corps program instructors from board of educational examiners licensing requirements.

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

House File 583, by committee on education, a bill for an act relating to independent accreditation of nonpublic schools.

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

House File 584, by committee on education, a bill for an act concerning driver education instruction by a teaching parent.

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

House File 585, by committee on education, a bill for an act relating to charter school and innovation zone school approval and revocation or nonrenewal requirements under the state's system of public education.

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

House File 586, by committee on education, a bill for an act relating to the duties and operations of the state's community colleges.

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

House File 587, by committee on education, a bill for an act relating to vehicular transportation for students and making penalties applicable.

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

House File 588, by committee on education, a bill for an act relating to the establishment of an independent private instruction option for students of compulsory attendance age.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 289, a bill for an act relating to open records and public meetings and including effective date provisions.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 311, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 327, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 361, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

Wagner of Linn called up for consideration **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions,

and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 209)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 209: Raecker of Polk, Chair; Helland of Polk, Wagner of Linn, Jacoby of Johnson and T. Olson of Linn.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 209** be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Regular Calendar

House File 148, a bill for an act relating to state expenditure and oversight requirements by establishing an organized system of reviews and ongoing repeal dates for programs and projects administered by executive branch departments, revising state expenditure limitations and related state budget requirements, and revising the process for establishing the state percent of growth and including effective date and applicability provisions, was taken up for consideration.

Raecker of Polk offered amendment H-1184 filed by him and Wenthe of Fayette.

Amendment H-1184 was adopted, placing out of order amendment H-1192 filed by Isenhart of Dubuque on March 7, 2011.

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

On the question "Shall the bill pass?" (H.F. 148)

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, none.

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

House File 186, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision, was taken up for consideration.

Baudler of Adair offered amendment H-1099 filed by him and moved its adoption.

Amendment H-1099 was adopted.

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

On the question "Shall the bill pass?" (H.F. 186)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 4:

Hunter	Lensing	Taylor, T.	Wessel-Kroeschell
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Absent or not voting, none.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act creating a high performance certification program applicable to certain public buildings.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 399, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Also: That the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 426, a bill for an act modifying the funding requirements for whole grade sharing agreements.

MICHAEL E. MARSHALL, Secretary

House File 212, a bill for an act relating to school district dress code policies and including effective date provisions, was taken up for consideration.

Kelley of Jasper offered amendment H-1227 filed by him and moved its adoption.

J. Taylor of Woodbury rose on a point of order that amendment H-1227 was not germane.

The Speaker ruled the point well taken and amendment H-1227 not germane.

Kelley of Jasper offered amendment H-1078 filed by him and moved its adoption.

Amendment H-1078 lost.

M. Smith of Marshall offered amendment H-1185 filed by him and moved its adoption.

Amendment H-1185 lost.

Windschitl of Harrison in the chair at 4:12 p.m.

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

On the question "Shall the bill pass?" (H.F. 212)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Klein
Koester	Kressig	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Winckler	Wittneben
Wolfe	Worthan	Windschitl, Presiding	

The nays were, 9:

Heddens	Hunter	Kelley	Lensing
Muhlbauer	Murphy	Taylor, T.	Wessel-Kroeschell
Willems			

Absent or not voting, none.

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

HOUSE FILE 1 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 1 from further consideration by the House.

HOUSE FILE 77 WITHDRAWN

J. Taylor of Woodbury asked and received unanimous consent to withdraw House File 77 from further consideration by the House.

Speaker Paulsen in the chair at 4:27 p.m.

INTRODUCTION OF BILLS

House File 589, by committee on agriculture, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

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

House File 590, by committee on economic growth/rebuild Iowa, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 254, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 254)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Huseman	Ishhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Hunter

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

House File 268, a bill for an act authorizing the issuance of special senior shotgun season deer hunting licenses, was taken up for consideration.

Alons of Sioux offered amendment H-1215 filed by him and Lukan of Dubuque.

Amendment H-1215 was adopted.

Lukan of Dubuque offered amendment H-1098 filed by him and moved its adoption.

Amendment H-1098 was adopted.

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

On the question "Shall the bill pass?" (H.F. 268)

The ayes were, 84:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hall	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Huseman	Ishenart	Iverson	Jorgensen
Kaufmann	Kelley	Klein	Koester
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, 16:

Abdul-Samad	Gaines	Gaskill	Hanson
Hunter	Jacoby	Kajtazovic	Kearns
Kressig	Lensing	Mascher	Oldson
Petersen	Steckman	Wessel-Kroeschell	Winckler

Absent or not voting, none.

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

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 148, 186, 212, 254 and 268.**

HOUSE FILE 172 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw House File 172 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 197, a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

House File 535, a bill for an act creating an Iowa preschool scholarship program for four-year-old children, repealing the statewide preschool program for four-year-old children, and including effective date and applicability provisions, was taken up for consideration.

Willems of Linn offered amendment H-1186 filed by him and moved its adoption.

Kaufmann of Cedar in the chair at 5:02 p.m.

Roll call was requested by Willems of Linn and Hunter of Polk.

On the question "Shall amendment H-1186 be adopted?" (H.F. 535)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

Absent or not voting, none.

Amendment H-1186 lost.

Winckler of Scott offered amendment H-1231 filed by her and Mascher of Johnson.

Roll call was requested by Winckler of Scott and Kressig of Black Hawk.

On the question "Shall amendment H-1231 be adopted?" (H.F. 535)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens

Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

Absent or not voting, none.

Amendment H-1231 lost.

Speaker Paulsen in the chair at 6:42 p.m.

Forristall of Pottawattamie offered amendment H-1188 filed by him and moved its adoption.

Amendment H-1188 was adopted, placing out of order amendment H-1216 filed by Forristall of Pottawattamie on March 7, 2011.

J. Taylor of Woodbury offered amendment H-1226 filed by him and Muhlbauer of Crawford and moved its adoption.

Amendment H-1226 was adopted.

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

On the question "Shall the bill pass?" (H.F. 535)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Koester	Lofgren
Lukan	Massie	Miller, L.	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 45:

Abdul-Samad	Berry	Byrnes	Cphoon
Gaines	Gaskill	Hager	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Klein	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 535** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

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

House File 535

1. Page 12, Line 8, delete incorrect reference <subparagraph(1),>

W. CHARLES SMITHSON
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 7, 2011. Had I been present, I would have voted "aye" on House Files 242, 348, 404, 465, 468, 474 and 494.

HAGER of Allamakee

GOVERNOR'S ITEM VETO MESSAGE

March 7, 2011

The Honorable Kraig Paulsen
Speaker of the House of Representatives
State Capitol
Des Moines, Iowa 50319

Dear Mr. Speaker:

I hereby transmit House File 45, an Act relating to public funding and regulatory matters and revising appropriations and including effective and other applicability date provisions and making penalties applicable.

House File 45 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 21. This language would extend the sunset date for the Legislative Health Care Coverage Commission ("Commission") from December 31, 2011 to July 1, 2013. Section 22 of House File 45 defunds the Commission and I see no reason to extend the final date already provided in current law, given the decrease in funding for the Commission.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 45 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION

Community College Additional Data Report, pursuant to Chapter 260C.14, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Manure on Frozen and Snow Covered Ground Report, pursuant to Chapter 459.313B, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 300

Ways and Means: Vander Linden, Chair; Quirk and Soderberg.

House File 388

Ways and Means: Helland, Chair; Kajtazovic and Sands.

House File 402

Ways and Means: Hein, Chair; Isenhart and Paustian.

House File 424

Ways and Means: Helland, Chair; Muhlbauer and Sands.

House File 437

Ways and Means: Helland, Chair; Quirk and Sands.

House File 448

Ways and Means: Helland, Chair; Isenhart and Sands.

Senate File 185

Human Resources: Heaton, Chair; Abdul-Samad and Fry.

Senate File 241

Human Resources: L. Miller, Chair; Jorgensen and Petersen.

Senate File 286

Human Resources: L. Miller, Chair; Garrett and Steckman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 212

Ways and Means: Helland, Chair; Jacoby and Sands.

House Study Bill 213

Ways and Means: Hein, Chair; Isenhart and Paustian.

House Study Bill 214

Ways and Means: Byrnes, Chair; Kaufmann, Paustian, Thomas and Willems.

House Study Bill 215

Ways and Means: Byrnes, Chair; Kaufmann, Paustian, Thomas and Willems.

House Study Bill 216

Ways and Means: Hein, Chair; Isenhart and Paustian.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 218 Government Oversight

Relating to the administration of prison industries established and maintained by the Iowa department of corrections, and including effective date provisions.

H.S.B. 219 Ways and Means

Concerning the carrying of weapons including provisions relating to permits to carry weapons and providing a penalty.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 189), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2011.

Committee Bill (Formerly House Study Bill 192), relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2011.

Committee Bill (Formerly House Study Bill 195), relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2011.

AMENDMENTS FILED

H-1234	H.F.	499	Iverson of Wright
H-1235	H.F.	536	Rogers of Black Hawk
H-1236	H.F.	523	Horbach of Tama
H-1237	S.F.	321	Klein of Washington
H-1238	H.F.	454	Kaufmann of Cedar Gaskill of Wapello
H-1239	H.F.	525	Isenhardt of Dubuque Kressig of Black Hawk

H-1240	H.F.	525	Jorgensen of Woodbury
H-1241	H.F.	490	Swaim of Davis
H-1242	S.F.	321	Klein of Washington
H-1243	H.F.	540	Kaufmann of Cedar
H-1244	H.F.	525	Hunter of Polk
H-1245	H.F.	525	Mascher of Johnson
H-1246	H.F.	525	Hanson of Jefferson
H-1247	H.F.	525	Abdul-Samad of Polk
H-1248	H.F.	525	Gaines of Polk
H-1249	H.F.	525	Berry of Black Hawk
H-1250	H.F.	525	Kajtazovic of Black Hawk

On motion by Upmeyer of Hancock the House adjourned at 8:34 p.m., until 8:30 a.m., Wednesday, March 9, 2011.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 9, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Albert Calaway, First Assembly of God Church, Indianola. He was the guest of Representative Massie of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emily Massie from Des Moines, daughter of Representative Massie of Warren.

The Journal of Tuesday, March 8, 2011 was approved.

INTRODUCTION OF BILLS

House File 591, by committee on agriculture, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

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

House File 592, by committee on agriculture, a bill for an act establishing the council for agricultural education.

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

House File 593, by committee on commerce, a bill for an act relating to the education requirements for licensed massage therapists.

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

House File 594, by committee on commerce, a bill for an act relating to the rights of members of a residential cooperative, owners of a condominium, or owners of certain other residential property.

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

House File 595, by committee on commerce, a bill for an act relating to residential contractors and providing a penalty.

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

House File 596, by committee on commerce, a bill for an act exempting certain nonprofit corporations organized to benefit economic activities in small cities from certain security regulations.

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

House File 597, by committee on commerce, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

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

House File 598, by committee on education, a bill for an act relating to school district health care costs.

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

House File 599, by committee on education, a bill for an act relating to the use of a college readiness assessment as a condition of graduation and for payment of school foundation aid funding to community colleges and regents universities on behalf of certain students who attain a minimum acceptable score on the assessment.

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

House File 600, by committee on education, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a

regionally accredited or board of educational examiners' approved non-Iowa institution.

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

SENATE MESSAGES CONSIDERED

Senate File 175, by committee on human resources, a bill for an act extending the repeal date for the prevention of disabilities policy council.

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

Senate File 177, by committee on judiciary, a bill for an act relating to the director of the Iowa law enforcement academy and the membership of the Iowa law enforcement academy council and including applicability provisions.

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

Senate File 184, by committee on transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

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

Senate File 197, by committee on state government, a bill for an act relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions.

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

Senate File 236, by committee on judiciary, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

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

Senate File 243, by committee on commerce, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

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

Senate File 244, by committee on judiciary, a bill for an act relating to the release and satisfaction of judgments.

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

Senate File 311, by committee on labor and business relations, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

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

Senate File 325, by committee on judiciary, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

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

Senate File 327, by committee on judiciary, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

Senate File 361, by committee on state government, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

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

Senate File 389, by committee on veterans affairs, a bill for an act relating to the nonreversion of funds appropriated to the national

guard educational assistance program and including effective date and retroactive applicability provisions.

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

Senate File 393, by committee on local government, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

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

Senate File 394, by committee on state government, a bill for an act creating a high performance certification program applicable to certain public buildings.

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

Senate File 399, by committee on veterans affairs, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

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

Senate File 426, by committee on education, a bill for an act modifying the funding requirements for whole grade sharing agreements.

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

Senate Concurrent Resolution 4, by Kibbie, a concurrent resolution directing the Office of Citizens' Aide/Ombudsman, under the supervision of the Legislative Council, to assist the parties in a dispute between the board of trustees of a drainage district and residents of land in the district to enter into mediation to resolve their dispute.

Read first time and referred to committee on **administration and rules**.

Senate Concurrent Resolution 6, by committee on rules and administration, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide.

Read first time and referred to committee on **administration and rules**.

Senate Concurrent Resolution 7, by committee on ethics, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly.

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

The House stood at ease at 8:44 a.m., until the fall of the gavel.

The House resumed session at 9:10 a.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Worthan of Buena Vista on request of Deyoe of Story.

CONSIDERATION OF BILLS Regular Calendar

House File 453, a bill for an act relating to the regulation of egg production, and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 453)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager

Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Worthan

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

House File 321, a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 321)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton

Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 2011, appointed the conference committee to Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions (Formerly SSB 1052), and the members of the Conference Committee on the part of the Senate are: The Senator from Johnson, Senator Bolkcom, Chair; the Senator from Dubuque, Senator Jochum; the Senator from Johnson, Senator Dvorsky; the Senator from Sac, Senator Kettering; the Senator from Polk, Senator Zaun.

MICHAEL E. MARSHALL, Secretary

House File 324, a bill for an act relating to the implementation of federal statute, regulation, or policy by state administrative agencies, was taken up for consideration.

Cownie of Polk in the chair at 9:37 a.m.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 324)

The ayes were, 61:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Muhlbauer	Olson, S.
Paulsen, Spkr.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Cownie, Presiding			

The nays were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 1:

Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 389, a bill for an act relating to investigative costs of the Medicaid fraud control unit, was taken up for consideration.

Speaker Paulsen in the chair at 11:17 a.m.

L. Miller of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 389)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	Miller, H.
Miller, L.	Moore	Muhlbauer	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Mr. Speaker Paulsen		

The nays were, 5:

McCarthy	Murphy	Olson, R.	Taylor, T.
Wolfe			

Absent or not voting, 1:

Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 393, a bill for an act allowing an advanced registered nurse practitioner to sign a death certificate, was taken up for consideration.

L. Miller of Scott offered amendment H-1187 filed by her and moved its adoption.

Amendment H-1187 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Soderberg of Plymouth, until his return, on request of Upmeyer of Hancock.

L. Miller of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 393)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Shaw	Smith, J.
Smith, M.	Steckman	Swaim	Sweeney
Taylor, T.	Thede	Thomas	Tjepkes

Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Mr. Speaker			
Paulsen			

The nays were, 5:

Horbach	Massie	Pearson	Schultz
Taylor, J.			

Absent or not voting, 2:

Soderberg	Worthan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 405, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto, was taken up for consideration.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 405)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands

Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Soderberg Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 176 WITHDRAWN

Baltimore of Boone asked and received unanimous consent to withdraw House File 176 from further consideration by the House.

HOUSE FILE 261 WITHDRAWN

J. Smith of Dickinson asked and received unanimous consent to withdraw House File 261 from further consideration by the House.

House File 406, a bill for an act concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies and including applicability provisions, was taken up for consideration.

Rasmussen of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 406)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett

Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Soderberg Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 321, 324, 389, 393, 405, 406 and 453.**

On motion by Upmeyer of Hancock, the House was recessed at 11:45 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:02 p.m., Kaufmann of Cedar in the chair.

INTRODUCTION OF BILLS

House File 601, by committee on human resources, a bill for an act relating to indemnification of hospitals participating in the volunteer health care provider program.

Read first time and placed on the **calendar**.

House File 602, by committee on judiciary, a bill for an act relating to the responsibility for payment of reasonable attorney fees involving the state public defender.

Read first time and placed on the **calendar**.

House File 603, by committee on judiciary, a bill for an act relating to eminent domain authority and procedures and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

House File 604, by committee on judiciary, a bill for an act relating to consideration of the educational setting of a minor child in a child custody proceeding.

Read first time and placed on the **calendar**.

House File 605, by committee on judiciary, a bill for an act relating to expunging criminal records upon acquittal or dismissal.

Read first time and placed on the **calendar**.

House File 606, by committee on judiciary, a bill for an act relating to license revocation periods for persons under the age of twenty-one and Iowa's operating-while-intoxicated law.

Read first time and placed on the **calendar**.

House File 607, by committee on judiciary, a bill for an act establishing a parole procedure for certain persons serving a class "A" felony sentence, and including effective date provisions.

Read first time and placed on the **calendar**.

House File 608, by committee on judiciary, a bill for an act relating to county attorney duties when representing the department of human services in juvenile court.

Read first time and placed on the **calendar**.

House File 609, by committee on judiciary, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions.

Read first time and placed on the **calendar**.

House File 610, by committee on labor, a bill for an act establishing a one-week waiting period prior to the receipt of unemployment compensation benefits and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

House File 611, by committee on local government, a bill for an act providing for allocation of E911 wireless surcharge revenue to counties for specified purposes.

Read first time and placed on the **calendar**.

House File 612, by committee on local government, a bill for an act relating to the disposition of revenue from the use of automated traffic enforcement systems by cities or counties.

Read first time and placed on the **calendar**.

House File 613, by committee on local government, a bill for an act restricting the ability of cities and counties to adopt or enforce certain ordinances relating to residential property.

Read first time and placed on the **calendar**.

House File 614, by committee on public safety, a bill for an act relating to sexual misconduct with offenders and juveniles, and providing a penalty.

Read first time and placed on the **calendar**.

House File 615, by committee on public safety, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility, and providing penalties.

Read first time and placed on the **calendar**.

House File 616, by committee on public safety, a bill for an act making changes to the membership of the Iowa drug policy advisory council.

Read first time and placed on the **calendar**.

House File 617, by committee on state government, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

Read first time and placed on the **calendar**.

House File 618, by committee on state government, a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors.

Read first time and placed on the **calendar**.

House File 619, by committee on state government, a bill for an act relating to games of skill and chance conducted by qualified organizations, including by allowing qualified organizations to lease electronic bingo equipment in order to assist disabled participants.

Read first time and placed on the **calendar**.

House File 620, by committee on state government, a bill for an act concerning implementation of the federal REAL ID Act of 2005.

Read first time and placed on the **calendar**.

House File 621, by committee on transportation, a bill for an act relating to the issuance of persons with disabilities parking permits, and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

House File 622, by committee on transportation, a bill for an act concerning implementation of a statewide program for electronic registration and titling of vehicles and including effective date provisions.

Read first time and placed on the **calendar**.

House File 623, by committee on human resources, a bill for an act relating to the treatment of medical assistance eligibility for individuals committed to certain public institutions, and including effective date provisions.

Read first time and placed on the **calendar**.

House File 624, by committee on judiciary, a bill for an act relating to limitations on creditors' rights in spendthrift trusts and discretionary trusts.

Read first time and placed on the **calendar**.

HOUSE FILE 239 WITHDRAWN

Rasmussen of Buchanan asked and received unanimous consent to withdraw House File 239 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 194, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the

definition of performing military duty, tort claims protections, and including effective date provisions.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 401, a bill for an act relating to the penalty for the unlawful practice of dentistry.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 405, a bill for an act relating to the use of bisphenol a in certain products, providing penalties, and including effective date provisions.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 418, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 427, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 428, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 429, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

Also: That the Senate has on March 9, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 434, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILL
Regular Calendar

House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, was taken up for consideration.

Speaker Paulsen in the chair at 2:09 p.m.

Hunter of Polk asked and received unanimous consent that amendment H-1167 be deferred.

Willems of Linn offered amendment H-1175 filed by him and moved its adoption.

Jorgensen of Woodbury rose on a point of order that amendment H-1175 was not germane.

The Speaker ruled the point well taken and amendment H-1175 not germane.

Hunter of Polk offered amendment H-1177 filed by him and moved its adoption.

Cownie of Polk in the chair at 3:26 p.m.

Speaker Paulsen in the chair at 4:00 p.m.

Cownie of Polk in the chair at 4:36 p.m.

Kaufmann of Cedar in the chair at 5:02 p.m.

Roll call was requested by Hunter of Polk and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-1177 be adopted?" (H.F. 525)

The ayes were, 41:

Abdul-Samad	Anderson	Berry	Cohon
Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 59:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Kaufmann, Presiding	

Absent or not voting, none.

Amendment H-1177 lost.

Speaker Paulsen in the chair at 6:10 p.m.

Thede of Scott offered amendment H-1181 filed by Hunter of Polk and moved its adoption.

Amendment H-1181 lost. (House File 525 was temporarily deferred.)

INTRODUCTION OF BILLS

House File 625, by committee on state government, a bill for an act relating to open records and public meetings, including the

creation of an open meetings, public records, and privacy advisory committee.

Read first time and referred to committee on **appropriations**.

House File 626, by committee on human resources, a bill for an act relating to county and state responsibilities for mental health, mental retardation, and developmental disabilities services for adults and children, making appropriations, and including effective date provisions.

Read first time and referred to committee on **appropriations**.

House File 627, by Thede, Steckman, Wittneben, H. Miller, Hanson, Kelley, Lensing, Wolfe, Gaskill, Abdul-Samad, Mascher, Heddens, Hall, Kearns, Thomas, Petersen, Lofgren, Muhlbauer, Murphy, Winckler, Baltimore, and Brandenburg, a bill for an act relating to termination of parental rights and identification information and providing penalties.

Read first time and referred to committee on **judiciary**.

House File 628, by De Boef, a bill for an act eliminating certain specific statutory limits on wage garnishments.

Read first time and referred to committee on **labor**.

House File 629, by Pearson, a bill for an act relating to unlawful aliens and law enforcement and providing penalties.

Read first time and referred to committee on **labor**.

House File 630, by Steckman, a bill for an act relating to the use of a handheld electronic communication device to engage in a call while operating a motor vehicle, and making penalties applicable.

Read first time and referred to committee on **transportation**.

House File 631, by committee on agriculture, a bill for an act providing for a cow-calf tax credit, providing for an appropriation, and including applicability provisions.

Read first time and referred to committee on **ways and means**.

House File 632, by Sands, a bill for an act providing a sales tax exemption for substance abuse treatment programs.

Read first time and referred to committee on **ways and means**.

House File 633, by committee on commerce, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, providing for an appropriation, and including effective date provisions.

Read first time and referred to committee on **ways and means**.

House File 634, by committee on commerce, a bill for an act relating to wind energy development and production.

Read first time and referred to committee on **ways and means**.

House File 635, by committee on commerce, a bill for an act relating to the construction and installation of geothermal heat pumps, providing income tax credits for such construction and installation, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

House File 636, by committee on economic growth/rebuild Iowa, a bill for an act relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, and including effective date provisions.

Read first time and referred to committee on **ways and means**.

House File 637, by committee on labor, a bill for an act requiring annual increases in fees allowed for copies of certain medical records or reports in workers' compensation cases, and including effective date provisions.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 124, by committee on judiciary, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

Read first time and **passed on file**.

Senate File 194, by committee on veterans affairs, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Read first time and referred to committee on **veterans affairs**.

Senate File 289, by committee on state government, a bill for an act relating to open records and public meetings and including effective date provisions.

Read first time and referred to committee on **state government**.

Senate File 313, by committee on human resources, a bill for an act relating to medical assistance program-related provisions.

Read first time and referred to committee on **human resources**.

Senate File 401, by committee on human resources, a bill for an act relating to the penalty for the unlawful practice of dentistry.

Read first time and referred to committee on **human resources**.

Senate File 405, by committee on human resources, a bill for an act relating to the use of bisphenol a in certain products, providing penalties, and including effective date provisions.

Read first time and referred to committee on **commerce**.

Senate File 418, by committee on commerce, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

Read first time and referred to committee on **commerce**.

Senate File 427, by committee on state government, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants.

Read first time and **passed on file**.

Senate File 428, by committee on agriculture, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

Read first time and referred to committee on **agriculture**.

Senate File 429, by committee on agriculture, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

Read first time and **passed on file**.

Senate File 434, by committee on local government, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

Read first time and referred to committee on **local government**.

The House resumed consideration of House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, previously deferred.

Thede of Scott offered amendment H-1182 filed by Hunter of Polk and moved its adoption.

Kaufmann of Cedar in the chair at 6:48 p.m.

Roll call was requested by Thede of Scott and Kressig of Black Hawk.

On the question "Shall amendment H-1182 be adopted?" (H.F. 525)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

Absent or not voting, none.

Amendment H-1182 lost.

INTRODUCTION OF BILL

House Joint Resolution 15, by De Boef, a joint resolution making application to the Congress of the United States under Article V of the Constitution of the United States, for the calling of a convention for proposing amendments limited to specified subject areas.

Read first time and referred to committee on **judiciary**.

Horbach of Tama asked and received unanimous consent that amendment H-1183 be deferred. (H.F. 525)

Speaker Paulsen in the chair at 7:36 p.m.

Gaines of Polk offered amendment H-1114 filed by Murphy of Dubuque and moved its adoption.

A non-record roll call was requested.

The ayes were 35, nays 52.

Amendment H-1114 lost.

The House stood at ease at 8:09 p.m., until the fall of the gavel.

The House resumed session at 8:58 p.m., Speaker Paulsen in the chair.

T. Taylor of Linn offered amendment H-1115 filed by him.

Kaufmann of Cedar in the chair at 9:44 p.m.

Speaker Paulsen in the chair at 10:22 p.m.

Upmeyer of Hancock asked and received unanimous consent that House File 525 be deferred and that the bill retain its place on the calendar. (amendment H-1115 pending)

On motion by Upmeyer of Hancock, the House was recessed at 10:38 p.m., until 7:00 a.m., Thursday, March 10, 2011.

The House reconvened at 7:05 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lauren Burdt, Majority Leader's Page from Polk City.

INTRODUCTION OF BILLS

House File 638, by Steckman, Thede, Hanson, and Running-Marquardt, a bill for an act providing a deduction for certain casualty losses and including effective and retroactive applicability provisions.

Read first time and referred to committee on **commerce**.

House File 639, by Sweeney, Arnold, Horbach, Van Engelenhoven, Rasmussen, Dolecheck, Moore, Klein, Pearson, Garrett, Huseman, De Boef, Kaufmann, Grassley, S. Olson, Pettengill, Hein, Windschitl, Schultz, Fry, and Byrnes, a bill for an act providing an exemption for electrical installations on farms from licensing and inspections, and including effective date provisions.

Read first time and referred to committee on **state government**.

House File 640, by Lukan, a bill for an act providing a sales tax exemption for the sale of certain biomass fuel-burning stoves.

Read first time and referred to committee on **ways and means**.

House File 641, by Jorgensen, J. Taylor, Hall, Garrett, Muhlbauer, Sweeney, Hanusa, and Pearson, a bill for an act providing for the transfer of certain excess moneys from the Iowa economic emergency fund to the property tax equity and relief fund and including effective date and applicability provisions.

Read first time and referred to committee on **ways and means**.

House File 642, by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Read first time and placed on the **appropriations calendar**.

House File 643, by committee on environmental protection, a bill for an act relating to environmental protection, by transferring certain powers and duties to the department of agriculture and land

stewardship, providing an appropriation, and including effective date provisions.

Read first time and placed on the **calendar**.

House File 644, by committee on natural resources, a bill for an act requiring issuance of hunter safety and ethics education certificates to residents who are peace officers, active duty military personnel, or honorably discharged veterans.

Read first time and placed on the **calendar**.

CONSIDERATION OF BILL

The House resumed consideration of **House File 525**, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, amendment H-1115, previously deferred.

The House stood at ease at 8:14 a.m., until the fall of the gavel.

The House resumed session at 10:30 a.m., Cownie of Polk in the chair.

T. Taylor of Linn offered amendment H-1253, to amendment H-1115, filed by him from the floor and moved its adoption.

Amendment H-1253, to amendment H-1115, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of McCarthy of Polk.

T. Taylor of Linn moved the adoption of amendment H-1115, as amended.

Roll call was requested by T. Taylor of Linn and Hunter of Polk.

On the question "Shall amendment H-1115, as amended, be adopted?" (H.F. 525)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Cownie, Presiding		

Absent or not voting, 3:

Miller, H. Paulsen, Spkr. Upmeyer

Amendment H-1115, as amended, lost.

Kaufmann of Cedar in the chair at 11:17 a.m.

Kearns of Lee offered amendment H-1116 filed by him.

Kearns of Lee offered amendment H-1260, to amendment H-1116, filed by him from the floor and moved its adoption.

Amendment H-1260, to amendment H-1116, was adopted.

Kearns of Lee moved the adoption of amendment H-1116, as amended.

Amendment H-1116, as amended, lost.

Steckman of Cerro Gordo offered amendment H-1117 filed by Murphy of Dubuque.

Murphy of Dubuque offered amendment H-1255, to amendment H-1117, filed by him from the floor and moved its adoption.

Amendment H-1255, to amendment H-1117, was adopted.

RULE 49 SUSPENDED

Upmeyer of Hancock requested special leave for committees to meet during debate.

Steckman of Cerro Gordo moved the adoption of amendment H-1117, as amended.

Speaker Paulsen in the chair at 12:40 p.m.

Roll call was requested by Hunter of Polk and T. Taylor of Linn.

On the question "Shall amendment H-1117, as amended, be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett

Grassley	Hagenow	Hager	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 3:

Hanusa	McCarthy	Miller, H.
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Amendment H-1117, as amended, lost.

Hanson of Jefferson offered amendment H-1118 filed by Murphy of Dubuque.

Lukan of Dubuque in the chair at 12:51 p.m.

Murphy of Dubuque offered amendment H-1254, to amendment H-1118, filed by him from the floor and moved its adoption.

Amendment H-1254, to amendment H-1118, was adopted. (House File 525 was temporarily deferred, amendment H-1118 as amended, pending.)

SPECIAL PRESENTATION

The Iowa commission on the Status of Women, Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. L. Miller of Scott and Thede of Scott presented the following winners of the contest:

Sixth and Seventh Grade Category Essays

First Place — Jessica Heims, Prairie Creek Intermediate School, Cedar Rapids.

Second Place — Gracie Harmeyer, North Polk Central Elementary School, Alleman.

Third Place — Gabriella Baker, North Park Middle School, Alleman.

Eight and Ninth Grade Category Essays

First Place — Emma Goodman, Taft Middle School, Cedar Rapids.

Second Place — Hannah Ackerman, Cedar Falls.

Third Place — Jack Hostager, Thomas Jefferson Middle School, Dubuque.

Best Essays On Women In Science And Engineering
Sixth and Seventh Grades

First Place — Lauren Kuch, Prairie Creek Intermediate School, Cedar Rapids.

Second Place — Sondra Lockhart, Prairie Creek Intermediate School, Cedar Rapids.

Best Essays On Women In Science And Engineering
Eight and Ninth Grades

First Place — Jessica Lowthorp, Sidney.

Second Place — Nathan Yeager, Cardinal Community Schools, Eldon.

The House rose and expressed its welcome.

The House stood at ease at 2:13 p.m., until the fall of the gavel.

The House resumed session at 2:19 p.m., Lukan of Dubuque in the chair.

The House resumed consideration of House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, previously deferred. (amendment H-1118, as amended, pending)

Hanson of Jefferson moved the adoption of amendment H-1118, as amended.

Roll call was requested by Hunter of Polk and Abdul-Samad of Polk.

On the question "Shall amendment H-1118, as amended, be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Windschitl	Worthan	Lukan, Presiding	

Absent or not voting, 3:

Miller, H.	Olson, R.	Watts
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Amendment H-1118, as amended, lost.

Speaker Paulsen in the chair at 2:45 p.m.

Heddens of Story offered amendment H-1119 filed by Kearns of Lee.

Kearns of Lee offered amendment H-1261, to amendment H-1119, filed by him from the floor and moved its adoption.

Amendment H-1261, to amendment H-1119, was adopted.

S. Olson of Clinton in the chair at 3:27 p.m.

Heddens of Story moved the adoption of amendment H-1119, as amended.

Roll call was requested by Hunter of Polk and Petersen of Polk.

On the question "Shall amendment H-1119, as amended, be adopted?" (H.F. 525)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Olson, S., Presiding

Absent or not voting, 1:

Miller, H.

Amendment H-1119, as amended, lost.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1120 filed by him on March 4, 2011, placing out order amendment H-1257 filed by T. Taylor of Linn, from the floor.

T. Taylor of Linn offered amendment H-1150 filed by him.

T. Taylor of Linn offered amendment H-1258, to amendment H-1150, filed by him from the floor and moved its adoption.

Amendment H-1258, to amendment H-1150, was adopted.

T. Taylor of Linn moved amendment H-1150, as amended.

Amendment H-1150, as amended, lost.

Hunter of Polk offered amendment H-1151 filed by him.

Hunter of Polk offered amendment H-1259, to amendment H-1151, filed by him from the floor and moved its adoption.

Amendment H-1259, to amendment H-1151, was adopted.

Hunter of Polk moved the adoption of amendment H-1151, as amended.

Amendment H-1151, as amended, lost.

Kaufmann of Cedar in the chair at 4:18 p.m.

Willems of Linn asked and received unanimous consent to withdraw amendment H-1161 filed by him on March 4, 2011.

Willems of Linn offered amendment H-1211 filed by him.

Willems of Linn offered amendment H-1256, to amendment H-1211, filed by him from the floor and moved its adoption.

Amendment H-1256, to amendment H-1211, was adopted.

Willems of Linn moved amendment H-1211, as amended.

Amendment H-1211, as amended, lost.

Hunter of Polk offered amendment H-1148 filed by him and moved its adoption.

Amendment H-1148 lost.

Hunter of Polk rose on a point of order and questioned whether amendment H-1218 is out of order with the loss of amendment H-1148. (House File 525 was temporarily deferred, amendment H-1218 pending.)

The House stood at ease at 4:49 p.m., until the fall of the gavel.

The House resumed session at 6:42 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 645, by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

Read first time and placed on the **appropriations calendar**.

House File 646, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Read first time and placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 204, a bill for an act establishing a task force on the prevention of sexual abuse of children and including effective date provisions.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 206, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including retroactive applicability provisions.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 279, a bill for an act relating to child support recovery.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 326, a bill for an act relating to the appointment of judicial officers and senior judges.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 402, a bill for an act relating to the injured veterans grant program.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 407, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 408, a bill for an act relating to railroad crossing violations by providing for investigations, and providing penalties.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 409, a bill for an act restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 410, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 437, a bill for an act establishing the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 445, a bill for an act relating to state and local government recommendations concerning the educational needs of children who are deaf or hard-of-hearing.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 451, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 453, a bill for an act relating to high school graduation requirements.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 454, a bill for an act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, area education agencies, and the board of educational examiners.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 461, a bill for an act relating to certain boards and commissions with legislative appointments.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 474, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 10, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 475, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House File 647, by Kelley, a bill for an act relating to a sales tax holiday for books, textbooks, and instructional materials sold to college students.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 204, by committee on education, a bill for an act establishing a task force on the prevention of sexual abuse of children and including effective date provisions.

Read first time and referred to committee on **education**.

Senate File 206, by committee on economic growth/rebuild Iowa, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including retroactive applicability provisions.

Read first time and referred to committee on **economic growth/rebuild Iowa**.

Senate File 279, by committee on human resources, a bill for an act relating to child support recovery.

Read first time and referred to committee on **human resources**.

Senate File 326, by committee on judiciary, a bill for an act relating to the appointment of judicial officers and senior judges.

Read first time and referred to committee on **judiciary**.

Senate File 402, by committee on veterans affairs, a bill for an act relating to the injured veterans grant program.

Read first time and **passed on file**.

Senate File 407, by committee on natural resources and environment, a bill for an act delegating to counties the permitting

and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties.

Read first time and referred to committee on **environmental protection**.

Senate File 408, by committee on transportation, a bill for an act relating to railroad crossing violations by providing for investigations, and providing penalties.

Read first time and referred to committee on **transportation**.

Senate File 409, by committee on transportation, a bill for an act restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement.

Read first time and referred to committee on **transportation**.

Senate File 410, by committee on state government, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Read first time and **passed on file**.

Senate File 437, by committee on education, a bill for an act establishing the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative.

Read first time and referred to committee on **education**.

Senate File 445, by committee on education, a bill for an act relating to state and local government recommendations concerning the educational needs of children who are deaf or hard-of-hearing.

Read first time and referred to committee on **education**.

Senate File 451, by committee on education, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention.

Read first time and referred to committee on **education**.

Senate File 453, by committee on education, a bill for an act relating to high school graduation requirements.

Read first time and referred to committee on **education**.

Senate File 454, by committee on education, a bill for an act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, area education agencies, and the board of educational examiners.

Read first time and referred to committee on **education**.

Senate File 474, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

Read first time and **passed on file**.

Senate File 475, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Read first time and **passed on file**.

The House resumed consideration of House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, previously deferred. (amendment H-1218 pending)

The Speaker ruled the point not well taken, amendment H-1218 is not out of order with the loss of amendment H-1148. (House File 525 was temporarily deferred.)

The House stood at ease at 6:47 p.m., until the fall of the gavel.

The House resumed session at 10:02 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion on request of Arnold of Lucas.

The House resumed consideration of House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, previously deferred.

Kearns of Lee asked and received unanimous consent to withdraw amendment H-1159 filed by him on March 4, 2011, placing out of order amendment H-1268 filed by Jorgensen of Woodbury from the floor.

Jorgensen of Woodbury offered amendment H-1218 filed by him and requested a division.

Division A: Page 1, lines 2 through 3 and line 12.

Division B: Page 1, lines 4 through 11.

Amendment H-1218A was out of order, placing out of order the following amendments filed from the floor:

H-1265 filed by Willems of Linn.

H-1266 filed by Willems of Linn.

H-1267 filed by Kearns of Lee.

H-1270 filed by Hunter of Polk.

H-1271 filed by Kearns of Lee.

H-1272 filed by Willems of Linn.

H-1273 filed by Kearns of Lee.

H-1274 filed by Willems of Linn.

H-1275 filed by Kearns of Lee.

H-1276 filed by Kearns of Lee.

Jorgensen of Woodbury offered amendment H-1269, to amendment H-1218B, filed by him from the floor and moved its adoption.

Murphy of Dubuque rose on a point of order that amendment H-1269 was not germane, to amendment H-1218B.

The Speaker ruled the point well taken and amendment H-1269

not germane, to amendment H-1218B.

Jorgensen of Woodbury asked for unanimous consent to suspend the rules to consider amendment H-1269, to amendment H-1218B.

Objection was raised.

Jorgensen of Woodbury moved to suspend the rules to consider amendment H-1269, to amendment H-1218B.

A non-record roll call was requested.

The ayes were 54, nays 40.

The motion prevailed and the rules were suspended.

Upmeyer of Hancock asked for unanimous consent that House File 525 be deferred and that the bill retain its place on the calendar. (amendment H-1269 to amendment H-1218B pending)

Objection was raised.

Upmeyer of Hancock moved to defer House File 525.

A non-record roll call was requested.

The ayes were 54, the nays were 33.

The motion prevailed and the bill was deferred and retained its place on the calendar.

The House was recessed at 10:36 p.m., until 8:00 a.m., Friday, March 11, 2011.

The House reconvened session at 8:14 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Chambers of O'Brien County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster, through March 16, 2011, on request of McCarthy of Polk; Fry of Clarke, Lukan of Dubuque and Raecker of Polk, until their arrival, Rayhons of Hancock and Anderson of Page on request of Upmeyer of Hancock.

Upmeyer of Hancock asked for unanimous consent to resume consideration of House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, previously deferred. (amendment H-1269 to amendment H-1218B pending)

Objection was raised.

Upmeyer of Hancock moved to resume consideration of House File 525.

Roll call was requested by Hunter of Polk and Kressig of Black Hawk.

On the question "Shall we resume consideration?" (H.F. 525)

The ayes were, 74:

Alons	Arnold	Baltimore	Baudler
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Hunter	Huseman	Isenhart
Jorgensen	Kajtazovic	Kaufmann	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Mascher	Massie	McCarthy
Miller, L.	Moore	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Pettengill	Rasmussen	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Vander Linden	Wagner	Watts	Wenthe
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 1:

Murphy

Absent or not voting, 25:

Abdul-Samad	Anderson	De Boef	Fry
Gaines	Garrett	Horbach	Iverson
Jacoby	Kearns	Lukan	Lykam
Miller, H.	Muhlbauer	Petersen	Quirk
Raecker	Rayhons	Running-Marquardt	Steckman
Thede	Upmeyer	Van Engelenhoven	Wessel-Kroeschell
Willems			

The motion prevailed.

RULE 67 INVOKED
(Time Certain)

Upmeyer of Hancock asked that the debate be closed and the question be put to House File 525 and all amendments, amendments to amendments, and motions thereto at 12:00 p.m. on March 11, 2011.

Objection was raised.

Upmeyer of Hancock moved to close debate on House File 525 at 12:00 p.m. on March, 11, 2011.

Roll call was requested by Hunter of Polk and T. Taylor of Linn.

On the question "Shall debate be closed at 12:00 p.m. on March 11, 2011?" (H.F. 525)

The ayes were, 52:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Rasmussen	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.

Tjepkes	Upmeyer	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 35:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 13:

Anderson	De Boef	Fry	Gaines
Garrett	Lukan	Miller, H.	Petersen
Quirk	Raecker	Rayhons	Running-Marquardt
Van Engelenhoven			

The motion prevailed.

The House stood at ease at 8:20 a.m., until the fall of the gavel.

The House resumed session at 9:17 a.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions, previously deferred.

Jorgensen of Woodbury offered amendment H-1269, to amendment H-1218B, filed by him from the floor and moved its adoption.

The Speaker announced that the time certain having come to pass, all amendments will now be put to the question.

Jorgensen of Woodbury moved the adoption of amendment H-1269, to amendment H-1218B.

Amendment H-1269, to amendment H-1218B was adopted, placing out of order the following amendments:

H-1121 filed by Murphy of Dubuque on March 4, 2011.
H-1122 filed by Hunter of Polk on March 4, 2011.
H-1123 filed by Hunter of Polk on March 4, 2011.
H-1124 filed by Hunter of Polk on March 4, 2011.
H-1125 filed by Hunter of Polk on March 4, 2011.
H-1126 filed by Hunter of Polk on March 4, 2011.
H-1127 filed by Hunter of Polk on March 4, 2011.
H-1128 filed by Hunter of Polk on March 4, 2011.
H-1129 filed by Hunter of Polk on March 4, 2011.
H-1130 filed by Hunter of Polk on March 4, 2011.
H-1137 filed by Murphy of Dubuque on March 4, 2011.
H-1138 filed by Murphy of Dubuque on March 4, 2011.
H-1139 filed by Murphy of Dubuque on March 4, 2011.
H-1140 filed by Murphy of Dubuque on March 4, 2011.
H-1141 filed by T. Taylor of Linn on March 4, 2011.
H-1142 filed by Hunter of Polk on March 4, 2011.
H-1143 filed by Murphy of Dubuque on March 4, 2011.
H-1144 filed by Kearns of Lee on March 4, 2011.
H-1145 filed by Hunter of Polk on March 4, 2011.
H-1146 filed by Hunter of Polk on March 4, 2011.
H-1147 filed by Murphy of Dubuque on March 4, 2011.
H-1149 filed by Hunter of Polk on March 4, 2011.
H-1155 filed by Hunter of Polk on March 4, 2011.
H-1196 filed by Running-Marquardt of Linn on March 7, 2011.
H-1197 filed by Running-Marquardt of Linn on March 7, 2011.
H-1199 filed by Hunter of Polk on March 7, 2011.
H-1201 filed by Heddens of Story on March 7, 2011.
H-1203 filed by Running-Marquardt of Linn on March 7, 2011.
H-1209 filed by Murphy of Dubuque on March 7, 2011.
H-1212 filed by Hunter of Polk on March 7, 2011.
H-1213 filed by Heddens of Story on March 7, 2011.
H-1214 filed by Heddens of Story on March 7, 2011.
H-1217 filed by Winckler of Scott on March 7, 2011.
H-1225 filed by Jacoby of Johnson on March 7, 2011.
H-1228 filed by M. Smith of Marshall on March 7, 2011.

Jorgensen of Woodbury moved amendment H-1218B, as amended.

Amendment H-1218B, as amended, was adopted.

Willems of Linn offered amendment H-1157 filed by him and moved its adoption.

Amendment H-1157 lost.

Hunter of Polk offered amendment H-1152 filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1152 be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 58:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

Absent or not voting, 4:

Anderson Miller, H. Rayhons Swaim

Amendment H-1152 lost.

Willems of Linn offered amendment H-1153 filed by him and moved its adoption.

Amendment H-1153 lost.

Willems of Linn offered amendment H-1158 filed by him and moved its adoption.

Amendment H-1158 lost.

Hunter of Polk offered amendment H-1168 filed by him and moved its adoption.

Amendment H-1168 lost.

Hunter of Polk offered amendment H-1174 filed by him and moved its adoption.

Amendment H-1174 lost.

Hunter of Polk offered amendment H-1176 filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1176 be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.

Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 57:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 5:

Anderson	Horbach	Miller, H.	Rayhons
Swaim			

Amendment H-1176 lost.

Hunter of Polk offered amendment H-1202 filed by him and moved its adoption.

Amendment H-1202 lost.

Hunter of Polk offered amendment H-1206 filed by him and moved its adoption.

Amendment H-1206 lost.

Thede of Scott offered amendment H-1208 filed by her and moved its adoption.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1208 be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 58:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

Absent or not voting, 4:

Anderson	Miller, H.	Rayhons	Swaim
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Amendment H-1208 lost.

Isenhart of Dubuque offered amendment H-1191 filed by him and moved its adoption.

Amendment H-1191 lost.

Kearns of Lee offered amendment H-1132 filed by him and moved its adoption.

Amendment H-1132 lost.

T. Taylor of Linn offered amendment H-1133 filed by him and moved its adoption.

Amendment H-1133 lost.

T. Taylor of Linn offered amendment H-1134 filed by him and moved its adoption.

Amendment H-1134 lost.

T. Taylor of Linn offered amendment H-1135 filed by him and moved its adoption.

Amendment H-1135 lost.

Murphy of Dubuque offered amendment H-1136 filed by him and moved its adoption.

Amendment H-1136 lost.

Hunter of Polk offered amendment H-1170 filed by him and moved its adoption.

Amendment H-1170 was adopted.

Hunter of Polk offered amendment H-1171 filed by him and moved its adoption.

Amendment H-1171 lost.

Hunter of Polk offered amendment H-1172 filed by him and moved its adoption.

Amendment H-1172 lost.

Hunter of Polk offered amendment H-1173 filed by him and moved its adoption.

Amendment H-1173 lost.

Hunter of Polk offered amendment H-1200 filed by him and moved its adoption.

Amendment H-1200 lost.

Hunter of Polk offered amendment H-1180 filed by him and moved its adoption.

Amendment H-1180 lost.

Hunter of Polk offered amendment H-1164 filed by him and moved its adoption.

Amendment H-1164 lost.

Hunter of Polk offered amendment H-1165 filed by him.

Jorgensen of Woodbury offered amendment H-1240, to amendment H-1165, filed by him and moved its adoption.

Amendment H-1240, to amendment H-1165, was adopted.

Hunter of Polk moved amendment H-1165, as amended.

Amendment H-1165, as amended, was adopted.

Hunter of Polk offered amendment H-1169 filed by him and moved its adoption.

Amendment H-1169 lost.

Hunter of Polk offered amendment H-1205 filed by him and moved its adoption.

Amendment H-1205 lost.

Hunter of Polk offered amendment H-1207 filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1207 be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 57:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 5:

Anderson	Horbach	Miller, H.	Rayhons
Swaim			

Amendment H-1207 lost.

Mascher of Johnson offered amendment H-1245 filed by her and moved its adoption.

Amendment H-1245 lost.

Hanson of Jefferson offered amendment H-1246 filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1246 be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 57:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 5:

Anderson	Horbach	Miller, H.	Rayhons
Swaim			

Amendment H-1246 lost.

Abdul-Samad of Polk offered amendment H-1247 filed by him and moved its adoption.

Amendment H-1247 lost.

Gaines of Polk offered amendment H-1248 filed by her and moved its adoption.

Amendment H-1248 lost.

Berry of Black Hawk offered amendment H-1249 filed by her and moved its adoption.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall amendment H-1249 be adopted?" (H.F. 525)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 57:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 5:

Anderson Horbach Miller, H. Rayhons
Swaim

Amendment H-1249 lost.

Kajtazovic of Black Hawk offered amendment H-1250 filed by her and moved its adoption.

Amendment H-1250 lost.

Wolfe of Clinton offered amendment H-1229 filed by her and moved its adoption.

Amendment H-1229 lost.

Willems of Linn offered amendment H-1160 filed by him and moved its adoption.

Amendment H-1160 lost.

Hunter of Polk offered amendment H-1244 filed by him and moved its adoption.

Amendment H-1244 lost.

Hunter of Polk offered amendment H-1166 filed by him and moved its adoption.

Amendment H-1166 lost.

Willems of Linn offered amendment H-1156 filed by him and moved its adoption.

Amendment H-1156 lost.

Hunter of Polk offered amendment H-1179 filed by him and moved its adoption.

Amendment H-1179 lost.

Hunter of Polk offered amendment H-1178 filed by him and moved its adoption.

Amendment H-1178 lost.

Isenhart of Dubuque offered amendment H-1239 filed by him and Kressig of Black Hawk and moved its adoption.

Amendment H-1239 lost.

Isenhart of Dubuque offered amendment H-1190 filed by him and moved its adoption.

Amendment H-1190 lost.

Willems of Linn offered amendment H-1131 filed by him and moved its adoption.

Amendment H-1131 lost.

Willems of Linn offered amendment H-1154 filed by him and moved its adoption.

The Speaker ruled amendment H-1154 non germane and was placed out of order.

Isenhart of Dubuque offered amendment H-1220 filed by him.

Isenhart of Dubuque offered amendment H-1262, to amendment H-1220, filed by him from the floor and moved its adoption.

Amendment H-1262, to amendment H-1220, was adopted.

Isenhart of Dubuque moved amendment H-1220, as amended.

Amendment H-1220, as amended, lost.

Hunter of Polk offered amendment H-1167, previously deferred, filed by him and moved its adoption.

Amendment H-1167 lost.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1183, previously deferred, filed by him on March 7, 2011.

Jorgensen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 525)

The ayes were, 57:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Mr. Speaker			
Paulsen			

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe	Worthan	

Absent or not voting, 4:

Anderson	Miller, H.	Rayhons	Swaim
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 525** be immediately messaged to the Senate.

EXPLANATION OF VOTE

On Wednesday, March 9, 2011, I inadvertently voted “nay” on House File 525, I meant to vote “aye”.

WORTHAN of Buena Vista

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

Report of the Healthy and Well Kids in Iowa (hawk-i) Board, pursuant to Chapter 514.1(7)g, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 5

Government Oversight: Hagenow, Chair; Baltimore and Petersen.

House File 439

Government Oversight: Pearson, Chair; Petersen and Pettengill.

House File 508

Natural Resources: Arnold, Chair; Baudler, Hall, Lykam and Rayhons.

House File 509

State Government: Iverson, Chair; Drake and Lensing.

House File 510

State Government: Pettengill, Chair; Gaskill and Rogers.

House File 543

State Government: Iverson, Chair; Drake and Mascher.

House File 544

State Government: Koester, Chair; Lensing and Schulte.

House File 551

Labor: L. Miller, Chair; Forristall and Hunter.

House File 553

State Government: Iverson, Chair; Drake and T. Taylor.

House File 554

Veterans Affairs: Hanusa, Chair; Alons and Kearns.

House File 572

State Government: Jorgensen, Chair; Iverson and Mascher.

House File 575

State Government: Iverson, Chair; Rogers and Wenthe.

Senate File 93

Judiciary: Garrett, Chair; M. Smith and J. Taylor.

Senate File 122

Education: J. Taylor, Chair; Pearson and Winckler.

Senate File 123

Education: Hanusa, Chair; Kelley and Lofgren.

Senate File 155

Judiciary: Alons, Chair; R. Olson and Pearson.

Senate File 175

Human Resources: Schulte, Chair; Fry and M. Smith.

Senate File 184

Transportation: Rasmussen, Chair; Hanson and Worthan.

Senate File 194

Veterans Affairs: Vander Linden, Chair; Muhlbauer and J. Taylor.

Senate File 197

State Government: Schulte, Chair; Jorgensen and Quirk.

Senate File 267

Transportation: Iverson, Chair; Arnold and Murphy.

Senate File 285

Labor: Moore, Chair; T. Taylor and Watts.

Senate File 290

Labor: Brandenburg, Chair; Deyoe and Kearns.

Senate File 292

Judiciary: Pearson, Chair; Oldson and Rogers.

Senate File 303

Labor: Horbach, Chair; Moore and Willems.

Senate File 311

Labor: Horbach, Chair; L. Miller and Murphy.

Senate File 313

Human Resources: L. Miller, Chair; Fry and Wolfe.

Senate File 315

Local Government: Tjepkes, Chair; Berry and Hager.

Senate File 389

Veterans Affairs: Chambers, Chair; Sweeney and Thomas.

Senate File 393

Local Government: J. Smith, Chair; Iverson and Kajtazovic.

Senate File 394

State Government: Vander Linden, Chair; Isenhardt and Rogers.

Senate File 399

Veterans Affairs: Shaw, Chair; Kearns and Vander Linden.

Senate File 401

Human Resources: L. Miller, Chair; Fry and Wessel-Kroeschell.

Senate File 405

Commerce: Grassley, Chair; Kajtazovic and Paustian.

Senate File 418

Commerce: J. Smith, Chair; Iverson and Lykam.

Senate File 426

Education: Koester, Chair; Pearson and Steckman.

Senate File 428

Agriculture: Drake, Chair; H. Miller and Sweeney.

Senate File 434

Local Government: Horbach, Chair; Baltimore and Gaines.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 218**

Government Oversight: Baudler, Chair; Baltimore and Kressig.

House Study Bill 219

Ways and Means: Helland, Chair; Muhlbauer and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 220 Appropriations**

Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

H.S.B. 221 Appropriations

Establishing a state biennial appropriations process and including effective and applicability date provisions.

RESOLUTIONS FILED

H.R. 19, by Koester and Berry, a resolution honoring TRIO programs and TRIO students in the state of Iowa.

Laid over under **Rule 25**.

H.R. 20, by Murphy, Hein, Isenhart, Lukan and Moore, a resolution to recognize the centennial anniversary of IBM.

Laid over under **Rule 25**.

H.R. 21, by Tjepkes and Kaufmann, a resolution requesting the legislative council to authorize a study committee related to the duties of city and county assessors and local boards of review.

Laid over under **Rule 25**.

H.R. 22, by Anderson, Drake, Arnold, Berry, Mascher, S. Olson and Petersen, a resolution supporting the Republic of China on Taiwan as a part of the global community.

Laid over under **Rule 25**.

H.R. 23, by Hanson, a resolution requesting the legislative council to establish an interim study committee regarding the current requirements for physical examinations for home health care workers.

Laid over under **Rule 25**.

H.R. 24, by Winckler, Abdul-Samad, Lensing, Isenhart, Gaines, Wessel-Kroeschell, Gaskill, M. Smith, Mascher, Hunter, Thede, T. Taylor, Heddens, Kressig, Kajtazovic, Hanson, Kearns, Steckman, Wenthe, Petersen, Oldson, Kelley, Swaim, Wittneben, Wolfe, Muhlbauer and Berry, a resolution to urge the Governor to accept the invitation to join the Alliance of States for Complete College America.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1251	H.F.	483	Horbach of Tama
H-1252	H.F.	584	Hanson of Jefferson
H-1263	H.F.	589	M. Smith of Marshall
H-1264	H.F.	392	Pettengill of Benton
H-1277	H.F.	614	Alons of Sioux
			Shaw of Pocahontas
			R. Olson of Polk
			Abdul-Samad of Polk
H-1278	H.F.	589	Sweeney of Hardin
H-1279	H.F.	573	R. Olson of Polk
H-1280	H.F.	596	Iverson of Wright
H-1281	H.F.	537	Isenhart of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 12:32 p.m., until 12:45 p.m., Friday, March 11, 2011.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 11, 2011

The House met pursuant to adjournment at 12:46 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of McCarthy of Polk.

On motion by Upmeyer of Hancock the House adjourned at 12:47 p.m., until 1:00, Monday, March 14, 2011.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 14, 2011

The House met pursuant to adjournment at 1:03 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Brian Lund, Zion Evangelical and Reformed Church, Garner. He was the guest of Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tiffany Anderson, Page from Roland.

The Journals of Thursday, March 9, 2011 and Friday, March 11, 2011 were approved.

SPECIAL PRESENTATION

Garrett of Warren presented to the House the Honorable Glen Bortell, former member of the House from Madison County.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koester of Polk, until his arrival, and Brandenburg of Pottawattamie on request of Upmeyer of Hancock; H. Miller of Webster, through March 16, 2011, Berry of Black Hawk, until her arrival, M. Smith of Marshall, Running-Marquardt of Linn and Thede of Scott on request of McCarthy of Polk.

The House stood at ease at 1:11 p.m., until the fall of the gavel.

The House resumed session at 2:52 p.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS
Regular Calendar

House File 461, a bill for an act relating to the attachment of tags to deer carcasses, was taken up for consideration.

Hager of Allamakee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 461)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, L.	Moore	Muhlbauer	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 9:

Berry	Brandenburg	Hunter	Koester
Miller, H.	Murphy	Running-Marquardt	Smith, M.
Thede			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 484, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents, was taken up for consideration.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 484)

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, L.	Moore
Muhlbauer	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 3:

De Boef	Horbach	Watts
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Absent or not voting, 9:

Berry	Brandenburg	Hunter	Koester
Miller, H.	Murphy	Running-Marquardt	Smith, M.
Thede			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 96 WITHDRAWN

Hager of Allamakee asked and received unanimous consent to withdraw House File 96 from further consideration by the House.

House File 490, a bill for an act creating a certificate of merit affidavit in a medical malpractice action, was taken up for consideration.

Swaim of Davis offered amendment H-1241 filed by him and moved its adoption.

Roll call was requested by Swaim of Davis and T. Taylor of Linn.

On the question "Shall amendment H-1241 be adopted?" (H.F. 490)

The ayes were, 36:

Abdul-Samad	Anderson	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Helland	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Steckman
Swaim	Taylor, T.	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 56:

Alons	Arnold	Baltimore	Baudler
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Lofgren	Lukan

Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 7:

Berry	Brandenburg	Koester	Miller, H.
Running-Marquardt	Smith, M.	Thede	

Under the provision of Rule 76, conflict of interest, Thomas of Clayton refrained from voting.

Amendment H-1241 lost.

Baltimore of Boone offered amendment H-1195 filed by him and moved its adoption.

Under the provision of Rule 76, conflict of interest, Thomas of Clayton refrained from voting.

Amendment H-1195 was adopted.

S. Olson of Clinton in the chair at 3:44 p.m.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 490)

The ayes were, 62:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jacoby	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Quirk

Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Windschitl
Worthan	Olson, S., Presiding		

The nays were, 31:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Steckman
Swaim	Taylor, T.	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 6:

Berry	Brandenburg	Miller, H.	Running-Marquardt
Smith, M.	Thede		

Under the provision of Rule 76, conflict of interest, Thomas of Clayton refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Paulsen in the chair at 3:53 p.m.

House File 493, a bill for an act requiring faculty members of regents institutions and community colleges charged with a crime to repay all salary received during a paid leave of absence if convicted, was taken up for consideration.

Pearson of Polk offered amendment H-1230 filed by her and moved its adoption.

Amendment H-1230 was adopted.

Pearson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 493)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, 1:

Hunter

Absent or not voting, 6:

Berry	Brandenburg	Miller, H.	Running-Marquardt
Smith, M.	Thede		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, and was agreed to.

House File 499, a bill for an act relating to a voter's designee for purposes of returning absentee ballots, was taken up for consideration.

Iverson of Wright offered amendment H-1234 filed by him and moved its adoption.

Amendment H-1234 was adopted.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 499)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 1:

Murphy

Absent or not voting, 8:

Berry	Brandenburg	Dolecheck	Miller, H.
Raecker	Running-Marquardt	Smith, M.	Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 461, 484, 490, 493 and 499.**

HOUSE FILE 139 WITHDRAWN

Pearson of Polk asked and received unanimous consent to withdraw House File 139 from further consideration by the House.

HOUSE FILE 316 WITHDRAWN

Iverson of Wright asked and received unanimous consent to withdraw House File 316 from further consideration by the House.

House File 512, a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions, was taken up for consideration.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 512)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker

Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 6:

Berry	Brandenburg	Miller, H.	Running-Marquardt
Smith, M.	Thede		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 532, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship, was taken up for consideration.

Sweeney of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 532)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian

Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Miller, H.	Running-Marquardt	Smith, M.
Thede	Winckler		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 355 WITHDRAWN

Sweeney of Hardin asked and received unanimous consent to withdraw House File 355 from further consideration by the House.

House File 536, a bill for an act concerning the duties and responsibilities of the auditor of state, was taken up for consideration.

Rogers of Black Hawk offered amendment H-1235 filed by him and moved its adoption.

Amendment H-1235 was adopted.

Rogers of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 536)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall

Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Miller, H.	Running-Marquardt	Smith, M.
Thede			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 565, a bill for an act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions, was taken up for consideration.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 565)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes

Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, L.
Moore	Muhlbauer	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Raecker	Petersen	Pettengill	Quirk
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, none.

Absent or not voting, 7:

Brandenburg	Miller, H.	Murphy	Running-Marquardt
Smith, M.	Thede	Wenthe	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 401, a bill for an act excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws, was taken up for consideration.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 401)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker Paulsen	

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Steckman	Swaim
Taylor, T.	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, 5:

Brandenburg	Miller, H.	Running-Marquardt	Smith, M.
Thede			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 401, 512, 532, 536 and 565.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 468, a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 469, a bill for an act relating to vehicular transportation for students and making penalties applicable.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to the duties and operations of the state's community colleges.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 483, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 495, a bill for an act relating to the long-term care ombudsman program.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 643 REFERRED

The Speaker announced that House File 643, previously on the **calendar** was referred to committee on **appropriations**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday afternoon, March 14, 2011. Had I been present, I would have voted

"aye" on House Files 461, 484, 493, 499 and 512 and "nay" on House File 490.

Berry of Black Hawk

SUBCOMMITTEE ASSIGNMENTS

Senate File 279

Human Resources: Fry, Chair; Garrett and Winckler.

Senate File 408

Transportation: Windschitl, Chair; Huseman and Wolfe.

Senate File 409

Transportation: Garrett, Chair; Arnold and Wenthe.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 220), relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 2011.

Committee Bill (Formerly LSB 1004HB), relating to making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2011.

AMENDMENTS FILED

H-1282	H.F.	531	Alons of Sioux
H-1283	H.F.	589	Isenhart of Dubuque
H-1284	H.F.	645	Dolecheck of Ringgold Winckler of Scott
H-1285	H.F.	585	Willems of Linn
H-1286	H.F.	589	Lykam of Scott
H-1287	H.F.	540	Kaufmann of Cedar
H-1288	H.F.	589	Mascher of Johnson
H-1289	H.F.	467	L. Miller of Scott
H-1290	H.F.	467	Heaton of Henry
H-1291	H.F.	470	Iverson of Wright
H-1292	H.F.	589	Lykam of Scott
H-1293	H.F.	617	Wenthe of Fayette
H-1294	H.F.	470	Wenthe of Fayette
H-1295	H.F.	462	Mascher of Johnson
H-1296	H.F.	617	Iverson of Wright
H-1297	H.F.	462	Mascher of Johnson
H-1298	H.F.	470	Alons of Sioux

On motion by Upmeyer of Hancock the House adjourned at 4:54 p.m., until 8:30 a.m., Tuesday, March 15, 2011.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 15, 2011

The House met pursuant to adjournment at 8:39 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Keith Smith, Motor Friends Church, Milo. He was the guest of Representative Garrett of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students of the Iowa Juvenile Home/Girls State Training School from Toledo. They were the guests of Representatives Pettengill of Benton and Horbach of Tama.

The Journal of Monday, March 14, 2011 was approved.

SPECIAL PRESENTATION

Shaw of Pocahontas introduced to the House, former Chief Justice of the Supreme Court of Alabama, Roy Moore.

The House rose and expressed its welcome.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 2011, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 184, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Also: That the Senate has on March 14, 2011, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 185, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 295, a bill for an act relating to donation of newborn umbilical cord blood.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 364, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 365, a bill for an act relating to the placement of a juvenile on youthful offender status in district court.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 400, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 424, a bill for an act establishing a district-to-community college program and facilities sharing pilot program.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 430, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including fee and effective date provisions.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 438, a bill for an act relating to licensing by reciprocity for dentists.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 440, a bill for an act relating to the powers and duties of the college student aid commission in administering certain federal postsecondary financial aid initiatives.

Also: That the Senate has on March 14, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 460, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:06 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 238, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 239, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 260, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 261, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 301, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 328, a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act concerning the protection of students from concussions and other brain injuries.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 404, a bill for an act relating to health information technology including the creation of a statewide health information exchange, providing for fees, and including effective date provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 412, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 456, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 462, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 479, a bill for an act providing for the possession of cats classified as bengals and savannahs.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 490, a bill for an act authorizing and regulating savings promotion drawings, and granting licensing authority to the department of inspections and appeals.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 493, a bill for an act relating to the operations of certain common interest communities.

Also: That the Senate has on March 15, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 494, a bill for an act relating to the foreclosure of a real estate mortgage.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 260, by committee on ways and means, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Read first time and referred to committee on **ways and means**.

Senate File 301, by committee on economic growth/rebuild Iowa, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Read first time and referred to committee on **economic growth/rebuild Iowa**.

Senate File 364, by committee on state government, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

Read first time and referred to committee on **state government**.

Senate File 365, by committee on judiciary, a bill for an act relating to the placement of a juvenile on youthful offender status in district court.

Read first time and referred to committee on **judiciary**.

Senate File 400, by committee on judiciary, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse.

Read first time and **passed on file**.

Senate File 420, by committee on education, a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions.

Read first time and referred to committee on **education**.

Senate File 424, by committee on education, a bill for an act establishing a district-to-community college program and facilities sharing pilot program.

Read first time and referred to committee on **education**.

Senate File 430, by committee on state government, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including fee and effective date provisions.

Read first time and referred to committee on **state government**.

Senate File 438, by committee on state government, a bill for an act relating to licensing by reciprocity for dentists.

Read first time and referred to committee on **state government**.

Senate File 440, by committee on education, a bill for an act relating to the powers and duties of the college student aid commission in administering certain federal postsecondary financial aid initiatives.

Read first time and referred to committee on **education**.

Senate File 460, by committee on commerce, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

Read first time and **passed on file**.

Senate File 461, by committee on rules and administration, a bill for an act relating to certain boards and commissions with legislative appointments.

Read first time and referred to committee on **administration and rules**.

Senate File 462, by committee on judiciary, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

Read first time and referred to committee on **public safety**.

Senate File 468, by committee on education, a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

Read first time and referred to committee on **education**.

Senate File 469, by committee on education, a bill for an act relating to vehicular transportation for students and making penalties applicable.

Read first time and referred to committee on **transportation**.

Senate File 470, by committee on education, a bill for an act relating to the duties and operations of the state's community colleges.

Read first time and **passed on file**.

Senate File 483, by committee on education, a bill for an act relating to licensure by the board of educational examiners of persons

who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

Read first time and **passed on file**.

Senate File 495, by committee on human resources, a bill for an act relating to the long-term care ombudsman program.

Read first time and referred to committee on **human resources**.

The House stood at ease at 3:11 p.m., until the fall of the gavel.

The House resumed session at 5:07 pm., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster, through March 16, 2011, on request of McCarthy of Polk; Thede of Scott on request of M. Smith of Marshall; Watts of Dallas on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS

Regular Calendar

House File 345, a bill for an act relating to joint physical care of children, with report of committee recommending passage, was taken up for consideration.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 345)

The ayes were, 69:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Kressig	Lofgren	Lukan

Lykam	Massie	McCarthy	Miller, L.
Moore	Muhlbauer	Olson, S.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Windschitl	Worthan
Mr. Speaker			
Paulsen			

The nays were, 26:

Cohoon	Gaines	Gaskill	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Lensing	Mascher
Murphy	Oldson	Olson, T.	Petersen
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 5:

Brandenburg	Miller, H.	Olson, R.	Thede
Watts			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 462, a bill for an act allowing the operation of certain motorboats on lake Macbride at any time, was taken up for consideration.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1297 filed by her on March 14, 2011.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1295 filed by her on March 14, 2011.

Hager of Allamakee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Kaufmann of Cedar in the chair at 5:22 p.m.

On the question "Shall the bill pass?" (H.F. 462)

The ayes were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Helland	Horbach	Huseman	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Taylor, T.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Windschitl
Worthan	Kaufmann, Presiding		

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hein	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Muhlbauer	Murphy	Oldson	Petersen
Pettengill	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 5:

Brandenburg	Miller, H.	Olson, R.	Thede
Watts			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 230 WITHDRAWN

Hager of Allamakee asked and received unanimous consent to withdraw House File 230 from further consideration by the House.

House File 537, a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties, was taken up for consideration.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-1233 filed by him on March 7, 2011.

Isenhart of Dubuque offered amendment H-1281 filed by him and moved its adoption.

Amendment H-1281 was adopted.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-1232 filed by him on March 7, 2011, placing out of order amendment H-1325 filed from the floor by Isenhart of Dubuque.

Koester of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 537)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, none.

Absent or not voting, 7:

Brandenburg	Hunter	Miller, H.	Olson, R.
Taylor, T.	Thede	Watts	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 563, a bill for an act creating the transparency in private attorney contracts Act, was taken up for consideration.

Under the provision of Rule 31, related to the timely filing of amendments, amendment H-1323, filed by Hagenow of Polk from the floor, was placed out of order.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 563)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems

Winckler Worthan	Windschitl Kaufmann, Presiding	Wittneben	Wolfe
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The nays were, none.

Absent or not voting, 6:

Brandenburg Thede	Hunter Watts	Miller, H.	Olson, R.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 592, a bill for an act establishing the council for agricultural education, was taken up for consideration.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 592)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Kaufmann, Presiding		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Hunter	Miller, H.	Olson, R.
Thede	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 166 WITHDRAWN

Garrett of Warren asked and received unanimous consent to withdraw House File 166 from further consideration by the House.

HOUSE FILE 407 WITHDRAWN

Drake of Cass asked and received unanimous consent to withdraw House File 407 from further consideration by the House.

Lukan of Dubuque in the chair at 5:53 p.m.

Speaker Paulsen in the chair at 5:55 p.m.

House File 562, a bill for an act relating to the child abuse registry administered by the department of human services, was taken up for consideration.

Fry of Clarke moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 562)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Isenhart	Iverson	Jacoby	Jorgensen

Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Hunter	Miller, H.	Olson, R.
Thede	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 540, a bill for an act creating the health care professional lien Act, was taken up for consideration.

Kaufmann of Cedar offered amendment H-1243 filed by him and moved its adoption.

Amendment H-1243 was adopted.

Kaufmann of Cedar offered amendment H-1287 filed by him and moved its adoption.

Amendment H-1287 was adopted.

Kaufmann of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 540)

The ayes were, 70:

Alons	Anderson	Arnold	Baudler
Berry	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Iverson
Jacoby	Kaufmann	Klein	Koester
Lofgren	Lukan	Lykam	Massie
Miller, L.	Moore	Muhlbauer	Olson, S.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Wessel-Kroeschell	Winckler	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 25:

Abdul-Samad	Baltimore	Cohoon	Gaines
Hall	Hunter	Isenhart	Jorgensen
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Mascher	McCarthy	Murphy
Oldson	Olson, T.	Petersen	Running-Marquardt
Swaim	Taylor, T.	Wenthe	Willems
Wolfe			

Absent or not voting, 5:

Brandenburg	Miller, H.	Olson, R.	Thede
Watts			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 617, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions, was taken up for consideration.

Wenthe of Fayette offered amendment H-1293 filed by him and moved its adoption.

Amendment H-1293 was adopted.

Iverson of Wright offered amendment H-1296 filed by him and moved its adoption.

Amendment H-1296 was adopted.

Under the provision of Rule 31, related to the timely filing of amendments, amendment H-1299, filed by Iverson of Wright from the floor was placed out of order.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 617)

The ayes were, 86:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Cohoon
Cownie	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Quirk
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 9:

Alons	Chambers	De Boef	Deyoe
Grassley	Heddens	Pearson	Raecker
Schultz			

Absent or not voting, 5:

Brandenburg Miller, H. Olson, R. Thede
Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 345, 462, 537, 540, 562, 563, 592 and 617.**

HOUSE FILE 587 REFERRED

The Speaker announced that House File 587, previously placed on the **calendar** was referred to committee on **transportation**.

HOUSE FILE 643 REFERRED

The Speaker announced that House File 643, previously referred to committee on **appropriations** was placed on **calendar**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 14, 2011. Had I been present, I would have voted "aye" on House Files 461 and 484.

KOESTER of Polk

I was necessarily absent from the House chamber on February 15, 2011. Had I been present, I would have voted "aye" on House Files 243 and 245.

On Monday, March 14, 2011 I voted "aye" on House File 532, but the voting machine did not record my vote.

WINCKLER of Scott

SUBCOMMITTEE ASSIGNMENTS

Senate File 204

Education: L. Miller, Chair; Forristall and Mascher.

Senate File 206

Economic Growth/Rebuild Iowa: Soderberg, Chair; Baltimore and Wittneben.

Senate File 326

Judiciary: Anderson, Chair; Baltimore and Swaim.

Senate File 407

Environmental Protection: De Boef, Chair; Klein and Winckler.

Senate File 437

Education: Byrnes, Chair; Cohoon and Hanusa.

Senate File 445

Education: Hanusa, Chair; Forristall and Mascher.

Senate File 451

Education: L. Miller, Chair; Forristall and Winckler.

Senate File 453

Education: Chambers, Chair; Byrnes and Mascher.

Senate File 454

Education: Pearson, Chair; Hanusa and Mascher.

RESOLUTIONS FILED

H.R. 25, by Drake, Berry, Mascher, Petersen, Arnold, Anderson, and S. Olson, a resolution inviting the people of Yamanashi Prefecture, Japan, to be the guests of the State of Iowa at the rededication of the Japanese Bell of Peace and Friendship.

Laid over under **Rule 25**.

H.R. 26, by L. Miller, Running-Marquardt, and Petersen, a resolution recognizing May as Lupus Awareness Month in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1300	H.F.	470	Alons of Sioux
H-1301	H.F.	185	Senate Amendment
H-1302	H.F.	184	Senate Amendment
H-1303	H.F.	470	Mascher of Johnson
H-1304	H.F.	589	Petersen of Polk
H-1305	H.F.	560	Paustian of Scott
H-1306	H.F.	585	Dolecheck of Ringgold
H-1307	H.F.	599	Jorgensen of Woodbury
H-1308	H.F.	584	Hanson of Jefferson
H-1309	H.F.	584	Hanson of Jefferson
H-1310	H.F.	607	Garrett of Warren
H-1311	H.F.	608	Garrett of Warren
H-1312	H.F.	607	Wolfe of Clinton
H-1313	H.F.	526	Wolfe of Clinton Swaim of Davis R. Olson of Polk
H-1314	H.F.	584	Abdul-Samad of Polk
H-1315	H.F.	588	Willems of Linn
H-1316	H.F.	588	Mascher of Johnson
H-1317	H.F.	584	Mascher of Johnson
H-1318	H.F.	589	T. Taylor of Linn
H-1319	H.F.	589	T. Taylor of Linn
H-1320	H.F.	589	T. Taylor of Linn
H-1321	H.F.	589	T. Taylor of Linn
H-1322	H.F.	588	Winckler of Scott
H-1324	H.F.	574	Hanusa of Pottawattamie
H-1326	H.F.	589	Isenhart of Dubuque
H-1327	H.F.	588	Abdul-Samad of Polk
H-1328	H.F.	588	Willems of Linn
H-1329	H.F.	583	Willems of Linn
H-1330	H.F.	588	Mascher of Johnson
H-1331	H.F.	583	Mascher of Johnson
H-1332	H.F.	561	Lensing of Johnson
H-1333	S.F.	468	Abdul-Samad of Polk
H-1334	H.F.	585	Willems of Linn Winckler of Scott
H-1335	H.F.	392	T. Taylor of Linn
H-1336	H.F.	584	Steckman of Cerro Gordo
H-1337	H.F.	549	Windschitl of Harrison
H-1338	H.F.	583	Steckman of Cerro Gordo

H-1339	H.F.	588	Gaines of Polk
H-1340	H.F.	584	Gaines of Polk
H-1341	H.F.	583	Gaines of Polk
H-1342	H.F.	583	Abdul-Samad of Polk
H-1343	H.F.	569	J. Smith of Dickinson
H-1344	H.F.	569	J. Smith of Dickinson
H-1345	H.F.	561	Mascher of Johnson
H-1346	H.F.	561	Mascher of Johnson
H-1347	H.F.	583	Winckler of Scott
H-1348	H.F.	588	Winckler of Scott
H-1349	H.F.	561	Winckler of Scott
H-1350	H.F.	584	Kelley of Jasper
H-1351	H.F.	584	Hanson of Jefferson
H-1352	H.F.	561	Wessel-Kroeschell of Story
H-1353	H.F.	561	Wessel-Kroeschell of Story
H-1354	H.F.	561	Lensing of Johnson
H-1355	H.F.	561	Lensing of Johnson
H-1356	H.F.	561	Hunter of Polk
H-1357	H.F.	561	Isenhart of Dubuque
H-1358	H.F.	561	Isenhart of Dubuque
H-1359	H.F.	561	Isenhart of Dubuque
H-1360	H.F.	583	Mascher of Johnson
H-1361	H.F.	561	Hunter of Polk
H-1362	H.F.	583	Willems of Linn
H-1363	H.F.	583	Willems of Linn
H-1364	H.F.	549	Windschitl of Harrison

On motion by Upmeyer of Hancock the House adjourned at 6:23 p.m., until 8:30 a.m., Wednesday, March 16, 2011.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 16, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Owen Englin, Church of Christ, Rockwell City. He was the guest of Representative Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kassi Guinn, Page from Moulton.

The Journal of Tuesday, March 15, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie and Watts of Dallas on request of Upmeyer of Hancock; H. Miller of Webster and Berry of Black Hawk, until her return, on request of M. Smith of Marshall; McCarthy of Polk on request of Mascher of Johnson.

INTRODUCTION OF BILLS

House File 648, by committee on appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

Read first time and placed on the **appropriations calendar**.

House File 649, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services

and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

Senate File 412, by committee on local government, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Read first time and **passed on file**.

The House stood at ease at 8:39 a.m., until the fall of the gavel.

The House resumed session at 11:00 a.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 582, a bill for an act exempting junior reserve officer training corps program instructors from board of educational examiners licensing requirements, was taken up for consideration.

Schultz of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 582)

The ayes were, 79:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lofgren	Lukan

Lykam	Massie	Miller, L.	Moore
Muhlbauer	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Willems	Windschitl
Wittneben	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 14:

Abdul-Samad	Gaines	Heddens	Hunter
Isenhardt	Lensing	Mascher	Murphy
Oldson	Petersen	Taylor, T.	Wessel-Kroeschell
Winckler	Wolfe		

Absent or not voting, 7:

Berry	Brandenburg	McCarthy	Miller, H.
Olson, R.	Rayhons	Watts	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 247 WITHDRAWN

Schultz of Crawford asked and received unanimous consent to withdraw House File 247 from further consideration by the House.

Kaufmann of Cedar in the chair at 11:16 a.m.

House File 583, a bill for an act relating to independent accreditation of nonpublic schools, was taken up for consideration.

Mascher of Johnson offered amendment H-1331 filed by her and moved its adoption.

Amendment H-1331 lost.

Gaines of Polk offered amendment H-1341 filed by her and moved its adoption.

Amendment H-1341 lost.

Abdul-Samad of Polk offered amendment H-1342 filed by him and moved its adoption.

Amendment H-1342 lost.

Willems of Linn asked and received unanimous consent to withdraw amendment H-1329 filed by him on March 15, 2011.

Winckler of Scott offered amendment H-1347 filed by her and moved its adoption.

Roll call was requested by Winckler of Scott and T. Taylor of Linn.

On the question "Shall amendment H-1347 be adopted?" (H.F. 583)

The ayes were, 39:

Abdul-Samad	Cohon	Forristall	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, T.	Paulsen, Spkr.	Petersen
Quirk	Running-Marquardt	Smith, J.	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 54:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Fry	Garrett	Grassley	Hagenow
Hager	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jorgensen
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 7:

Berry	Brandenburg	Hanusa	McCarthy
Miller, H.	Olson, R.	Watts	

Amendment H-1347 lost.

Steckman of Cerro Gordo offered amendment H-1338 filed by her and moved its adoption.

Roll call was requested by Steckman of Cerro Gordo and Abdul-Samad of Polk.

On the question "Shall amendment H-1338 be adopted?" (H.F. 583)

The ayes were, 35:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	Murphy	Oldson	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Windschitl	Worthan
Kaufmann, Presiding			

Absent or not voting, 8:

Berry	Brandenburg	Heaton	McCarthy
Miller, H.	Muhlbauer	Olson, R.	Watts

Amendment H-1338 lost.

Mascher of Johnson offered amendment H-1360 filed by her and moved its adoption.

Amendment H-1360 lost.

Willems of Linn offered amendment H-1362 filed by him and moved its adoption.

Amendment H-1362 lost.

Willems of Linn asked and received unanimous consent to withdraw amendment H-1363 filed by him on March 15, 2011.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 583)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Windschitl	Worthan
Kaufmann, Presiding			

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtažovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 6:

Brandenburg	McCarthy	Miller, H.	Olson, R.
Shaw	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 302, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 16, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 482, a bill for an act relating to requirements of the department of human services involving individuals and families.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 238, by committee on education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Read first time and referred to committee on **education**.

Senate File 239, by committee on education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Read first time and referred to committee on **education**.

Senate File 261, by committee on ways and means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

Senate File 295, by committee on human resources, a bill for an act relating to donation of newborn umbilical cord blood.

Read first time and **passed on file**.

Senate File 302, by committee on ways and means, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

Senate File 328, by committee on education, a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

Read first time and referred to committee on **education**.

Senate File 367, by committee on education, a bill for an act concerning the protection of students from concussions and other brain injuries.

Read first time and **passed on file**.

Senate File 404, by committee on human resources, a bill for an act relating to health information technology including the creation of a statewide health information exchange, providing for fees, and including effective date provisions.

Read first time and referred to committee on **human resources**.

Senate File 479, by committee on agriculture, a bill for an act providing for the possession of cats classified as bengals and savannahs.

Read first time and referred to committee on **natural resources**.

Senate File 482, by committee on human resources, a bill for an act relating to requirements of the department of human services involving individuals and families.

Read first time and referred to committee on **human resources**.

Senate File 494, by committee on judiciary, a bill for an act relating to the foreclosure of a real estate mortgage.

Read first time and referred to committee on **judiciary**.

HOUSE FILE 167 WITHDRAWN

Dolecheck of Ringgold asked and received unanimous consent to withdraw House File 167 from further consideration by the House.

Speaker Paulsen in the chair at 12:57 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Paustian of Scott on request of Upmeyer of Hancock.

House File 584, a bill for an act concerning driver education instruction by a teaching parent, was taken up for consideration.

Hanson of Jefferson offered amendment H-1351 filed by him and moved its adoption.

Amendment H-1351 lost.

Hanson of Jefferson offered amendment H-1309 filed by him and moved its adoption.

Amendment H-1309 lost.

Hanson of Jefferson offered amendment H-1308 filed by him and moved its adoption.

Amendment H-1308 lost.

Hanson of Jefferson offered amendment H-1252 filed by him and moved its adoption.

Roll call was requested by Hanson of Jefferson and Jacoby of Johnson.

On the question "Shall amendment H-1252 be adopted?" (H.F. 584)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 10:

Baudler	Brandenburg	Iverson	McCarthy
Miller, H.	Olson, R.	Paustian	Tjepkes
Watts	Wolfe		

Amendment H-1252 was adopted.

Gaines of Polk offered amendment H-1340 filed by her and moved its adoption.

Amendment H-1340 lost.

Steckman of Cerro Gordo offered amendment H-1336 filed by her and moved its adoption.

Windschitl of Harrison in the chair at 1:29 p.m.

Speaker Paulsen in the chair at 1:32 p.m.

Amendment H-1336 lost.

Kelley of Jasper offered amendment H-1350 filed by him and moved its adoption.

Amendment H-1350 lost.

Abdul-Samad of Polk offered amendment H-1314 filed by him and moved its adoption.

Amendment H-1314 lost.

Mascher of Johnson offered amendment H-1317 filed by her and moved its adoption.

Amendment H-1317 lost.

Kaufmann of Cedar in the chair at 1:54 p.m.

Pearson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 584)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kelley
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paulsen, Spkr.	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Windschitl	Worthan	Kaufmann, Presiding	

The nays were, 35:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kressig	Lensing	Lykam	Mascher
Muhlbauer	Murphy	Oldson	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 6:

Brandenburg	McCarthy	Miller, H.	Olson, R.
Paustian	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 160 WITHDRAWN

Pearson of Polk asked and received unanimous consent to withdraw House File 160 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 582, 583 and 584.**

House File 585, a bill for an act relating to charter school and innovation zone school approval and revocation or nonrenewal requirements under the state's system of public education, was taken up for consideration.

Winckler of Scott offered amendment H-1334 filed by her and Willems of Linn and moved its adoption.

Amendment H-1334 lost.

Dolecheck of Ringgold offered amendment H-1306 filed by him and moved its adoption.

Amendment H-1306 was adopted, placing out of order amendment H-1285 filed by Willems of Linn on March 14, 2011.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 585)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Wenthe	Windschitl	Worthan	Kaufmann, Presiding

The nays were, 34:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 6:

Brandenburg	McCarthy	Miller, H.	Olson, R.
Paustian	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 588, a bill for an act relating to the establishment of an independent private instruction option for students of compulsory attendance age, was taken up for consideration.

Willems of Linn offered amendment H-1315 filed by him and moved its adoption.

Roll call was requested by Willems of Linn and Wessel-Kroeschell of Story.

On the question "Shall amendment H-1315 be adopted?" (H.F. 588)

The ayes were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, T.	Petersen	Quirk
Schulte	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 53:

Alons	Anderson	Arnold	Baltimore
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Windschitl	Worthan
Kaufmann, Presiding			

Absent or not voting, 10:

Baudler	Brandenburg	McCarthy	Miller, H.
Olson, R.	Paustian	Pearson	Running-Marquardt
Sands	Watts		

Amendment H-1315 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1316 filed by her on March 15, 2011.

Cownie of Polk in the chair at 3:35 p.m.

Mascher of Johnson offered amendment H-1330 filed by her and moved its adoption.

Amendment H-1330 lost.

Willems of Linn offered amendment H-1328 filed by him and moved its adoption.

Amendment H-1328 lost.

Gaines of Polk offered amendment H-1339 filed by her and moved its adoption.

Amendment H-1339 lost.

Winckler of Scott offered amendment H-1322 filed by her and moved its adoption.

Amendment H-1322 lost.

Abdul-Samad of Polk offered amendment H-1327 filed by him and moved its adoption.

Amendment H-1327 lost.

Winckler of Scott offered amendment H-1348 filed by her and moved its adoption.

Roll call was requested by Winckler of Scott and Mascher of Johnson.

On the question "Shall amendment H-1348 be adopted?" (H.F. 588)

The ayes were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Windschitl	Worthan
Cownie, Presiding			

Absent or not voting, 6:

Brandenburg	McCarthy	Miller, H.	Olson, R.
Paustian	Watts		

Amendment H-1348 lost.

Kaufmann of Cedar in the chair at 4:07 p.m.

Forristall of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 588)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Windschitl	Worthan
Kaufmann, Presiding			

The nays were, 37:

Abdul-Samad	Berry	Cphoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Muhlbauer	Murphy
Oldson	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 6:

Brandenburg	McCarthy	Miller, H.	Olson, R.
Paustian	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 222, a bill for an act to prohibit political telephone calls during the nighttime hours and making penalties applicable, was taken up for consideration.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment H-1086 filed by him on February 16, 2011.

Isenhart of Dubuque offered amendment H-1087 filed by him.

Cownie of Polk rose on a point of order that amendment H-1087 was not germane.

The Speaker ruled the point well taken and amendment H-1087 not germane.

Isenhart of Dubuque offered amendment H-1090 filed by him.

Cownie of Polk rose on a point of order that amendment H-1090 was not germane.

Speaker Paulsen in the chair at 4:31 p.m.

The House stood at ease at 4:32 p.m., until the fall of the gavel.

The House resumed session at 5:27 p.m., Speaker Paulsen in the chair.

The Speaker ruled the point well taken and amendment H-1090 not germane.

Upmeyer of Hancock asked and received unanimous consent that House File 222 be deferred and that the bill retain its place on the calendar.

House File 569, a bill for an act relating to filling vacancies in elective city offices, was taken up for consideration.

J. Smith of Dickinson offered amendment H-1343 filed by him and moved its adoption.

Amendment H-1343 was adopted.

J. Smith of Dickinson offered amendment H-1344 filed by him and moved its adoption.

Mascher of Johnson rose on a point of order that amendment H-1344 was not germane.

Mascher of Johnson withdrew her point of order that amendment H-1344 was not germane.

Amendment H-1344 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanusa of Pottawattamie on request of Upmeyer of Hancock.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 569)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren

Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 8:

Brandenburg	Forristall	Hanusa	McCarthy
Miller, H.	Olson, R.	Paustian	Watts

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 223 WITHDRAWN

J. Smith of Dickinson asked and received unanimous consent to withdraw House File 223 from further consideration by the House.

HOUSE FILE 124 WITHDRAWN

Dolecheck of Ringgold asked and received unanimous consent to withdraw House File 124 from further consideration by the House.

House File 593, a bill for an act relating to the education requirements for licensed massage therapists, was taken up for consideration.

Windschitl of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 593)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 8:

Brandenburg	Forristall	Hanusa	McCarthy
Miller, H.	Olson, R.	Paustian	Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 304 WITHDRAWN

Windschitl of Harrison asked and received unanimous consent to withdraw House File 304 from further consideration by the House.

House File 392, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and to the fee structure for professional licenses, was taken up for consideration.

Pettengill of Benton offered amendment H-1264 filed by her.

Pettengill of Benton offered amendment H-1365, to amendment H-1264, filed by her, Quirk of Chickasaw and Kaufmann of Cedar from the floor.

Amendment H-1365, to amendment H-1264, was adopted.

Pettengill of Benton moved amendment H-1264, as amended.

Amendment H-1264, as amended, was adopted.

T. Taylor of Linn offered amendment H-1335 filed by him and moved its adoption.

Roll call was requested by Upmeyer of Hancock and Pettengill of Benton.

On the question "Shall amendment H-1335 be adopted?" (H.F. 392)

The ayes were, 32:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kressig	Lensing	Lykam
Mascher	Murphy	Oldson	Olson, T.
Petersen	Schulte	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Fry	Garrett	Grassley	Hagenow
Hager	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Kelley	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Muhlbauer	Olson, S.	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Wenthe	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 8:

Brandenburg	Forristall	Hanusa	McCarthy
Miller, H.	Olson, R.	Paustian	Watts

Amendment H-1335 lost.

Pettengill of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 392)

The ayes were, 70:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jorgensen	Kaufmann	Kelley
Klein	Koester	Lensing	Lofgren
Lukan	Massie	Miller, L.	Moore
Muhlbauer	Olson, S.	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Windschitl	Wittneben
Worthan	Mr. Speaker Paulsen		

The nays were, 23:

Abdul-Samad	Berry	Cohoon	Gaines
Hunter	Jacoby	Kajtazovic	Kearns
Kressig	Lykam	Mascher	Murphy
Oldson	Olson, T.	Petersen	Smith, M.
Taylor, T.	Thede	Thomas	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 7:

Brandenburg	Hanusa	McCarthy	Miller, H.
Olson, R.	Paustian	Watts	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 42 WITHDRAWN

Pettengill of Benton asked and received unanimous consent to withdraw House File 42 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 392, 569, 585, 588 and 593.**

SUBCOMMITTEE ASSIGNMENTS

House File 457

Appropriations: Drake, Chair; Garrett and Wenthe.

House File 463

Appropriations: Garrett, Chair; Cohoon and Huseman.

House File 550

Appropriations: Drake, Chair; Garrett and Winckler.

House File 587

Transportation: Tjepkes, Chair; Iverson and Lykam.

House File 625

Appropriations: Hagenow, Chair; Gaskill and Rogers.

House File 626

Appropriations: Schulte, Chair; Heaton and Heddens.

House File 639

State Government: Pettengill, Chair; Kaufmann and Quirk.

Senate File 289

State Government: Koester, Chair; Lensing and Raecker.

Senate File 364

State Government: Koester, Chair; Massie and Wenthe.

Senate File 365

Judiciary: Garrett, Chair; M. Smith and J. Taylor.

Senate File 404

Human Resources: L. Miller, Chair; Lofgren and M. Smith.

Senate File 420

Education: Dolecheck, Chair; Sweeney and Willems.

Senate File 424

Education: Hanusa, Chair; Kelley and Pearson.

Senate File 430

State Government: Koester, Chair; Lensing and Raecker.

Senate File 438

State Government: Rogers, Chair; Jorgensen and Kajtazovic.

Senate File 440

Education: L. Miller, Chair; Forristall and Winckler.

Senate File 469

Transportation: Tjepkes, Chair; Iverson and Lykam.

Senate File 482

Human Resources: Schulte, Chair; Pearson and Petersen.

Senate File 494

Judiciary: Hagenow, Chair; Kaufmann and Swaim.

Senate File 495

Human Resources: Fry, Chair; Garrett and Hunter.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 221

Appropriations: Wagner, Chair; Murphy and Rogers.

RESOLUTIONS FILED

H.R. 27, by Anderson, Drake, Arnold, Berry, Mascher, S. Olson, and Petersen, a resolution to acknowledge the genocide in Bosnia and Herzegovina.

Laid over under **Rule 25**.

H.R. 28, by Jacoby, Mascher, Lensing, Berry, Kajtazovic, Kressig, Rogers, Kaufmann, and Klein, a resolution to honor the remarkable forensics programs of the University of Iowa and the University of Northern Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1366	H.F.	586	Running-Marquardt of Linn
H-1367	S.F.	291	Wolfe of Clinton
H-1368	H.F.	517	Baltimore of Boone
H-1369	H.F.	516	Wagner of Linn Wittneben of Emmet
H-1370	H.F.	645	Running-Marquardt of Linn
H-1371	H.F.	618	Pettengill of Benton
H-1372	H.F.	467	L. Miller of Scott
H-1373	H.F.	500	Sands of Louisa
H-1374	H.F.	222	Isenhart of Dubuque
H-1375	H.F.	589	S. Olson of Clinton

On motion by Upmeyer of Hancock the House adjourned at 6:06 p.m., until 8:30 a.m., Thursday, March 17, 2011.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 17, 2011

The House met pursuant to adjournment at 8:32 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Dan Boddicker, former member of the House from Tipton. He was the guest of Representative Kaufmann of Cedar County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Colin and Carter Upmeyer, grandsons of Representative Upmeyer of Hancock.

The Journal of Wednesday, March 16, 2011 was approved.

SENATE MESSAGE CONSIDERED

Senate File 456, by committee on judiciary, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

Read first time and referred to committee on **public safety**.

SPECIAL PRESENTATION

Deyoe of Story presented to the House the Honorable Teresa Garman, former member of the House from Story County.

The House rose and expressed its welcome.

The House stood at ease at 8:47 a.m., until the fall of the gavel.

The House resumed session at 9:14 a.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie, Watts of Dallas and Lukan of Dubuque, until his arrival, on request of Upmeyer of Hancock; Gaines of Polk on request of Abdul-Samad of Polk; McCarthy of Polk and Mascher of Johnson on request of M. Smith of Marshall.

CONSIDERATION OF BILLS
Regular Calendar

House File 618, a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors, was taken up for consideration.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1371 filed by her on March 16, 2011.

Pettengill of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 618)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanson	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Swaim	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 33:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 7:

Brandenburg	Gaines	Lukan	Mascher
McCarthy	Olson, R.	Watts	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 589, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies, was taken up for consideration.

Lykam of Scott asked and received unanimous consent to withdraw amendment H-1292 filed by him on March 14, 2011, placing out of order amendments H-1320 and H-1321 filed by T. Taylor of Linn on March 15, 2011 and amendment H-1326 filed by Isenhart of Dubuque on March 15, 2011.

M. Smith of Marshall asked and received unanimous consent to withdraw amendment H-1288 filed by Mascher of Johnson on March 14, 2011.

M. Smith of Marshall asked and received unanimous consent to withdraw amendment H-1304 filed by Petersen of Polk on March 15, 2011.

Isenhart of Dubuque asked and received unanimous consent that amendment H-1283 be deferred.

S. Olson of Clinton offered amendment H-1375 filed by him and moved its adoption.

Amendment H-1375 was adopted, placing out of order amendment H-1283 filed by Isenhart of Dubuque on March 14, 2011, previously deferred.

Sweeney of Hardin offered amendment H-1278 filed by her.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1318, to amendment H-1278, filed by him on March 15, 2011.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1319, to amendment H-1278, filed by him on March 15, 2011.

Sweeney of Hardin moved amendment H-1278.

Amendment H-1278 was adopted.

Lykam of Scott asked and received unanimous consent to withdraw amendment H-1286 filed by him on March 14, 2011.

M. Smith of Marshall asked and received unanimous consent to withdraw amendment H-1263 filed by him on March 9, 2011.

Sweeney of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 589)

The ayes were, 66:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Kelley	Klein	Koester	Lofgren
Massie	Miller, H.	Miller, L.	Moore
Muhlbauer	Olson, S.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte

Schultz	Shaw	Smith, J.	Soderberg
Swaim	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Windschitl	Wittneben
Worthan	Mr. Speaker Paulsen		

The nays were, 27:

Abdul-Samad	Cohoon	Gaskill	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kressig
Lensing	Lykam	Murphy	Oldson
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 7:

Brandenburg	Gaines	Lukan	Mascher
McCarthy	Olson, R.	Watts	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 431 WITHDRAWN

Sweeney of Hardin asked and received unanimous consent to withdraw House File 431 from further consideration by the House.

HOUSE FILE 10 WITHDRAWN

Pettengill of Benton asked and received unanimous consent to withdraw House File 10 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 589 and 618.**

On motion by Upmeyer of Hancock, the House was recessed at 9:58 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:32 p.m., Speaker Paulsen in the chair.

SUBCOMMITTEE ASSIGNMENTS

Senate File 238

Education: L. Miller, Chair; Forristall and Willems.

Senate File 239

Education: L. Miller, Chair; Forristall and Willems.

Senate File 243

Commerce: Wagner, Chair; Baltimore and T. Olson.

Senate File 328

Education: L. Miller, Chair; Abdul-Samad and Forristall.

Senate File 468

Education: Abdul-Samad, Chair; Jorgensen and Koester.

Senate File 494 Reassigned

Judiciary: Pearson, Chair; Kaufmann and Swaim.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 172
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

RESOLUTIONS FILED

H.R. 29, by Pettengill, Kaufmann, Sands, J. Smith, Alons, Iverson, Watts, Shaw, Heaton, Baudler, Tjepkes, Drake, Schultz, Baltimore, Byrnes, Horbach, Rasmussen, Soderberg, Grassley, Paustian, Dolecheck, Chambers, Vander Linden, Muhlbauer, Hein, Wittneben, Rayhons, Windschitl, Wenthe, Moore, Thomas, De Boef, Deyoe, Fry, Massie, and Quirk, a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency

relating to national emissions standards for hazardous air pollutants for reciprocating internal combustion engines.

Laid over under **Rule 25**.

H.R. 30, by J. Taylor, Jorgensen, and Hall, a resolution to congratulate the Bishop Heelan Crusaders on winning the Class 3A Boys' Basketball 2011 Championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1376	H.F.	607	Garrett of Warren
H-1377	H.F.	590	Thomas of Clayton
H-1378	H.F.	590	H. Miller of Webster
H-1379	H.F.	590	Heddens of Story
H-1380	H.F.	590	Lukan of Dubuque
H-1381	H.F.	590	Running-Marquardt of Linn
H-1382	H.F.	590	Running-Marquardt of Linn
H-1383	S.F.	402	Shaw of Pocahontas
H-1384	H.F.	590	Lukan of Dubuque
H-1385	H.F.	549	Rogers of Black Hawk
H-1386	H.F.	590	Thomas of Clayton
H-1387	H.F.	590	Lukan of Dubuque
H-1388	H.F.	534	J. Taylor of Woodbury

On motion by Upmeyer of Hancock the House adjourned at 12:32 p.m., until 10:00 a.m., Friday, March 18, 2011.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 18, 2011

The House met pursuant to adjournment at 10:02 a.m., Hagenow of Polk in the chair.

Prayer was offered by Representative Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Hagenow of Polk.

The Journal of Thursday, March 17, 2011 was approved.

SENATE MESSAGE CONSIDERED

Senate File 493, by committee on judiciary, a bill for an act relating to the operations of certain common interest communities.

Read first time and **passed on file**.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA WORKFORCE DEVELOPMENT

Unemployment Compensation Trust Fund Report, pursuant to Chapter 96.35, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

Senate File 177

Public Safety: Tjepkes, Chair; Baudler and Kressig.

Senate File 236

Public Safety: Hagenow, Chair; Baudler and Berry.

Senate File 456

Public Safety: Worthan, Chair; Klein and R. Olson.

Senate File 462

Public Safety: Sands, Chair; Abdul-Samad and Fry.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 418, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 393, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

On motion by Pearson of Polk the House adjourned at 10:03 a.m., until 1:00 p.m., Monday, March 21, 2011.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 21, 2011

The House met pursuant to adjournment at 1:07 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Sands from Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Daniel Breitbarth, Page from Ankeny.

The Journal of Friday, March 18, 2011 was approved.

SPECIAL PRESENTATIONS

J. Taylor and Jorgensen of Woodbury introduced to the House the Bishop Heelan Crusaders of Sioux City, winners of the class 3A Boys' Basketball 2011 Championship.

The House rose and expressed its welcome.

Soderberg of Plymouth introduced to the House the Orange City Tulip Festival Queen and her court.

The House rose and expressed its welcome.

On motion by Upmeyer of Hancock, the House was recessed at 1:19 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:42 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House Joint Resolution 16, by Upmeyer and McCarthy, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

Read first time and referred to committee on **state government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie, until March 28, 2011, on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS

Regular Calendar

House File 467, a bill for an act relating to programs and activities under the purview of the department of public health, was taken up for consideration.

L. Miller of Scott offered amendment H-1372 filed by her and moved its adoption.

Amendment H-1372 was adopted.

L. Miller of Scott offered amendment H-1289 filed by her and moved its adoption.

Amendment H-1289 was adopted.

Heaton of Henry offered amendment H-1290 filed by him and moved its adoption.

Amendment H-1290 was adopted.

L. Miller of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 467)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, none.

Absent or not voting, 3:

Brandenburg McCarthy Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 475, a bill for an act relating to the injured veterans grant program, was taken up for consideration.

Shaw of Pocahontas asked and received unanimous consent to withdraw amendment H-1163 filed by him on March 7, 2011.

SENATE FILE 402 SUBSTITUTED FOR HOUSE FILE 475

Shaw of Pocahontas asked and received unanimous consent to substitute Senate File 402 for House File 475.

Senate File 402, a bill for an act relating to the injured veterans grant program, was taken up for consideration.

Shaw of Pocahontas offered amendment H-1383 filed by him and moved its adoption.

Amendment H-1383 was adopted.

Shaw of Pocahontas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 402)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 502, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions, was taken up for consideration.

Anderson of Page offered amendment H-1111 filed by the committee on judiciary and moved its adoption.

The committee amendment H-1111 was adopted.

SENATE FILE 475 SUBSTITUTED FOR HOUSE FILE 502

Rogers of Black Hawk asked and received unanimous consent to substitute Senate File 475 for House File 502.

Senate File 475, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions, was taken up for consideration.

Rogers of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 475)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill

Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 475 WITHDRAWN

Shaw of Pocahontas asked and received unanimous consent to withdraw House File 475 from further consideration by the House.

HOUSE FILE 502 WITHDRAWN

Rogers of Black Hawk asked and received unanimous consent to withdraw House File 502 from further consideration by the House.

House File 557, a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions, was taken up for consideration.

Hein of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 557)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 369 WITHDRAWN

Hein of Jones asked and received unanimous consent to withdraw House File 369 from further consideration by the House.

Kaufmann of Cedar in the chair at 5:05 p.m.

House File 578, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions, was taken up for consideration.

SENATE FILE 325 SUBSTITUTED FOR HOUSE FILE 578

Anderson of Page asked and received unanimous consent to substitute Senate File 325 for House File 578.

Senate File 325, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions, was taken up for consideration.

Anderson of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 325)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, 2:

Helland Wagner

Absent or not voting, 2:

Brandenburg Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 578 WITHDRAWN

Anderson of Page asked and received unanimous consent to withdraw House File 578 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 467, 557** and **Senate Files 325, 402, and 475.**

House File 600, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution, was taken up for consideration.

SENATE FILE 483 SUBSTITUTED FOR HOUSE FILE 600

Forristall of Pottawattamie asked and received unanimous consent to substitute Senate File 483 for House File 600.

Senate File 483, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution, was taken up for consideration.

Forristall of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 483)

The ayes were, 62:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kajtazovic	Klein
Koester	Kressig	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paulsen, Spkr.	Paustian	Pearson	Pettengill
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Swaim	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Willems	Windschitl
Worthan	Kaufmann, Presiding		

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kearns
Kelley	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Oldson
Olson, R.	Olson, T.	Petersen	Quirk
Raecker	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Winckler	Wittneben	Wolfe

Absent or not voting, 2:

Brandenburg	Murphy
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 600 WITHDRAWN

Forristall of Pottawattamie asked and received unanimous consent to withdraw House File 600 from further consideration by the House.

House File 609, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions, was taken up for consideration.

Forristall of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 609)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, none.

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 390, a bill for an act relating to an Alzheimer's disease response strategy, was taken up for consideration.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 390)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, none.

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 464, a bill for an act relating to wastewater discharges by on-farm processing operations, was taken up for consideration.

SENATE FILE 321 SUBSTITUTED FOR HOUSE FILE 464

Klein of Washington asked and received unanimous consent to substitute Senate File 321 for House File 464.

Senate File 321, a bill for an act relating to wastewater discharges by on-farm processing operations, was taken up for consideration.

Klein of Washington offered amendment H-1242 filed by him and moved its adoption.

Amendment H-1242 was adopted, placing out of order amendment H-1237 filed by Klein of Washington on March 8, 2011.

Isenhart of Dubuque offered amendment H-1221 filed by him and moved its adoption.

Amendment H-1221 lost.

Klein of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 321)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Iverson	Jacoby	Jorgensen	Kajtazovic
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.

Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Worthan	Kaufmann, Presiding	

The nays were, 8:

Hunter	Isenhart	Kearns	Lensing
Taylor, T.	Wessel-Kroeschell	Winckler	Wolfe

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 295 and 464 WITHDRAWN

Klein of Washington asked and received unanimous consent to withdraw House Files 295 and 464 from further consideration by the House.

HOUSE FILE 60 WITHDRAWN

Schulte of Linn asked and received unanimous consent to withdraw House File 60 from further consideration by the House.

House File 548, a bill for an act relating to county support of county civil service commissions, was taken up for consideration.

Speaker Paulsen in the chair at 5:39 p.m.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 548)

The ayes were, 66:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Lykam
Massie	Miller, L.	Moore	Murphy
Olson, S.	Olson, T.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Taylor, T.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Willems	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 33:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Mascher	McCarthy	Miller, H.	Muhlbauer
Oldson	Olson, R.	Petersen	Smith, M.
Steckman	Swaim	Thede	Thomas
Wenthe	Wessel-Kroeschell	Winckler	Wittneben
Wolfe			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 614, a bill for an act relating to sexual misconduct with offenders and juveniles, and providing a penalty, was taken up for consideration.

Alons of Sioux offered amendment H-1277 filed by Alons, et al., and moved its adoption.

Amendment H-1277 was adopted.

Alons of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 614)

The ayes were, 86:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Huseman	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 12:

Gaines	Gaskill	Hunter	Isenhart
Kearns	Lensing	Murphy	Olson, R.
Taylor, T.	Wessel-Kroeschell	Winckler	Wolfe

Absent or not voting, 2:

Brandenburg	Schulte
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 390, 548, 609, 614** and **Senate Files 321** and **483**.

RULE 57 SUSPENDED

Upmeyer asked for and received unanimous consent to suspend Rule 57 relating to committee notice and agenda, for the committee on state government to meet immediately upon adjournment.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 290, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 506, a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 508, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 21, 2011. Had I been present, I would have voted "aye" on House Files 467, 557 and Senate Files 325, 402 and 475.

T. Taylor of Linn

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Recycling Products Annual Report, pursuant to Chapter 8A.315, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

Senate File 290 Reassigned

Labor: Moore, Chair; Deyoe and Kearns.

Senate File 479

Natural Resources: Rasmussen, Chair; Arnold and Thede.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 222 Ways and Means

Increasing the maximum aggregate amount of tax credits that may be issued under the fund of funds program.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 313, a bill for an act relating to medical assistance program-related provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

COMMITTEE ON NATURAL RESOURCES

Senate File 7, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 2011.

Senate File 130, a bill for an act relating to raccoon hunting.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 2011.

COMMITTEE ON STATE GOVERNMENT

House Joint Resolution 16, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 2011.

COMMITTEE ON TRANSPORTATION

Senate File 205, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

COMMITTEE ON VETERANS AFFAIRS

Senate File 194, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

RESOLUTION FILED

H.R. 31, by Massie, Pearson, Shaw, Moore, Koester, Iverson, Hager, Alons, Kaufmann, Grassley, Lukan, Upmeyer, Arnold, Brandenburg, Paulsen, Horbach, Anderson, and Fry, a resolution calling for audit reform and transparency of the Federal Reserve.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1389	H.F.	590	Thomas of Clayton
H-1390	S.F.	470	Running-Marquardt of Linn
H-1391	H.F.	643	Moore of Jackson
H-1392	H.F.	561	Lensing of Johnson
H-1393	H.F.	244	Pearson of Polk
H-1394	H.F.	594	Watts of Dallas
H-1395	H.F.	497	Schulte of Linn
H-1396	S.F.	233	Schulte of Linn
H-1397	S.F.	427	Iverson of Wright
H-1398	H.F.	619	Iverson of Wright
H-1399	H.F.	549	Rogers of Black Hawk
H-1400	H.F.	603	Kaufmann of Cedar
H-1401	S.F.	470	Byrnes of Mitchell
H-1402	H.F.	514	Watts of Dallas
H-1403	H.F.	594	Watts of Dallas
H-1404	S.F.	7	R. Olson of Polk Horbach of Tama
H-1405	H.F.	458	Baltimore of Boone
H-1406	H.F.	603	Kaufmann of Cedar

On motion by Upmeyer of Hancock the House adjourned at 5:53 p.m., until 8:30 a.m., Tuesday, March 22, 2011.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 22, 2011

The House met pursuant to adjournment at 8:34 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Pastor Verlyn Boone from First Reformed Church, Hull. He was the guest of Representative Alons of Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Conner Archer, Page from St. Charles.

The Journal of Monday, March 21, 2011 was approved.

SPECIAL PRESENTATION

Van Engelenhoven of Marion presented to the House, the Queen of the 2011 Pella Tulip Festival and her court.

The House rose and expressed its welcome.

Speaker Paulsen in the chair at 8:50 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie and Windschitl of Harrison on request of Upmeyer of Hancock.

House Joint Resolution 16, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug, was taken up for consideration.

Upmeyer of Hancock moved that the joint resolution be read a last

time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 16)

The yeas were, 76:

Abdul-Samad	Arnold	Baltimore	Baudler
Byrnes	Chambers	Cohoon	Cownie
Dolecheck	Drake	Forristall	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Koester	Lensing	Lofgren
Lukan	Lykam	Mascher	McCarthy
Miller, H.	Miller, L.	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Running-Marquardt	Schultz
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, J.	Taylor, T.	Thede
Tjepkes	Upmeyer	Van Engelenhoven	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, 12:

Deyoe	Fry	Heaton	Kaufmann
Massie	Moore	Pearson	Rogers
Sands	Shaw	Vander Linden	Wagner

Absent or not voting, 12:

Alons	Anderson	Berry	Brandenburg
De Boef	Klein	Kressig	Olson, R.
Schulte	Swaim	Thomas	Windschitl

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 245, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 453, a bill for an act relating to the regulation of egg production, and including effective date provisions.

Also: That the Senate has on March 21, 2011, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 12, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 312, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 471, a bill for an act relating to the review of administrative rules and application processes.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 480, a bill for an act relating to health care and policy, and health care infrastructure and integration of public and private programs, and related matters, and including effective date provisions.

Also: That the Senate has on March 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 497, a bill for an act establishing a home inspector registration program, providing penalties, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:04 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House File 650, by Sands, a bill for an act providing a sales tax exemption for the sales price from the sale of certain items to the operator of a vehicle wash and wax facility.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 312, by committee on transportation, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions.

Read first time and referred to committee on **transportation**.

Senate File 397, by committee on veterans affairs, a bill for an act creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Read first time and referred to committee on **veterans affairs**.

Senate File 480, by committee on human resources, a bill for an act relating to health care and policy, and health care infrastructure and integration of public and private programs, and related matters, and including effective date provisions.

Read first time and referred to committee on **human resources**.

Senate File 497, by committee on state government, a bill for an act establishing a home inspector registration program, providing penalties, and including effective date provisions.

Read first time and referred to committee on **state government**.

Senate File 508, by committee on appropriations, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time and referred to committee on **appropriations**.

Senate File 509, by committee on appropriations, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Read first time and referred to committee on **appropriations**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baltimore of Boone and Hager of Allamakee on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS

Regular Calendar

House File 182, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation

report and the standards for release on probation in a criminal proceeding, was taken up for consideration.

Hagenow of Polk offered amendment H-1085 filed by him and moved its adoption.

Amendment H-1085 was adopted.

SENATE FILE 259 SUBSTITUTED FOR HOUSE FILE 182

Hagenow of Polk asked and received unanimous consent to substitute Senate File 259 for House File 182.

Senate File 259, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding, was taken up for consideration.

Hagenow of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 259)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.

Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, none.

Absent or not voting, 3:

Baltimore Brandenburg Hager

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 182 WITHDRAWN

Hagenow of Polk asked and received unanimous consent to withdraw House File 182 from further consideration by the House.

House File 244, a bill for an act relating to the release and satisfaction of judgments, was taken up for consideration.

Pearson of Polk offered amendment H-1393 filed by her and moved its adoption.

Amendment H-1393 was adopted.

SENATE FILE 244 SUBSTITUTED FOR HOUSE FILE 244

Pearson of Polk asked and received unanimous consent to substitute Senate File 244 for House File 244.

Senate File 244, a bill for an act relating to the release and satisfaction of judgments, was taken up for consideration.

Pearson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 244)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Baltimore	Brandenburg	Hager
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 244 WITHDRAWN

Pearson of Polk asked and received unanimous consent to withdraw House File 244 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lukan of Dubuque, until his return, on request of Upmeyer of Hancock.

House File 466, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle, was taken up for consideration.

SENATE FILE 149 SUBSTITUTED FOR HOUSE FILE 466

Massie of Warren asked and received unanimous consent to substitute Senate File 149 for House File 466.

Senate File 149, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle, was taken up for consideration.

Massie of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 149)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lofgren	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden

Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Baltimore	Brandenburg	Hager	Lensing
Lukan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 466 WITHDRAWN

Massie of Warren asked and received unanimous consent to withdraw House File 466 from further consideration by the House.

House File 516, a bill for an act relating to the construction of subdivision improvements and certain notice requirements, was taken up for consideration.

Wagner of Linn offered amendment H-1369 filed by him and Wittneben of Emmet.

Amendment H-1369 was adopted.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 516)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic

Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 4:

Baltimore	Brandenburg	Hager	Lukan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 518, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court, was taken up for consideration.

SENATE FILE 327 SUBSTITUTED FOR HOUSE FILE 518

Pearson of Polk asked and received unanimous consent to substitute Senate File 327 for House File 518.

Senate File 327, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court, was taken up for consideration.

Pearson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 327)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Oldson	Olson, R.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Worthan	Mr. Speaker Paulsen		

The nays were, 1:

Wolfe

Absent or not voting, 9:

Baltimore	Brandenburg	Hager	Lukan
Murphy	Olson, S.	Steckman	Upmeyer
Watts			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 518 WITHDRAWN

Pearson of Polk asked and received unanimous consent to withdraw House File 518 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Joint Resolution 16** and **House File 516** and **Senate Files 149, 244, 259** and **327**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

House File 534, a bill for an act relating to school instructional hours and school instructional days and including effective date provisions, was taken up for consideration.

J. Taylor of Woodbury offered amendment H-1388 filed by him and moved its adoption.

A non-record roll call was requested.

The ayes were 53, nays 31.

Amendment H-1388 was adopted.

J. Taylor of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 534)

The ayes were, 62:

Alons	Anderson	Arnold	Baudler
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall

Fry	Garrett	Grassley	Hagenow
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Isenhart	Iverson
Jorgensen	Klein	Koester	Lofgren
Massie	McCarthy	Miller, L.	Moore
Muhlbauer	Olson, S.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Swaim	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Willems	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 33:

Abdul-Samad	Berry	Cphoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	Miller, H.	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Steckman	Taylor, T.	Thede
Wenthe	Wessel-Kroeschell	Winckler	Wittneben
Wolfe			

Absent or not voting, 5:

Baltimore	Brandenburg	Hager	Kaufmann
Lukan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 144 WITHDRAWN

J. Taylor of Woodbury asked and received unanimous consent to withdraw House File 144 from further consideration by the House.

House File 566, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions, was taken up for consideration.

Anderson of Page offered amendment H-1193 filed by the committee on judiciary and moved its adoption.

The committee amendment H-1193 was adopted.

SENATE FILE 474 SUBSTITUTED FOR HOUSE FILE 566

Massie of Warren asked and received unanimous consent to substitute Senate File 474 for House File 566.

Senate File 474, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions, was taken up for consideration.

Massie of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 474)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Baltimore Brandenburg Hager Lukan
Willems

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 566 WITHDRAWN

Massie of Warren asked and received unanimous consent to withdraw House File 566 from further consideration by the House.

Cownie of Polk in the chair at 2:01 p.m.

House File 586, a bill for an act relating to the duties and operations of the state's community colleges, was taken up for consideration.

Running-Marquardt of Linn offered amendment H-1366 filed by her.

Helland of Polk rose on a point of order that amendment H-1366 was not germane.

The Speaker ruled the point well taken and amendment H-1366 not germane.

SENATE FILE 470 SUBSTITUTED FOR HOUSE FILE 586

Byrnes of Mitchell asked and received unanimous consent to substitute Senate File 470 for House File 586.

Senate File 470, a bill for an act relating to the duties and operations of the state's community colleges, was taken up for consideration.

Byrnes of Mitchell offered amendment H-1401 filed by him and moved its adoption.

Amendment H-1401 was adopted.

Running-Marquardt of Linn offered amendment H-1390 filed by her.

The Speaker ruled amendment H-1390 filed by Running-Marquardt of Linn not germane.

Byrnes of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 470)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Lensing
Lofgren	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Cownie, Presiding			

The nays were, none.

Absent or not voting, 7:

Baltimore	Brandenburg	Hager	Kaufmann
Kressig	Lukan	Willems	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 586 WITHDRAWN

Byrnes of Mitchell asked and received unanimous consent to withdraw House File 586 from further consideration by the House.

Upmeyer of Hancock asked and received unanimous consent that House File 603 be deferred and that the bill retain its place on the calendar.

House File 523, a bill for an act relating to employer credits for overpayments of weekly workers' compensation benefits, was taken up for consideration.

Horbach of Tama offered amendment H-1236 filed by him and moved its adoption.

Amendment H-1236 was adopted.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 523)

The ayes were, 61:

Alons	Anderson	Arnold	Baudler
Byrnes	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Muhlbauer
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Cownie, Presiding			

The nays were, 34:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Miller, H.	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Steckman	Swaim	Taylor, T.	Thede
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 5:

Baltimore	Brandenburg	Hager	McCarthy
Murphy			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 215 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 215 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 523, 534** and **Senate Files 470** and **474**.

The House stood at ease at 2:25 p.m., until the fall of the gavel.

The House resumed session at 3:37 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koester of Polk, until his return, on request of Deyoe of Story.

House File 460, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a

criminal case and including effective date provisions, was taken up for consideration.

SENATE FILE 291 SUBSTITUTED FOR HOUSE FILE 460

Baltimore of Boone asked and received unanimous consent to substitute Senate File 291 for House File 460.

Senate File 291, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions, was taken up for consideration.

Wolfe of Clinton offered amendment H-1367 filed by her and moved its adoption.

Amendment H-1367 lost.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 291)

The ayes were, 87:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lofgren	Lukan
Lykam	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden

Wagner Wittneben	Watts Worthan	Wenthe Mr. Speaker Paulsen	Windschitl
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The nays were, 11:

Hunter Olson, R. Willems	Lensing Petersen Winckler	Mascher Taylor, T. Wolfe	Murphy Wessel-Kroeschell
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Absent or not voting, 2:

Brandenburg	Hager
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 460 WITHDRAWN

Baltimore of Boone asked and received unanimous consent to withdraw House File 460 from further consideration by the House.

House File 517, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse, was taken up for consideration.

Baltimore of Boone offered amendment H-1368 filed by him and moved its adoption.

Amendment H-1368 was adopted.

SENATE FILE 400 SUBSTITUTED FOR HOUSE FILE 517

Baltimore of Boone asked and received unanimous consent to substitute Senate File 400 for House File 517.

Senate File 400, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse, was taken up for consideration.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 400)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Fry	Gaines
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Ishart	Iverson	Jacoby
Jorgensen	Kajtaovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 3:

Baudler	Forristall	Vander Linden
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Absent or not voting, 3:

Brandenburg	Garrett	Hager
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 517 WITHDRAWN

Baltimore of Boone asked and received unanimous consent to withdraw House File 517 from further consideration by the House.

House File 603, a bill for an act relating to eminent domain authority and procedures and including effective date and

applicability provisions, previously deferred, was taken up for consideration.

Kaufmann of Cedar offered amendment H-1406 filed by him.

Kaufmann of Cedar offered amendment H-1413, to amendment H-1406, filed by him from the floor and moved its adoption.

Under the provision of Rule 76, conflict of interest, Fry of Clarke refrained from voting.

Amendment H-1413, to amendment H-1406, was adopted.

Kaufmann of Cedar offered amendment H-1420, to amendment H-1406, filed by him from the floor and moved its adoption.

Under the provision of Rule 76, conflict of interest, Fry of Clarke refrained from voting.

Amendment H-1420, to amendment H-1406, was adopted.

Kaufmann of Cedar moved amendment H-1406, as amended.

Under the provision of Rule 76, conflict of interest, Fry of Clarke refrained from voting.

Amendment H-1406, as amended, was adopted.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1400 filed by him on March 21, 2011.

Kaufmann of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 603)

The ayes were, 91:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gaines

Garrett	Gaskill	Grassley	Hagenow
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 6:

Abdul-Samad	Iverson	Jacoby	Lensing
Mascher	Murphy		

Absent or not voting, 2:

Brandenburg	Hager
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Under the provision of Rule 76, conflict of interest, Fry of Clarke refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 619, a bill for an act relating to games of skill and chance conducted by qualified organizations, including by allowing qualified organizations to lease electronic bingo equipment in order to assist disabled participants, was taken up for consideration.

Iverson of Wright offered amendment H-1398 filed by him and moved its adoption.

Amendment H-1398 was adopted.

SENATE FILE 427 SUBSTITUTED FOR HOUSE FILE 619

Iverson of Wright asked and received unanimous consent to substitute Senate File 427 for House File 619.

Senate File 427, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants, was taken up for consideration.

Iverson of Wright offered amendment H-1397 filed by him and moved its adoption.

Amendment H-1397 was adopted.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 427)

The ayes were, 92:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Quirk	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 6:

Alons Kelley Pettengill Raecker
Running-Marquardt Swaim

Absent or not voting, 2:

Brandenburg Hager

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 619 WITHDRAWN

Iverson of Wright asked and received unanimous consent to withdraw House File 619 from further consideration by the House.

HOUSE FILE 64 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 64 from further consideration by the House.

Senate File 7, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses, with report of committee recommending passage, was taken up for consideration.

Windschitl of Harrison in the chair at 5:01 p.m.

R. Olson of Polk offered amendment H-1404 filed by him and Horbach of Tama.

Speaker Paulsen in the chair at 5:02 p.m.

The House stood at ease at 5:03 p.m., until the fall of the gavel.

The House resumed session at 5:24 p.m., Speaker Paulsen in the chair.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-1421, to amendment H-1404, filed by him and Horbach of Tama from the floor.

R. Olson of Polk offered amendment H-1431, to amendment H-1404, filed by him and Horbach of Tama from the floor.

Amendment H-1431 to amendment H-1404 was adopted.

R. Olson of Polk moved amendment H-1404, as amended.

Amendment H-1404, as amended, was adopted.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 7)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Brandenburg Hager Sands

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 603** and **Senate Files 7, 291, 400** and **427**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 2011, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 16, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

Also: That the Senate has on March 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 396, a bill for an act relating to the regulation of indemnification provisions in construction contracts.

MICHAEL E. MARSHALL, Secretary

SENATE FILE 233 REREFERRED

The Speaker announced that Senate File 233, previously referred to committee on **human resources** was **passed on file**.

SUBCOMMITTEE ASSIGNMENTS

House File 56 Reassigned

Ways and Means: Vander Linden, Chair; Kearns and Pettengill.

House File 388 Reassigned

Ways and Means: Vander Linden, Chair; Hein and Kajtazovic.

Senate File 301

Economic Growth/Rebuild Iowa: Schultz, Chair; De Boef and Hall.

Senate File 508

Appropriations: Rogers, Chair; Heaton and Wenthe.

**Senate File 509
(Committee of the Whole)**

Appropriations: Drake, Chair; Chambers, Cohoon, Dolecheck, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Raecker, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 222

Ways and Means: Helland, Chair; Isenhart and Vander Linden.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 223 Ways and Means

Relating to the tax rates imposed on certain gambling establishments and corporations and including retroactive applicability provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 463), providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2011.

COMMITTEE ON EDUCATION

Senate File 445, a bill for an act relating to state and local government recommendations concerning the educational needs of children who are deaf or hard-of-hearing.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 2011.

COMMITTEE ON HUMAN RESOURCES

Senate File 286, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 2011.

COMMITTEE ON VETERANS AFFAIRS

Senate File 389, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

Senate File 399, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 2011.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 141), providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2011.

Committee Bill (Formerly House File 211), related to moneys administered by the board of trustees of a drainage or levee district.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2011.

Committee Bill (Formerly House File 300), relating to the assessment of certain subdivided real property and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2011.

Committee Bill (Formerly House Study Bill 215), relating to the assessment and taxation of qualifying local exchange carrier property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2011.

AMENDMENTS FILED

H-1407	H.F.	597	Pettengill of Benton
H-1408	H.F.	482	Pettengill of Benton
H-1409	H.F.	590	H. Miller of Webster
H-1410	H.F.	623	Heddens of Story
H-1411	S.F.	361	Cownie of Polk
H-1412	H.F.	590	Running-Marquardt of Linn
H-1414	H.F.	590	Willems of Linn
H-1415	H.F.	590	Thomas of Clayton
H-1416	H.F.	590	Thomas of Clayton
H-1417	H.F.	649	M. Smith of Marshall
H-1418	H.F.	500	Isenhart of Dubuque
H-1419	H.F.	482	Pettengill of Benton
H-1422	H.F.	561	Kelley of Jasper
			Wessel-Kroeschell of Story
			Thede of Scott
			Winckler of Scott
			Gaines of Polk
			Steckman of Cerro Gordo
			Lensing of Johnson
			Isenhart of Dubuque
H-1423	H.F.	613	Wagner of Linn
H-1424	H.F.	646	Gaskill of Wapello
H-1425	H.F.	646	Gaskill of Wapello
H-1426	H.F.	646	Heddens of Story
			Wessel-Kroeschell of Story
H-1427	H.F.	646	Heddens of Story
			Wessel-Kroeschell of Story
H-1428	H.F.	590	Isenhart of Dubuque
H-1429	H.F.	590	Isenhart of Dubuque
H-1430	H.F.	590	Isenhart of Dubuque
H-1432	H.F.	590	Lukan of Dubuque

H-1433	H.F.	590	Isenhart of Dubuque
H-1434	H.F.	482	Pettengill of Benton
H-1435	S.F.	130	Arnold of Lucas

On motion by Upmeyer of Hancock the House adjourned at 5:33 p.m., until 8:30 a.m., Wednesday, March 23, 2011.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 23, 2011

The House met pursuant to adjournment at 8:33 a.m., Alons of Sioux in the chair.

Prayer was offered by Pastor Mike Evans, Crossroads Church, Earlham. He was the guest of Representative Helland of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by retired Rear Admiral Gerald Gneckow from Homosassa, Florida. He was the guest of Representative Alons of Sioux.

Speaker Paulsen in the chair at 8:35 a.m.

The Journal of Tuesday, March 22, 2011 was approved.

SENATE MESSAGES CONSIDERED

Senate File 471, by committee on state government, a bill for an act relating to the review of administrative rules and application processes.

Read first time and referred to committee on **state government**.

Senate File 506, by committee on ways and means, a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

Senate File 512, by committee on appropriations, a bill for an act making supplemental appropriations for the fiscal year beginning

July 1, 2010, for the state public defender and including effective date provisions.

Read first time and referred to committee on **appropriations**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 240, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Also: That the Senate has on March 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 406, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

Also: That the Senate has on March 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 464, a bill for an act allowing the establishment of an open season for hunting mourning doves.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:40 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:08 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

The House stood at ease at 1:10 p.m., until the fall of the gavel.

The House resumed session at 2:07 p.m., Speaker Paulsen in the chair.

ADOPTION OF HOUSE RESOLUTION 22

Anderson of Page called up for consideration **House Resolution 22**, a resolution supporting the Republic of China on Taiwan as a part of the global community, and moved its adoption.

The motion prevailed and the resolution was adopted.

Perry Pei-hwang Shen, Director General of Taipei Economic and Cultural Office in Chicago, addressed the House.

The House rose and expressed its welcome.

The House stood at ease at 2:15 p.m., until the fall of the gavel.

The House resumed session at 2:37 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2011, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 267, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 617, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 192, a bill for an act relating to snowmobile registration and permit fees.

Also: That the Senate has on March 23, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 402, a bill for an act relating to the injured veterans grant program and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 413, a bill for an act relating to financial responsibilities of local emergency management commissions.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 419, a bill for an act authorizing the establishment of a philanthropy account within a student activity fund.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 444, a bill for an act relating to oversight functions performed by the college student aid commission regarding certain restrictions and requirements for schools offering postsecondary educational programs and making penalties applicable.

Also: That the Senate has on March 23, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 470, a bill for an act relating to the duties and operations of the state's community colleges.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 510, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has on March 23, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 511, a bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 130, a bill for an act relating to raccoon hunting, with report of committee recommending passage, was taken up for consideration.

Arnold of Lucas offered amendment H-1435 filed by him.

Berry of Black Hawk offered amendment H-1443, to amendment H-1435, filed by her from the floor and moved its adoption.

Amendment H-1443, to amendment H-1435, lost.

Wolfe of Clinton offered amendment H-1444, to amendment H-1435, filed by her from the floor and moved its adoption.

A non-record roll call was requested.

The ayes were 30, nays 51.

Amendment H-1444, to amendment H-1435, lost.

Isenhardt of Dubuque offered amendment H-1445, to amendment H-1435, filed by him from the floor and moved its adoption.

A non-record roll call was requested.

The ayes were 21, nays 52.

Amendment H-1445, to amendment H-1435, lost.

Mascher of Johnson offered amendment H-1446, to amendment H-1435, filed by her from the floor and moved its adoption.

Amendment H-1446, to amendment H-1435, lost.

Mascher of Johnson offered amendment H-1447, to amendment H-1435, filed by her from the floor and moved its adoption.

Amendment H-1447, to amendment H-1435, lost.

Mascher of Johnson offered amendment H-1448, to amendment H-1435, filed by her from the floor and moved its adoption.

Amendment H-1448, to amendment H-1435, lost.

Arnold of Lucas offered amendment H-1436, to amendment H-1435, filed by him from the floor and moved its adoption.

Amendment H-1436, to amendment H-1435, was adopted.

Hall of Woodbury offered amendment H-1450, to amendment H-1435, filed by him from the floor and moved its adoption.

Amendment H-1450, to amendment H-1435, lost.

Arnold of Lucas moved amendment H-1435, as amended.

Mascher of Johnson rose on a point of order that amendment H-1435, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1435, as amended, not germane.

Arnold of Lucas asked for unanimous consent to suspend the rules to consider amendment H-1435, as amended.

Objection was raised.

Arnold of Lucas moved to suspend the rules to consider amendment H-1435, as amended.

A non-record roll call was requested.

The ayes were 53, nays 30.

The motion prevailed and the rules were suspended.

Amendment H-1435, as amended, was adopted.

INTRODUCTION OF BILLS

House File 651, by committee on appropriations, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

Read first time and placed on the **appropriations calendar**.

House File 652, by committee on ways and means, a bill for an act providing an exemption from the computation of the individual

state income tax of all pay received for active duty military service and including retroactive applicability provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 240, by committee on commerce, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Read first time and **passed on file**.

Senate File 406, by committee on commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

Read first time and **passed on file**.

Senate File 464, by committee on natural resources and environment, a bill for an act allowing the establishment of an open season for hunting mourning doves.

Read first time and **passed on file**.

SENATE FILE 464 SUBSTITUTED FOR SENATE FILE 130

Arnold of Lucas asked and received unanimous consent to substitute Senate File 464 for Senate File 130.

Senate File 464, a bill for an act allowing the establishment of an open season for hunting mourning doves, was taken up for consideration.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 464)

The ayes were, 58:

Alons	Anderson	Arnold	Baudler
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hall	Helland
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Kearns	Koester	Lukan
Lykam	Massie	McCarthy	Miller, L.
Moore	Muhlbauer	Olson, R.	Olson, S.
Paustian	Pearson	Quirk	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Upmeyer	Vander Linden
Wagner	Watts	Windschitl	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 39:

Abdul-Samad	Baltimore	Berry	Gaines
Gaskill	Hanson	Hanusa	Heaton
Heddens	Hein	Hunter	Isenhart
Jacoby	Kajtazovic	Kelley	Klein
Kressig	Lensing	Lofgren	Mascher
Miller, H.	Oldson	Olson, T.	Petersen
Pettengill	Raecker	Schulte	Smith, M.
Steckman	Taylor, T.	Thede	Thomas
Tjepkes	Van Engelenhoven	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	

Absent or not voting, 3:

Brandenburg	Murphy	Swaim
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 454, a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer, was taken up for consideration.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1238 filed by Kaufmann of Cedar and Gaskill of Wapello on March 8, 2011.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 454)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Brandenburg	Murphy	Swaim
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Kaufmann of Cedar in the chair at 4:16 p.m.

House File 455, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship, was taken up for consideration.

SENATE FILE 429 SUBSTITUTED FOR HOUSE FILE 455

Deyoe of Story asked and received unanimous consent to substitute Senate File 429 for House File 455.

Senate File 429, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship, was taken up for consideration.

Deyoe of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas on request of Upmeyer of Hancock.

On the question "Shall the bill pass?" (S.F. 429)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe

Wessel-Kroeschell Wittneben	Willems Wolfe	Winckler Worthan	Windschitl Kaufmann, Presiding
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The nays were, none.

Absent or not voting, 4:

Brandenburg	Murphy	Swaim	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 455 WITHDRAWN

Deyoe of Story asked and received unanimous consent to withdraw House File 455 from further consideration by the House.

House File 473, a bill for an act relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions, was taken up for consideration.

Thomas of Clayton asked and received unanimous consent to consider amendment H-1437 filed by him from the floor and moved its adoption.

Amendment H-1437 was adopted.

T. Taylor of Linn offered amendment H-1112 filed by Murphy of Dubuque and moved its adoption.

Amendment H-1112 lost.

Hunter of Polk offered amendment H-1113 filed by Murphy of Dubuque and moved its adoption.

Amendment H-1113 lost.

The Speaker welcomed to the House Governor Terry E. Branstad. Governor Branstad expressed his appreciation on the passing of House Joint Resolution 16, relating to the placement of a statue in the United State Capitol honoring Dr. Norman E. Borlaug.

The House rose and expressed its welcome.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 473)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Windschitl	Worthan	Kaufmann, Presiding	

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Oldson	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 4:

Brandenburg	Murphy	Swaim	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House File 653, by committee on ways and means, a bill for an act relating to the assessment and taxation of qualifying local exchange carrier property.

Read first time and placed on the **ways and means calendar**.

House File 654, by committee on ways and means, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

Read first time and placed on the **ways and means calendar**.

House File 655, by committee on ways and means, a bill for an act relating to the assessment of certain subdivided real property and including effective date and retroactive applicability and other applicability provisions.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Regular Calendar

House File 497, a bill for an act relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program, was taken up for consideration.

Speaker Paulsen in the chair at 4:55 p.m.

M. Smith of Marshall offered amendment H-1395 filed by Schulte of Linn and moved its adoption.

Amendment H-1395 was adopted.

SENATE FILE 233 SUBSTITUTED FOR HOUSE FILE 497

M. Smith of Marshall asked and received unanimous consent to substitute Senate File 233 for House File 497.

Senate File 233, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program, was taken up for consideration.

M. Smith of Marshall offered amendment H-1396 filed by Schulte of Linn and moved its adoption.

Amendment H-1396 was adopted.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 233)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Hunter	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Brandenburg Horbach Murphy Swaim
Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 235 and 497 WITHDRAWN

M. Smith of Marshall asked and received unanimous consent to withdraw House Files 235 and 497 from further consideration by the House.

Upmeyer of Hancock asked and received unanimous consent that Senate File 130 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 454, 473** and **Senate Files 233, 429, and 464.**

House File 500, a bill for an act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions, was taken up for consideration.

Isenhart of Dubuque rose on a point of order and invoked Rule 32 to refer House File 500 to the committee on ways and means.

The Speaker ruled the point well taken and House File 500 was referred to the committee on ways and means.

House File 514, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination, was taken up for consideration.

Klein of Washington asked and received unanimous consent to withdraw amendment H-1402 filed by Watts of Dallas on March 21, 2011.

SENATE FILE 299 SUBSTITUTED FOR HOUSE FILE 514

Klein of Washington asked and received unanimous consent to substitute Senate File 299 for House File 514.

Senate File 299, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination, was taken up for consideration.

Klein of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 299)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Kaufmann	Murphy	Raecker
Swaim	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 514 WITHDRAWN

Klein of Washington asked and received unanimous consent to withdraw House File 514 from further consideration by the House.

House File 533, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds, was taken up for consideration.

SENATE FILE 361 SUBSTITUTED FOR HOUSE FILE 533

Koester of Polk asked and received unanimous consent to substitute Senate File 361 for House File 533.

Senate File 361, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds, was taken up for consideration.

Cownie of Polk offered amendment H-1411 filed by him and moved its adoption.

Amendment H-1411 was adopted.

Koester of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 361)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes

Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Murphy	Running-Marquardt	Swaim
Watts			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 597, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions, was taken up for consideration.

Pettengill of Benton offered amendment H-1407 filed by her and moved its adoption.

Amendment H-1407 was adopted.

Pettengill of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 597)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 4:

Brandenburg	Murphy	Swaim	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 533 WITHDRAWN

Koester of Polk asked and received unanimous consent to withdraw House File 533 from further consideration by the House.

House File 643, a bill for an act relating to environmental protection, by transferring certain powers and duties to the department of agriculture and land stewardship, providing an

appropriation, and including effective date provisions, was taken up for consideration.

Moore of Jackson offered amendment H-1391 filed by him.

Lensing of Johnson offered amendment H-1438, to amendment H-1391, filed by her from the floor.

Moore of Jackson rose on a point of order that amendment H-1438 was not germane, to amendment H-1391.

The Speaker ruled the point well taken and amendment H-1438 not germane, to amendment H-1391.

Lensing of Johnson offered amendment H-1439, to amendment H-1391, filed by her from the floor and moved its adoption.

Amendment H-1439, to amendment H-1391, was adopted.

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw amendment H-1441, to amendment H-1391, filed by her from the floor.

Moore of Jackson moved amendment H-1391, as amended.

Amendment H-1391, as amended, was adopted.

Windschitl of Harrison in the chair at 5:40 p.m.

Moore of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 643)

The ayes were, 64:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Huseman

Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Lykam
Massie	Miller, H.	Miller, L.	Moore
Muhlbauer	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Quirk	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Wenthe	Wittneben	Worthan	Windschitl, Presiding

The nays were, 32:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Mascher
McCarthy	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Raecker	Running-Marquardt
Smith, M.	Steckman	Taylor, T.	Thede
Wessel-Kroeschell	Willems	Winckler	Wolfe

Absent or not voting, 4:

Brandenburg	Horbach	Swaim	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 597, 643** and **Senate Files 299** and **361**.

COMMITTEE REVISION

The Speaker announced the following change to the House committee assignment, effective March 22, 2011:

Forristall of Pottawattamie replaced Brandenburg of Pottawattamie, until his return, on the committee on **human resources**.

SENATE FILE 130 REFERRED

The Speaker announced that Senate File 130, previously placed on the **calendar** was referred to committee on **natural resources**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of March, 2011: House Joint Resolution 16.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS**Senate File 397**

Veterans Affairs: Vander Linden, Chair; Chambers and Kearns.

Senate File 497

State Government: Iverson, Chair; Vander Linden and Wenthe.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 224 Ways and Means**

Establishing a tax relief fund and including effective date and applicability provisions.

H.S.B. 225 Ways and Means

Relating to property assessment and property taxation by creating a recreational class of property and specifying an assessment limitation for recreational property.

H.S.B. 226 Government Oversight

Relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate Concurrent Resolution 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

Senate Concurrent Resolution 6, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2011.

RESOLUTION FILED

H.R. 32, by Abdul-Samad, a resolution celebrating the centennial of Trinity United Methodist Church of Des Moines.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1440	H.F.	590	Isenhardt of Dubuque
H-1442	H.F.	590	Running-Marquardt of Linn
H-1449	H.F.	267	Senate Amendment

H-1451	H.F.	649	Pettengill of Benton De Boef of Keokuk
H-1452	S.F.	406	Pettengill of Benton
H-1453	S.F.	406	Petersen of Polk Kajtazovic of Black Hawk
H-1454	S.F.	205	Murphy of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 6:17 p.m., until 8:30 a.m., Thursday, March 24, 2011.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 24, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Dwight Grosvenor, Griswold United Methodist Church. He was the guest of Representative Drake of Cass County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andy Young, Page from Clarion.

The Journal of Wednesday, March 23, 2011 was approved.

SENATE MESSAGES CONSIDERED

Senate File 192, by committee on natural resources and environment, a bill for an act relating to snowmobile registration and permit fees.

Read first time and referred to committee on **ways and means**.

Senate File 419, by committee on education, a bill for an act authorizing the establishment of a philanthropy account within a student activity fund.

Read first time and referred to committee on **education**.

Senate File 444, by committee on education, a bill for an act relating to oversight functions performed by the college student aid commission regarding certain restrictions and requirements for schools offering postsecondary educational programs and making penalties applicable.

Read first time and referred to committee on **education**.

Senate File 510, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system.

Read first time and referred to committee on **appropriations**.

Senate File 511, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time and referred to committee on **appropriations**.

On motion by Upmeyer of Hancock, the House was recessed at 8:39 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Quirk of Chickasaw on request of McCarthy of Polk; Brandenburg of Pottawattamie, Horbach of Tama, Iverson of Wright, Watts of Dallas and Upmeyer of Hancock, until her return, on request of Kaufmann of Cedar.

INTRODUCTION OF BILLS

House File 656, by committee on government oversight, a bill for an act relating to reporting of waivers granted from abortion notification requirements for pregnant minors.

Read first time and placed on the **calendar**.

House File 657, by committee on government oversight, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

Read first time and placed on the **calendar**.

ADOPTION OF HOUSE RESOLUTION 33

Helland of Polk asked and received unanimous consent for the immediate consideration of **House Resolution 33**, a resolution recognizing the Hoover Uncommon Public Service Award, and moved its adoption.

The motion prevailed and the resolution was adopted.

Representative Sweeney addressed the House after being recognized as the recipient of the Hoover Uncommon Public Service Award.

The House rose and expressed its appreciation.

SENATE AMENDMENT CONSIDERED

Schultz of Crawford called up for consideration **House File 267**, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives, amended by the Senate, and moved that the House concur in Senate amendment H-1449.

The motion prevailed and the House concurred in the Senate amendment H-1449.

Schultz of Crawford moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 267)

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Huseman	Isenhardt	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Massie	Miller, H.	Miller, L.	Moore

Muhlbauer	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, 4:

Hunter	Mascher	McCarthy	Taylor, T.
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Absent or not voting, 8:

Berry	Brandenburg	Horbach	Iverson
Murphy	Quirk	Upmeyer	Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILL Regular Calendar

House File 458, a bill for an act concerning the retention of funds due to contractors on public improvements, was taken up for consideration.

Baltimore of Boone asked and received unanimous consent to withdraw amendment H-1405 filed by him on March 21, 2011.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 458)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton

Hein	Helland	Huseman	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Van Engelenhoven	Vander Linden	Wagner
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 6:

Brandenburg	Horbach	Iverson	Quirk
Upmeyer	Watts		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Helland of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 267** and **458**.

SUBCOMMITTEE ASSIGNMENTS

House File 631

Ways and Means: Moore, Chair; De Boef and Muhlbauer.

House File 632

Ways and Means: Helland, Chair; Quirk and Sands.

House File 633

Ways and Means: Byrnes, Chair; Soderberg and Thomas.

House File 634

Ways and Means: Paustian, Chair; Grassley and Kearns.

House File 635

Ways and Means: Pettengill, Chair; Kajtazovic and J. Taylor.

House File 637

Ways and Means: J. Taylor, Chair; Forristall and Willems.

House File 640

Ways and Means: Helland, Chair; Oldson and Sands.

House File 647

Ways and Means: Helland, Chair; Muhlbauer and Sands.

Senate File 419

Education: L. Miller, Chair; Forristall and Kelley.

Senate File 444

Education: L. Miller, Chair; Forristall and Winckler.

Senate File 480

Human Resources: Schulte, Chair; Heaton and M. Smith.

Senate File 510**(Committee of the Whole)**

Appropriations: Worthan, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Raecker, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe and Winckler.

Senate File 511**(Committee of the Whole)**

Appropriations: Worthan, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Raecker, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe and Winckler.

Senate File 512

Appropriations: Lukan, Chair; Garrett and Hall.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 223**

Ways and Means: Soderberg, Chair; Forristall and Isenhart.

House Study Bill 224

Ways and Means: Hein, Chair; Jacoby and Paustian.

House Study Bill 225

Ways and Means: Byrnes, Chair; Helland and Isenhart.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 227 Ways and Means**

Providing for an alternative motor fuel facility tax credit and including effective date and applicability provisions.

H.S.B. 228 Ways and Means

Increasing the exclusion from the calculation of net income for pensions and other retirement benefits, increasing the eligible age for the exclusion, and including retroactive applicability provisions.

H.S.B. 229 Ways and Means

Providing a sales tax exemption for the sale of paint and other consumable items to an auto body shop.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 508, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1457** March 24, 2011.

Committee Bill (Formerly House File 457), providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

COMMITTEE ON EDUCATION

Senate File 122, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

Senate File 123, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

Senate File 424, a bill for an act establishing a district-to-community college program and facilities sharing pilot program.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House File 5), relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 23, 2011.

Committee Bill (Formerly House Study Bill 218), relating to the administration of prison industries established and maintained by the Iowa department of corrections, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 23, 2011.

Committee Bill (Formerly House File 439), relating to reporting of waivers granted from abortion notification requirements for pregnant minors.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

COMMITTEE ON HUMAN RESOURCES

Senate File 185, a bill for an act relating to the membership of the medical assistance advisory council.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

Senate File 279, a bill for an act relating to child support recovery.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 315, a bill for an act relating to emergency management planning.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 402), relating to certain fees assessed for activities regulated under the federal Clean Air Act.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

Committee Bill (Formerly House File 500), relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 24, 2011.

AMENDMENTS FILED

H-1455	H.F.	580	Forristall of Pottawattamie
H-1456	H.F.	645	Dolecheck of Ringgold Winckler of Scott
H-1457	S.F.	509	Committee on Appropriations
H-1458	H.F.	561	Masher of Johnson
H-1459	H.F.	561	Isenhart of Dubuque

On motion by Helland of Polk the House adjourned at 1:38 p.m., until 10:00 a.m., Friday, March 25, 2011.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 25, 2011

The House met pursuant to adjournment at 10:02 a.m., Hagenow of Polk in the chair.

Prayer was offered by Representative Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Hagenow of Polk.

The Journal of Thursday, March 24, 2011 was approved.

INTRODUCTION OF BILLS

House File 658, by committee on appropriations, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Read first time and placed on the **appropriations calendar**.

House File 659, by committee on government oversight, a bill for an act relating to the administration of prison industries established and maintained by the Iowa department of corrections, and including effective date provisions.

Read first time and placed on the **calendar**.

House File 660, by committee on ways and means, a bill for an act relating to certain fees assessed for activities regulated under the federal Clean Air Act.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 396, by committee on commerce, a bill for an act relating to the regulation of indemnification provisions in construction contracts.

Read first time and referred to committee on **commerce**.

Senate File 490, by committee on state government, a bill for an act authorizing and regulating savings promotion drawings, and granting licensing authority to the department of inspections and appeals.

Read first time and referred to committee on **state government**.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON PUBLIC SAFETY

Senate File 236, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

Senate File 456, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

On motion by Pearson of Polk the House adjourned at 10:05 a.m., until 1:00 p.m., Monday, March 28, 2011.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 28, 2011

The House met pursuant to adjournment at 1:03 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Lukan of Dubuque County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by family members of Representative De Boef of Keokuk.

The Journal of Friday, March 25, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gaskill of Wapello on request of McCarthy of Polk; Brandenburg of Pottawattamie, through April 1, 2011, on request of Upmeyer of Hancock.

On motion by Upmeyer of Hancock, the House was recessed at 1:08 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 3:19 p.m., Speaker Paulsen in the chair.

The House stood at ease at 3:19 p.m., until the fall of the gavel.

The House resumed session at 4:56 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House File 661, by committee on ways and means, a bill for an act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 413, by committee on state government, a bill for an act relating to financial responsibilities of local emergency management commissions.

Read first time and referred to committee on **local government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 243, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

Also: That the Senate has on March 28, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 271, a bill for an act relating to criminal defendants and inmates by modifying bail restrictions placed on criminal defendants and applying credit for time served.

Also: That the Senate has on March 28, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 348, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

Also: That the Senate has on March 28, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 393, a bill for an act allowing a physician assistant or an advanced registered nurse practitioner to sign a death certificate.

Also: That the Senate has on March 28, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 468, a bill for an act relating to preferred stock issued by cooperative associations.

Also: That the Senate has on March 28, 2011, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 537, a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

Also: That the Senate has on March 28, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 562, a bill for an act relating to the child abuse registry administered by the department of human services.

Also: That the Senate has on March 28, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 492, a bill for an act relating to the duties of a guardian or conservator.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 596, a bill for an act exempting certain nonprofit corporations organized to benefit economic activities in small cities from certain security regulations, was taken up for consideration.

Iverson of Wright offered amendment H-1280 filed by him and moved its adoption.

Amendment H-1280 was adopted.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 596)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes

Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 607, a bill for an act establishing a parole procedure for certain persons serving a class “A” felony sentence, and including effective date provisions, was taken up for consideration.

Garrett of Warren asked and received unanimous consent to withdraw amendment H–1310 filed by him on March 15, 2011.

Wolfe of Clinton offered amendment H–1312 filed by her and moved its adoption.

Amendment H–1312 lost.

Garrett of Warren offered amendment H–1376 filed by him and moved its adoption.

Amendment H-1376 was adopted.

Kaufmann of Cedar in the chair at 5:49 p.m.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 607)

The ayes were, 81:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Iverson	Jacoby	Jorgensen	Kajtazovic
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Windschitl	Wittneben	Worthan
Kaufmann, Presiding			

The nays were, 17:

Abdul-Samad	Berry	Gaines	Hunter
Isenhardt	Kearns	Lensing	Mascher
Murphy	Oldson	Olson, R.	Petersen
Taylor, T.	Wessel-Kroeschell	Willems	Winckler
Wolfe			

Absent or not voting, 2:

Brandenburg Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 616, a bill for an act making changes to the membership of the Iowa drug policy advisory council, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Paulsen, until his return, on request of Schulte of Linn.

Shaw of Pocahontas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 616)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Brandenburg Gaskill Klein Paulsen, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGE CONSIDERED

Senate File 492, by committee on human resources, a bill for an act relating to the duties of a guardian or conservator.

Read first time and referred to committee on **judiciary**.

Regular Calendar

House File 590, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions, was taken up for consideration.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1377 filed by him on March 17, 2011.

Thomas of Clayton offered amendment H-1415 filed by him and moved its adoption.

Amendment H-1415 lost.

Running-Marquardt of Linn offered amendment H-1412 filed by her.

Lukan of Dubuque offered amendment H-1461, to amendment H-1412, filed by him from the floor and moved its adoption.

Amendment H-1461, to amendment H-1412, was adopted.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment H-1412, as amended, filed by her on March 22, 2011.

Thomas of Clayton offered amendment H-1386 filed by him and moved its adoption.

Amendment H-1386 was adopted.

H. Miller of Webster asked and received unanimous consent to withdraw amendment H-1378 filed by her on March 17, 2011.

H. Miller of Webster offered amendment H-1409 filed by her and moved its adoption.

Roll call was requested by H. Miller of Webster and Abdul-Samad of Polk.

On the question "Shall amendment H-1409 be adopted?" (H.F. 590)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 3:

Brandenburg Gaskill Massie

Amendment H-1409 lost.

Lukan of Dubuque offered amendment H-1432 filed by him.

Lukan of Dubuque offered amendment H-1467, to amendment H-1432, filed by him from the floor and moved its adoption.

Amendment H-1467, to amendment H-1432, was adopted.

Lukan of Dubuque moved amendment H-1432, as amended.

Amendment H-1432, as amended, was adopted, placing out of order amendment H-1387 filed by Lukan of Dubuque on March 17, 2011, amendment H-1428 filed by Isenhart of Dubuque on March 22, 2011, and amendment H-1414 filed by Willems of Linn on March 22, 2011.

Isenhart of Dubuque offered amendment H-1430 filed by him and moved its adoption.

Amendment H-1430 lost.

Speaker Paulsen in the chair at 6:41 p.m.

Isenhart of Dubuque offered amendment H-1429 filed by him and requested the following division.

Division A: Page 1, lines 2 through 5.

Division B: Page 1, lines 6 through 7.

Isenhart of Dubuque moved amendment H-1429A.

Amendment H-1429A was adopted.

Isenhart of Dubuque moved amendment H-1429B.

Amendment H-1429B lost.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment H-1382 filed by her on March 17, 2011.

Isenhart of Dubuque offered amendment H-1433 filed by him and moved its adoption.

Amendment H-1433 lost.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment H-1381 filed by her on March 17, 2011, placing out of order amendment H-1460 filed by Lukan of Dubuque from the floor.

Thomas of Clayton offered amendment H-1416 filed by him.

Thomas of Clayton offered amendment H-1468, to amendment H-1416, filed by him from the floor and moved its adoption.

Amendment H-1468, to amendment H-1416, was adopted.

Thomas of Clayton moved amendment H-1416, as amended.

Roll call was requested by Thomas of Clayton and Hunter of Polk.

On the question "Shall amendment H-1416, as amended, be adopted?" (H.F. 590)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson

Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, none.

Absent or not voting, 3:

Brandenburg	Gaskill	Iverson
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Amendment H-1416, as amended, was adopted.

Running-Marquardt of Linn offered amendment H-1442 filed by her and moved its adoption.

Amendment H-1442 was adopted.

Heddens of Story offered amendment H-1379 filed by her and moved its adoption.

Roll call was requested by Heddens of Story and Hunter of Polk.

On the question "Shall amendment H-1379 be adopted?" (H.F. 590)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.

Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Gaskill

Amendment H-1379 was adopted.

Thomas of Clayton offered amendment H-1389 filed by him and moved its adoption.

Roll call was requested by Thomas of Clayton and Abdul-Samad of Polk.

On the question "Shall amendment H-1389 be adopted?" (H.F. 590)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Koester	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake

Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 2:

Brandenburg Gaskill

Amendment H-1389 lost.

Lukan of Dubuque offered amendment H-1384 filed by him and moved its adoption.

Amendment H-1384 was adopted.

Lukan of Dubuque offered amendment H-1380 filed by him.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1440, to amendment H-1380, filed by him on March 23, 2011.

Lukan of Dubuque moved amendment H-1380.

Amendment H-1380 was adopted.

Windschitl of Harrison in the chair at 7:28 p.m.

Speaker Paulsen in the chair at 7:39 p.m.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 590)

The ayes were, 66:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake

Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hall	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Huseman	Iverson	Jacoby
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Lykam	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Smith, J.	Soderberg
Steckman	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 33:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hanson	Hunter	Isenhart
Kajtaovic	Kearns	Kelley	Kressig
Lensing	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Shaw
Smith, M.	Swaim	Taylor, T.	Thede
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wolfe			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 590, 596, 607 and 616.**

SENATE FILE 396 REREFERRED

The Speaker announced that Senate File 396, previously referred to committee on **commerce** was **passed on file.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 28, 2011. Had I been present, I would have voted "aye" on House File 616.

PAULSEN of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of March, 2011: House Files 290 and 453.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 428, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

COMMITTEE ON COMMERCE

Senate File 243, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2011.

COMMITTEE ON EDUCATION

Senate File 120, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2011.

Senate File 453, a bill for an act relating to high school graduation requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1471** March 28, 2011.

COMMITTEE ON HUMAN RESOURCES

Senate File 175, a bill for an act extending the repeal date for the prevention of disabilities policy council.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2011.

Senate File 482, a bill for an act relating to requirements of the department of human services involving individuals and families.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2011.

COMMITTEE ON JUDICIARY

Senate File 326, a bill for an act relating to the appointment of judicial officers and senior judges.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

Senate File 365, a bill for an act relating to the placement of a juvenile on youthful offender status in district court.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2011.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 434, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2011.

Pursuant to **Rule 31.7**, **Senate File 434** was referred to the committee on ways and means.

RESOLUTION FILED

H.R. 34, by Drake, Anderson, Arnold, Berry, Mascher, S. Olson, Petersen, Abdul-Samad, Alons, Baltimore, Baudler, Brandenburg, Byrnes, Chambers, Cohoon, Cownie, De Boef, Deyoe, Dolecheck, Forristall, Fry, Gaines, Garrett, Gaskill, Grassley, Hagenow, Hager, Hall, Hanson, Hanusa, Heaton, Heddens, Hein, Helland, Horbach, Hunter, Huseman, Isenhardt, Iverson, Jacoby, Jorgensen, Kajtazovic, Kaufmann, Kearns, Kelley, Klein, Koester, Kressig, Lensing, Lofgren, Lukan, Lykam, Massie, McCarthy, H. Miller, L. Miller, Moore, Muhlbauer, Murphy, Oldson, R. Olson, T. Olson, Paulsen, Paustian, Pearson, Pettengill, Quirk, Raecker, Rasmussen, Rayhons, Rogers, Running-Marquardt, Sands, Schulte, Schultz, Shaw, J. Smith, M. Smith, Soderberg, Steckman, Swaim, Sweeney, J. Taylor, T. Taylor, Thede, Thomas, Tjepkes, Upmeyer, Van Engelenhoven, Vander Linden, Wagner, Watts, Wenthe, Wessel-Kroeschell, Willems, Winckler, Windschitl, Wittneben, Wolfe, and Worthan, a resolution of condolence to the people of Japan.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1463	S.F.	240	Alons of Sioux
H-1464	S.F.	240	Mascher of Johnson
H-1465	H.F.	648	Lykam of Scott
H-1466	H.F.	320	Windschitl of Harrison
H-1469	H.F.	470	Iverson of Wright
H-1470	H.F.	537	Senate Amendment
H-1471	S.F.	453	Committee on Education

H-1472	H.F.	483	Horbach of Tama
H-1473	S.F.	406	Oldson of Polk
			T. Olson of Linn
			Swaim of Davis
H-1474	S.F.	240	Iverson of Wright
H-1475	S.F.	326	Alons of Sioux
			Pearson of Polk
			Chambers of O'Brien
			Massie of Warren
H-1476	H.F.	661	Isenhart of Dubuque

On motion by Upmeyer of Hancock the House adjourned at 7:47 p.m., until 8:30 a.m., Tuesday, March 29, 2011.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 29, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Reverend Stephen Bibb and Reverend Linda Hansen Bibb from First United Methodist Church, Ft. Dodge and Asbury United Methodist Church, Webster City. They were the guests of Representatives H. Miller of Webster County and Iverson of Wright County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Delaney Olson, Page from Mt. Vernon.

The Journal of Monday, March 28, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:43 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:07 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 662, by Chambers, a bill for an act relating to the statutory natural resources and outdoor recreation trust fund and the sales tax rate imposed on the sale of tangible personal property and the furnishing of enumerated services and including effective date provisions.

Read first time and referred to committee on **ways and means**.

House File 663, by Sweeney, a bill for an act providing a sales tax exemption for the sales price of certain sales of clay and paper targets and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

The House stood at ease at 4:07 p.m., until the fall of the gavel.

The House resumed session at 5:26 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS Regular Calendar

House File 470, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable, was taken up for consideration.

Iverson of Wright offered amendment H-1469 filed by him and moved its adoption.

Amendment H-1469 was adopted, placing out of order the following amendments:

- H-1109 filed by Baudler of Adair on March 2, 2011.
- H-1291 filed by Iverson of Wright on March 14, 2011.
- H-1294 filed by Wenthe of Fayette on March 14, 2011.
- H-1298 filed by Alons of Sioux on March 14, 2011.
- H-1300 filed by Alons of Sioux on March 15, 2011.
- H-1303 filed by Mascher of Johnson on March 15, 2011.

SENATE FILE 240 SUBSTITUTED FOR HOUSE FILE 470

Iverson of Wright asked and received unanimous consent to substitute Senate File 240 for House File 470.

Senate File 240, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable, was taken up for consideration.

Alons of Sioux offered amendment H-1463 filed by him and moved its adoption.

A non-record roll call was requested.

The ayes were 16, nays 54.

Amendment H-1463 lost.

Iverson of Wright asked and received unanimous consent to withdraw amendment H-1474 filed by him on March 28, 2011.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1464 filed by her on March 28, 2011.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 240)

The ayes were, 94:

Abdul-Samad	Anderson	Arnold	Baltimore
Berry	Byrnes	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz

Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 5:

Alons	Baudler	Chambers	Kaufmann
Pearson			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 470 WITHDRAWN

Iverson of Wright asked and received unanimous consent to withdraw House File 470 from further consideration by the House.

House File 615, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility, and providing penalties, was taken up for consideration.

SENATE FILE 124 SUBSTITUTED FOR HOUSE FILE 615

Fry of Clarke asked and received unanimous consent to substitute Senate File 124 for House File 615.

Senate File 124, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties, was taken up for consideration.

Fry of Clarke moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 124)

The ayes were, 82:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Massie	Miller, H.
Miller, L.	Moore	Muhlbauer	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Swaim	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 17:

Berry	Heddens	Hunter	Isenhart
Kearns	Lensing	Mascher	McCarthy
Murphy	Oldson	Olson, R.	Petersen
Steckman	Taylor, T.	Wessel-Kroeschell	Winckler
Wolfe			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 615 WITHDRAWN

Fry of Clarke asked and received unanimous consent to withdraw House File 615 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 124 and 240.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 7, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Also: That the Senate has on March 29, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 233, a bill for an act relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program.

Also: That the Senate has on March 29, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 321, a bill for an act relating to wastewater discharges by on-farm processing operations.

Also: That the Senate has on March 29, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 513, a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Also: That the Senate has on March 29, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 514, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Also: That the Senate has on March 29, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 28, 2011. Had I been present, I would have voted "aye" on House Files 596, 607 and 616.

GASKILL of Wapello

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of March, 2011: House Files 245, 267 and 617.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 267, an Act relating to the historical division of the Department of Cultural Affairs, including the identification of historic properties by certain rural electric cooperatives and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**House File 513**

Ways and Means: Helland, Chair; Jacoby and Sands.

House File 641

Ways and Means: Helland, Chair; Jacoby and Sands.

House File 650

Ways and Means: Helland, Chair; Sands and Willems.

Senate File 192

Ways and Means: Helland, Chair; Jacoby and Sands.

Senate File 260

Ways and Means: Paustian, Chair; Quirk and Soderberg.

Senate File 261

Ways and Means: Paustian, Chair; Helland and Willems.

**Senate File 285 Reassigned
(Committee of the Whole)**

Labor: Moore, Chair; Brandenburg, Deyoe, Forristall, Hanusa, Horbach, Hunter, Jorgensen, Kearns, Klein, L. Miller, Murphy, Running-Marquardt, Schultz, T. Taylor, Watts and Willems.

Senate File 302

Ways and Means: Cownie, Chair; Grassley and Petersen.

**Senate File 312
(Committee of the Whole)**

Transportation: Iverson, Chair; Arnold, Cohoon, Garrett, Hall, Hanson, Huseman, Lykam, Massie, Murphy, Pearson, Petersen, Rasmussen, Rogers, Tjepkes, Van Engelenhoven, Watts, Wenthe, Windschitl, Wolfe and Worthan.

Senate File 471

State Government: Iverson, Chair; Kajtazovic and Rogers.

Senate File 490

State Government: Iverson, Chair; Rogers and T. Taylor.

Senate File 506

Ways and Means: Moore, Chair; Petersen and Pettengill.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 227**

Ways and Means: Vander Linden, Chair; De Boef and Kajtazovic.

House Study Bill 228

Ways and Means: Helland, Chair; Kearns and Sands.

House Study Bill 229

Ways and Means: Moore, Chair; Helland and Petersen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 230 Judiciary**

To urge the members of the Congress of the United States to propose a parental rights amendment to the Constitution of the United States for submission to the states for ratification.

H.S.B. 231 Ways and Means

Relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

H.S.B. 232 Ways and Means

Relating to disaster relief by creating an Iowa disaster relief fund and income tax checkoff, providing an appropriation, and including retroactive applicability provisions.

H.S.B. 233 Ways and Means

Providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 510, a bill for an act relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1481** March 29, 2011.

Senate File 511, a bill for an act relating to and making appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1480** March 29, 2011.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 407, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1462** March 24, 2011.

COMMITTEE ON LABOR

Senate File 285, a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

COMMITTEE ON PUBLIC SAFETY

Senate File 462, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1486** March 29, 2011.

COMMITTEE ON STATE GOVERNMENT

Senate File 438, a bill for an act relating to licensing by reciprocity for dentists.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

COMMITTEE ON TRANSPORTATION

Senate File 312, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1490** March 29, 2011.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 222), increasing the maximum aggregate amount of tax credits that may be issued under the fund of funds program.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

RESOLUTION FILED

H.R. 35, by Isenhardt, Hall, Swaim, Heddens, Muhlbauer, Hunter, Jacoby, Kajtazovic, T. Taylor, Willems, Wittneben, Kressig, Kearns, Kelley, Lensing, Wessel-Kroeschell, Winckler, Lykam, Cohoon, Abdul-Samad, Mascher, M. Smith, H. Miller, Steckman, and Wolfe, a resolution urging Congress to preserve funding for workforce development and education programs.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1462	S.F.	407	Committee on Environmental Protection
H-1477	H.F.	642	Huseman of Cherokee
H-1478	H.F.	581	Lofgren of Muscatine
H-1480	S.F.	511	Committee on Appropriations
H-1481	S.F.	510	Committee on Appropriations
H-1482	H.F.	591	Sweeney of Hardin
H-1483	S.F.	406	Garrett of Warren
H-1484	S.F.	406	Garrett of Warren
			Anderson of Page
H-1485	S.F.	508	Rogers of Black Hawk

H-1486	S.F.	462	Committee on Public Safety
H-1487	S.F.	177	Committee on Public Safety
H-1488	H.F.	655	Soderberg of Plymouth
H-1489	H.F.	661	Isenhart of Dubuque
H-1490	S.F.	312	Committee on Transportation
H-1491	H.F.	656	Petersen of Polk
H-1492	H.F.	656	Petersen of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:45 p.m., until 8:30 a.m., Wednesday, March 30, 2011.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 30, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Tom Burkhart, Glen Echo Christian Church, Des Moines. He was the guest of Representative Petersen of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kassi Guinn, Page from Moulton.

The Journal of Tuesday, March 29, 2011 was approved.

INTRODUCTION OF BILLS

House File 664, by Jacoby, a bill for an act relating to the taxation of commercial property and including applicability provisions.

Read first time and referred to committee on **ways and means**.

House File 665, by Jacoby, a bill for an act providing for a tax credit against the individual and corporate income taxes, the franchise tax, insurance premiums tax, and the moneys and credits tax for a charitable contribution to certain institutions engaged in regenerative medicine research and including retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 513, by committee on ways and means, a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Read first time and referred to committee on **ways and means**.

Senate File 515, by committee on ways and means, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Read first time and referred to committee on **ways and means**.

On motion by Upmeyer of Hancock, the House was recessed at 8:39 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 466, a bill for an act relating to residential contractors and providing a penalty.

Also: That the Senate has on March 30, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 478, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS
Regular Calendar

House File 483, a bill for an act relating to indemnification provisions in construction contracts, was taken up for consideration.

Horbach of Tama offered amendment H-1472 filed by him and moved its adoption.

Amendment H-1472 was adopted, placing out of order amendment H-1251 filed by Horbach of Tama on March 9, 2011.

SENATE FILE 396 SUBSTITUTED FOR HOUSE FILE 483

Horbach of Tama asked and received unanimous consent to substitute Senate File 396 for House File 483.

Senate File 396, a bill for an act relating to the regulation of indemnification provisions in construction contracts, was taken up for consideration.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 396)

The ayes were, 84:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lofgren	Lukan	Lykam
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Schulte

Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Sweeney	Taylor, J.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Willems	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 12:

Gaskill	Hunter	Lensing	Mascher
Murphy	Olson, R.	Steckman	Swaim
Taylor, T.	Wessel-Kroeschell	Winckler	Wolfe

Absent or not voting, 4:

Brandenburg	Hanson	Sands	Wittneben
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 483 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 483 from further consideration by the House.

House File 524, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund, was taken up for consideration.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 524)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley

Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Drake	Miller, L.	Pettengill
Sands	Wittneben		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 549, a bill for an act relating to the use of automated traffic enforcement systems, was taken up for consideration.

Rogers of Black Hawk asked and received unanimous consent to withdraw amendment H-1399 filed by him on March 21, 2011.

Rogers of Black Hawk asked and received unanimous consent to withdraw amendment H-1385 filed by him on March 17, 2011.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-1337 filed by him on March 15, 2011.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-1219 filed by him on March 7, 2011.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-1364 filed by him on March 15, 2011.

Watts of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 549)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Grassley	Hagenow
Hager	Hall	Hanson	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Paustian	Pearson
Petersen	Pettengill	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 8:

Forristall	Gaskill	Hanusa	Heaton
Jorgensen	Olson, T.	Raecker	Schulte

Absent or not voting, 2:

Brandenburg	Quirk
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 581, a bill for an act concerning the protection of students from concussions and other brain injuries, was taken up for consideration.

Kaufmann of Cedar in the chair at 1:27 p.m.

Lofgren of Muscatine offered amendment H-1478 filed by him and moved its adoption.

Amendment H-1478 was adopted.

SENATE FILE 367 SUBSTITUTED FOR HOUSE FILE 581

Lofgren of Muscatine asked and received unanimous consent to substitute Senate File 367 for House File 581.

Senate File 367, a bill for an act concerning the protection of students from concussions and other brain injuries, was taken up for consideration.

Lofgren of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 367)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner

Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Kaufmann, Presiding		

The nays were, none.

Absent or not voting, 2:

Brandenburg Quirk

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 385 and 581 WITHDRAWN

Lofgren of Muscatine asked and received unanimous consent to withdraw House Files 385 and 581 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 524, 549** and **Senate Files 367** and **396**.

INTRODUCTION OF BILLS

House File 666, by committee on ways and means, a bill for an act increasing the maximum aggregate amount of tax credits that may be issued under the fund of funds program.

Read first time and placed on the **ways and means calendar**.

House File 667, by Jacoby, a bill for an act making appropriations to the state board of regents for establishing postsecondary educational programs to meet the challenges of a globally competitive economy.

Read first time and referred to committee on **appropriations**.

House File 668, by Jacoby, a bill for an act providing for a linked investment loans for emerging businesses program administered by

the department of economic development.

Read first time and referred to committee on **economic growth/rebuild Iowa**.

House File 669, by Jacoby, a bill for an act relating to the responsibilities of procurement organizations.

Read first time and referred to committee on **human resources**.

House File 670, by Jacoby, a bill for an act exempting from the individual and corporate income taxes interest and dividends from certain Iowa municipal securities and including retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

CONSIDERATION OF BILLS Appropriations Calendar

House File 642, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, was taken up for consideration.

Huseman of Cherokee offered amendment H-1477 filed by him.

T. Olson of Linn offered amendment H-1496, to amendment H-1477, filed by him from the floor and moved its adoption. (H.F. 642)

Roll call was requested by T. Olson of Linn and Abdul-Samad of Polk.

On the question "Shall amendment H-1496, to amendment H-1477, be adopted?" (H.F. 642)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtažovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.

Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 2:

Brandenburg	Iverson
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Amendment H-1496, to amendment H-1477, lost.

Huseman of Cherokee moved amendment H-1477.

A non-record roll call was requested.

The ayes were 52, nays 34.

Amendment H-1477 was adopted.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 642)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie

De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 654, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 654)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, none.

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 655, a bill for an act relating to the assessment of certain subdivided real property and including effective date and retroactive applicability and other applicability provisions, was taken up for consideration.

Soderberg of Plymouth offered amendment H-1488 filed by him.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment H-1497, to amendment H-1488, filed by him from the floor.

Soderberg of Plymouth moved amendment H-1488.

Amendment H-1488 was adopted.

Speaker Paulsen in the chair at 2:47 p.m.

Soderberg of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 655)

The ayes were, 83:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanusa	Heaton
Heddens	Hein	Helland	Huseman
Iverson	Jacoby	Jorgensen	Kajtazovic
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 13:

Abdul-Samad	Gaines	Hunter	Isenhardt
Kearns	Lensing	Mascher	Oldson
Petersen	Steckman	Thede	Wessel-Kroeschell
Winckler			

Absent or not voting, 4:

Brandenburg	Hanson	Horbach	Kaufmann
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 211 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 211 from further consideration by the House.

HOUSE FILE 300 WITHDRAWN

Soderberg of Plymouth asked and received unanimous consent to withdraw House File 300 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 642, 654 and 655.**

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on veterans affairs to meet upon adjournment.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 30, 2011, he approved and transmitted to the Secretary of State the following bill:

House File 290, an Act to allow the use of motorcycles equipped with detachable stabilizing real wheels on Iowa roads.

House File 453, an Act relating to the regulation of egg production, and including effective date provisions.

House File 617, an Act relating to matters under the purview of the Alcoholic Beverages Division of the Department of Commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

Senate File 149, an Act allowing the Department of Transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

Senate File 244, an Act relating to the release and satisfaction of judgments.

Senate File 259, an Act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

Senate File 291, an Act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Senate File 299, an Act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Senate File 327, an Act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Senate File 400, an Act relating to the conveyance or encumbrance of a homestead by a spouse.

Senate File 402, an Act relating to the injured veterans grant program and including effective date and retroactive applicability provisions.

Senate File 429, an Act placing the agricultural development authority within the Department of Agriculture and Land Stewardship.

Senate File 483, an Act relating to licensure by the Board of Education Examiners of persons who complete an administrator preparation program offered by a regionally accredited or Board of Educational Examiners' approved non-Iowa institution.

SUBCOMMITTEE ASSIGNMENTS

Senate File 492

Judiciary: Garrett, Chair; Gaines and Heaton.

Senate Concurrent Resolution 7 (Committee of the Whole)

Ethics: Koester, Chair; Kelley, Raecker, M. Smith, Thede and Van Engelenhoven.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 230
(Committee of the Whole)**

Judiciary: Pearson, Chair; Alons, Anderson, Baltimore, Gaines, Garrett, Hagenow, Heaton, Kaufmann, Lensing, Massie, Oldson, R. Olson, T. Olson, Rogers, M. Smith, Swaim, J. Taylor, Tjepkes, Wessel-Kroeschell and Wolfe.

House Study Bill 231

Ways and Means: J. Taylor, Chair; Paustian and Thomas.

House Study Bill 232

Ways and Means: Helland, Chair; Kajtazovic and Sands.

House Study Bill 233

Ways and Means: Hein, Chair; Moore and Oldson.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 495, a bill for an act relating to the long-term care ombudsman program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1479** March 28, 2011.

COMMITTEE ON PUBLIC SAFETY

Senate File 177, a bill for an act relating to the director of the Iowa law enforcement academy and the membership of the Iowa law enforcement academy council and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1487** March 29, 2011.

COMMITTEE ON STATE GOVERNMENT

Senate File 197, a bill for an act relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

AMENDMENTS FILED

H-1479	S.F.	495	Committee on Human Resources
H-1493	H.F.	634	M. Smith of Marshall
H-1494	S.F.	508	Rogers of Black Hawk
H-1495	H.F.	645	Dolecheck of Ringgold
H-1498	H.F.	656	Shaw of Pocahontas
H-1499	H.F.	656	Pearson of Polk
H-1500	H.F.	656	Massie of Warren

On motion by Upmeyer of Hancock the House adjourned at 2:53 p.m., until 8:00 a.m., Thursday, March 31, 2011.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 31, 2011

The House met pursuant to adjournment at 8:11 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Graham Lohman, Chief Clerk's Page from Iowa City.

The Journal of Wednesday, March 30, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:34 p.m., Speaker Paulsen in the chair.

SENATE MESSAGES CONSIDERED

Senate File 466, by committee on commerce, a bill for an act relating to residential contractors and providing a penalty.

Read first time and **passed on file**.

Senate File 478, by committee on agriculture, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

Read first time and **passed on file**.

The House stood at ease at 1:36 p.m., until the fall of the gavel.

The House resumed session at 3:38 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1502** March 31, 2011.

Pursuant to Rule 31.7, Senate File 512 was referred to the committee on ways and means.

COMMITTEE ON WAYS AND MEANS

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1506** March 31, 2011.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 508, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block

grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending passage, was taken up for consideration.

Rogers of Black Hawk offered amendment H-1485 filed by him.

Swaim of Davis offered amendment H-1509, to amendment H-1485, filed by him and R. Olson of Polk from the floor.

Rogers of Black Hawk rose on a point of order that amendment H-1509 was not germane, to amendment H-1485.

The Speaker ruled the point well taken and amendment H-1509 not germane, to amendment H-1485.

Swaim of Davis asked for unanimous consent to suspend the rules to consider amendment H-1509, to amendment H-1485.

Objection was raised.

Swaim of Davis moved to suspend the rules to consider amendment H-1509, to amendment H-1485.

Roll call was requested by McCarthy of Polk and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H-1509 to amendment H-1485?" (S.F. 508)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 1:

Brandenburg

The motion to suspend the rules lost.

Running-Marquardt of Linn offered amendment H-1507, to amendment H-1485, filed by her from the floor and moved its adoption.

Roll call was requested by Running-Marquardt of Linn and T. Taylor of Linn.

On the question "Shall amendment H-1507 to amendment H-1485 be adopted?" (S.F. 508)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher

Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Kaufmann

Amendment H-1507, to amendment H-1485, was adopted.

Rogers of Black Hawk offered amendment H-1494, to amendment H-1485, filed by him and moved its adoption.

Amendment H-1494, to amendment H-1485, was adopted.

Rogers of Black Hawk moved amendment H-1485, as amended.

A non-record roll call was requested.

The ayes were 52, nays 37.

Amendment H-1485, as amended, was adopted.

Rogers of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 508)

The ayes were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake

Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 41:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtzovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Ways and Means Calendar

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque asked and received unanimous consent that the committee amendment H-1502 be deferred.

Sands of Louisa offered amendment H-1506 filed by the committee on ways and means from the floor.

Swaim of Davis offered amendment H-1508, to the committee amendment H-1506, filed by him and R. Olson of Polk from the floor and moved its adoption.

Roll call was requested by Swaim of Davis and T. Taylor of Linn.

On the question "Shall amendment H-1508 to the committee amendment H-1506 be adopted?" (S.F. 512)

The ayes were, 41:

Abdul-Samad	Anderson	Berry	Cohoon
Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 58:

Alons	Arnold	Baltimore	Baudler
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 1:

Brandenburg

Amendment H-1508, to the committee amendment H-1506, lost.

Sands of Louisa moved the committee amendment H-1506.

The committee amendment H-1506 was adopted, placing out of order committee amendment H-1502 filed by the committee on appropriations from the floor, previously deferred.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 512)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

House File 657, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision, was taken up for consideration.

Windschitl of Harrison in the chair at 4:41 p.m.

Speaker Paulsen in the chair at 5:10 p.m.

Kaufmann of Cedar in the chair at 5:21 p.m.

Windschitl of Harrison in the chair at 5:44 p.m.

Hanusa of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 657)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Miller, L.
Moore	Muhlbauer	Olson, S.	Paulsen, Spkr.
Paustian	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Smith, J.	Soderberg
Swaim	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Worthan	Windschitl, Presiding

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Massie	McCarthy

Miller, H.	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Running-Marquardt
Shaw	Smith, M.	Steckman	Taylor, T.
Thede	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 5 WITHDRAWN

Hanusa of Pottawattamie asked and received unanimous consent to withdraw House File 5 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 657** and **Senate Files 508** and **512**.

HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Upmeyer of Hancock asked and received unanimous consent that the following House Files be placed on the unfinished business calendar.

House File 456	House File 482
House File 501	House File 559
House File 561	House File 564
House File 591	House File 595
House File 645	House File 646
House File 648	House File 649
House File 651	House File 652
House File 653	House File 658
House File 659	House File 660
House File 661	House File 666

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 245, an Act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

LEGISLATIVE SERVICES AGENCY

First Redistricting Plan, pursuant to Chapter 42, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 221**

Ways and Means: Helland, Chair; Sands and Willems.

House File 240

Ways and Means: Kaufmann, Chair; Moore and Quirk.

House File 252

Ways and Means: Helland, Chair; Muhlbauer and Sands.

House File 253

Ways and Means: Paustian, Chair; Grassley and Oldson.

House File 259

Ways and Means: Helland, Chair; Muhlbauer and Sands.

House File 289

Ways and Means: Helland, Chair; Kearns and Sands.

House File 294

Ways and Means: De Boef, Chair; Petersen and J. Taylor.

House File 302

Ways and Means: Helland, Chair; Sands and Thomas.

House File 318

Ways and Means: Helland, Chair; Kajtazovic and Sands.

House File 319

Ways and Means: Helland, Chair; Kearns and Sands.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 9), relating to property taxation and local government and school financing by increasing the regular program foundation base, establishing local government financing requirements for essential services, establishing a method for determining property assessment limitations, and including retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2011.

Committee Bill (Formerly House File 634), relating to wind energy development and production.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2011.

AMENDMENTS FILED

H-1501	S.F.	406	Garrett of Warren
H-1503	H.F.	561	Isenhardt of Dubuque
H-1504	H.F.	591	Sweeney of Hardin
H-1505	H.F.	645	Dolecheck of Ringgold
H-1511	H.F.	561	Soderberg of Plymouth Murphy of Dubuque

H-1512	H.F.	648	Huseman of Cherokee
H-1513	H.F.	646	Watts of Dallas

On motion by Upmeyer of Hancock the House adjourned at 6:18 p.m., until 9:30 a.m., Friday, April 1, 2011.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 1, 2011

The House met pursuant to adjournment at 9:39 a.m., Representative Hagenow of Polk in the chair.

Prayer was offered by Representative Hagenow of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Hagenow of Polk.

The Journal of Thursday, March 31, 2011 was approved.

INTRODUCTION OF BILL

House File 671, by committee on ways and means, a bill for an act relating to property taxation and school financing by increasing the regular program foundation base, establishing a method for determining property assessment limitations, and including retroactive and other applicability provisions.

Read first time and placed on the **ways and means calendar**.

HOUSE FILES AND RESOLUTIONS REREFERRED TO COMMITTEES

The Speaker announced the following House Files and Resolutions, previously placed on the calendar, were rereferred to the following committees:

H.J.R. 11	Commerce
H.F. 183	Public Safety
H.F. 222	State Government
H.F. 278	Public Safety
H.F. 320	Public Safety
H.F. 341	State Government

H.F. 381	Commerce
H.F. 391	Education
H.F. 394	Economic Growth/Rebuild Iowa
H.F. 398	Public Safety
H.F. 403	Public Safety
H.F. 459	Local Government
H.F. 469	State Government
H.F. 481	Agriculture
H.F. 485	Economic Growth/Rebuild Iowa
H.F. 491	Economic Growth/Rebuild Iowa
H.F. 492	State Government
H.F. 495	Human Resources
H.F. 498	Labor
H.F. 515	Labor
H.F. 519	Labor
H.F. 520	Public Safety
H.F. 521	Labor
H.F. 522	Labor
H.F. 526	Judiciary
H.F. 527	Labor
H.F. 528	Economic Growth/Rebuild Iowa
H.F. 529	Economic Growth/Rebuild Iowa
H.F. 530	Human Resources
H.F. 531	Human Resources
H.F. 538	Local Government
H.F. 539	Judiciary
H.F. 547	State Government
H.F. 556	Agriculture
H.F. 558	Agriculture
H.F. 560	Commerce
H.F. 567	Labor
H.F. 568	Local Government
H.F. 570	Local Government
H.F. 571	Local Government
H.F. 573	Public Safety
H.F. 574	Veterans Affairs
H.F. 576	Commerce
H.F. 579	Education
H.F. 580	Education
H.F. 594	Commerce
H.F. 598	Education

H.F. 599	Education
H.F. 601	Human Resources
H.F. 602	Judiciary
H.F. 604	Judiciary
H.F. 605	Judiciary
H.F. 606	Judiciary
H.F. 608	Judiciary
H.F. 610	Labor
H.F. 611	Local Government
H.F. 612	Local Government
H.F. 613	Local Government
H.F. 620	State Government
H.F. 621	Transportation
H.F. 622	Transportation
H.F. 623	Human Resources
H.F. 624	Judiciary
H.F. 644	Natural Resources
H.C.R. 13	Commerce
S.C.R. 8	Veterans Affairs

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 289, a bill for an act relating to open records and public meetings and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 2011.

Senate File 430, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including fee and effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 2011.

Pursuant to Rule 31.7, Senate File 430 was referred to the committee on appropriations.

Senate File 471, a bill for an act relating to the review of administrative rules and application processes.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 2011.

COMMITTEE ON VETERANS AFFAIRS

Senate File 397, a bill for an act creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 2011.

AMENDMENTS FILED

H-1514	H.F.	646	Hunter of Polk
H-1515	H.F.	646	Wittneben of Emmet
H-1516	H.F.	646	Gaskill of Wapello
H-1517	H.F.	646	Lensing of Johnson
H-1518	H.F.	646	Wenthe of Fayette
H-1519	H.F.	646	Hunter of Polk
H-1520	H.F.	646	Hunter of Polk

On motion by Cownie of Polk the House adjourned at 9:40 a.m., until 3:30 p.m., Monday, April 4, 2011.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 4, 2011

The House met pursuant to adjournment at 3:33 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Ryan Hill, Indianola Church of Christ. He was the guest of Representative Fry of Clarke County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tucker Sloth from Greenfield. He was the guest of Representative S. Olson of Clinton.

The Journal of Friday, April 1, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thede of Scott on request of McCarthy of Polk; Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

SENATE MESSAGE CONSIDERED

Senate File 514, by committee on ways and means, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Read first time and referred to committee on **economic growth/rebuild Iowa**.

SPECIAL PRESENTATION

Gaines and Abdul-Samad of Polk presented the Class 4A Des Moines East High School Girls Basketball State Champions with certificates of recognition.

The House rose and expressed its welcome.

The House stood at ease at 3:46 p.m., until the fall of the gavel.

The House resumed session at 5:51 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 132, a bill for an act relating to the filing requirements for certain ordinances relating to a division of revenue.

Also: That the Senate has on April 4, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 321, a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

Also: That the Senate has on April 4, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 322, a bill for an act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions.

Also: That the Senate has on April 4, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 329, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Also: That the Senate has on April 4, 2011, amended and passed the following bill in which the concurrence of the House was asked:

House File 363, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

Also: That the Senate has on April 4, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 364, a bill for an act relating to veterans records managed by the department of veterans affairs.

Also: That the Senate has on April 4, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 361, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

Also: That the Senate has on April 4, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 427, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants.

Also: That the Senate has on April 4, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 516, a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 646, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, was taken up for consideration.

Watts of Dallas offered amendment H-1513 filed by him.

Watts of Dallas offered amendment H-1526, to amendment H-1513, filed by him from the floor and moved its adoption.

Amendment H-1526, to amendment H-1513, was adopted.

Gaskill of Wapello requested a division to amendment H-1513, as amended, as follows:

Division A: Page 1, lines 2 through 18 and page 1, line 21 through page 12, line 45.

Division B: Page 1, lines 19 through 20.

Watts moved amendment H-1513A, as amended.

Amendment H-1513A, as amended, was adopted.

Gaskill of Wapello offered amendment H-1424 filed by her and moved its adoption.

Roll call was requested by Gaskill of Wapello and Hunter of Polk.

On the question "Shall amendment H-1424 be adopted?" (H.F. 646)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 4:

Arnold	Brandenburg	Olson, S.	Thede
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Amendment H-1424 was adopted.

Hunter of Polk offered amendment H-1514 filed by him and moved its adoption.

Amendment H-1514 lost.

Hunter of Polk offered amendment H-1520 filed by him and moved its adoption.

S. Olson of Clinton in the chair at 7:08 p.m.

Roll call was requested by Hunter of Polk and Abdul-Samad of Polk.

On the question "Shall amendment H-1520 be adopted?" (H.F. 646)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Olson, S., Presiding	

Absent or not voting, 3:

Brandenburg	Miller, H.	Thede
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Amendment H-1520 lost.

Watts moved amendment H-1513B, as amended.

Roll call was requested by McCarthy of Polk and Hunter of Polk.

On the question "Shall amendment H-1513B, as amended, be adopted?" (H.F. 646)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Olson, S., Presiding		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

Amendment H-1513B, as amended, was adopted.

Wittneben of Emmet offered amendment H-1515 filed by him and moved its adoption.

Roll call was requested by Wittneben of Emmet and Hunter of Polk.

On the question "Shall amendment H-1515 be adopted?" (H.F. 646)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Sweeney
Taylor, T.	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Olson, S., Presiding		

Absent or not voting, 2:

Brandenburg Thede

Amendment H-1515 lost.

Gaskill of Wapello offered amendment H-1516 filed by her and moved its adoption.

Kaufmann of Cedar in the chair at 7:40 p.m.

Roll call was requested by Gaskill of Wapello and Abdul-Samad of Polk.

On the question "Shall amendment H-1516 be adopted?" (H.F. 646)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Kaufmann, Presiding	

Absent or not voting, 2:

Brandenburg Thede

Amendment H-1516 lost.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-1517 filed by her on April 1, 2011.

Gaskill of Wapello offered amendment H-1425 filed by her and moved its adoption.

Roll call was requested by Gaskill of Wapello and T. Taylor of Linn.

On the question "Shall amendment H-1425 be adopted?" (H.F. 646)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, none.

Absent or not voting, 3:

Brandenburg Massie Thede

Amendment H-1425 was adopted.

Wenthe of Fayette offered amendment H-1518 filed by him and moved its adoption.

Roll call was requested by Wenthe of Fayette and Raecker of Polk.

On the question "Shall amendment H-1518 be adopted?" (H.F. 646)

The ayes were, 91:

Abdul-Samad	Alons	Baltimore	Baudler
Berry	Byrnes	Chambers	Cohoon
Cownie	Deyoe	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heddens	Hein
Helland	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, 7:

Anderson	Arnold	De Boef	Dolecheck
Heaton	Horbach	Pettengill	

Absent or not voting, 2:

Brandenburg	Thede
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Amendment H-1518 was adopted.

Hunter of Polk offered amendment H-1519 filed by him and moved its adoption.

Speaker Paulsen in the chair at 8:22 p.m.

Amendment H-1519 lost.

Heddens of Story asked and received unanimous consent that

amendment H-1426 be deferred.

Heddens of Story offered amendment H-1427 filed by her and Wessel-Kroeschell of Story and moved its adoption.

Amendment H-1427 lost.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1426 filed by her and Wessel-Kroeschell of Story on March 22, 2011, previously deferred.

Watts of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 646)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

The nays were, 41:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Taylor, T.	Thomas	Wenthe

Wessel-Kroeschell Willems
Wolfe

Winckler

Wittneben

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, was taken up for consideration.

Huseman of Cherokee offered amendment H-1512 filed by him.

Cownie of Polk in the chair at 9:50 p.m.

Cphoon of Des Moines offered amendment H-1529, to amendment H-1512, filed by him from the floor and moved its adoption.

Amendment H-1529, to amendment H-1512, lost.

Huseman of Cherokee offered amendment H-1521, to amendment H-1512, filed by him from the floor and moved its adoption.

Amendment H-1521, to amendment H-1512, was adopted, placing out of order amendment H-1522, to amendment H-1512, filed by Huseman of Cherokee from the floor.

Cphoon of Des Moines offered amendment H-1530, to amendment H-1512, filed by him from the floor and moved its adoption.

Roll call was requested by Cphoon of Des Moines and Kressig of Black Hawk.

On the question "Shall amendment H-1530, to amendment H-1512, be adopted?" (H.F. 648)

The ayes were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Smith, M.
Steckman	Swaim	Taylor, T.	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben			

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Cownie, Presiding	

Absent or not voting, 4:

Brandenburg	Running-Marquardt	Thede	Wolfe
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Amendment H-1530, to amendment H-1512, lost.

Cohoon of Des Moines offered amendment H-1528, to amendment H-1512, filed by him from the floor and moved its adoption.

Amendment H-1528, to amendment H-1512, lost.

Lykam of Scott offered amendment H-1527, to amendment H-1512, filed by him from the floor and moved its adoption.

A non-record roll call was requested.

The ayes were 15, nays 58.

Amendment H-1527, to amendment H-1512, lost.

Huseman of Cherokee moved amendment H-1512, as amended.

Amendment H-1512, as amended, was adopted, placing out of order amendment H-1465 filed by Lykam of Scott on March 28, 2011.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Speaker Paulsen in the chair at 10:51 p.m.

On the question "Shall the bill pass?" (H.F. 648)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

The nays were, 41:

Abdul-Samad	Berry	Cphoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Taylor, T.	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 120, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license, with report of committee recommending passage, was taken up for consideration.

J. Taylor of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 120)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 122, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission, with report of committee recommending passage, was taken up for consideration.

J. Taylor of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 122)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Ishart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 123, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners, with report of committee recommending passage, was taken up for consideration.

Hanusa of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 123)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 194, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Vander Linden of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 194)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems

Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 205, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Murphy of Dubuque offered amendment H-1454 filed by him and moved its adoption.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-1454 be adopted?" (S.F. 205)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake

Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 2:

Brandenburg Thede

Amendment H-1454 lost.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner

Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 286, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision, with report of committee recommending passage, was taken up for consideration.

L. Miller of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 286)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thomas	Tjepkes	Upmeyer

Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 1:

Pearson

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 389, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 389)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cphoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons

Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 393, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government, with report of committee recommending passage, was taken up for consideration.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 393)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill

Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 399, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty, with report of committee recommending passage, was taken up for consideration.

Shaw of Pocahontas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 399)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.

Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 428, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 428)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy

Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 453, a bill for an act relating to high school graduation requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Forristall of Pottawattamie offered amendment H-1471 filed by the committee on education.

Chambers of O'Brien offered amendment H-1541, to the committee amendment H-1471, filed by him and Mascher of Johnson from the floor.

Amendment H-1541, to the committee amendment H-1471, was adopted.

Forristall of Pottawattamie moved the committee amendment H-1471, as amended.

The committee amendment H-1471, as amended, was adopted.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 453)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Brandenburg Thede

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 646, 648** and **Senate Files 120, 122, 123, 194, 205, 286, 389, 393, 399, 428** and **453**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of April, 2011: House Files 243, 271, 348, 393, 468 and 562.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 490, a bill for an act authorizing and regulating savings promotion drawings, and granting licensing authority to the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1510** March 30, 2011.

RESOLUTION FILED

H.C.R. 15, by Jacoby, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to the consideration of bills and joint resolutions in successive regular sessions of the same general assembly.

Referred to committee on **administration and rules**.

AMENDMENTS FILED

H-1510 S.F. 490 Committee on State Government

H-1523	H.F.	645	Dolecheck of Ringgold
H-1524	H.F.	645	Dolecheck of Ringgold
H-1525	S.F.	511	Worthan of Buena Vista
H-1531	S.F.	361	Senate Amendment
H-1532	H.F.	645	Winckler of Scott Hanson of Jefferson Willems of Linn Gaines of Polk
H-1533	H.F.	363	Senate Amendment
H-1534	H.F.	645	Winckler of Scott Hanson of Jefferson Willems of Linn Gaines of Polk
H-1535	H.F.	645	Winckler of Scott Hanson of Jefferson Willems of Linn Gaines of Polk
H-1536	H.F.	645	Winckler of Scott Hanson of Jefferson Willems of Linn Gaines of Polk
H-1537	H.F.	645	Winckler of Scott Hanson of Jefferson Willems of Linn Gaines of Polk
H-1538	H.F.	645	Winckler of Scott Gaines of Polk Willems of Linn Hanson of Jefferson
H-1539	H.F.	645	Winckler of Scott Hanson of Jefferson Willems of Linn Gaines of Polk
H-1540	H.F.	645	Winckler of Scott Gaines of Polk Willems of Linn Hanson of Jefferson Mascher of Johnson Mascher of Johnson Wessel-Kroeschell of Story Berry of Black Hawk Kressig of Black Hawk
H-1542	H.F.	645	Mascher of Johnson

H-1543	S.F.	365	J. Taylor of Woodbury
H-1544	H.F.	645	Running-Marquardt of Linn
H-1545	H.F.	645	Byrnes of Mitchell
H-1546	H.F.	661	Isenhart of Dubuque
H-1547	H.F.	645	Forristall of Pottawattamie
H-1548	H.F.	645	Winckler of Scott
			Hanson of Jefferson
			Willems of Linn
			Gaines of Polk
H-1549	H.F.	645	Willems of Linn

On motion by Upmeyer of Hancock the House adjourned at 11:33 p.m., until 8:30 a.m., Tuesday, April 5, 2011.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 5, 2011

The House met pursuant to adjournment at 8:36 a.m., Speaker Paulsen in the chair.

Prayer was offered by Reverend Richard Pokora, Redeemer Lutheran Church, Bettendorf. He was the guest of Representative L. Miller of Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brendan Grady, Page from Dunlap.

The Journal of Monday, April 4, 2011 was approved.

INTRODUCTION OF BILL

House File 672, by committee on ways and means, a bill for an act relating to wind and other sources of renewable energy development and production.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 516, by committee on ways and means, a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

On motion by Upmeyer of Hancock, the House was recessed at 8:39 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:13 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie, Fry of Clarke and Thede of Scott on request of Upmeyer of Hancock.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 2011, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 11, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on April 5, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

Speaker Paulsen in the chair at 1:23 p.m.

HOUSE REFUSED TO CONCUR

Raecker of Polk called up for consideration **Senate File 512**, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions, amended by the House, further amended by

the Senate and moved that the House concur in Senate amendment H-1552 to the House amendment.

Roll call was requested by T. Olson of Linn and Swaim of Davis.

On the question "Shall the House concur in Senate amendment H-1552 to the House amendment?" (S.F. 512)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 3:

Brandenburg	Fry	Thede
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The motion lost and the House refused to concur in the Senate amendment H-1552, to the House amendment.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 512** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Wolfe of Clinton presented to the House the Honorable Polly Bukta, former member of the House from Clinton County.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 511, a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending amendment and passage, was taken up for consideration.

Worthan of Buena Vista asked and received unanimous consent that the committee amendment H-1480 be deferred.

Worthan of Buena Vista offered amendment H-1525 filed by him.

T. Taylor of Linn offered amendment H-1551, to amendment H-1525, filed by him from the floor and moved its adoption.

Kaufmann of Cedar in the chair at 1:47 p.m.

Amendment H-1551, to amendment H-1525, lost.

Murphy of Dubuque offered amendment H-1554, to amendment H-1525, filed by him from the floor and moved its adoption.

Roll call was requested by Murphy of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1554, to amendment H-1525, be adopted?" (S.F. 511)

The ayes were, none.

The nays were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtažovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

Absent or not voting, 4:

Brandenburg	Fry	Sands	Thede
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Amendment H-1554, to amendment H-1525, lost.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1550, to amendment H-1525, filed by him from the floor.

Worthan of Buena Vista moved amendment H-1525.

A non-record roll call was requested.

The ayes were 51, nays 34.

Amendment H-1525 was adopted, placing out of order the committee amendment H-1480 filed by the committee on appropriations on March 29, 2011.

Worthan of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 54:

Anderson	Arnold	Baltimore	Baudler
Byrnes	Chambers	Cownie	Deyoe
Dolecheck	Drake	Forristall	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paulsen, Spkr.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

The nays were, 43:

Abdul-Samad	Alons	Berry	Cohoon
De Boef	Gaines	Gaskill	Hall
Hanson	Heddens	Hunter	Isenhardt
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Pearson
Petersen	Quirk	Running-Marquardt	Shaw
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 3:

Brandenburg	Fry	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 195, a bill for an act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

Also: That the Senate has on April 5, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 467, a bill for an act relating to programs and activities under the purview of the department of public health.

Also: That the Senate has on April 5, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 474, a bill for an act to designate August 7 of each year as Purple Heart Day.

Also: That the Senate has on April 5, 2011, amended and passed the following bill in which the concurrence of the House was asked:

House File 484, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

Also: That the Senate has on April 5, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 512, a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

Also: That the Senate has on April 5, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 532, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

House File 645, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, was taken up for consideration.

Dolecheck of Ringgold offered amendment H-1505 filed by him.

Dolecheck of Ringgold offered amendment H-1523, to amendment H-1505, filed by him and moved its adoption.

A non-record roll call was requested.

The ayes were 52, nays 33.

Amendment H-1523, to amendment H-1505, was adopted, placing out of order amendment H-1524 filed by Dolecheck of Ringgold on April 4, 2011.

Dolecheck of Ringgold moved amendment H-1505, as amended.

Amendment H-1505, as amended, was adopted.

Dolecheck of Ringgold offered amendment H-1284 filed by him and Winckler of Scott and moved its adoption.

Amendment H-1284 was adopted.

Winckler of Scott offered amendment H-1534 filed by Winckler, et al., and moved its adoption.

Amendment H-1534 lost.

Heddens of Story offered amendment H-1535 filed by Winckler, et al., and moved its adoption.

Amendment H-1535 lost.

Mascher of Johnson offered amendment H-1542 filed by her and moved its adoption.

Speaker Paulsen in the chair at 3:16 p.m.

Roll call was requested by Mascher of Johnson and T. Taylor of Linn.

On the question "Shall amendment H-1542 be adopted?" (H.F. 645)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Hanusa
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Koester	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 4:

Brandenburg	Fry	Heddens	Thede
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Amendment H-1542 lost.

Running-Marquardt of Linn offered amendment H-1544 filed by her and moved its adoption.

Amendment H-1544 lost.

Winckler of Scott offered amendment H-1532 filed by Winckler, et al., and moved its adoption.

Amendment H-1532 lost.

Winckler of Scott offered amendment H-1536 filed by Winckler, et al., and moved its adoption.

Amendment H-1536 lost.

Winckler of Scott offered amendment H-1537 filed by Winckler, et al., and moved its adoption.

Roll call was requested by Winckler of Scott and Hunter of Polk.

On the question "Shall amendment H-1537 be adopted?" (H.F. 645)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

Absent or not voting, 4:

Brandenburg	Fry	McCarthy	Thede
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Amendment H-1537 lost.

Heddens of Story offered amendment H-1538 filed by Winckler, et al., and moved its adoption.

Kaufmann of Cedar in the chair at 3:55 p.m.

Amendment H-1538 lost.

Winckler of Scott asked and received unanimous consent to withdraw amendment H-1539 filed by Winckler of Scott, et al., on April 4, 2011.

Winckler of Scott offered amendment H-1548 filed by Winckler, et al., and moved its adoption.

S. Olson of Clinton in the chair at 4:00 p.m.

Roll call was requested by Winckler of Scott and Hunter of Polk.

On the question "Shall amendment H-1548 be adopted?" (H.F. 645)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.

Moore	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Olson, S., Presiding		

Absent or not voting, 3:

Brandenburg	Fry	Thede
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Amendment H-1548 lost.

SPECIAL PRESENTATION

Chambers of O'Brien presented to the House the Honorable Richard Vande Hoef and his wife Harriet. He is a former member of the House from Osceola County.

The House rose and expressed its welcome.

Byrnes of Mitchell asked and received unanimous consent to withdraw amendment H-1545 filed by him on April 4, 2011.

Winckler of Scott offered amendment H-1540 filed by Winckler, et al., and moved its adoption.

Roll call was requested by Winckler of Scott and Mascher of Johnson.

On the question "Shall amendment H-1540 be adopted?" (H.F. 645)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtažovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.

Thomas Winckler	Wenthe Wittneben	Wessel-Kroeschell Wolfe	Willems
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The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Olson, S., Presiding		

Absent or not voting, 3:

Brandenburg	Fry	Thede
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Amendment H-1540 lost.

Dolecheck of Ringgold offered amendment H-1456 filed by him and Winckler of Scott and moved its adoption.

Amendment H-1456 was adopted.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment H-1370 filed by her on March 16, 2011.

Dolecheck of Ringgold offered amendment H-1495 filed by him and moved its adoption.

Amendment H-1495 was adopted.

Forristall of Pottawattamie offered amendment H-1547 filed by him.

Willems of Linn offered amendment H-1556, to amendment H-1547, filed by him from the floor.

Amendment H-1556, to amendment H-1547, was adopted.

Forristall of Pottawattamie moved amendment H-1547, as amended.

Amendment H-1547, as amended, was adopted, placing out of order amendment H-1549 filed by Willems of Linn on April 4, 2011.

Speaker Paulsen in the chair at 5:30 p.m.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 645)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 42:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Klein	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Pearson	Petersen
Quirk	Running-Marquardt	Shaw	Smith, M.
Steckman	Swaim	Taylor, T.	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 3:

Brandenburg Fry Thede

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 645** and **Senate File 511**.

HOUSE FILE 611 REREFERRED

The Speaker announced that House File 611, previously referred to committee on **local government** was rereferred to committee on **ways and means**.

SENATE FILE 285 REREFERRED

The Speaker announced that Senate File 285, previously referred to committee on **labor** was rereferred to committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 5, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 243, an Act relating to instruments used to update the county transfer books and index maintained by the county auditor.

House File 271, an Act relating to criminal defendants and inmates by modifying bail restrictions placed on criminal defendants and applying credit for time served.

House File 348, an Act providing for voting methods which may be utilized by members of cooperative associations.

Senate File 124, an Act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

Senate File 470, an Act relating to the duties and operations of the state's community colleges.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

Analysis of Employee Turnover in Nursing Facilities, pursuant to House File 2539, 2008 Iowa Acts.

DEPARTMENT OF REVENUE

2010 Retailers Motor Fuel Gallons Annual Report, pursuant to Chapter 452A.33, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 668

Economic Growth/Rebuild Iowa: Byrnes, Chair; Baltimore and Running-Marquardt.

Senate File 515

Ways and Means: Vander Linden, Chair; Byrnes and Jacoby.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 260, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** April 05, 2011.

Committee Bill (Formerly House File 388), relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 05, 2011.

Committee Bill (Formerly House File 633), concerning mechanics' liens including the establishment of a state construction registry for residential construction property, providing for an appropriation, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 05, 2011.

Committee Bill (Formerly House Study Bill 214), relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 05, 2011.

AMENDMENTS FILED

H-1553	S.F.	406	Pettengill of Benton
H-1555	S.F.	406	Petersen of Polk
H-1557	S.F.	326	Kaufmann of Cedar
H-1558	S.F.	510	Worthan of Buena Vista
H-1559	H.F.	484	Senate Amendment
H-1560	S.F.	482	Heaton of Henry Heddens of Story

On motion by Upmeyer of Hancock the House adjourned at 5:33 p.m., until 8:30 a.m., Wednesday, April 6, 2011.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day – Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 6, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Deanna Shorb, Dean of Religious Life and Chaplain of Grinnell College. She was the guest of Representative Hall of Woodbury County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jonah Benning Shorb from Grinnell. He was the guest of Representative Hall of Woodbury.

The Journal of Tuesday, April 5, 2011 was approved.

INTRODUCTION OF BILLS

House File 673, by committee on ways and means, a bill for an act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

Read first time and placed on the **ways and means calendar**.

House File 674, by committee on ways and means, a bill for an act relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions.

Read first time and placed on the **ways and means calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie and Fry of Clarke on request of Upmeyer of Hancock.

On motion by Upmeyer of Hancock, the House was recessed at 8:38 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Speaker Paulsen in the chair.

COMMITTEE TO NOTIFY THE SENATE

Pettengill of Benton moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in Joint Convention.

The motion prevailed and the Speaker appointed as such committee, Pettengill of Benton, Garrett of Warren and Lensing of Johnson.

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 1:48 p.m., Speaker Paulsen in the chair.

Pettengill of Benton, chair of the committee appointed to notify the Senate that the House was ready to receive it in Joint Convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station and the members of the Senate were seated in the House chamber.

JOINT CONVENTION PIONEER ALWMAKERS SIXTY-FIRST BIENNIAL SESSION

In accordance with House Concurrent Resolution 11 duly adopted, the Joint Convention was called to order, President Kibbie presiding.

President Kibbie announced a quorum present and the Joint Convention duly organized.

Senator Courtney of Des Moines moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Fraise of Lee, Bowman of Jackson, Boettger of Shelby and Houser of Pottawattamie on the part of the Senate; and Drake of Cass, Hanusa of Pottawattamie, Kelley of Jasper and Hall of Woodbury on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kibbie presented President Pro Tempore, Senator Jeff Danielson, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented Representative Kraig Paulsen, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Robert Dvorsky, member of the Senate who responded to the welcome and announced the 1990 class of legislators who were eligible to become members of the Pioneer Lawmakers.

SENATE

Borlaug, Allen	Kersten, James	Kramer, Mary
McLaren, Derryl	Rittmer, Sheldon	Slife, Harry

HOUSE OF REPRESENTATIVES

Baker, Tom	Bartz, Merlin	Bernau, William
Burke, Gordon	Dickinson, Rick	Gill, Pat
Gipp, Chuck	Grubbs, Steve	Hahn, James
Hanson, Don	Hurley, Chuck	Iverson, Stu
Johnson, Robert	Krebsbach, Scott	McNeal, Clark
Millage, David	Murphy, Pat	Rafferty, Bob
Weidman, Richard	Wissing, Matthew	

Honorary members of the 2011 class were the following:

HONORARY PIONEER LAWMAKERS

Brandsgard, Mark	Feltner, Paula	Laue, Jan
Langbehn, Robert	Nichols, Marcia	Roos, Jonathan
Walter, Susan		

Senator Dvorsky introduced the Honorable Arthur Neu, former Lieutenant governor, who addressed the Joint Convention as follows:

Incivility in politics has been around in America as long as the country existed, maybe even longer. There are some marvelous examples I have run across.

At the top of the list is the Hamilton-Burr duel in 1804. Interesting is that Iowa repealed section five of its bill of rights in 1992 which barred from political office anyone who had engaged in a duel. So you are now apparently free to challenge anyone with whom you disagree to a duel and still hold public office.

No one should overlook the incident in 1856 when Senator Sumner of Massachusetts was brutally assaulted by two members of congress from North Carolina.

Sometimes incivility is tempered with humor. In English Parliament an exchange between Disraeli and Gladstone was as follows:

One said "I swear, I don't know if you will die on the gallows or of the pox." (pox was the term for syphilis)

The other responded, "That depends sir, on whether I embrace your morals or your mistress.

In all fairness the press always has its less than civil moments with politicians. Ben Butler was a civil war general and later, a House member from Massachusetts. He was hated in the south, where he was in charge of occupied New Orleans. When he died, the Nashville Daily American wrote a long editorial, titled "The Beast is Dead" and read in part as follows:

"Old Ben Butler is Dead! Early yesterday morning the angel of death acting under the Devil's orders took him from Earth and landed him in Hell. In all this southern country here are no tears, no sighs and no regrets. He lived only too long. We are glad he has at last been removed from Earth and even pity the Devil the possession he has secured."

Then later it really gets bad.

"He was a trucking demagogue whose selfishness amounted to pollution; he was an autocrat who used power to wreak personal revenge; he was mean and malignant, a hangman from prejudice, the insulter of women, a braggadocio, a trickster and a

scoundrel whose heart was as black as the smoke from the coals that are now scorching his soul.”

Even Thomas Jefferson surreptitiously had a journalist refer to John Adams as a “hermaphrodite”.

The Liberty League referred to Franklin Roosevelt as a communist.

More recently, an example of civility took place when, during a parade, city workers found a backpack bomb on the Martin Luther King Day parade route. Emotions ran high but the NAACP chapter president made sure that the conversation remained civil.

Today there is incivility all over the place though, admittedly, not as severe as some alluded to earlier, and not much humor that I have observed. There never was a golden age when there was not incivility, but what seems to be somewhat unique to the present time is institutional incivility between the political parties. There was a day when Hubert Humphrey and Bob Dole would debate issues vigorously in the Senate and afterwards go out for a beer together.

It used to be the same here. We used to have vigorous, hot debates, but once we left the chamber it was set aside. I think that the demonizing of someone who disagrees with you is bad for politics, bad for legislation and bad for the state and country. It also makes compromise very difficult and we all know that compromise is impossible to avoid in a democracy.

One old time lobbyist told me that the incivility came about when we regulated lobbying. It used to be that legislators got together in the evenings at functions sponsored by lobbyists. At these functions legislators got to know each other socially. I certainly don't think that is the sole or even a major cause of today's incivility but it did result in less contact between legislators from the two parties. I suspect the money that is pumped into campaigns from the various interest groups deserves some of the credit for incivility. Also the people and organizations who are only concerned about one issue and support candidates on that one issue and nothing else. I think that plays a part in incivility.

I remember one session when Attorney General Turner issued an opinion holding that under the criminal code anyone who went out to an event in which their dinner and drinks were paid for was guilty of some crime under the then new criminal code. All events ended and a number of us joined the “Y” and played basketball together. We certainly got to know each other well on the basketball court.

One suggestion I might make. During the Ray years every Tuesday for lunch the leadership of both parties met for lunch in the Governor's office. Sometimes, early in the session there was not always a lot to talk about, but we still had lunch. You did get to know each other and in some instances we became good friends. We also knew that if you said something unpleasant about a leader of the other party, that in all likelihood you would be questioned about it next Tuesday. It served as a deterrent on extreme statements.

A little incivility, short of a duel or whipping, can be funny particularly when it involves some humor.

A lot can be dangerous, even disastrous. I think today we are at a dangerous stage particularly with an awful lot of people running around with side arms.

Thank you.

Upmeyer of Hancock moved that the Joint Convention dissolve at 2:23 p.m.

The House stood at ease at 2:23 p.m., until the fall of the gavel.

The House resumed session at 2:50 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Engelenhoven of Marion on request of Arnold of Lucas.

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 482, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, was taken up for consideration.

Pettengill of Benton offered amendment H-1408 filed by her.

Pettengill of Benton offered amendment H-1434, to amendment H-1408, filed by her and moved its adoption.

Amendment H-1434, to amendment H-1408, was adopted.

Pettengill of Benton moved amendment H-1408, as amended.

Amendment H-1408, as amended, was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1419 filed by her on March 22, 2011.

SENATE FILE 406 SUBSTITUTED FOR HOUSE FILE 482

Pettengill of Benton asked and received unanimous consent to substitute Senate File 406 for House File 482.

Senate File 406, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions, was taken up for consideration.

Petersen of Polk offered amendment H-1453 filed by her and Kajtazovic of Black Hawk.

Petersen of Polk offered amendment H-1555, to amendment H-1453, filed by her.

Upmeyer of Hancock asked and received unanimous consent that Senate File 406 be deferred and that the bill retain its place on the calendar. (amendment H-1555 to amendment H-1453 pending)

Regular Calendar

Senate File 243, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements, with report of committee recommending passage, was taken up for consideration.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 243)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Iverson	Jacoby	Jorgensen

Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Petersen	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Vander Linden	Wagner
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 2:

Pearson	Watts
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Absent or not voting, 5:

Brandenburg	Fry	Quirk	Upmeyer
Van Engelenhoven			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 279, a bill for an act relating to child support recovery, with report of committee recommending passage, was taken up for consideration.

S. Olson of Clinton in the chair at 3:14 p.m.

L. Miller of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 279)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley

Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Oldson	Olson, R.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Olson, S., Presiding

The nays were, none.

Absent or not voting, 8:

Brandenburg	Fry	Horbach	Murphy
Quirk	Schultz	Van Engelenhoven	Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 312, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Iverson of Wright offered amendment H-1490 filed by the committee on transportation and moved its adoption.

The committee amendment H-1490 was adopted.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 312)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Olson, S., Presiding		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Fry	McCarthy	Quirk
Van Engelenhoven	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 326, a bill for an act relating to the appointment of judicial officers and senior judges, with report of committee recommending passage, was taken up for consideration.

Alons of Sioux offered amendment H-1475 filed by Alons, et al., and moved its adoption.

Speaker Paulsen in the chair at 3:25 p.m.

Anderson of Page rose on a point of order that amendment H-1475 was not germane.

The Speaker ruled the point well taken and amendment H-1475 not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment H-1475.

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment H-1475.

Roll call was requested by Alons of Sioux and Shaw of Pocahontas.

On the question "Shall the rules be suspended to consider amendment H-1475?" (S.F. 326)

The ayes were, 6:

Alons	Chambers	De Boef	Pearson
Schultz	Shaw		

The nays were, 89:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Forristall	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems

Winckler Mr. Speaker Paulsen	Windschitl	Wittneben	Wolfe
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Absent or not voting, 5:

Brandenburg Worthan	Fry	Quirk	Van Engelenhoven
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The motion to suspend the rules lost.

Kaufmann of Cedar offered amendment H-1557 filed by him.

Kaufmann of Cedar offered amendment H-1581, to amendment H-1557, filed by him from the floor and moved its adoption.

Amendment H-1581, to amendment H-1557, was adopted.

Cownie of Polk in the chair at 3:40 p.m.

Kaufmann of Cedar moved amendment H-1557, as amended.

Amendment H-1557, as amended, was adopted.

Anderson of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 326)

The ayes were, 93:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson

Petersen	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Cownie, Presiding			

The nays were, 2:

Alons	Shaw
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Absent or not voting, 5:

Brandenburg	Fry	Quirk	Van Engelenhoven
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Unfinished Business Calendar

House File 501, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons, was taken up for consideration.

SENATE FILE 460 SUBSTITUTED FOR HOUSE FILE 501

Shaw of Pocahontas asked and received unanimous consent to substitute Senate File 460 for House File 501.

Senate File 460, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons, was taken up for consideration.

Shaw of Pocahontas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 460)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Berry	Byrnes	Chambers
Cohoon	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Wenthe	Willems
Winckler	Windschitl	Wittneben	Wolfe
Cownie, Presiding			

The nays were, 1:

Baltimore

Absent or not voting, 6:

Brandenburg	Fry	Quirk	Van Engelenhoven
Wessel-Kroeschell	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 501 WITHDRAWN

Shaw of Pocahontas asked and received unanimous consent to withdraw House File 501 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 243, 279, 312, 326 and 460.**

The House resumed consideration of Senate File 406, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions, previously deferred. (amendment H-1555 to amendment H-1453 pending)

Petersen of Polk moved amendment H-1555, to amendment H-1453.

Under the provision of Rule 76, conflict of interest, Worthan of Buena Vista refrained from voting.

Amendment H-1555, to amendment H-1453, was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1553, to amendment H-1453, filed by her on April 5, 2011.

Pettengill of Benton moved amendment H-1453, as amended.

Roll call was requested by Petersen of Polk and T. Taylor of Linn.

On the question "Shall amendment H-1453, as amended, be adopted?" (S.F. 406)

The ayes were, 42:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Grassley	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe	Cownie, Presiding		

The nays were, 53:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	De Boef
Deyoe	Dolecheck	Drake	Forristall
Garrett	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Windschitl			

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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Under the provision of Rule 76, conflict of interest, Worthan of Buena Vista refrained from voting.

Amendment H-1453, as amended, lost.

Garrett of Warren asked and received unanimous consent to withdraw amendment H-1484 filed by him and Anderson of Page on March 29, 2011.

Garrett of Warren asked and received unanimous consent to withdraw amendment H-1483 filed by him on March 29, 2011.

Garrett of Warren asked and received unanimous consent to withdraw amendment H-1501 filed by him on March 31, 2011.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1452 filed by her on March 23, 2011.

Oldson of Polk offered amendment H-1473 filed by Oldson, et al., and moved its adoption.

Roll call was requested by Oldson of Polk and Hunter of Polk.

On the question "Shall amendment H-1473 be adopted?" (S.F. 406)

The ayes were, 43:

Abdul-Samad	Anderson	Berry	Cohoon
Gaines	Garrett	Gaskill	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kaufmann	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	Massie	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 52:

Alons	Arnold	Baltimore	Baudler
Byrnes	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Windschitl	Cownie, Presiding

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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Under the provision of Rule 76, conflict of interest, Worthan of Buena Vista refrained from voting.

Amendment H-1473 lost.

Pettengill of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 406)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	De Boef

Deyoe	Dolecheck	Drake	Forristall
Garrett	Grassley	Hagenow	Hager
Hall	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Muhlbauer	Olson, S.	Paulsen, Spkr.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Watts	Wenthe	Windschitl	Cownie, Presiding

The nays were, 35:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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Under the provision of Rule 76, conflict of interest, Worthan of Buena Vista refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 406** be immediately messaged to the Senate.

Kaufmann of Cedar in the chair at 4:30 p.m.

Regular Calendar

Senate File 438, a bill for an act relating to licensing by reciprocity for dentists, with report of committee recommending passage, was taken up for consideration.

Rogers of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 438)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Jacoby	Jorgensen	Kajtazovic
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Kaufmann,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brandenburg	Fry	Iverson	Miller, L.
Quirk	Van Engelenhoven		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 482 WITHDRAWN

Pettengill of Benton asked and received unanimous consent to withdraw House File 482 from further consideration by the House.

Unfinished Business Calendar

House File 591, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected, was taken up for consideration.

Sweeney of Hardin asked and received unanimous consent that amendment H-1482 be deferred.

Sweeney of Hardin offered amendment H-1504 filed by her and moved its adoption.

Amendment H-1504 was adopted, placing out of order amendment H-1482 filed by Sweeney of Hardin on March 29, 2011, previously deferred.

SENATE FILE 478 SUBSTITUTED FOR HOUSE FILE 591

Sweeney of Hardin asked and received unanimous consent to substitute Senate File 478 for House File 591.

Senate File 478, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected, was taken up for consideration.

Sweeney of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 478)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley

Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 591 WITHDRAWN

Sweeney of Hardin asked and received unanimous consent to withdraw House File 591 from further consideration by the House.

Speaker Paulsen in the chair at 4:45 p.m.

Steckman of Cerro Gordo asked for unanimous consent to consider House File 185.

Objection was raised.

Steckman of Cerro Gordo moved to consider House File 185.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall House File 185 be considered?"

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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The motion to consider House File 185 failed.

House File 651, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation, was taken up for consideration.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 651)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 1:

Hunter

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 658, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation, was taken up for consideration.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 658)

The ayes were, 79:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jorgensen	Kajtazovic	Kaufmann
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Swaim
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 17:

Abdul-Samad	Cohoon	Gaines	Heddens
Hunter	Jacoby	Kearns	Lensing
Mascher	Oldson	Petersen	Smith, M.
Steckman	Taylor, T.	Thede	Wessel-Kroeschell
Winckler			

Absent or not voting, 4:

Brandenburg	Fry	Quirk	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 457 WITHDRAWN

Drake of Cass asked and received unanimous consent to withdraw House File 457 from further consideration by the House.

HOUSE FILE 463 WITHDRAWN

Garrett of Warren asked and received unanimous consent to withdraw House File 463 from further consideration by the House.

House File 659, a bill for an act relating to the administration of prison industries established and maintained by the Iowa department of corrections, and including effective date provisions, was taken up for consideration.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 659)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker			
Paulsen			

The nays were, 39:

Abdul-Samad	Berry	Cphoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 4:

Brandenburg Fry Quirk Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 661, a bill for an act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions, was taken up for consideration.

Isenhart of Dubuque offered amendment H-1546 filed by him.

Sands of Louisa rose on a point of order that amendment H-1546 was not germane.

The Speaker ruled the point well taken and amendment H-1546 not germane.

Isenhart of Dubuque requested a division as follows:

Division A: Page 1, line 2 through page 4, line 19.

Division B: Page 4, line 20 through line 33.

The Speaker ruled amendment H-1546A not germane.

Isenhart of Dubuque moved amendment H-1546B.

Roll call was requested by Isenhart of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1546B be adopted?" (H.F. 661)

The ayes were, 37:

Abdul-Samad	Berry	Dolecheck	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe

Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Drake	Forristall
Garrett	Grassley	Hagenow	Hager
Hanusa	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 8:

Brandenburg	Cohoon	Fry	Heaton
Lykam	Quirk	Smith, J.	Van Engelenhoven

Amendment H-1546B lost.

Lensing of Johnson offered amendment H-1489 filed by Isenhart of Dubuque and moved its adoption.

Amendment H-1489 lost.

Isenhart of Dubuque offered amendment H-1476 filed by him and moved its adoption.

Amendment H-1476 lost.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 661)

The ayes were, 62:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Garrett	Grassley
Hagenow	Hager	Hall	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Kelley	Klein	Koester	Lofgren
Lukan	Massie	Miller, H.	Miller, L.
Moore	Muhlbauer	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 31:

Abdul-Samad	Gaines	Gaskill	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kressig	Lensing
Mascher	McCarthy	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 7:

Brandenburg	Cohoon	Fry	Lykam
Quirk	Smith, J.	Van Engelenhoven	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 500 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 500 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 651, 658, 659, 661** and **Senate Files 438 and 478**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 299, a bill for an act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties.

Also: That the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 389, a bill for an act relating to investigative costs of the Medicaid fraud control unit.

Also: That the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 390, a bill for an act relating to an Alzheimer's disease response strategy.

Also: That the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 404, a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

Also: That the Senate has on April, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 454, a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

Also: That the Senate has on April 6, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 557, a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

Also: That the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 565, a bill for an act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

Also: That the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 592, a bill for an act establishing the council for agricultural education.

Also: That the Senate has on April 6, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 593, a bill for an act relating to the education requirements for licensed massage therapists.

Also: That the Senate has on April 6, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 642, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Huseman of Cherokee called up for consideration **House File 642**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, amended by the Senate, and moved that the House concur in Senate amendment H-1589.

The motion prevailed and the House concurred in the Senate amendment H-1589.

Huseman of Cherokee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 642)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton

Heddens	Hein	Helland	Horbach
Hunter	Huseman	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 7:

Berry	Brandenburg	Cphoon	Fry
Lykam	Quirk	Van Engelenhoven	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 642** be immediately messaged to the Senate.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 393, an Act allowing a physician assistant or an advanced registered nurse practitioner to sign a death certificate.

House File 468, an Act relating to preferred stock issued by cooperative associations.

House File 562, an Act relating to the child abuse registry administered by the department of human services.

Senate File 7, an Act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Senate File 474, an Act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Span of Control Report, pursuant to Chapter 262.9c, Code of Iowa.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate File 461, a bill for an act relating to certain boards and commissions with legislative appointments.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2011

AMENDMENTS FILED

H-1561	S.F.	509	J. Smith of Dickinson
H-1562	S.F.	509	Drake of Cass
H-1563	H.F.	649	Heddens of Story
H-1564	H.F.	649	Heddens of Story
H-1565	H.F.	649	Heddens of Story
H-1566	H.F.	649	Heddens of Story
H-1567	H.F.	649	Heddens of Story
H-1568	H.F.	649	Heddens of Story

H-1569	H.F.	649	Heddens of Story
H-1570	H.F.	649	Heddens of Story
H-1571	H.F.	649	Heddens of Story
H-1572	H.F.	649	Heddens of Story
H-1573	H.F.	649	Heddens of Story
H-1574	H.F.	649	Heddens of Story
H-1575	H.F.	649	Heddens of Story
H-1576	H.F.	649	Heddens of Story
H-1577	H.F.	649	Heddens of Story
H-1578	H.F.	649	Heddens of Story
H-1579	H.F.	649	Heddens of Story
H-1580	H.F.	649	Heddens of Story
H-1582	H.F.	649	Heddens of Story
H-1583	H.F.	649	Heaton of Henry Heddens of Story Murphy of Dubuque
H-1584	S.F.	236	Hagenow of Polk
H-1585	H.F.	649	Heaton of Henry
H-1586	S.F.	509	Drake of Cass
H-1587	S.F.	462	Baudler of Adair
H-1588	H.F.	557	Senate Amendment
H-1590	H.F.	649	Shaw of Pocahontas Jorgensen of Woodbury Heaton of Henry Alons of Sioux Worthan of Buena Vista Muhlbauer of Crawford J. Smith of Dickinson
			J. Taylor of Woodbury
			Huseman of Cherokee
			Soderberg of Plymouth
			Chambers of O'Brien
			Hall of Woodbury
			Wittneben of Emmet
H-1591	H.F.	649	Isenhart of Dubuque
H-1592	H.F.	649	Hall of Woodbury
H-1593	H.F.	649	Heaton of Henry
H-1594	H.F.	649	Heaton of Henry
H-1595	H.F.	649	Chambers of O'Brien
H-1596	S.F.	509	Isenhart of Dubuque Wenthe of Fayette Hanson of Jefferson Kelley of Jasper Hager of Allamakee
			Hall of Woodbury
			Sweeney of Hardin
			Muhlbauer of Crawford
			Moore of Jackson
			Lofgren of Muscatine

On motion by Upmeyer of Hancock the House adjourned at 5:55 p.m., until 8:30 a.m., Thursday, April 7, 2011.

JOINT MEMORIAL SERVICE
EIGHTY-FOURTH GENERAL ASSEMBLY
SENATE CHAMBER
WEDNESDAY, APRIL 6, 2011

PROGRAM

Senate President John P. “Jack” Kibbie, Presiding

Prelude.....Ombudsman Ruth Cooperrider

“Iowa, My Iowa”.....Memorial Choir

Invocation.....Senator John P. Kibbie

MEMORIALS

Readers: Representative Kelley, Senator Beall,
Representative Forristall, Senator Johnson

Hon. S. Anania (H) Hon. P. Bell (H) Hon. S. Brownlee (S)
Hon. D. Gries (H) Hon. W. Harbor (S/H) Hon. P. Hill (S/H)
Hon. R. Johnson (H) Hon. R. Kreamer (H)

“Shenandoah”.....Memorial Choir

MEMORIALS

Readers: Representative Murphy, Representative Pettengill,
Representative Hanusa, Senator Fraise

Hon. J. Kremer (H) Hon. C. Lamborn (S) Hon. O. Miller (H)
Hon. W. Stuart (S) Hon. J. Svoboda (H) Hon. E. Szymoniak (S)
Hon. J. Wells (S/H)

Responsorial Reading.....Led by Senator Kibbie

“Battle Hymn of the Republic”.....Memorial Choir

* Senate – (S) and House – (H)

IN MEMORIAM**SERVED IN THE SENATE**

Honorable S. J. Brownlee (Palo Alto) 63rd and 64th General Assemblies. (1969-1972)

Honorable Clifton “Cliff” Lamborn (Jackson) 62nd, 63rd, 64th, 65th and 66th General Assemblies. (1967-1976)

Honorable William C. Stuart (Lucas) 55th, 56th, 57th, 58th and 59th General Assemblies. (1953-1961)

Honorable Elaine Szymoniak (Polk) 73rd, 74th, 74th Extra, 74th Second Extra, 75th, 76th, 77th and 78th General Assemblies. (1989-2000)

**SERVED IN THE SENATE AND THE
HOUSE OF REPRESENTATIVES**

Honorable William “Bill” Harbor (Mills) 56th, 57th, 58th, 62nd, 63rd, 64th, 67th, 67th Extra, 68th, 69th, 69th Extra, 69th Second Extra, 70th, 71st, 72nd, 72nd Extra, 72nd Second Extra, 73rd, 74th, 74th Extra and 74th Second Extra General Assemblies. (1955-1959, 1967-1972 and 1977-1992)

Honorable Philip B. Hill (Polk) 64th, 65th, 66th, and 67th, and 67th Extra General Assemblies. (1971-1978)

Honorable James D. Wells (Linn) 63rd, 64th, 65th, 66th, 67th, 67th Extra, 68th, 69th, 69th Extra, 69th Second Extra, 70th, 71st, 72nd, 72nd Extra and 72nd Second Extra General Assemblies. (1969-1988)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Sam Anania (Polk) 64th General Assembly. (1971-1972)

Honorable Paul Bell (Jasper) 75th, 76th, 77th, 78th, 79th, 79th Extra, 79th Second Extra, 80th, 80th Extra, 80th Second Extra, 81st, 82nd and 83rd General Assemblies. (1993-2010)

Honorable Donald Gries (Crawford) 75th, 76th and 77th General Assemblies. (1993-1998)

Honorable Robert M. L. Johnson (Linn) 68th, 69th, 69th Extra and 69th Second Extra General Assemblies. (1979-1982)

Honorable Robert McDonald Kreamer (Polk) 63rd, 64th, 65th and 66th General Assemblies. (1969-1976)

Honorable Joe Kremer (Buchanan) 71st, 72nd, 72nd Extra, 72nd Second Extra, 73rd, 74th, 74th Second Extra, 76th and 77th General Assemblies. (1985-1992 and 1995-1998)

Honorable Opal L. Miller (Calhoun) 66th and 67th General Assemblies. (1975-1978)

Honorable Jane Svoboda (Tama) 72nd, 72nd Extra, 72nd Second Extra, 73rd, 74th, 74th Extra and 74th Second Extra General Assemblies. (1987-1992)

Senate Memorial Committee

Senator Gene Fraise, Chair
 Senator Robert Bacon
 Senator Dennis Black
 Senator Nancy Boettger
 Senator Robert Dvorsky
 Senator Joni Ernst
 Senator Wally Horn
 Senator David Johnson

House Memorial Committee

Representative Vicki Lensing, Chair
 Representative Julian Garrett
 Representative Mary Ann Hanusa
 Representative Dan Kelley

Hosts

Senator Nancy Boettger
 Senator Wally Horn
 Representative Vicki Lensing
 Representative Jack Drake

Host Helpers

Mr. Dave Boettger
 Mr. Jim Obradovich
 Ms. Phyllis Peterson
 Mr. Vern Schroeder

Candlelighters

Senator Robert Bacon
 Senator Swati Dandekar
 Senator Joni Ernst
 Representative Julian Garrett
 Representative Bruce Hunter

Choir Director: Senator Merlin Bartz
 Accompanist: Ombudsman Ruth Cooperrider
 Flowers Arranged by Doherty's Flowers
 Refreshments provided by Hy-Vee

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 7, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was sung by the Memorial Session Choir.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Memorial Session Choir.

The Journal of April 6, 2011 was approved.

INTRODUCTION OF BILL

House File 675, by committee on ways and means, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 516, a bill for an act relating to the construction of subdivision improvements and certain notice requirements.

Also: That the Senate has on April 7, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 536, a bill for an act concerning the duties and responsibilities of the auditor of state.

Also: That the Senate has on April 7, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 597, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

Also: That the Senate has on April 7, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 453, a bill for an act relating to high school graduation requirements.

Also: That the Senate has on April 5, 2011, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:42 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:06 p.m., Speaker Paulsen in the chair.

Kaufmann of Cedar in the chair at 1:07 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

Speaker Paulsen in the chair at 1:14 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandenburg of Pottawattamie on request of Upmeyer of Hancock.

SENATE AMENDMENTS CONSIDERED

Koester of Polk called up for consideration **Senate File 361**, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1531 to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H-1531, to the House amendment.

Koester of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 361)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Pearson	Petersen	Pettengill	Quirk
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Brandenburg Paustian Raecker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Koester of Polk called up for consideration **House File 537**, a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties, amended by the Senate, and moved that the House concur in Senate amendment H-1470.

The motion prevailed and the House concurred in the Senate amendment H-1470.

Koester of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 537)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas

Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 537** and **Senate File 361**.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Drake of Cass asked and received unanimous consent that the committee amendment H-1457 be deferred.

Drake of Cass asked and received unanimous consent that amendment H-1562 be deferred.

Drake of Cass offered amendment H-1586 filed by him.

The House stood at ease at 1:33 p.m., until the fall of the gavel.

The House resumed session at 1:34 p.m., Speaker Paulsen in the chair.

Hall of Woodbury offered amendment H-1618, to amendment H-1586, filed by him from the floor and moved its adoption.

Amendment H-1618, to amendment H-1586, lost.

Hall of Woodbury offered amendment H-1616, to amendment H-1586, filed by him from the floor and moved its adoption.

Amendment H-1616, to amendment H-1586, lost.

Cohon of Des Moines offered amendment H-1605, to amendment H-1586, filed by him from the floor and moved its adoption.

Amendment H-1605, to amendment H-1586, lost.

Wittneben of Emmet offered amendment H-1619, to amendment H-1586, filed by him from the floor and moved its adoption.

Roll call was requested by Wittneben of Emmet and T. Taylor of Linn.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

J. Taylor of Woodbury on request of Upmeyer of Hancock.

On the question "Shall amendment H-1619, to amendment H-1586, be adopted?" (S.F. 509)

The ayes were, 40:

Abdul-Samad	Berry	Cohon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Smith, J.	Soderberg	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 4:

Brandenburg	Helland	Shaw	Taylor, J.
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Amendment H-1619 to amendment H-1586, lost.

Kaufmann of Cedar in the chair at 1:58 p.m.

Isenhart of Dubuque offered amendment H-1608, to amendment H-1586, filed by him, Hall of Woodbury, Wenthe of Fayette, Sweeney of Hardin, Hanson of Jefferson, Muhlbauer of Crawford, Kelley of Jasper, Moore of Jackson, Hager of Allamakee and Lofgren of Muscatine from the floor.

Amendment H-1608, to amendment H-1586, lost.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-1604, to amendment H-1586, filed by her from the floor.

Lensing of Johnson offered amendment H-1615, to amendment H-1586, filed by her from the floor and moved its adoption.

Amendment H-1615, to amendment H-1586, lost.

Drake of Cass offered amendment H-1612, to amendment H-1586, filed by him from the floor and moved its adoption.

Amendment H-1612, to amendment H-1586, was adopted.

Wenthe of Fayette offered amendment H-1607, to amendment H-1586, filed by him from the floor and moved its adoption.

Amendment H-1607, to amendment H-1586, lost.

Hall of Woodbury offered amendment H-1617, to amendment H-1586, filed by him from the floor and moved its adoption.

Raecker of Polk rose on a point of order that amendment H-1617 was not germane, to amendment H-1586.

The Speaker ruled the point well taken and amendment H-1617 not germane, to amendment H-1586.

Drake of Cass moved amendment H-1586, as amended.

Amendment H-1586, as amended, was adopted, placing out of order the following amendments:

H-1457 filed by the committee on appropriations on March 24, 2011, previously deferred.

H-1561, to the committee amendment H-1457, filed by J. Smith of Dickinson on April 6, 2011.

H-1562 filed by Drake of Cass on April 6, 2011, previously deferred.

H-1596, to the committee amendment H-1457, filed by Isenhardt of Dubuque, et al., on April 6, 2011.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 509)

The ayes were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

The nays were, 41:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 1:

Brandenburg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, was taken up for consideration.

Heaton of Henry asked and received unanimous consent that

amendment H-1593 be deferred.

Heddens of Story offered amendment H-1569 filed by her and requested a division as follows:

Division A: Page 1, lines 2 through 3.

Division B: Page 1, lines 4 through 6.

Speaker Paulsen in the chair at 2:51 p.m.

Heddens of Story moved amendment H-1569A.

Amendment H-1569A lost.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1569B filed by her on April 6, 2011.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Kaufmann of Cedar.

Heaton of Henry offered amendment H-1594 filed by him.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1600, to amendment H-1594, filed by her from the floor.

Heddens of Story offered amendment H-1611, to amendment H-1594, filed by her from the floor and moved its adoption.

Roll call was requested by Heddens of Story and Kressig of Black Hawk.

On the question "Shall amendment H-1611, to amendment H-1594, be adopted?" (H.F. 649)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtažovic

Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

Absent or not voting, 2:

Baudler	Brandenburg
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Amendment H-1611, to amendment H-1594, lost.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1599, to amendment H-1594, filed by her from the floor.

Heddens of Story offered amendment H-1610, to amendment H-1594, filed by her from the floor and moved its adoption.

Roll call was requested by Heddens of Story and Hunter of Polk.

On the question "Shall amendment H-1610, to amendment H-1594, be adopted?" (H.F. 649)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

Absent or not voting, 2:

Baudler Brandenburg

Amendment H-1610, to amendment H-1594, lost.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1601, to amendment H-1594, filed by her from the floor.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1614, to amendment H-1594, filed by her from the floor.

Heddens of Story offered amendment H-1620, to amendment H-1594, filed by her from the floor and moved its adoption.

Roll call was requested by Heddens of Story and Abdul-Samad of Polk.

On the question "Shall amendment H-1620, to amendment H-1594, be adopted?" (H.F. 649)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Byrnes	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 3:

Baudler	Brandenburg	Van Engelenhoven
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Amendment H-1620, to amendment H-1594, lost.

Heddens of Story offered amendment H-1597, to amendment H-1594, filed by her from the floor and moved its adoption.

Amendment H-1597, to amendment H-1594, lost.

Heddens of Story offered amendment H-1602, to amendment H-1594, filed by her from the floor and moved its adoption.

Lukan of Dubuque in the chair at 4:04 p.m.

Amendment H-1602, to amendment H-1594, lost.

Heddens of Story offered amendment H-1603, to amendment H-1594, filed by her from the floor and moved its adoption.

Amendment H-1603, to amendment H-1594, lost.

Heddens of Story offered amendment H-1598, to amendment H-1594, filed by her from the floor and moved its adoption.

Roll call was requested by Heddens of Story and Abdul-Samad of Polk.

On the question "Shall amendment H-1598, to amendment H-1594, be adopted?" (H.F. 649)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte

Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Lukan, Presiding		

Absent or not voting, 3:

Brandenburg	Taylor, J.	Thede
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Amendment H-1598, to amendment H-1594, lost.

Kajtazovic of Black Hawk offered amendment H-1613, to amendment H-1594, filed by her from the floor.

Upmeyer of Hancock rose on a point of order that amendment H-1613 was not germane, to amendment H-1594.

The Speaker ruled the point well taken and amendment H-1613 not germane, to amendment H-1594.

Heddens of Story requested a division of amendment H-1594 as follows:

Division A: Page 1, line 2 through page 4, line 48 and page 5, line 8 through page 11, line 1.

Division B: Page 4, lines 49 through 50 and page 5, lines 1 through 7.

Heaton of Henry moved amendment H-1594A.

Roll call was requested by Heddens of Story and Kressig of Black Hawk.

On the question "Shall amendment H-1594A be adopted?" (H.F. 649)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall

Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, T.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Lukan, Presiding			

The nays were, none.

Absent or not voting, 3:

Brandenburg Taylor, J. Thede

Amendment H-1594A was adopted, placing out order the following amendments:

H-1563, H-1566, H-1573, H-1574, H-1575, H-1576, H-1577 and H-1582 filed by Heddens of Story on April 6, 2011.

Heddens of Story offered amendment H-1580 filed by her and moved its adoption.

Roll call was requested by Heddens of Story and Raecker of Polk.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama on request of Upmeyer of Hancock.

On the question "Shall amendment H-1580 be adopted?" (H.F. 649)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Smith, M.
Steckman	Swaim	Taylor, T.	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Lukan, Presiding		

Absent or not voting, 4:

Brandenburg	Horbach	Taylor, J.	Thede
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Amendment H-1580 lost.

Heddens of Story offered amendment H-1578 filed by her and moved its adoption.

Roll call was requested by Heddens of Story and Hunter of Polk.

On the question "Shall amendment H-1578 be adopted?" (H.F. 649)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Massie	Miller, L.	Moore	Olson, S.
Paulsen, Spkr.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Lukan, Presiding

Absent or not voting, 6:

Brandenburg	Gaskill	Horbach	Iverson
Taylor, J.	Thede		

Amendment H-1578 lost.

Heddens of Story offered amendment H-1568 filed by her and moved its adoption.

Amendment H-1568 lost.

Heddens of Story offered amendment H-1565 filed by her and moved its adoption.

Amendment H-1565 lost.

M. Smith of Marshall offered amendment H-1417 filed by him and moved its adoption.

Roll call was requested by M. Smith of Marshall and Heddens of Story.

On the question "Shall amendment H-1417 be adopted?" (H.F. 649)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Lukan, Presiding			

Absent or not voting, 4:

Brandenburg	Horbach	Taylor, J.	Thede
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Amendment H-1417 lost.

Kaufmann of Cedar in the chair at 6:23 p.m.

Heddens of Story offered amendment H-1572 filed by her and moved its adoption.

De Boef of Keokuk rose on a point of order that amendment H-1572 was not germane.

The Speaker ruled the point not well taken and amendment H-1572 germane.

Amendment H-1572 lost.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1567 filed by her on April 6, 2011.

Heddens of Story offered amendment H-1579 filed by her and moved its adoption.

Roll call was requested by Heddens of Story and Hunter of Polk.

On the question "Shall amendment H-1579 be adopted?" (H.F. 649)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Ishhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pearson

Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Kaufmann, Presiding			

Absent or not voting, 4:

Brandenburg	Horbach	Taylor, J.	Thede
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Amendment H-1579 lost.

Heddens of Story offered amendment H-1570 filed by her and moved its adoption.

Amendment H-1570 lost.

Heddens of Story asked and received unanimous consent to withdraw amendment H-1571 filed by her on April 6, 2011.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1594B filed by him on April 6, 2011.

Isenhart of Dubuque offered amendment H-1591 filed by him and moved its adoption.

Speaker Paulsen in the chair at 7:09 p.m.

Amendment H-1591 lost.

Heaton of Henry offered amendment H-1585 filed by him and moved its adoption.

Amendment H-1585 was adopted.

Hall of Woodbury asked and received unanimous consent that amendment H-1592 be deferred.

Heaton of Henry offered amendment H-1583 filed by Heaton, et al., and moved its adoption.

Roll call was requested by Heddens of Story and Abdul-Samad of Polk.

On the question "Shall amendment H-1583 be adopted?" (H.F. 649)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	McCarthy
Massie	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhous	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Horbach	Klein	Taylor, J.
Thede			

Amendment H-1583 was adopted.

Chambers of O'Brien offered amendment H-1595 filed by him and moved its adoption.

Roll call was requested by Heddens of Story and Hunter of Polk.

On the question "Shall amendment H-1595 be adopted?" (H.F. 649)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, T.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Horbach	Kaufmann	Taylor, J.
Thede			

Amendment H-1595 was adopted.

Shaw of Pocahontas offered amendment H-1590 filed by Shaw, et al., and moved its adoption.

Amendment H-1590 was adopted.

Heddens of Story offered amendment H-1564 filed by her and moved its adoption.

Roll call was requested by Heddens of Story and T. Taylor of Linn.

On the question "Shall amendment H-1564 be adopted?" (H.F. 649)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

Absent or not voting, 4:

Brandenburg	Horbach	Taylor, J.	Thede
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Amendment H-1564 lost.

De Boef of Keokuk offered amendment H-1451 filed by her and Pettengill of Benton and moved its adoption.

Amendment H-1451 was adopted.

Heaton of Henry offered amendment H-1593, filed by him, previously deferred, and moved its adoption.

Amendment H-1593 was adopted.

Hall of Woodbury asked and received unanimous consent to withdraw amendment H-1592 filed by him on April 6, 2011.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 649)

The ayes were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Taylor, T.	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, 4:

Brandenburg	Horbach	Taylor, J.	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 649** and **Senate File 509**.

SENATE FILES PLACED ON THE
UNFINISHED BUSINESS CALENDAR

Upmeyer of Hancock asked and received unanimous consent that the following Senate Files be placed on the unfinished business calendar.

Senate File 197	Senate File 236
Senate File 289	Senate File 313
Senate File 315	Senate File 365
Senate File 397	Senate File 407
Senate File 418	Senate File 424
Senate File 456	Senate File 462
Senate File 482	Senate File 495

SENATE FILE 514 REREFERRED

The Speaker announced that Senate File 514, previously referred to committee on **economic growth/rebuild Iowa** was rereferred to committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 6, 2011. Had I been present, I would have voted "aye" on House File 661.

QUIRK of Chickasaw

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 7, 2011, he approved and transmitted to the Secretary of State the following bills:

Senate File 233, an Act relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program.

Senate File 240, an Act relating to matters under the purview of the Alcoholic Beverages Division of the Department of Commerce, and making penalties applicable.

Senate File 321, an Act relating to wastewater discharges by on-farm processing operations.

Senate File 367, an Act concerning the protection of students from concussions and other brain injuries.

Senate File 396, an Act relating to the regulation of indemnification provisions in construction contracts.

Senate File 475, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Internal Service Funds Report, pursuant to Chapter 8A.123, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 451

Ways and Means: Helland, Chair; Cownie, Oldson, Quirk and Vander Linden.

House File 452

Ways and Means: Helland, Chair; Cownie, Petersen, Quirk and Vander Linden.

House File 545

Ways and Means: Helland, Chair; Cownie, Oldson, Quirk and Vander Linden.

House File 555

Ways and Means: Helland, Chair; Cownie, Petersen, Quirk and Vander Linden.

Senate File 434

Ways and Means: De Boef, Chair; Grassley and Jacoby.

Senate File 513

Ways and Means: J. Taylor, Chair; Jacoby and Pettengill.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 226), relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 2011.

COMMITTEE ON WAYS AND MEANS

Senate File 302, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2011.

Committee Bill (Formerly House Study Bill 105), eliminating specified provisions relating to the administration of the replacement tax for new cogeneration facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2011.

Committee Bill (Formerly House Study Bill 213), providing a sales tax exemption for global positioning systems used in farming operations.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2011.

Committee Bill (Formerly House Study Bill 233), providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2011.

RESOLUTION FILED

H.R. 36, by Kelley, Helland, Kearns, Muhlbauer, Koester, and Chambers, a resolution to recognize the efforts of Patriot Outreach, Inc. in supporting Iowa's veterans and their families.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1606	S.F.	365	J. Taylor of Woodbury Anderson of Page
H-1609	H.F.	597	Senate Amendment
H-1621	H.F.	672	Quirk of Chickasaw
H-1622	H.F.	660	Hager of Allamakee
H-1623	H.F.	561	Soderberg of Plymouth

On motion by Upmeyer of Hancock the House adjourned at 7:54 p.m., until 9:00 a.m., Friday, April 8, 2011.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 8, 2011

The House met pursuant to adjournment at 9:04 a.m., Upmeyer of Hancock in the chair.

Prayer was a moment of silence.

The Journal of Thursday, April 7, 2011 was approved.

INTRODUCTION OF BILLS

House File 676, by committee on ways and means, a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

Read first time and placed on the **ways and means calendar**.

House File 677, by committee on ways and means, a bill for an act providing a sales tax exemption for global positioning systems used in farming operations.

Read first time and placed on the **ways and means calendar**.

RESOLUTION FILED

H.R. 37, by Pettengill, Kaufmann, Sands, J. Smith, Alons, Iverson, Watts, Shaw, Heaton, Baudler, Tjepkes, Drake, Schultz, Baltimore, Byrnes, Horbach, Rasmussen, Soderberg, Grassley, Paustian, Dolecheck, Chambers, Vander Linden, Muhlbauer, Hein, Wittneben, Rayhons, Windschitl, Wenthe, Moore, Thomas, De Boef, Deyoe, Fry, Massie, and Quirk, a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency relating to national emissions standards for hazardous air pollutants for reciprocating internal combustion engines.

Laid over under **Rule 25**.

On motion by Pearson of Polk the House adjourned at 9:05 a.m., until 1:00 p.m., Monday, April 11, 2011.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 11, 2011

The House met pursuant to adjournment at 1:09 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Scott Pittman, Morningside Baptist Church, Sioux City. He was the guest of Representative J. Taylor of Woodbury County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Melanie Weber, Chief Clerk's Page from Winthrop.

The Journal of Friday, April 8, 2011 was approved.

INTRODUCTION OF BILL

House File 678, by committee on government oversight, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

Read first time and placed on the **calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee, Lukan of Dubuque and Hager of Allamakee on request of Upmeyer of Hancock.

The House stood at ease at 1:20 p.m., until the fall of the gavel.

The House resumed session at 3:04 p.m., Kaufmann of Cedar in the chair.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 510, a bill for an act relating to and making appropriations to the justice system, with report of committee recommending amendment and passage, was taken up for consideration.

Worthan of Buena Vista asked and received unanimous consent that committee amendment H-1481 be deferred.

Worthan of Buena Vista offered amendment H-1558 filed by him.

Wolfe of Clinton asked and received unanimous consent to withdraw amendment H-1626, to amendment H-1558, filed by her, Swaim of Davis and T. Taylor of Linn from the floor.

T. Taylor of Linn offered amendment H-1634, to amendment H-1558, filed by him from the floor and moved its adoption.

Amendment H-1634, to amendment H-1558, lost.

T. Taylor of Linn asked and received unanimous consent that amendment H-1631, to amendment H-1558, be deferred.

Willems of Linn offered amendment H-1633, to amendment H-1558, filed by him and T. Taylor of Linn from the floor and moved its adoption.

Speaker Paulsen in the chair at 3:35 p.m.

Amendment H-1633, to amendment H-1558, lost.

Kearns of Lee offered amendment H-1625, to amendment H-1558, filed by him and T. Taylor of Linn from the floor and moved its adoption.

Amendment H-1625, to amendment H-1558, lost.

T. Taylor of Linn offered amendment H-1632, to amendment H-1558, filed by him from the floor and moved its adoption.

Amendment H-1632, to amendment H-1558, lost.

T. Taylor of Linn offered amendment H-1628, to amendment H-1558, filed by him from the floor and moved its adoption.

Amendment H-1628, to amendment H-1558, lost.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-1630, to amendment H-1558, filed by him and T. Taylor of Linn from the floor.

Thomas of Clayton offered amendment H-1636, to amendment H-1558, filed by him and Jacoby of Johnson from the floor and moved its adoption.

Amendment H-1636, to amendment H-1558, lost.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1635, to amendment H-1558, filed by him from the floor.

Kaufmann of Cedar in the chair at 4:14 p.m.

T. Taylor of Linn offered amendment H-1629, to amendment H-1558, filed by him from the floor and moved its adoption.

Roll call was requested by T. Taylor of Linn and Hunter of Polk.

On the question "Shall amendment H-1629, to amendment H-1558, be adopted?" (S.F. 510)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 54:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck	Drake

Forristall	Fry	Garrett	Grassley
Hagenow	Hanusa	Heaton	Hein
Helland	Horbach	Iverson	Jorgensen
Klein	Koester	Lofgren	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 7:

Cownie	Hager	Huseman	Lukan
Paulsen, Spkr.	Thede	Upmeyer	

Amendment H-1629, to amendment H-1558, lost.

T. Taylor of Linn offered amendment H-1631, to amendment H-1558, filed by him from the floor, previously deferred, and moved its adoption.

Roll call was requested by T. Taylor of Linn and Hunter of Polk.

On the question "Shall amendment H-1631, to amendment H-1558, be adopted?" (S.F. 510)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 54:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hanusa	Heaton	Hein

Helland	Horbach	Iverson	Jorgensen
Klein	Koester	Lofgren	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 7:

Cownie	Hager	Huseman	Lukan
Paulsen, Spkr.	Thede	Upmeyer	

Amendment H-1631, to amendment H-1558, lost.

Worthan of Buena Vista moved amendment H-1558.

A non-record roll call was requested.

The ayes were 51, nays 34.

Amendment H-1558 was adopted, placing out of order amendment H-1481 filed by the committee on appropriations on March 29, 2011, previously deferred.

Worthan of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 510)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Klein	Koester	Lofgren
Massie	Miller, L.	Moore	Olson, S.
Paulsen, Spkr.	Paustian	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Smith, J.	Soderberg

Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven Windschitl	Vander Linden Worthan	Wagner Kaufmann, Presiding	Watts

The nays were, 41:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Taylor, T.	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

Absent or not voting, 4:

Hager	Huseman	Lukan	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 197, a bill for an act relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 197)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett

Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Hager	Huseman	Lukan	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 679, by committee on ways and means, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

Read first time and placed on the **ways and means calendar**.

Ways and Means Calendar

Senate File 260, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa, with report of committee recommending passage, was taken up for consideration.

Paustian of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 260)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtzovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Hager	Huseman	Lukan	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Paulsen in the chair at 5:04 p.m.

Unfinished Business Calendar

Senate File 315, a bill for an act relating to emergency management planning, with report of committee recommending passage, was taken up for consideration.

Tjepkes of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 315)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtažovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Wagner	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Hager	Huseman	Kaufmann	Lukan
Thede			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 493, a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted.

Also: That the Senate has on April 11, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 654, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

Also: That the Senate has on April 11, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 312, a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability provisions.

Also: That the Senate has on April 11, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 326, a bill for an act relating to the appointment of district judicial nominating commissioners, judicial officers, and senior judges.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 197, 260, 315 and 510.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 7, 2011. Had I been present, I would have voted "aye" on Senate File 361.

RAECKER of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of April, 2011: House Files 132, 195, 321, 322, 329, 364, 467, 474, 512, 532 and 642.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

TEMPORARY REDISTRICTING ADVISORY COMMISSION

Report of the Temporary Redistricting Advisory Commission, received April 11, 2011, pursuant to Chapter 42.6, Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 234 Ways and Means**

Relating to tax credits for investment in certain qualifying businesses or community-based seed capital funds and including retroactive applicability provisions.

H.S.B. 235 State Government

Providing for congressional and legislative districts and providing an effective date.

H.S.B. 236 Ways and Means

Providing a sales tax exemption for the furnishing of environmental testing services.

AMENDMENTS FILED

H-1624	S.F.	466	Baltimore of Boone
H-1627	S.F.	424	Hanusa of Pottawattamie
H-1637	H.F.	675	Byrnes of Mitchell
H-1638	H.F.	653	Byrnes of Mitchell
H-1639	H.F.	654	Senate Amendment
H-1640	H.F.	493	Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 5:09 p.m., until 8:30 a.m., Tuesday, April 12, 2011.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 12, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Alons of Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ariani Oehrlein, Page from DeWitt.

The Journal of Monday, April 11, 2011 was approved.

INTRODUCTION OF BILLS

House File 680, by Hanson, Hager, Abdul-Samad, and Moore, a bill for an act eliminating the property tax exemption for forest and fruit-tree reservations.

Read first time and referred to committee on **ways and means**.

House File 681, by Hanson, Hager, Gaskill, Kearns, Wittneben, Abdul-Samad, and H. Miller, a bill for an act relating to areas established as fruit-tree or forest reservations for purposes of a property tax exemption and including effective date and applicability provisions.

Read first time and referred to committee on **ways and means**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

SENATE AMENDMENTS CONSIDERED

Iverson of Wright called up for consideration **House File 484**, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents, amended by the Senate, and moved that the House concur in Senate amendment H-1559.

The motion prevailed and the House concurred in the Senate amendment H-1559.

Iverson of Wright moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 484)

The ayes were, 85:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.
Taylor, T.	Thede	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wessel-Kroeschell
Winckler	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 1:

Watts

Absent or not voting, 14:

Berry	Hall	Huseman	McCarthy
Miller, H.	Olson, R.	Petersen	Quirk
Running-Marquardt	Swaim	Thomas	Wenthe
Willems	Windschitl		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Alons of Sioux called up for consideration **House File 363**, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs, amended by the Senate, and moved that the House concur in Senate amendment H-1533.

The motion prevailed and the House concurred in the Senate amendment H-1533.

Alons of Sioux moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 363)

The ayes were, 86:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.

Taylor, T.	Thede	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wessel-Kroeschell	Winckler	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 14:

Berry	Hall	Huseman	McCarthy
Miller, H.	Olson, R.	Petersen	Quirk
Running-Marquardt	Swaim	Thomas	Wenthe
Willems	Windschitl		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 363** and **484**.

On motion by Upmeyer of Hancock, the House was recessed at 8:47 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

Speaker Paulsen in the chair at 1:20 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Helland of Polk on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 462, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Sands of Louisa offered amendment H-1486 filed by the committee on public safety.

Sands of Louisa offered amendment H-1587, to the committee amendment H-1486, filed by Baudler of Adair and moved its adoption.

Amendment H-1587, to the committee amendment H-1486, was adopted.

Sands of Louisa moved the committee amendment H-1486, as amended.

The committee amendment H-1486, as amended, was adopted.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 462)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Horbach	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.

Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Worthan	Mr. Speaker Paulsen	

The nays were, 6:

Hunter	Lensing	Taylor, T.	Wessel-Kroeschell
Winckler	Wolfe		

Absent or not voting, 3:

Dolecheck	Helland	Huseman
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 1:39 p.m., until the fall of the gavel.

The House resumed session at 1:56 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House File 682, by committee on state government, a bill for an act providing for congressional and legislative districts and providing an effective date.

Read first time and placed on the **calendar**.

Unfinished Business Calendar

Senate File 456, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Shaw of Pocahontas offered amendment H-1645 filed by him from the floor and moved its adoption.

The Speaker ruled amendment H-1645 not germane.

Shaw of Pocahontas asked for unanimous consent to suspend the rules to consider amendment H-1645.

Objection was raised.

Shaw of Pocahontas moved to suspend the rules to consider amendment H-1645.

Roll call was requested by Shaw of Pocahontas and McCarthy of Polk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1645?" (S.F. 456)

The ayes were, 6:

Alons	Brandenburg	Massie	Pearson
Schultz	Shaw		

The nays were, 91:

Abdul-Samad	Anderson	Arnold	Baltimore
Baudler	Berry	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Horbach	Hunter	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Schulte	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas

Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 3:

Helland	Huseman	Sands
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The motion to suspend the rules lost.

Worthan of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 456)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Helland Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 456** and **462**.

Kaufmann of Cedar in the chair at 2:11 p.m.

Senate File 365, a bill for an act relating to the placement of a juvenile on youthful offender status in district court, with report of committee recommending passage, was taken up for consideration.

J. Taylor of Woodbury offered amendment H-1543 filed by him.

J. Taylor of Woodbury offered amendment H-1606, to amendment H-1543, filed by him and Anderson of Page.

Amendment H-1606, to amendment H-1543, was adopted.

J. Taylor of Woodbury moved amendment H-1543, as amended.

Amendment H-1543, as amended, was adopted.

Garrett of Warren offered amendment H-1642 filed by him from the floor.

Wolfe of Clinton offered amendment H-1644, to amendment H-1642, filed by her from the floor and moved its adoption.

Amendment H-1644, to amendment H-1642, was adopted.

Garrett of Warren moved amendment H-1642, as amended.

Amendment H-1642, as amended, was adopted.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Paulsen on request of Upmeyer of Hancock.

On the question "Shall the bill pass?" (S.F. 365)

The ayes were, 94:

Alons	Anderson	Arnold	Baltimore
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Horbach	Hunter	Isenhardt	Iverson
Jacoby	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Kaufmann, Presiding		

The nays were, none.

Absent or not voting, 6:

Abdul-Samad	Baudler	Helland	Huseman
Lykam	Paulsen, Spkr.		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 407, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

De Boef of Keokuk offered amendment H-1462 filed by the committee on natural resources and moved its adoption.

Isenhart of Dubuque rose on a point of order that committee amendment H-1462 was not germane.

The Speaker ruled the point well taken and committee amendment H-1462 not germane.

De Boef of Keokuk asked for unanimous consent to suspend the rules to consider committee amendment H-1462.

Objection was raised.

De Boef of Keokuk moved to suspend the rules to consider committee amendment H-1462.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the rules were suspended.

The committee amendment H-1462 was adopted.

De Boef of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 407)

The ayes were, 70:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Hein	Horbach	Iverson	Jorgensen
Klein	Koester	Lofgren	Lukan
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Olson, S.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Kaufmann, Presiding		

The nays were, 26:

Cohoon	Gaines	Gaskill	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Murphy	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Taylor, T.	Thede	Wessel-Kroeschell
Winckler	Wolfe		

Absent or not voting, 4:

Abdul-Samad	Helland	Huseman	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 424, a bill for an act establishing a district-to-community college program and facilities sharing pilot program, with report of committee recommending passage, was taken up for consideration.

Hanusa of Pottawattamie offered amendment H-1627 filed by her.

Winckler of Scott offered amendment H-1643, to amendment H-1627, filed by her from the floor and moved its adoption.

Amendment H-1643, to amendment H-1627, was adopted.

Hanusa of Pottawattamie moved amendment H-1627, as amended.

Amendment H-1627, as amended, was adopted.

Hanusa of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 424)

The ayes were, 95:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Horbach	Hunter	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, 1:

Raecker

Absent or not voting, 4:

Abdul-Samad Helland Huseman Paulsen, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 365, 407 and 424.**

Senate File 495, a bill for an act relating to the long-term care ombudsman program, with report of committee recommending amendment and passage, was taken up for consideration.

Fry of Clarke offered amendment H-1479 filed by the committee on human resources and moved its adoption.

The committee amendment H-1479 was adopted.

Fry of Clarke moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 495)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen

Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Helland	Huseman	Paulsen, Spkr.	Petersen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 660, a bill for an act relating to certain fees assessed for activities regulated under the federal Clean Air Act, was taken up for consideration.

Lukan of Dubuque in the chair at 3:43 p.m.

Hager of Allamakee offered amendment H-1622 filed by him and moved its adoption.

Amendment H-1622 was adopted.

Hager of Allamakee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 660)

The ayes were, 65:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Gaskill	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Horbach	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Massie
Miller, H.	Miller, L.	Moore	Muhlbauer

Olson, S.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Swaim
Sweeney	Taylor, J.	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Windschitl	Worthan
Lukan, Presiding			

The nays were, 32:

Abdul-Samad	Cohoon	Gaines	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Taylor, T.	Thede	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, 3:

Helland	Huseman	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 402 WITHDRAWN

Hager of Allamakee asked and received unanimous consent to withdraw House File 402 from further consideration by the House.

Kaufmann of Cedar in the chair at 4:27 p.m.

Senate File 482, a bill for an act relating to requirements of the department of human services involving individuals and families, with report of committee recommending passage, was taken up for consideration.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-1648 filed by her from the floor.

Heddens of Story offered amendment H-1560 filed by her and Heaton of Henry.

Amendment H-1560 was adopted.

Heaton of Henry offered amendment H-1641 filed by him from the floor and moved its adoption.

Amendment H-1641 was adopted.

Schulte of Linn offered amendment H-1647 filed by her from the floor and moved its adoption.

Amendment H-1647 was adopted.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 482)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Helland Horbach Huseman Paulsen, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 660** and **Senate Files 482** and **495**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of April, 2011: House Files 299, 389, 390, 404, 454, 516, 565 and 593.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

GOVERNOR'S VETO MESSAGE

April 12, 2011

The Honorable Kraig Paulsen
Speaker of the House of Representatives
State Capitol
Des Moines, Iowa 50319

Dear Mr. Speaker:

House File 642, an Act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 642 is hereby disapproved on this date.

I am unable to approve House File 642 for the following reasons:

When I announced my intention to once again seek the Governor's office I made a pledge to Iowans to end the past budgeting practices that were sending shockwaves

throughout our state. I promised to restore predictability and stability to the state budgeting process.

As I began preparation of my proposed budget for Fiscal Years 2012 and 2013 I found a current state budget with 89 programs that had been funded by revenue sources that would no longer be available. Nearly \$900 million of on-going state expenditures that rightfully belonged in the general fund had been moved and paid for with one-time money.

Some of the most egregious practices included using one-time money for on-going expenditures, purposely appropriating funds at levels that are grossly insufficient to pay the reasonably estimated costs of entitlement programs, starting programs mid-year, and adopting budgets that direct the Governor to order unspecified budget cuts that must be made mid-year, at the discretion of the Governor.

The results of these practices have been an unprecedented period of unpredictability in the provision of state funds that has caused service disruptions, furloughs, and layoffs throughout state government and for many of our local school districts.

As a first step toward restoring predictability and stability to state budgeting I have submitted to the legislature a proposed biennial state budget that includes funding for both Fiscal Years 2012 and 2013 and have also submitted legislation to require the General Assembly and Governor to adopt a biennial budget.

It is my full expectation that the General Assembly will adopt budgets for all of state government for both Fiscal Years 2012 and 2013.

House File 642 provides for making transportation appropriations and other infrastructure-related appropriations to the Department of Transportation for Fiscal Year 2012, only, in direct violation of the sound budgeting principles upon which my proposed budget is based.

As originally adopted by the Iowa House of Representatives, House File 642 provided appropriations for both Fiscal Years 2012 and 2013. Unfortunately, the Iowa Senate stripped the appropriations for Fiscal Year 2013 and it is in this form House File 642 is currently before me for action.

As such, I cannot approve House File 642. I encourage the General Assembly to reconsider the appropriations made in this legislation so as to include appropriations for both Fiscal Years 2012 and 2013.

Iowans have every right to demand the Governor and General Assembly restore the sound budgeting practices and long-range planning tools that are necessary to ensure predictability and stability in state budgeting and I will continue to work with the General Assembly to make this a reality before adjourning for the year.

For the above reasons, I respectfully disapprove House File 642, in its entirety, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S ITEM VETO MESSAGE

April 12, 2011

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit Senate File 512, an Act relating to public funding matters by updating the code references to the internal revenue code and by decoupling from certain federal bonus depreciation provisions, authorizing appropriation transfers, and including effective date and retroactive applicability provisions.

Senate File 512 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division IV, which includes Sections 26 and 27. This language would have provided the Governor with the specific authority to transfer funds to the office of the public defender for payment of court-appointed attorneys for indigent defense purposes. As I have made clear, I strongly support an appropriate supplemental appropriation to pay these court-appointed indigent defense attorneys the money that is owed to them and will continue to work with the General Assembly to resolve this matter.

The language I disapprove attempts to end the current legislative stalemate over supplemental appropriations for the provision of indigent defense services administered through the State Public Defender's office.

This current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose.

The method provided in Senate File 512 provides the Governor with the specific authority to transfer funds to the State Public Defender for payment of court-appointed attorneys for indigent defense purposes. The funds transferred must come from any department, institution, or agency of the state and will reduce the funds available to those entities by a like amount.

In other words, in order to comply with the provisions of Senate File 512 I would be asked to reduce by nearly \$20 million the current appropriations in other state agencies to secure the resources necessary to transfer to the State Public Defender's office. As there remain less than three months in the current fiscal year, any spending reduction in any agency has an effect nearly four times greater than if the reduction were made at the beginning of a fiscal year.

In Senate File 512 the General Assembly provides the Governor with no guidance regarding which state agencies must be reduced to make this transfer possible.

This method is totally unacceptable and is a continuation of the numerous bad budgeting practices that has created the fiscal mess our state currently faces. It is this fiscal mess that I am committed to correct and I will not participate in a process that both continues those practices and undermines the constitutional responsibility of the General Assembly to make appropriations.

A Governor's transfer authority should be extremely limited during those time periods when the General Assembly is in session. The Iowa Constitution provides a clear method for the appropriation of state funds and I intend to honor that process and the General Assembly's role in spending state funds.

I specifically call on the members of the General Assembly to resume negotiations on legislation to provide a supplemental appropriation for indigent defense and other critical areas of state government that have been left critically short due to past bad budgeting practices.

I strongly support an appropriate supplemental appropriation to pay our indigent defense costs and will continue to work with the General Assembly to resolve this matter.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 512 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

SUBCOMMITTEE ASSIGNMENTS

House File 611

Ways and Means: Helland, Chair; Kajtazovic and Sands.

Senate File 285

Ways and Means: Forristall, Chair; J. Taylor and Willems.

Senate File 516

Ways and Means: Byrnes, Chair; Kajtazovic and Paustian.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 234

Ways and Means: Helland, Chair; Thomas and Vander Linden.

House Study Bill 235

State Government: Cownie, Chair; Helland, Hunter, Iverson and Lensing.

House Study Bill 236

Ways and Means: Helland, Chair; Sands and Thomas.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 237 Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

H.S.B. 238 Appropriations

Relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 237), relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 2011.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 235), providing for congressional and legislative districts and providing an effective date.

Fiscal Note is not required.

Recommended **Without Recommendation** April 11, 2011.

COMMITTEE ON WAYS AND MEANS

Senate File 515, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 2011.

Committee Bill (Formerly House File 240), relating to the property tax exemptions for cemetery associations and religious institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2011.

Committee Bill (Formerly House Study Bill 231), relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2011.

AMENDMENTS FILED

H-1646	H.F.	595	Iverson of Wright
H-1649	H.F.	682	Cownie of Polk

On motion by Upmeyer of Hancock the House adjourned at 4:37 p.m., until 8:30 a.m., Wednesday, April 13, 2011.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 13, 2011

The House met pursuant to adjournment at 8:35 a.m., Kaufmann of Cedar in the chair.

Prayer was offered by Pastor Noel Sherer, Community of Christ Church, Woodbine. He was the guest of Representative Windschitl of Harrison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Michael Terrell, Page from Des Moines.

The Journal of Tuesday, April 12, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Paulsen and Huseman of Cherokee on request of Upmeyer of Hancock.

ADOPTION OF HOUSE RESOLUTION 37

Pettengill of Benton called up for consideration **House Resolution 37**, a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency relating to national emissions standards for hazardous air pollutants for reciprocating internal combustion engines, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Hein of Jones called up for consideration **House File 557**, a bill for an act relating to swine moved to and from exhibitions, and the duties

of veterinarians, and including effective date provisions, amended by the Senate, and moved that the House concur in Senate amendment H-1588.

The motion prevailed and the House concurred in the Senate amendment H-1588.

Hein of Jones moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 557)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, none.

Absent or not voting, 7:

Arnold	Huseman	Kajtazovic	Olson, R.
Paulsen, Spkr.	Wenthe	Wittneben	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 557** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Also: That the Senate has on April 12, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 521, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 8:54 a.m., until the fall of the gavel.

The House resumed session at 11:08 a.m., Kaufmann of Cedar in the chair.

ADOPTION OF SENATE CONCURRENT RESOLUTION 6

Schulte of Linn called up for consideration **Senate Concurrent Resolution 6**, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide, and moved its adoption.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair, until his return, on request of Lukan of Dubuque.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 666, a bill for an act increasing the maximum aggregate amount of tax credits that may be issued under the fund of funds program, was taken up for consideration.

Helland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 666)

The ayes were, 58:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Smith, J.
Soderberg	Sweeney	Taylor, J.	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Windschitl
Worthan	Kaufmann, Presiding		

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.

Olson, T.	Pearson	Petersen	Running-Marquardt
Shaw	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 3:

Baudler	Huseman	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Mean Calendar

House File 674, a bill for an act relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions, was taken up for consideration.

Vander Linden of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 674)

The ayes were, 76:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jorgensen	Kearns
Kelley	Klein	Koester	Lofgren
Lukan	Lykam	Massie	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Olson, S.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Swaim
Sweeney	Taylor, J.	Thede	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Winckler
Windschitl	Wittneben	Worthan	Kaufmann, Presiding

The nays were, 22:

Abdul-Samad	Berry	Cohoon	Gaines
Hall	Jacoby	Kajtazovic	Kressig
Lensing	Mascher	McCarthy	Oldson
Olson, R.	Olson, T.	Petersen	Running-Marquardt
Smith, M.	Steckman	Taylor, T.	Thomas
Wessel-Kroeschell	Wolfe		

Absent or not voting, 2:

Huseman	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 388 WITHDRAWN

Vander Linden of Mahaska asked and received unanimous consent to withdraw House File 388 from further consideration by the House.

House File 676, a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities, was taken up for consideration.

Hein of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 676)

The ayes were, 82:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Klein
Koester	Kressig	Lofgren	Lukan
Lykam	Massie	Miller, L.	Moore
Muhlbauer	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen

Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Steckman	Sweeney	Taylor, J.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Kaufmann, Presiding		

The nays were, 15:

Abdul-Samad	Gaines	Gaskill	Hunter
Kelley	Lensing	Mascher	McCarthy
Murphy	Smith, M.	Swaim	Taylor, T.
Wessel-Kroeschell	Winckler	Wolfe	

Absent or not voting, 3:

Huseman	Miller, H.	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 677, a bill for an act providing a sales tax exemption for global positioning systems used in farming operations, was taken up for consideration.

Hein of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 677)

The ayes were, 80:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Iverson	Jacoby	Jorgensen
Kajtazovic	Kelley	Klein	Koester
Lofgren	Lukan	Massie	Miller, H.
Miller, L.	Moore	Muhlbauer	Olson, S.
Olson, T.	Paustian	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons

Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, 18:

Abdul-Samad	Cohoon	Gaines	Hunter
Isenhardt	Kearns	Kressig	Lensing
Lykam	Mascher	McCarthy	Murphy
Oldson	Olson, R.	Pearson	Taylor, T.
Wessel-Kroeschell	Winckler		

Absent or not voting, 2:

Huseman	Paulsen, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 666, 674, 676, 677** and **Senate Concurrent Resolution 6**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 254, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

Also: That the Senate has on April 13, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 392, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 11:31 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:01 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shaw of Pocahontas on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 675, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions, was taken up for consideration.

Byrnes of Mitchell offered amendment H-1637 filed by him and moved its adoption.

Amendment H-1637 was adopted.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 675)

The ayes were, 68:

Alons	Anderson	Baltimore	Baudler
Brandenburg	Byrnes	Cohoon	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Hagenow	Hager
Hall	Hanusa	Hein	Helland
Horbach	Hunter	Isenhart	Iverson
Jacoby	Jorgensen	Kajtazovic	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Massie	McCarthy
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schultz	Smith, J.	Smith, M.
Soderberg	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Upmeyer	Van Engelenhoven
Wenthe	Willems	Windschitl	Worthan

The nays were, 29:

Abdul-Samad	Arnold	Berry	Chambers
Cownie	Gaines	Gaskill	Grassley
Hanson	Heaton	Heddens	Kearns
Lensing	Mascher	Miller, H.	Olson, R.
Raecker	Schulte	Steckman	Swaim
Tjepkes	Vander Linden	Wagner	Watts
Wessel-Kroeschell	Winckler	Wittneben	Wolfe
Kaufmann, Presiding			

Absent or not voting, 3:

Huseman	Paulsen, Spkr.	Shaw
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 633 WITHDRAWN

Baltimore of Boone asked and received unanimous consent to withdraw House File 633 from further consideration by the House.

SPECIAL PRESENTATION

Anderson of Page presented the following dignitaries to the House as part of the Legislative Fellows Program. Mr. Harish Kamal Thakulla Kshetri, Nepal; Dr. Akram H. Chowdhury, MD,

Bangladesh; Mr. Hamza Asanov, Tajikistan; and Mr. Timur Faridovich Shaikhutdinov, Kyrgyz Republic.

The House rose and expressed its welcome.

Unfinished Business Calendar

Senate File 236, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records, with report of committee recommending passage, was taken up for consideration.

Hagenow of Polk offered amendment H-1654 filed by him from the floor and moved its adoption.

Amendment H-1654 was adopted.

Hagenow of Polk asked and received unanimous consent to withdraw amendment H-1584 filed by him on April 6, 2011.

Hagenow of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 236)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.

Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, none.

Absent or not voting, 5:

Brandenburg	Huseman	Lukan	Paulsen, Spkr.
Shaw			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILLS

House File 683, by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Read first time and placed on the **appropriations calendar**.

House File 684, by committee on ways and means, a bill for an act relating to the property tax exemptions for cemetery associations.

Read first time and placed on the **ways and means calendar**.

House File 685, by committee on ways and means, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 517, by committee on appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

Senate File 521, by committee on ways and means, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

Read first time and **passed on file**.

Steckman of Cerro Gordo asked for unanimous consent to consider House File 185.

Objection was raised.

Steckman of Cerro Gordo moved that the rules be suspended for the immediate consideration of House File 185.

Roll call was requested by Steckman of Cerro Gordo and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall the rules be suspended?" (H.F. 185)

The ayes were, 40:

Abdul-Samad	Berry	Cohon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.

Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Helland	Horbach	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Kaufmann, Presiding

Absent or not voting, 4:

Hein	Huseman	Paulsen, Spkr.	Shaw
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The motion to suspend the rules lost.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 675** and **Senate File 236**.

The House stood at ease at 2:06 p.m., until the fall of the gavel.

The House resumed session at 4:17 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 519, a bill for an act relating to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 13, 2011. Had I been present, I would have voted "aye" on House File 557.

KAJTAZOVIC of Black Hawk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 12, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 195, an Act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

House File 321, an Act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

House File 329, an Act relating to equipment dealership agreements by providing for supplier liability.

House File 364, an Act relating to veterans records managed by the Department of Veterans Affairs.

House File 532, an Act relating to agriculture, by eliminating certain powers of and requirements administered by the Department of Agriculture and Land Stewardship.

Senate File 120, an Act relating to the grounds for which the Board of Educational Examiners is required to disqualify an applicant for licensure or revoke a license.

Senate File 122, an Act relating to the duties of the College Student Aid Commission and to requirements regarding certain financial aid programs administered by the Commission.

Senate File 123, an Act providing for immunity from civil liability for members and employees of the Board of Educational Examiners.

Senate File 205, an Act relating to matters under the purview of the Department of Transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

Senate File 393, an Act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

Senate File 427, an Act relating to games of skill or chance, including allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants, and including effective date provisions.

Also: the Governor announcing that on April 13, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 132, an Act relating to the filing requirements for certain ordinances relating to a Division of Revenue.

House File 299, an Act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties.

House File 389, an Act relating to investigative costs of the Medicaid fraud control unit.

House File 454, an Act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

House File 474, an Act relating to designate August 7 of each year as Purple Heart Day.

House File 512, an Act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

House File 565, an Act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

House File 593, an Act relating to the education requirements for licensed massage therapists.

Senate File 194, an Act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Senate File 389, an Act relating to the nonreversion of funds appropriated to the National Guard educational assistance program and including effective date and retroactive applicability provisions.

Senate File 399, an Act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 237
(Committee of the Whole)**

Appropriations: Chambers, Chair; Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Raecker, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

House Study Bill 238

Appropriations: Wagner, Chair; Hagenow and Running-Marquardt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 239 Ways and Means

Providing an exemption from the fee for new vehicle registration for motor vehicles transferred between certain dealerships upon termination of the vehicle brand, and including effective date and applicability provisions.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 261, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1650** April 12, 2011.

RESOLUTION FILED

H.R. 38, by Watts, Kelley, Baltimore, and Swaim, a resolution celebrating baseball and baseball's greatest in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1650	S.F.	261	Committee on Ways and Means
H-1651	H.F.	652	Sands of Louisa
H-1652	H.F.	254	Senate Amendment
H-1653	H.F.	392	Senate Amendment
H-1655	H.F.	561	Watts of Dallas
H-1656	H.F.	672	Paustian of Scott

On motion by Upmeyer of Hancock the House adjourned at 4:23 p.m., until 8:30 a.m., Thursday, April 14, 2011.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 14, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Father Ken Gehling, Chaplain at Mercy Medical Center North, Mason City. He was the guest of Representative Steckman of Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ben Keagle, Page from St. Charles.

The Journal of Wednesday, April 13, 2011 was approved.

SENATE MESSAGE CONSIDERED

Senate File 519, by committee on government oversight, a bill for an act relating to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

Read first time and **passed on file**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

ADOPTION OF HOUSE RESOLUTION 38

Watts of Dallas asked and received unanimous consent for the immediate consideration of **House Resolution 38**, a resolution celebrating baseball and baseball's greatest in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

Upmeyer of Hancock asked and received unanimous consent to consider House File 682.

House File 682, a bill for an act providing for congressional and legislative districts and providing an effective date, was taken up for consideration.

Cownie of Polk offered amendment H-1649 filed by him and moved its adoption.

Amendment H-1649 was adopted.

Cownie of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 682)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Byrnes	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell

Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker Paulsen	

The nays were, 7:

Baudler	Brandenburg	Chambers	Hanusa
Kaufmann	Schulte	Sweeney	

Absent or not voting, 2:

Huseman	Olson, R.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 682** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 397, a bill for an act creating a criminal offense for impersonating a decorated military veteran and providing penalties, with report of committee recommending passage, was taken up for consideration.

Vander Linden of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 397)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing

Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker Paulsen			

The nays were, 1:

Hunter

Absent or not voting, 2:

Huseman Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 418, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs, with report of committee recommending passage, was taken up for consideration.

J. Smith of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 418)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns

Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 2:

Huseman Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 652, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and including retroactive applicability provisions, was taken up for consideration.

Sands of Louisa offered amendment H-1651 filed by him and moved its adoption.

Amendment H-1651 was adopted.

Vander Linden of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 652)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager

Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, 1:

Hunter

Absent or not voting, 2:

Huseman Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 141 WITHDRAWN

Vander Linden of Mahaska asked and received unanimous consent to withdraw House File 141 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 652** and **Senate Files 397** and **418**.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on ethics to meet upon conclusion of caucuses.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 520, a bill for an act providing for an electric or natural gas vehicle facility tax credit and including effective date and applicability provisions.

Also: That the Senate has on April 13, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 522, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

MICHAEL E. MARSHALL, Secretary

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF MANAGEMENT

Report Itemizing Expenditures, pursuant to House File 45, 2011 Iowa Acts.

SUBCOMMITTEE ASSIGNMENT

Senate File 514

Ways and Means: Grassley, Chair; Jacoby and Soderberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 232 Reassigned

Ways and Means: Pettengill, Chair; Grassley and Kajtazovic.

House Study Bill 239

Ways and Means: Moore, Chair; Hein and Muhlbauer.

AMENDMENT FILED

H-1657 H.F. 561 Kaufmann of Cedar

On motion by Upmeyer of Hancock the House adjourned at 9:03 a.m., until 1:00 p.m., Monday, April 18, 2011.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 18, 2011

The House met pursuant to adjournment at 1:06 p.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Jane Shepherd, Gowrie United Methodist Church. She was the guest of Representative Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Noel and Elijah Ruckman. They are the grandchildren of Representative De Boef of Keokuk.

The Journal of Thursday, April 14, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock; Wolfe of Clinton and Gaines of Polk on request of McCarthy of Polk.

ADOPTION OF HOUSE RESOLUTION 39

Chambers of O'Brien asked and received unanimous consent for the immediate consideration of **House Resolution 39**, a resolution commemorating the seventieth anniversary of the beginning of World War II and honoring all World War II veterans, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session at 3:28 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 682, a bill for an act providing for congressional and legislative districts and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENTS CONSIDERED

Pearson of Polk called up for consideration **House File 493**, a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted, amended by the Senate, and moved that the House concur in Senate amendment H-1640.

The motion prevailed and the House concurred in the Senate amendment H-1640.

Pearson of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 493)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Isenhart

Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker Paulsen

The nays were, 1:

Hunter

Absent or not voting, 3:

Gaines Huseman Wolfe

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair, until his return, on request of Lukan of Dubuque.

Sands of Louisa called up for consideration **House File 654**, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district, amended by the Senate, and moved that the House concur in Senate amendment H-1639.

The motion prevailed and the House concurred in the Senate amendment H-1639.

Sands of Louisa moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 654)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Baudler	Gaines	Huseman	Lukan
Wolfe			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Iverson of Wright called up for consideration **House File 254**, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network, amended by the Senate, and moved that the House concur in Senate amendment H-1652.

The motion prevailed and the House concurred in the Senate amendment H-1652.

Iverson of Wright moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 254)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Winckler	Windschitl
Wittneben	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Baudler	Gaines	Huseman	Wessel-Kroeschell
Wolfe			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Pettengill of Benton called up for consideration **House File 392**, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing

Act and including effective date provisions, amended by the Senate, and moved that the House concur in Senate amendment H-1653.

The motion prevailed and the House concurred in the Senate amendment H-1653.

Pettengill of Benton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 392)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Baudler	Gaines	Huseman	Raecker
Wolfe			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Pettengill of Benton called up for consideration **House File 597**, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions, amended by the Senate, and moved that the House concur in Senate amendment H-1609.

The motion prevailed and the House concurred in the Senate amendment H-1609.

Pettengill of Benton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 597)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Gaines Huseman Wolfe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 254, 392, 493, 597 and 654.**

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 672, a bill for an act relating to wind and other sources of renewable energy development and production, was taken up for consideration.

Quirk of Chickasaw offered amendment H-1621 filed by him.

Paustian of Scott offered amendment H-1656, to amendment H-1621, filed by him and moved its adoption.

Amendment H-1656, to amendment H-1621, was adopted.

Quirk of Chickasaw moved amendment H-1621, as amended.

Amendment H-1621, as amended, was adopted.

Paustian of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 672)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie

De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 3:

Hunter	Pearson	Watts
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Absent or not voting, 3:

Gaines	Huseman	Wolfe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 679, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions, was taken up for consideration.

Helland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 679)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg

Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 3:

Gaines	Huseman	Wolfe
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Under the provision of Rule 76, conflict of interest, Willems of Linn refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 634 WITHDRAWN

Paustian of Scott asked and received unanimous consent to withdraw House File 634 from further consideration by the House.

House File 684, a bill for an act relating to the property tax exemptions for cemetery associations, was taken up for consideration.

Kaufmann of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 684)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting and 4:

Gaines	Huseman	Murphy	Wolfe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 240 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 240 from further consideration by the House.

House File 685, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions, was taken up for consideration.

SENATE FILE 521 SUBSTITUTED FOR HOUSE FILE 685

J. Taylor of Woodbury asked and received unanimous consent to substitute Senate File 521 for House File 685.

Senate File 521, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions, was taken up for consideration.

J. Taylor of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 521)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker
			Paulsen

The nays were, 1:

Pearson

Absent or not voting, 3:

Gaines

Huseman

Wolfe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 685 WITHDRAWN

J. Taylor of Woodbury asked and received unanimous consent to withdraw House File 685 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 672, 679, 684** and **Senate File 521**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2011, adopted the conference committee report and passed Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 209)

A conference committee report signed by the following Senate and House members was filed April 18, 2011, on Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

ON THE PART OF THE HOUSE:

J. SCOTT RAECKER, Chair
 ERIK HELLAND
 DAVE JACOBY
 TYLER OLSON
 NICK WAGNER

ON THE PART OF THE SENATE:

JOE BOLKCOM, Chair
 ROBERT E. DVORSKY
 PAM JOCHUM
 STEVE KETTERING
 BRAD ZAUN

ADOPTION OF THE REPORT OF THE
 CONFERENCE COMMITTEE
 (Senate File 209)

Wagner of Linn called up for consideration the report of the conference committee on Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, and moved the adoption of the conference committee report.

The motion prevailed and the conference committee report was adopted.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 209)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtzovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk

Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Gaines	Huseman	Wolfe
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 209** be immediately messaged to the Senate.

Unfinished Business Calendar

House File 653, a bill for an act relating to the assessment and taxation of qualifying local exchange carrier property, was taken up for consideration.

Kaufmann of Cedar in the chair at 4:20 p.m.

Byrnes of Mitchell offered amendment H-1638 filed by him and moved its adoption.

Amendment H-1638 was adopted.

Byrnes of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 653)

The ayes were, 83:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kelley	Klein	Koester	Lofgren
Lukan	Lykam	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Worthan	Kaufmann, Presiding	

The nays were, 14:

Arnold	Berry	Cohoon	Hall
Hunter	Kearns	Kressig	Lensing
Mascher	Pearson	Thede	Van Engelenhoven
Wessel-Kroeschell	Winckler		

Absent or not voting, 3:

Gaines	Huseman	Wolfe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 673, a bill for an act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions, was taken up for consideration.

Sands of Louisa offered amendment H-1661 filed by him from the floor and moved its adoption.

Amendment H-1661 was adopted.

Byrnes of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 673)

The ayes were, 68:

Abdul-Samad	Alons	Baltimore	Berry
Brandenburg	Byrnes	Chambers	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Hagenow
Hager	Hall	Heaton	Heddens
Hein	Helland	Horbach	Iverson
Jacoby	Kajtazovic	Kelley	Klein
Koester	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Petersen
Quirk	Raecker	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Taylor, T.	Thomas	Tjepkes	Upmeyer
Vander Linden	Wagner	Watts	Wenthe
Windschitl	Wittneben	Worthan	Kaufmann, Presiding

The nays were, 29:

Anderson	Arnold	Baudler	De Boef
Gaskill	Grassley	Hanson	Hanusa
Hunter	Isenhart	Jorgensen	Kearns
Kressig	Lensing	Lofgren	Mascher
Moore	Pearson	Pettengill	Rasmussen
Steckman	Swaim	Sweeney	Taylor, J.
Thede	Van Engelenhoven	Wessel-Kroeschell	Willems
Winckler			

Absent or not voting, 3:

Gaines	Huseman	Wolfe
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 653 and 673.**

SPONSOR ADDED
(House File 478)

Gaskill of Wapello requested to be added as a sponsor of House File 478.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of April, 2011: House Files 363, 484, 536, 537, 557, 592 and 682.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 14, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 322, an Act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions.

House File 390, an Act relating to an Alzheimer's disease response strategy.

House File 404, an Act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

House File 467, an Act relating to programs and activities under the purview of the Department of Public Health.

Senate File 286, an Act relating to the Iowa prescription monitoring program and including an effective date provision.

Senate File 428, an Act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

Also: the Governor announced that on April 15, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 516, an Act relating to the construction of subdivision improvements and certain notice requirements.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

Report on Class Size, pursuant to Chapter 256D.3, Code of Iowa.

SUBCOMMITTEE ASSIGNMENT

Senate File 517 (Committee of the Whole)

Appropriations: Schultz, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Raecker, Rogers, Running-Marquardt, Schulte, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1658** April 14, 2011.

Committee Bill (Formerly House Study Bill 238), relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 14, 2011.

COMMITTEE ON ETHICS

Senate Concurrent Resolution 7, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1659** April 14, 2011.

RESOLUTIONS FILED

H.R. 40, by De Boef, Klein, Muhlbauer, and Quirk, a resolution to honor the service and sacrifice of Keokuk County Deputy Sheriff Eric Stein.

Laid over under **Rule 25**.

H.R. 41, by Anderson, Drake, Arnold, Mascher, S. Olson, Petersen, and Berry, a resolution reaffirming Iowa's sister-state relationship with the Republic of China (Taiwan), and encouraging the United States government to include Taiwan in the United States Visa Waiver Program.

Laid over under **Rule 25**.

H.R. 42, by Anderson, Drake, Arnold, Berry, Mascher, S. Olson, and Petersen, a resolution to recognize the centennial of the establishment of the Republic of China on Taiwan.

Laid over under **Rule 25**.

H.R. 43, by Abdul-Samad, a resolution to celebrate the centennial of the Trinity United Methodist Church building in Des Moines.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1658	S.F.	517	Committee on Appropriations
H-1659	S.C.R.	7	Committee on Ethics
H-1660	S.F.	517	Running-Marquardt of Linn

On motion by Upmeyer of Hancock the House adjourned at 4:45 p.m., until 8:30 a.m., Tuesday, April 19, 2011.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 19, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Father Dennis Miller, St. James Catholic Church, Forest City. He was the guest of Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Delaney Olson, Page from Mt. Vernon.

The Journal of Monday, April 18, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

INTRODUCTION OF BILL

House File 686, by committee on appropriations, a bill for an act relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions.

Read first time and placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 658, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Also: That the Senate has on April 18, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 407, a bill for an act relating to counties and other regulated entities and the permitting and enforcement powers of the department of natural resources in relation to the inspection and construction of certain sewage disposal systems and authorizing penalties.

Also: That the Senate has on April 18, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 424, a bill for an act establishing a district-to-community college program and facilities sharing pilot program.

Also: That the Senate has on April 18, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 482, a bill for an act relating to requirements of the department of human services involving individuals and families and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:35 a.m., until 1:00 p.m.

The House resumed session at 1:02 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

Speaker Paulsen in the chair at 1:13 p.m.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 651, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright on request of Upmeyer of Hancock.

ADOPTION OF SENATE CONCURRENT RESOLUTION 7

Koester of Polk called up for consideration **Senate Concurrent Resolution 7**, as follows:

SENATE CONCURRENT RESOLUTION 7 BY COMMITTEE ON ETHICS

1 A concurrent resolution relating to the joint rules
2 governing lobbyists of the Senate and House of
3 Representatives of the Eighty-fourth General
4 Assembly.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That Senate Resolution
7 4 and House Resolution 12 are superseded by this
8 resolution and that the joint rules governing lobbyists
9 of the Senate and House of Representatives for the
10 Eighty-fourth General Assembly shall be as follows:
11 JOINT RULES GOVERNING LOBBYISTS
12 Rule 1
13 DEFINITIONS
14 As used in these rules, "client", "gift",
15 "honoraria" or "honorarium", "immediate family member",
16 and "lobbyist" have the meaning provided in chapter
17 68B of the Code. As used in these rules, the term
18 "political action committee" means a committee, but not
19 a candidate's committee, which accepts contributions,
20 makes expenditures, or incurs indebtedness in the
21 aggregate of more than seven hundred fifty dollars
22 in any one calendar year to expressly advocate the
23 nomination, election, or defeat of a candidate for
24 public office or to expressly advocate the passage or
25 defeat of a ballot issue or influencing legislative
26 action, or an association, lodge, society, cooperative,
27 union, fraternity, sorority, educational institution,

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1 civic organization, labor organization, religious
2 organization, or professional or other organization
3 which makes contributions in the aggregate of more than
4 seven hundred fifty dollars in any one calendar year
5 to expressly advocate the nomination, election, or
6 defeat of a candidate for public office or to expressly
7 advocate the passage or defeat of a ballot issue or
8 influencing legislative action.

9 Rule 2

10 REGISTRATION REQUIRED

11 1. All lobbyists shall, on or before the day their
12 lobbying activity begins, register in the manner
13 provided under section 68B.36 by filing a completed
14 lobbyist's registration form with the person or
15 persons designated by the chief clerk of the house
16 and the secretary of the senate to receive lobbyist
17 registration statements. Lobbyist registration forms
18 shall be available in the office of the chief clerk
19 of the house and the secretary of the senate. In
20 addition, the lobbyist shall file with the chief clerk
21 of the house and secretary of the senate a statement
22 of the general subjects of legislation in which the
23 lobbyist is or may be interested, the numbers of the
24 bills and resolutions and the bill number of study
25 bills, if known, which will be lobbied, whether the
26 lobbyist intends to lobby for or against each bill,
27 resolution, or study bill, if known, and on whose
28 behalf the lobbyist is lobbying the bill, resolution,
29 or study bill.

30 2. Any change in or addition to the foregoing

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1 information shall be registered with the person or
2 persons designated by the chief clerk of the house
3 and the secretary of the senate to receive lobbyist
4 registration statements within ten days after the
5 change or addition is known to the lobbyist.

6 3. Registration expires upon the commencement of
7 the next regular session of the general assembly,
8 except that the chief clerk of the house and secretary
9 of the senate may adopt and implement a reasonable
10 preregistration procedure in advance of each regular
11 session during which persons may register for that
12 session and the following legislative interim.

13 4. If a lobbyist's service on behalf of a
14 particular employer, client, or cause is concluded
15 prior to the end of the calendar year, the lobbyist may
16 cancel the registration on appropriate forms supplied
17 by the chief clerk of the house and the secretary

18 of the senate. Upon cancellation of registration, a
19 lobbyist is prohibited from engaging in any lobbying
20 activity on behalf of that particular employer, client,
21 or cause until reregistering and complying with these
22 rules. A lobbyist's registration is valid for only one
23 session of a general assembly.

24 5. If a registered lobbyist represents more than
25 one employer, client, or cause and the lobbyist's
26 services are concluded on behalf of a particular
27 employer, client, or cause after the lobbyist registers
28 but before the first day of the next legislative
29 session, the lobbyist shall file an amendment to the
30 lobbyist's registration indicating which employer,

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1 client, or cause is no longer represented by the
2 lobbyist and the date upon which the representation
3 concluded.

4 6. If a lobbyist is retained by one or more
5 additional employers, clients, or causes after the
6 lobbyist registers but before the first day of the
7 next legislative session, the lobbyist shall file an
8 amendment to the lobbyist's registration indicating the
9 employer, client, or cause to be added and the date
10 upon which the representation begins.

11 7. Amendments to a lobbyist's registration
12 regarding changes which occur during the time that the
13 general assembly is in session shall be filed within
14 one working day after the date upon which the change in
15 the lobbyist's representation becomes effective.

16 Rule 3

17 ELECTRONIC FILING

18 A lobbyist or client of a lobbyist required to
19 file information with the chief clerk of the house
20 or the secretary of the senate is required to make
21 such filings in an electronic format as directed by
22 the chief clerk of the house and the secretary of the
23 senate.

24 Rule 4

25 LOBBYIST'S CLIENT REPORTING

26 1. Each lobbyist's client shall file the reports
27 required under section 68B.38 with the chief clerk of
28 the house or the secretary of the senate.

29 2. For purposes of this rule, and the report
30 required under section 68B.38, "lobbying purposes"

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1 include but are not limited to the following:

2 a. Time spent by the lobbyist at the state capitol
3 building commencing with the first day of a legislative

4 session and ending with the day of final adjournment of
5 each legislative session as indicated by the journals
6 of the house and senate.

7 b. Time spent by the lobbyist attending meetings or
8 hearings which results in the lobbyist communicating
9 with members of the general assembly or legislative
10 employees about current or proposed legislation.

11 c. Time spent by the lobbyist researching and
12 drafting proposed legislation with the intent to submit
13 the legislation to a member of the general assembly or
14 a legislative employee.

15 d. Time spent by the lobbyist actually
16 communicating with members of the general assembly
17 and legislative employees about current or proposed
18 legislation.

19 Rule 5

20 GOVERNMENT OFFICIALS – OPPOSITION LOBBYING

21 Federal, state, and local officials who wish to
22 lobby in opposition to their departments, commissions,
23 boards, or agencies must indicate such on their
24 lobbyist registration statements.

25 Rule 6

26 PUBLIC ACCESS

27 All information filed by a lobbyist or a client
28 of a lobbyist pursuant to chapter 68B of the Code is
29 a public record and open to public inspection at any
30 reasonable time.

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1 Rule 7

2 CHARGE ACCOUNTS

3 Lobbyists and clients of lobbyists shall not allow
4 members to charge any amounts or items to a charge
5 account to be paid for by those lobbyists or clients of
6 lobbyists.

7 Rule 8

8 MEMBERSHIP CONTRIBUTIONS

9 A lobbyist or client of a lobbyist shall not
10 pay for membership in or contributions to clubs or
11 organizations on behalf of a member.

12 Rule 9

13 FEE OR BONUS PROHIBITED

14 A fee or bonus shall not be paid to any lobbyist
15 with reference to any legislative action that is
16 conditioned wholly or in part upon the results attained
17 by the lobbyist.

18 Rule 10

19 OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

20 1. A lobbyist, an employer or client of a lobbyist,
21 or a political action committee shall not offer
22 economic or investment opportunity or promise of

23 employment to any member with intent to influence
24 conduct in the performance of official duties.
25 2. A lobbyist shall not take action intended to
26 negatively affect the economic interests of a member.
27 For purposes of this rule, supporting or opposing a
28 candidate for office or supporting or opposing a bill,
29 amendment, or resolution shall not be considered to
30 be action intended to negatively affect the economic

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1 interests of a member.
2 Rule 11
3 PERSONAL OR FINANCIAL OBLIGATION
4 A lobbyist shall not do anything with the purpose of
5 placing a member under personal or financial obligation
6 to a lobbyist or a lobbyist's principal or agent.
7 Rule 12
8 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT
9 A lobbyist shall not cause or influence the
10 introduction of any bill or amendment for the purpose
11 of being employed to secure its passage or defeat.
12 Rule 13
13 CAMPAIGN SUPPORT
14 A lobbyist shall not influence or attempt to
15 influence a member's actions by the promise of
16 financial support for the member's candidacy or threat
17 of financial support for an opposition candidate. A
18 lobbyist shall not make a campaign contribution to a
19 member or to a member's candidate's committee during
20 the time that the general assembly is in session.
21 Rule 14
22 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED
23 A lobbyist shall not communicate with a member's
24 employer for the purpose of influencing a vote of the
25 member.
26 Rule 15
27 EXCESS PAYMENTS
28 A lobbyist shall not pay or agree to pay to a member
29 a price, fee, compensation, or other consideration for
30 the sale or lease of any property or the furnishing of

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1 services which is substantially in excess of that which
2 other persons in the same business or profession would
3 charge in the ordinary course of business.
4 Rule 16
5 PROHIBITION AGAINST GIFTS
6 1. A lobbyist or client of a lobbyist shall not,
7 directly or indirectly, offer or make a gift or series
8 of gifts to any member or full-time permanent employee

9 of the house or senate or the immediate family members
 10 of a member or full-time permanent employee of the
 11 house or senate except as otherwise provided in section
 12 68B.22 of the Code. A lobbyist or client of a lobbyist
 13 who intends or plans to give a nonmonetary item, other
 14 than food or drink consumed in the presence of the
 15 donor, which does not have a readily ascertainable
 16 value, to a member or full-time permanent employee of
 17 the house or senate, prior to giving or sending the
 18 item to the member or employee, shall seek approval
 19 of the item from the chief clerk of the house or the
 20 secretary of the senate, as applicable. A lobbyist or
 21 client of a lobbyist who seeks approval of an item from
 22 the chief clerk of the house or the secretary of the
 23 senate shall submit the item and evidence of the value
 24 of the item at the time that approval is requested.
 25 2. A lobbyist shall inform each of the lobbyist's
 26 clients of the requirements of section 68B.22 of the
 27 Code and of the responsibility to seek approval prior
 28 to giving or sending a nonmonetary item which does not
 29 have a readily ascertainable value to a member or a
 30 full-time permanent employee of the house or senate.

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1 Rule 17
 2 FINANCIAL TRANSACTIONS
 3 1. A lobbyist shall not, directly or indirectly,
 4 make a loan to a member or to an employee of the house
 5 or senate.
 6 2. A loan prohibited under this section does not
 7 include a loan made in the ordinary course of business
 8 of a lobbyist if the primary business of the lobbyist
 9 is something other than lobbying, if consideration of
 10 equal or greater value is received by the lobbyist,
 11 and if fair market value is given or received for the
 12 benefit conferred.

13 Rule 18
 14 HONORARIA – RESTRICTIONS
 15 A lobbyist or client of a lobbyist shall not pay
 16 an honorarium to a member or employee of the house or
 17 senate for a speaking engagement or other formal public
 18 appearance in the official capacity of the member or
 19 employee except as otherwise provided in section 68B.23
 20 of the Code.

21 Rule 19
 22 COMPLAINTS
 23 The procedures for complaints and enforcement of
 24 these rules shall be the same as those provided in the
 25 house or senate code of ethics.

26 Rule 20
 27 PROCEDURES AND FORMS

28 The chief clerk of the house and the secretary of
29 the senate, subject to the approval of the house or
30 senate ethics committee, as applicable, shall prescribe

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1 procedures for compliance with these rules, and shall
2 prepare forms for the filing of complaints and make
3 them available to any person.

4 Rule 21

5 EFFECTIVE PERIOD

6 These rules governing lobbyists and clients of
7 lobbyists shall be in effect throughout the calendar
8 year, whether or not the general assembly is in
9 session.

10 Rule 22

11 ADDITIONAL RULES

12 The senate and the house of representatives may
13 adopt rules relating to the activities of lobbyists in
14 the senate rules and house rules that supplement these
15 joint rules.

Koester of Polk offered amendment H-1659 filed by the committee on ethics and moved its adoption.

The committee amendment H-1659 was adopted.

Koester of Polk moved the adoption of Senate Concurrent Resolution 7, as amended.

The motion prevailed and the resolution, as amended, was adopted.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 515, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue, with report of committee recommending passage, was taken up for consideration.

Vander Linden of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 515)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 6:

Dolecheck	Forristall	Huseman	Iverson
Lukan	Swaim		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 456, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, and including effective date provisions, was taken up for consideration.

Koester of Polk offered amendment H-1664 filed by him from the floor and moved its adoption.

Amendment H-1664 was adopted.

SENATE FILE 410 SUBSTITUTED FOR HOUSE FILE 456

Koester of Polk asked and received unanimous consent to substitute Senate File 410 for House File 456.

Senate File 410, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, was taken up for consideration.

Cownie of Polk offered amendment H-1665 filed by him from the floor and moved its adoption.

Amendment H-1665 was adopted.

Koester of Polk offered amendment H-1666 filed by him from the floor.

Steckman of Cerro Gordo offered amendment H-1668, to amendment H-1666, filed by her, Rayhons of Hancock, H. Miller of Webster, Iverson of Wright, and Upmeyer of Hancock from the floor.

Amendment H-1668, to amendment H-1666, was adopted.

Amendment H-1666, as amended, was adopted.

Koester of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 410)

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heddens	Hein	Helland

Hunter	Isenhardt	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 9:

De Boef	Forristall	Heaton	Horbach
Lukan	Sands	Steckman	Tjepkes
Upmeyer			

Absent or not voting, 3:

Huseman	Iverson	Swaim
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILES 103 and 456 WITHDRAWN

Koester of Polk asked and received unanimous consent to withdraw House Files 103 and 456 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 410, 515** and **Senate Concurrent Resolution 7**.

HOUSE FILE 538 REREFERRED

The Speaker announced that House File 538, previously referred to committee on **local government** was rereferred to committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday April 19, 2011. Had I been present, I would have voted "aye" on Senate File 515.

DOLECHECK of Ringgold

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 2011, he approved and transmitted to the Secretary of State the following bill:

House File 682, an Act providing for congressional and legislative districts and providing an effective date.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

HOUSE OF REPRESENTATIVES STATE OF IDAHO

House Joint Memorial No. 1, received April 18, 2011.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 626), relating to county and state responsibilities for mental health, mental retardation, and developmental disabilities services for adults and children, making appropriations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 19, 2011.

RESOLUTIONS FILED

H.R. 44, by Heaton, Horbach, Heddens, and M. Smith, a resolution to recognize the positive impact of the community services block grant program.

Laid over under **Rule 25**.

H.R. 45, by Kaufmann, Arnold, Berry, and Gaskill, a resolution celebrating the coal-mining town of Buxton and its tradition of racial integration and harmony.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1662	H.F.	651	Senate Amendment
H-1663	S.F.	493	Hagenow of Polk
H-1667	H.F.	671	Watts of Dallas
H-1669	S.F.	517	Running-Marquardt of Linn
	Heddens of Story		Kajtazovic of Black Hawk
	Mascher of Johnson		Kressig of Black Hawk
	Lensing of Johnson		Wessel-Kroeschell of Story
H-1670	S.F.	517	Running-Marquardt of Linn
H-1671	S.F.	517	Running-Marquardt of Linn
H-1672	S.F.	517	Running-Marquardt of Linn
H-1673	H.F.	678	Hagenow of Polk
			Petersen of Polk

On motion by Upmeyer of Hancock the House adjourned at 1:38 p.m., until 8:30 a.m., Wednesday, April 20, 2011.

JOURNAL OF THE HOUSE

One Hundred-first Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 20, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Paul Beisel, Immanuel Lutheran Church, Iowa Falls. He was the guest of Representative Sweeney of Hardin County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bryant Hickie, Page from Marshalltown.

The Journal of Tuesday, April 19, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 405, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

Also: That the Senate has on April 19, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 236, a bill for an act relating to public safety including the Iowa law enforcement academy council, the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 45

Kaufmann of Cedar called up for consideration **House Resolution 45**, a resolution celebrating the coal-mining town of Buxton and its tradition of racial integration and harmony, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 8:43 a.m., until the fall of the gavel.

The House resumed session at 10:49 a.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILL

Upmeyer of Hancock asked and received unanimous consent to consider Senate File 517.

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Raecker of Polk offered amendment H-1658 filed by the committee on appropriations.

Running-Marquardt of Linn offered amendment H-1660, to the committee amendment H-1658, filed by her and moved its adoption.

Roll call was requested by Mascher of Johnson and Hunter of Polk.

On the question "Shall amendment H-1660, to the committee amendment H-1658, be adopted?" (S.F. 517)

The ayes were, 41:

Berry	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter

Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Pearson	Petersen	Quirk	Running-Marquardt
Shaw	Smith, M.	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

Absent or not voting, 3:

Abdul-Samad	Fry	Huseman
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Amendment H-1660, to the committee amendment H-1658, lost.

McCarthy of Polk asked and received unanimous consent that amendment H-1677, to the committee amendment H-1658, be deferred.

Soderberg of Plymouth offered amendment H-1678, to the committee amendment H-1658, filed by him from the floor and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Taylor of Linn.

On the question "Shall amendment H-1678, to the committee amendment H-1658, be adopted?" (S.F. 517)

The ayes were, 97:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Mr. Speaker			
Paulsen			

The nays were, none.

Absent or not voting, 3:

Abdul-Samad	Fry	Huseman
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Amendment H-1678, to the committee amendment H-1658, was adopted.

Running-Marquardt of Linn offered amendment H-1669, to the committee amendment H-1658, filed by Running-Marquardt, et al., and moved its adoption.

Cownie of Polk in the chair at 11:33 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar, until his return, on request of Upmeyer of Hancock.

Roll call was requested by Running-Marquardt of Linn and Mascher of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-1669, to the committee amendment H-1658, be adopted?" (S.F. 517)

The ayes were, 43:

Abdul-Samad	Baltimore	Berry	Cohoon
Deyoe	Gaines	Gaskill	Hall
Hanson	Heaton	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 55:

Alons	Anderson	Arnold	Baudler
Brandenburg	Byrnes	Chambers	De Boef
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Hein	Helland	Horbach
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Cownie, Presiding	

Absent or not voting, 2:

Huseman	Kaufmann
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Amendment H-1669, to the committee amendment H-1658, lost.

Schultz of Crawford offered amendment H-1679, to the committee amendment H-1658, filed by him from the floor and moved its adoption.

Roll call was requested by Schultz of Crawford and Hunter of Polk.

On the question "Shall amendment H-1679, to the committee amendment H-1658, be adopted?" (S.F. 517)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtaovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Huseman Kaufmann

Amendment H-1679, to the committee amendment H-1658, was adopted.

Running-Marquardt of Linn offered amendment H-1670, to the committee amendment H-1658, filed by her and moved its adoption.

Schultz of Crawford rose on a point of order that amendment H-1670 was not germane, to the committee amendment H-1658.

The Speaker ruled the point well taken and amendment H-1670 not germane, to the committee amendment H-1658.

Running-Marquardt of Linn asked for unanimous consent to suspend the rules to consider amendment H-1670, to the committee amendment H-1658.

Objection was raised.

Running-Marquardt of Linn moved to suspend the rules to consider amendment H-1670, to the committee amendment H-1658.

Roll call was requested by Running-Marquardt of Linn and McCarthy of Polk.

On the question "Shall the rules be suspended to consider amendment H-1670, to the committee amendment H-1658?" (S.F. 517)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.

Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Cownie, Presiding			

Absent or not voting, 3:

Huseman	Kaufmann	Paulsen, Spkr.
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The motion to suspend the rules lost.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment H-1671, to the committee amendment H-1658, filed by her on April 19, 2011.

Running-Marquardt of Linn offered amendment H-1672, to the committee amendment H-1658, filed by her and moved its adoption.

Roll call was requested by Running-Marquardt of Linn and Hunter of Polk.

On the question "Shall amendment H-1672, to the committee amendment H-1658, be adopted?" (S.F. 517)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts

Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Cownie, Presiding			

The nays were, none.

Absent or not voting, 3:

Huseman	Kaufmann	Paulsen, Spkr.
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Amendment H-1672, to the committee amendment H-1658, was adopted.

H. Miller of Webster offered amendment H-1677, to the committee amendment H-1658, filed by her from the floor, previously deferred, and moved its adoption.

S. Olson of Clinton in the chair at 12:50 p.m.

Roll call was requested by L. Miller of Scott and Hunter of Polk.

On the question "Shall amendment H-1677, to the committee amendment H-1658, be adopted?" (S.F. 517)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.

Moore	Paulsen, Spkr.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Olson, S., Presiding		

Absent or not voting, 2:

Huseman	Kaufmann
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Amendment H-1677, to the committee amendment H-1658, lost.

Raecker of Polk moved the committee amendment H-1658, as amended.

The committee amendment H-1658, as amended, was adopted.

Speaker Paulsen in the chair at 1:40 p.m.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

The nays were, 42:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 1:

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 126, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

Also: That the Senate has on April 20, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

Also: That the Senate has on April 20, 2011, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 7, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly.

MICHAEL E. MARSHALL, Secretary

On motion by Lukan of Dubuque, the House was recessed at 2:02 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:37 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House File 687, by committee on ways and means, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Read first time and placed on the **ways and means calendar**.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 517** be immediately messaged to the Senate.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 363, an Act relating to the duties and rulemaking authority of the Commission on Veterans Affairs.

House File 536, an Act concerning the duties and responsibilities of the Auditor of State.

Senate File 197, an Act relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions.

Senate File 260, an Act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Senate File 279, an Act relating to child support recovery.

Senate File 312, an Act concerning registration plates issued for business-trade trucks and special trucks, and including applicability provisions.

Senate File 315, an Act relating to emergency management planning.

Senate File 406, an Act relating to various matters under the purview of the insurance division of the Department of Commerce and including effective date provisions.

Senate File 453, an Act relating to high school graduation requirements.

Senate File 456, an Act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

Senate File 460, an Act relating to the licensing and regulation of real estate brokers and salespersons.

Also: the Governor announced that on April 20, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 484, an Act concerning investment of certain public funds in companies doing business in Iran by the Treasurer of State, public retirement systems of Iowa, and the State Board of Regents.

House File 537, an Act relating to assisted living programs, including voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

House File 557, an Act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

House File 592, an Act establishing the council for agricultural education.

Senate File 243, an Act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Senate File 326, an Act relating to the appointment of district judicial nominating commissioners, judicial officers, and senior judges.

Senate File 361, an Act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

Senate File 438, an Act relating to licensing by reciprocity for dentists.

Senate File 478, an Act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

Report on Modified Allowable Growth, pursuant to Chapter 257.40, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 636

Ways and Means: Grassley, Chair; Kajtazovic and Soderberg.

House File 662

Ways and Means: Vander Linden, Chair; Muhlbauer and Sands.

House File 663

Ways and Means: Moore, Chair; Kearns and Vander Linden.

House File 664

Ways and Means: Helland, Chair; Jacoby and Sands.

House File 665

Ways and Means: Helland, Chair; Quirk and Sands.

House File 670

Ways and Means: Helland, Chair; Oldson and Sands.

House File 680

Ways and Means: Helland, Chair; Isenhardt and Sands.

House File 681

Ways and Means: Helland, Chair; Petersen and Sands.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 234), relating to tax credits for investment in certain qualifying businesses or community-based seed capital funds and including retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2011.

Committee Bill (Formerly House File 538), relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2011.

RESOLUTION FILED

H.R. 46, by Heaton, Hanson, Kearns, Cohoon, Klein, and Sands, a resolution to recognize the Mount Pleasant Mental Health Institute on the sesquicentennial anniversary of its founding.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1674	S.F.	313	Schulte of Linn
H-1675	S.F.	313	Schulte of Linn
H-1676	H.F.	678	Hagenow of Polk
H-1680	S.F.	519	Hagenow of Polk
H-1681	H.F.	561	Willems of Linn

On motion by Upmeyer of Hancock the House adjourned at 5:13 p.m., until 8:30 a.m., Thursday, April 21, 2011.

JOURNAL OF THE HOUSE

One Hundred-second Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 21, 2011

The House met pursuant to adjournment at 8:37 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Sands of Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

The Journal of Wednesday, April 20, 2011 was approved.

SENATE MESSAGE CONSIDERED

Senate File 525, by committee on appropriations, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

Read first time and referred to committee on **appropriations**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 646, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions.

Also: That the Senate has on April 20, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 511, a bill for an act relating to and making appropriations to the judicial branch.

Also: That the Senate has on April 20, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 526, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 26

Steckman of Cerro Gordo called up for consideration **House Resolution 26**, a resolution recognizing May as Lupus Awareness Month in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Sands of Louisa in the chair.

INTRODUCTION OF BILLS

House File 688, by committee on ways and means, a bill for an act relating to tax credits for investment in certain qualifying businesses or community-based seed capital funds and including retroactive applicability provisions.

Read first time and placed on the **ways and means calendar**.

House File 689, by committee on appropriations, a bill for an act relating to mental health and disability services and substance-related disorders and mental illness commitment proceedings, making appropriations, and including effective date provisions.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 520, by committee on ways and means, a bill for an act providing for an electric or natural gas vehicle facility tax credit and including effective date and applicability provisions.

Read first time and referred to committee on **ways and means**.

Senate File 522, by committee on ways and means, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

Read first time and referred to committee on **ways and means**.

Senate File 526, by committee on ways and means, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **state government**.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 434, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

Fiscal Note is not required.

Recommended **Do Pass** April 20, 2011.

RESOLUTIONS FILED

H.R. 47, by Shaw, Alons, De Boef, Massie, and Pearson, a resolution impeaching Supreme Court Justice Brent R. Appel for malfeasance in office.

Referred to committee on **judiciary**.

H.R. 48, by Shaw, Alons, De Boef, Massie, and Pearson, a resolution impeaching Supreme Court Chief Justice Mark S. Cady for malfeasance in office.

Referred to committee on **judiciary**.

H.R. 49, by Shaw, Alons, De Boef, Massie, and Pearson, a resolution impeaching Supreme Court Justice Daryl L. Hecht for malfeasance in office.

Referred to committee on **judiciary**.

H.R. 50, by Shaw, Alons, De Boef, Massie, and Pearson, a resolution impeaching Supreme Court Justice David S. Wiggins for malfeasance in office.

Referred to committee on **judiciary**.

AMENDMENTS FILED

H-1682	H.F.	646	Senate Amendment
H-1683	S.F.	511	Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 1:09 p.m., until 10:00 a.m., Friday, April 22, 2011.

JOURNAL OF THE HOUSE

One Hundred-third Calendar Day - Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 22, 2011

The House met pursuant to adjournment at 10:09 a.m., Sands of Louisa in the chair.

Prayer was offered by Representative Sands of Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Sands of Louisa.

The Journal of Thursday, April 21, 2011 was approved.

ADOPTION OF HOUSE RESOLUTION 20

Cownie of Polk called up for consideration **House Resolution 20**, a resolution to recognize the centennial anniversary of IBM, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 40

Cownie of Polk called up for consideration **House Resolution 40**, a resolution to honor the service and sacrifice of Keokuk County Deputy Sheriff Eric Stein, and moved its adoption.

The motion prevailed and the resolution was adopted.

GOVERNOR'S ITEM VETO MESSAGE

April 21, 2011

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit Senate File 209, an Act relating to public funding and regulatory matters by making appropriations, providing for certain additional depreciation allowances, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Senate File 209 made supplemental appropriations that were necessary as a result of past bad budgeting practices. For example, the current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose. Similar poor budgeting practices by the General Assembly and Governor in 2010 necessitated \$84 million dollars in cuts that were made in January of this year. Senate File 209 makes supplemental appropriations in areas where these cuts would affect the health and safety of Iowans.

Senate File 209 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division I. The item vetoed language in Division I of Senate File 209 would couple Iowa's tax law with that portion of the federal short term stimulus legislation which allows businesses to take additional depreciation related deductions, often referred to as "bonus depreciation". This short term measure is estimated to reduce revenue to the state general fund by over \$27 million in Fiscal Year 2011, over \$113 million in Fiscal Year 2012 and over \$35 million in Fiscal Year 2013. Any temporary economic stimulus effect of bonus depreciation is primarily accomplished through the federal tax code. Iowa should instead focus its energies on improving our state's long term competitive tax position for new job creation. With our limited budget, that is best accomplished by reducing our commercial property taxes which are second highest in the country and our marginal corporate tax rate which is the highest in the nation. The short term and misdirected approach to policy contained in Senate File 209 will not improve our tax climate for new jobs in Iowa.

I am committed to continuing a tax and jobs policy discussion with the House and Senate to adopt a package of tax reductions that stimulate our long-term economic growth and job creation. Acceptance of the provisions in Division I would prevent our ability to consider other more effective options and I disapprove these provisions in order to allow our tax policy discussions to continue.

I am unable to approve the item designated as Division II. The item vetoed language would increase the Earned Income Tax Credit from the current level of 7.0% of the federal credit to 10.0% of the federal credit. This change is estimated to reduce revenue to the state general fund by \$28.5 million for Fiscal Years 2011-2013.

As earlier indicated, it is my desire to approach tax policy in a comprehensive and holistic manner. As such, I urge members of the House and Senate to continue to work with my office on an overall tax reduction package that both fits within our sound budgeting principles while reducing those taxes that are impeding our state's ability to compete for new business and jobs.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 209 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

On motion by Cownie of Polk the House adjourned at 10:12 a.m., until 1:00 p.m., Monday, April 25, 2011.

JOURNAL OF THE HOUSE

One Hundred-sixth Calendar Day - Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 25, 2011

The House met pursuant to adjournment at 1:06 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Mark Lofgren of Muscatine County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ben Keagle, Page from St. Charles.

The Journal of Friday, April 22, 2011 was approved.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on state government.

On motion by Upmeyer of Hancock, the House was recessed at 1:12 p.m., until 2:30 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee and Byrnes of Mitchell on request of Upmeyer of Hancock.

AFTERNOON SESSION

The House reconvened at 3:47 p.m., Kaufmann of Cedar in the chair.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 289, a bill for an act relating to open records and public meetings and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Koester of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 289)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Kaufmann, Presiding		

The nays were, none.

Absent or not voting, 2:

Byrnes Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 686, a bill for an act relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions, was taken up for consideration.

Wagner of Linn offered amendment H-1687 filed by him and Running-Marquardt of Linn from the floor.

Amendment H-1687 was adopted.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 686)

The ayes were, 74:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hall
Hanusa	Heaton	Hein	Helland
Horbach	Isenhardt	Iverson	Jorgensen
Kajtazovic	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, L.	Moore	Muhlbauer
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Steckman	Sweeney
Taylor, J.	Thede	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wolfe
Worthan	Kaufmann, Presiding		

The nays were, 24:

Abdul-Samad	Berry	Gaines	Gaskill
Hanson	Heddens	Hunter	Jacoby

Kearns	Kelley	Lensing	Mascher
Miller, H.	Murphy	Oldson	Olson, R.
Petersen	Smith, M.	Swaim	Taylor, T.
Thomas	Wessel-Kroeschell	Winckler	Wittneben

Absent or not voting, 2:

Byrnes Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 313, a bill for an act relating to medical assistance program-related provisions, with report of committee recommending passage, was taken up for consideration.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-1674 filed by her on April 20, 2011.

Schulte of Linn offered amendment H-1688 filed by her from the floor and moved its adoption.

Amendment H-1688 was adopted.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-1675 filed by her on April 20, 2011.

L. Miller of Scott offered amendment H-1685 filed by her from the floor and moved its adoption.

Amendment H-1685 was adopted.

Heaton of Henry offered amendment H-1686 filed by him from the floor and moved its adoption.

Amendment H-1686 was adopted.

L. Miller of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 313)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Isenhart
Iverson	Jacoby	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, 1:

Hunter

Absent or not voting, 4:

Byrnes Huseman Jorgensen Lukan

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 686** and **Senate Files 289** and **313**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 25th day of April, 2011: House Files 126, 254, 392, 405, 493, 597, 654 and 658.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENT

Senate File 526

State Government: Cownie, Chair; Iverson and Lensing.

RESOLUTION FILED

H.R. 51, by Paulsen, Upmeyer, and McCarthy, a resolution honoring the service, courage, and sacrifice of United States Army Staff Sergeant Salvatore Augustine Giunta.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1684	H.F.	561	Wessel-Kroeschell of Story
H-1689	H.F.	561	Kajtazovic of Black Hawk
H-1690	S.F.	519	Hagenow of Polk Petersen of Polk
H-1691	S.F.	519	Hagenow of Polk

On motion by Upmeyer of Hancock the House adjourned at 4:27 p.m., until 8:30 a.m., Tuesday, April 26, 2011.

JOURNAL OF THE HOUSE

One Hundred-seventh Calendar Day - Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 26, 2011

The House met pursuant to adjournment at 8:38 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Walt Rogers of Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Conner Archer, Page from St. Charles.

The Journal of Monday, April 25, 2011 was approved.

ADOPTION OF HOUSE RESOLUTION 46

Heaton of Henry called up for consideration **House Resolution 46**, a resolution to recognize the Mount Pleasant Mental Health Institute on the sesquicentennial anniversary of its founding, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Paulsen invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eighty-fourth General Assembly were presented to the following Pages by Speaker Paulsen, Majority Leader Upmeyer and Minority Leader McCarthy:

Tiffany Anderson
Zaak Barnes

Conner Archer
Daniel Breitbarth

Lauren Burdt	Jael Chepkwony
Kelsey Frisk	Brendan Grady
Kassi Guinn	Bryant Hickie
Ben Keagle	Graham Lohman
Heidi Noneman	Ariani Oehrlein
Delaney Olson	Bob Pak
Miguel Paramo	Michael Terrell
Melanie Weber	Seth Wester
Andy Young	

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 679, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:11 p.m., Windschitl of Harrison in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock; Arnold of Lucas, until his return, on request of Horbach of Tama.

Speaker Paulsen in the chair at 1:17 p.m.

CONSIDERATION OF BILLS
Ways and Means Calendar

Senate File 302, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Cownie of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 302)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Arnold Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPECIAL PRESENTATION

Jorgensen of Woodbury introduced to the House the 2011 Teacher of the Year, Dewey Christenson, Sioux City.

The House rose and expressed its welcome.

Senate File 434, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency, with report of committee recommending passage, was taken up for consideration.

De Boef of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 434)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.

Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 561, a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities, was taken up for consideration.

Isenhart of Dubuque offered amendment H-1358 filed by him and moved its adoption.

Amendment H-1358 lost.

Willems of Linn offered amendment H-1681 filed by him and moved its adoption.

Cownie of Polk in the chair at 1:59 p.m.

Amendment H-1681 lost.

Petersen of Polk offered amendment H-1692 filed by her from the floor and moved its adoption.

Roll call was requested by Petersen of Polk and Mascher of Johnson.

On the question "Shall amendment H-1692 be adopted?" (H.F. 561)

The ayes were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wolfe		

The nays were, 61:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Rayhons	Pettengill	Quirk
Raecker	Rasmussen	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Wittneben	Worthan
Cownie, Presiding			

Absent or not voting, 1:

Huseman

Amendment H-1692 lost.

Hunter of Polk offered amendment H-1356 filed by him.

Kaufmann of Cedar offered amendment H-1657, to amendment H-1356, filed by him and moved its adoption.

Amendment H-1657, to amendment H-1356, was adopted.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1356, as amended, filed by him on March 15, 2011.

Isenhart of Dubuque offered amendment H-1359 filed by him and moved its adoption.

Soderberg of Plymouth rose on a point of order that amendment H-1359 was not germane.

The Speaker ruled the point well taken and amendment H-1359 not germane.

Soderberg of Plymouth offered amendment H-1623 filed by him.

Isenhart of Dubuque offered amendment H-1694, to amendment H-1623, filed by him from the floor and moved its adoption.

Amendment H-1694, to amendment H-1623, lost.

Soderberg of Plymouth moved amendment H-1623.

Roll call was requested by Jacoby of Johnson and Hunter of Polk.

On the question "Shall amendment H-1623 be adopted?" (H.F. 561)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhart	Iverson	Jacoby	Jorgensen
Kajtzovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons

Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Cownie, Presiding	

The nays were, none.

Absent or not voting, 1:

Huseman

Amendment H-1623 was adopted.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-1655 filed by him on April 13, 2011.

Isenhart of Dubuque offered amendment H-1357 filed by him and moved its adoption.

Amendment H-1357 lost.

Soderberg of Plymouth offered amendment H-1511 filed by him and Murphy of Dubuque and moved its adoption.

Roll call was requested by Soderberg of Plymouth and Hunter of Polk.

On the question "Shall amendment H-1511 be adopted?" (H.F. 561)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley

Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Cownie, Presiding			

The nays were, none.

Absent or not voting, 3:

Huseman Massie Paulsen, Spkr.

Amendment H-1511 was adopted.

Winckler of Scott offered amendment H-1349 filed by her and moved its adoption.

Kaufmann of Cedar in the chair at 3:35 p.m.

Roll call was requested by Winckler of Scott and Hunter of Polk.

On the question "Shall amendment H-1349 be adopted?" (H.F. 561)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	McCarthy

Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, none.

Absent or not voting, 3:

Fry	Huseman	Massie
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Amendment H-1349 was adopted.

Mascher of Johnson offered amendment H-1346 filed by her and moved its adoption.

Amendment H-1346 lost.

Lensing of Johnson offered amendment H-1355 filed by her and moved its adoption.

Amendment H-1355 lost.

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw amendments H-1352 and H-1353 filed by her on March 15, 2011.

Mascher of Johnson offered amendment H-1345 filed by her and moved its adoption.

Roll call was requested by Mascher of Johnson and Abdul-Samad of Polk.

On the question "Shall amendment H-1345 be adopted?" (H.F. 561)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lukan	Lykam	Mascher	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Quirk	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 4:

Huseman	Lofgren	Massie	Raecker
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Amendment H–1345 was adopted.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H–1354 filed by her on March 15, 2011.

Lensing of Johnson offered amendment H–1392 filed by her and moved its adoption.

Amendment H–1392 lost.

Isenhardt of Dubuque offered amendment H–1503 filed by him and moved its adoption.

Amendment H–1503 lost.

Hunter of Polk offered amendment H-1361 filed by him and moved its adoption.

Amendment H-1361 lost.

Kajtazovic of Black Hawk offered amendment H-1689 filed by her.

Kajtazovic of Black Hawk offered amendment H-1693, to amendment H-1689, filed by her from the floor and moved its adoption.

Amendment H-1693, to amendment H-1689, was adopted.

Kajtazovic of Black Hawk moved amendment H-1689, as amended.

Roll call was requested by Kajtazovic of Black Hawk and Kressig of Black Hawk.

On the question "Shall amendment H-1689, as amended, be adopted?" (H.F. 561)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Ishart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Vander Linden	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wolfe

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Klein	Koester	Lofgren
Lukan	Miller, L.	Moore	Olson, S.
Paulsen, Spkr.	Paustian	Pettengill	Quirk

Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Van Engelenhoven	Wagner	Watts
Windschitl	Wittneben	Worthan	Kaufmann, Presiding

Absent or not voting, 4:

Brandenburg	Huseman	Massie	Upmeyer
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Amendment H-1689, as amended, lost.

Lensing of Johnson offered amendment H-1332 filed by her and moved its adoption.

Speaker Paulsen in the chair at 4:34 p.m.

Amendment H-1332 lost.

Isenhart of Dubuque offered amendment H-1697 filed by him from the floor and moved its adoption.

Amendment H-1697 lost.

Kelley of Jasper offered amendment H-1422 filed by Kelley, et al., and moved its adoption.

Roll call was requested by Kelley of Jasper and Hunter of Polk.

On the question "Shall amendment H-1422 be adopted?" (H.F. 561)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Byrnes	Chambers	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hager	Hanusa	Heaton
Hein	Helland	Horbach	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

Absent or not voting, 3:

Brandenburg	Huseman	Massie
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Amendment H-1422 lost.

Isenhart of Dubuque offered amendment H-1459 filed by him.

Soderberg of Plymouth offered amendment H-1696, to amendment H-1459, filed by him from the floor and moved its adoption.

Amendment H-1696, to amendment H-1459, was adopted.

Isenhart of Dubuque moved amendment H-1459, as amended.

Roll call was requested by Isenhart of Dubuque and Abdul-Samad of Polk.

On the question "Shall amendment H-1459, as amended, be adopted?" (H.F. 561)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager

Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtažovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker Paulsen		

The nays were, none.

Absent or not voting, 2:

Huseman Massie

Amendment H–1459, as amended, was adopted.

Wessel-Kroeschell of Story offered amendment H–1684 filed by her and moved its adoption.

Roll call was requested by Wessel-Kroeschell of Story and T. Taylor of Linn.

On the question "Shall amendment H–1684 be adopted?" (H.F. 561)

The ayes were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtažovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.

Thede Willems	Thomas Winckler	Wenthe Wolfe	Wessel-Kroeschell
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The nays were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Wittneben	Worthan	Mr. Speaker Paulsen	

Absent or not voting, 2:

Huseman	Massie
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Amendment H-1684 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1458 filed by her on March 24, 2011.

Kaufmann of Cedar in the chair at 5:13 p.m.

Speaker Paulsen in the chair at 6:15 p.m.

Soderberg of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 561)

The ayes were, 68:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager

Hall	Hanusa	Heaton	Hein
Helland	Horbach	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	McCarthy	Miller, L.	Moore
Muhlbauer	Murphy	Olson, R.	Olson, S.
Paustian	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Sweeney	Taylor, J.
Thede	Tjepkes	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 30:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hanson	Heddens	Hunter	Isenhardt
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
Miller, H.	Oldson	Olson, T.	Pearson
Petersen	Running-Marquardt	Steckman	Swaim
Taylor, T.	Thomas	Vander Linden	Wessel-Kroeschell
Willems	Winckler		

Absent or not voting, 2:

Huseman	Massie
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 328, a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

Also: That the Senate has on April 26, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 461, a bill for an act relating to the attachment of tags to deer carcasses.

Also: That the Senate has on April 26, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 527, a bill for an act relating to the administration of the Iowa finance authority and making appropriations and including effective date provisions.

Also: That the Senate has on April 26, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 530, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 527, by committee on appropriations, a bill for an act relating to the administration of the Iowa finance authority and making appropriations and including effective date provisions.

Read first time and referred to committee on **appropriations**.

Senate File 530, by committee on ways and means, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Read first time and referred to committee on **ways and means**.

Ways and Means Calendar

House File 687, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts, was taken up for consideration.

SENATE FILE 412 SUBSTITUTED FOR HOUSE FILE 687

Lukan of Dubuque asked and received unanimous consent to substitute Senate File 412 for House File 687.

Senate File 412, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality

districts, and combined recreational lake and water quality districts, was taken up for consideration.

Lukan of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 412)

The ayes were, 71:

Abdul-Samad	Anderson	Arnold	Baltimore
Berry	Brandenburg	Byrnes	Cphoon
Cownie	Deyoe	Dolecheck	Drake
Forristall	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hanusa
Heaton	Heddens	Hein	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lukan
Lykam	Miller, L.	Moore	Murphy
Oldson	Olson, S.	Olson, T.	Paustian
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Running-Marquardt	Schulte	Schultz
Smith, M.	Soderberg	Steckman	Swaim
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Willems	Windschitl
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 26:

Alons	Baudler	Chambers	De Boef
Fry	Hall	Hanson	Helland
Jorgensen	Lensing	Mascher	McCarthy
Miller, H.	Muhlbauer	Olson, R.	Pearson
Pettengill	Rogers	Sands	Shaw
Smith, J.	Sweeney	Vander Linden	Wessel-Kroeschell
Winckler	Wittneben		

Absent or not voting, 3:

Huseman	Lofgren	Massie
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 538 and 687 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw House Files 538 and 687 from further consideration by the House.

The House stood at ease at 6:40 p.m., until the fall of the gavel.

The House resumed session at 6:56 p.m., Speaker Paulsen in the chair.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 561** and **Senate Files 302, 412 and 434.**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 26, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 126, an Act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

House File 405, an Act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

House File 493, an Act requiring public employees charged with a felony to pay a civil penalty equal to the cash wages received during a paid leave of absence and any contract termination payments if convicted.

House File 658, an Act providing for the transfer of duties relating to the certification of milk from the Department of Public Health to the Department of Agriculture and Land Stewardship, providing for the transition, and providing an appropriation.

SUBCOMMITTEE ASSIGNMENT

Senate File 525

Appropriations: Schulte, Chair; Heaton and Heddens.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 240 Ways and Means

Relating to state and local government finances by increasing the regular program foundation base, establishing property tax levy limits for cities and counties, establishing certain property assessment limitations, and including applicability provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 514, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-1695** April 26, 2011.

Committee Bill (Formerly House File 636), relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 26, 2011.

RESOLUTION FILED

H.R. 52, by Paustian, a resolution calling for the curtailment and assessment of air quality regulation by the United States environmental protection agency.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1695	S.F.	514	Committee on Ways and Means
H-1698	H.F.	564	Hagenow of Polk

On motion by Upmeyer of Hancock the House adjourned at 6:57 p.m., until 8:30 a.m., Wednesday, April 27, 2011.

JOURNAL OF THE HOUSE

One Hundred-eighth Calendar Day - Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 27, 2011

The House met pursuant to adjournment at 8:34 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Schulte of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brendan Grant, Page from Dunlap.

The Journal of Tuesday, April 26, 2011 was approved.

On motion by Wagner of Linn, the House was recessed at 8:37 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:06 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILLS

House File 690, by committee on ways and means, a bill for an act relating to urban revitalization areas by authorizing a property tax exemption for certain vacant commercial property, and including effective date provisions.

Read first time and placed on the **ways and means calendar**.

House File 691, by committee on ways and means, a bill for an act relating to state and local government finances by increasing the regular program foundation base, establishing property tax levy limits for cities and counties, establishing certain property assessment limitations, and including applicability provisions.

Read first time and placed on the **ways and means calendar**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 313, a bill for an act relating to medical assistance program-related provisions.

MICHAEL E. MARSHALL, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 27, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 254, an Act modifying provisions relating to utilization of the Iowa communications network.

House File 654, an Act related to drainage or levee districts, including moneys administered by the board of trustees of a drainage or levee district.

Senate File 418, an Act relating to disclosure of specified information in connection with new motor vehicle repairs.

Senate File 424, an Act establishing a district-to-community college program and facilities sharing pilot program.

Senate File 515, an Act relating to the administration of the streamlined sales tax agreement by the Department of Revenue.

SUBCOMMITTEE ASSIGNMENTS

Senate File 520

Ways and Means: Helland, Chair; Isenhart and Sands.

Senate File 522

Ways and Means: Sands, Chair; Helland, Jacoby, Kaufmann and Kearns.

Senate File 530

Ways and Means: Helland, Chair; Quirk and Sands.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 240

Ways and Means: Sands, Chair; Helland, Jacoby, Kaufmann and Kearns.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 526, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 2011.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 240), relating to state and local government finances by increasing the regular program foundation base, establishing property tax levy limits for cities and counties, establishing certain property assessment limitations, and including applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 27, 2011.

RESOLUTION FILED

H.R. 53, by Hall, Wolfe, Hunter, T. Taylor, Mascher, Kearns, Cohoon, Isenhardt, M. Smith, Lensing, Kelley, T. Olson, Steckman, Berry, Lukan, Hanson, Kressig, Heddens, H. Miller, Thede, McCarthy, Abdul-Samad, Lykam, Winckler, Gaines, Gaskill, Murphy, Wenthe, Oldson, Muhlbauer, Petersen, Jacoby, Wittneben, Swaim, Quirk, R. Olson, Willems, Thomas, Heaton, Forristall, Drake, L. Miller, Rayhons, Watts, Tjepkes, Deyoe, De Boef, Anderson, Helland,

Upmeyer, Wagner, and Koester, a resolution recognizing the University of Iowa Writers' Workshop and its 75th anniversary.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 5:07 p.m., until 8:30 a.m., Thursday, April 28, 2011.

JOURNAL OF THE HOUSE

One Hundred-ninth Calendar Day - Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 28, 2011

The House met pursuant to adjournment at 8:36 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Dolecheck of Ringgold County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zaak Barnes, Page from Des Moines.

The Journal of Wednesday, April 27, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 8:37 a.m., until 3:00 p.m.

The House reconvened at 3:08 p.m., Speaker Paulsen in the chair.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 241 Appropriations

Relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, and including effective date provisions.

AMENDMENT FILED

H-1699 S.F. 313 Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 3:08 p.m., until 9:00 a.m., Friday, April 29, 2011.

JOURNAL OF THE HOUSE

One Hundred-tenth Calendar Day - Seventy-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 29, 2011

The House met pursuant to adjournment at 9:05 a.m., Lukan of Dubuque in the chair.

Prayer was offered by Representative Deyoe of Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Deyoe of Story.

The Journal of Thursday, April 28, 2011 was approved.

ADOPTION OF HOUSE RESOLUTION 41

Raecker of Polk called up for consideration **House Resolution 41**, a resolution reaffirming Iowa's sister-state relationship with the Republic of China (Taiwan), and encouraging the United States government to include Taiwan in the United States Visa Waiver Program, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 42

Raecker of Polk called up for consideration **House Resolution 42**, a resolution to recognize the centennial of the establishment of the Republic of China on Taiwan, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 53

Raecker of Polk called up for consideration **House Resolution 53**, a resolution recognizing the University of Iowa Writers' Workshop and its 75th anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 28, 2011 he approved and transmitted to the Secretary of State the following bills:

House File 392, an Act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing act and including effective date provisions.

House File 597, an Act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

Senate File 236, an Act relating to public safety including the Iowa law enforcement academy council, the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Senate File 397, an Act creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Senate File 407, an Act relating to counties and other regulated entities and the permitting and enforcement powers of the Department of Natural Resources in relation to the inspection and construction of certain sewage disposal systems and authorizing penalties.

Senate File 482, an Act relating to requirements of the Department of Human Services involving individuals and families and including effective date provisions.

Senate File 521, an Act relating to the administration of the property rehabilitation tax credit program by the Department of Cultural Affairs and including retroactive applicability provisions.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 241

Appropriations: Wagner, Chair; Lukan, Murphy, T. Olson and Schultz.

On motion by Raecker of Polk the House adjourned at 9:09 a.m., until 1:00 p.m., Monday, May 2, 2011.

JOURNAL OF THE HOUSE

One Hundred-thirteenth Calendar Day - Seventy-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 2, 2011

The House met pursuant to adjournment at 1:04 p.m., Lukan of Dubuque in the chair.

Prayer was offered by Representative Sweeney of Hardin County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Sweeney of Hardin.

ADOPTION OF HOUSE RESOLUTION 36

Koester of Polk called up for consideration **House Resolution 36**, a resolution to recognize the efforts of Patriot Outreach, Inc. in supporting Iowa's veterans and their families, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 1:11 p.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened at 5:57 p.m., Speaker Paulsen in the chair.

The Journal of Friday, April 29, 2011 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 531, a bill for an act relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILL

House File 692, by committee on ways and means, a bill for an act relating to renewable fuels, including by providing for tax credits, providing an appropriations, and including effective date and retroactive and other applicability provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 531, by committee on ways and means, a bill for an act relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and including effective date and retroactive and other applicability provisions.

Read first time and **passed on file**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of May, 2011: House Files 328, 461 and 679.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 242 Government Oversight

Relating to advertisements for the sale of hearing aids.

H.S.B. 243 Government Oversight

Relating to the testing requirements for sign language interpreters and transliterators.

H.S.B. 244 Government Oversight

Relating to tax rates for employers with inactive accounts under the state unemployment compensation law.

H.S.B. 245 Government Oversight

Allowing criminal history background checks for certain food vendors.

H.S.B. 246 Government Oversight

Providing an exemption from the sales tax for the furnishing of environmental testing services.

H.S.B. 247 Appropriations

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** May 2, 2011.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 452), relating to a tax credit for the promotion of biodiesel blended fuel, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 2, 2011.

On motion by Upmeyer of Hancock the House adjourned at 5:58 p.m., until 8:30 a.m., Tuesday, May 3, 2011.

JOURNAL OF THE HOUSE

One Hundred-fourteenth Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 3, 2011

The House met pursuant to adjournment at 8:38 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Iverson of Wright County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bryant Hickie, Page from Marshalltown.

The Journal of Monday, May 2, 2011 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 51

Chambers of O'Brien called up for consideration **House Resolution 51**, a resolution honoring the service, courage, and sacrifice of United States Army Staff Sergeant Salvatore Augustine Giunta, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 8:43 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Lukan of Dubuque in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee and Van Engelenhoven of Marion on request of Upmeyer of Hancock; Horbach of Tama and Shaw of Pocahontas until their return, on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 526, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Speaker Paulsen in the chair at 1:21 p.m.

Cownie of Polk asked and received unanimous consent to withdraw amendment H-1701 filed by him from the floor.

Petersen of Polk offered amendment H-1704 filed by her from the floor.

Cownie of Polk rose on a point of order that amendment H-1704 was not germane.

The Speaker ruled the point not well taken and amendment H-1704 germane.

The House stood at ease at 1:32 p.m., until the fall of the gavel.

The House resumed session at 2:10 p.m., Speaker Paulsen in the chair.

Petersen of Polk moved amendment H-1704.

Amendment H-1704 lost.

Petersen of Polk offered amendment H-1705 filed by her, Oldson of Polk, T. Olson of Linn, M. Smith of Marshall, Gaskill of Wapello, Kearns of Lee, Hanson of Jefferson, Heddens of Story, Wittneben of Emmet, Thede of Scott, Mascher of Johnson, Abdul-Samad of Polk, Winckler of Scott, Lensing of Johnson, Wessel-Kroeschell of Story, Gaines of Polk, Hunter of Polk, Kelley of Jasper, Steckman of Cerro Gordo, Swaim of Davis and Jacoby of Johnson from the floor and moved its adoption.

Cownie of Polk rose on a point of order that amendment H-1705 was not germane.

The Speaker ruled the point well taken and amendment H-1705 not germane.

Petersen of Polk asked for unanimous consent to suspend the rules to consider amendment H-1705.

Objection was raised.

Petersen of Polk moved to suspend the rules to consider amendment H-1705.

Roll call was requested by Mascher of Johnson and Petersen of Polk.

On the question "Shall the rules be suspended to consider amendment H-1705?" (S.F. 526)

The ayes were, 40:

Abdul-Samad	Baudler	Berry	Gaines
Gaskill	Hager	Hanson	Heddens

Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Mascher	McCarthy	Miller, H.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 55:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Forristall	Fry	Garrett	Grassley
Hagenow	Hall	Hanusa	Heaton
Hein	Helland	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	Lykam	Massie	Miller, L.
Olson, S.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 5:

De Boef	Horbach	Huseman	Shaw
Van Engelenhoven			

The motion to suspend the rules lost.

Cownie of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 526)

The ayes were, 75:

Abdul-Samad	Arnold	Baltimore	Baudler
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Hagenow	Hanusa
Heaton	Hein	Helland	Hunter
Isenhart	Iverson	Jacoby	Kajtazovic
Kearns	Klein	Koester	Kressig
Lensing	Lukan	Lykam	McCarthy
Miller, H.	Moore	Muhlbauer	Murphy

Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Vander Linden	Wagner
Wenthe	Willems	Winckler	Windschitl
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 21:

Alons	Anderson	De Boef	Grassley
Hager	Hall	Hanson	Heddens
Jorgensen	Kaufmann	Kelley	Lofgren
Mascher	Massie	Miller, L.	Schultz
Swaim	Taylor, J.	Watts	Wessel-Kroeschell
Wittneben			

Absent or not voting, 4:

Horbach	Huseman	Shaw	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 526** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 652, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 3, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 672, a bill for an act relating to wind and other sources of renewable energy development and production.

Also: That the Senate has on May 3, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 676, a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 2:16 p.m., until the fall of the gavel.

The House resumed session at 3:33 p.m., Kaufmann of Cedar in the chair.

Ways and Means Calendar

Senate File 514, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Grassley of Butler offered amendment H-1695 filed by the committee on ways and means and moved its adoption.

The committee amendment H-1695 was adopted.

Grassley of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 514)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Hunter	Isenhart

Iverson	Jacoby	Jorgensen	Kajtaovic
Kearns	Kelley	Klein	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Petersen	Pettengill
Quirk	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Kaufmann, Presiding

The nays were, 1:

Pearson

Absent or not voting, 7:

Byrnes	Horbach	Huseman	Koester
Raecker	Shaw	Van Engelenhoven	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 595, a bill for an act relating to residential contractors and providing a penalty, was taken up for consideration.

Iverson of Wright offered amendment H-1646 filed by him and moved its adoption.

Amendment H-1646 was adopted.

SENATE FILE 466 SUBSTITUTED FOR HOUSE FILE 595

Iverson of Wright asked and received unanimous consent to substitute Senate File 466 for House File 595.

Senate File 466, a bill for an act relating to residential contractors and providing a penalty, was taken up for consideration.

Baltimore of Boone offered amendment H-1700 filed by him from the floor.

Garrett of Warren offered amendment H-1703, to amendment H-1700, filed by him from the floor and moved its adoption.

Amendment H-1703, to amendment H-1700, was adopted.

Baltimore of Boone moved amendment H-1700, as amended.

Amendment H-1700, as amended, was adopted, placing out of order amendment H-1624 filed by Baltimore of Boone on April 11, 2011.

Iverson of Wright moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 466)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paulsen, Spkr.	Paustian
Pearson	Petersen	Pettengill	Quirk
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Kaufmann, Presiding	

The nays were, 1:

Hunter

Absent or not voting, 4:

Huseman

Raecker

Shaw

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 595 WITHDRAWN

Iverson of Wright asked and received unanimous consent to withdraw House File 595 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 466 and 514.**

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 3, 2011, he approved and transmitted to the Secretary of State the following bill:

House File 679, an Act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 242

Government Oversight: Hagenow, Chair; Petersen and Tjepkes.

House Study Bill 243

Government Oversight: Pettengill, Chair; Baltimore and Petersen.

House Study Bill 244

Government Oversight: Baltimore, Chair; Kressig and Pettengill.

House Study Bill 245

Government Oversight: Pettengill, Chair; Baltimore and Berry.

House Study Bill 246

Government Oversight: Hagenow, Chair; Berry and Tjepkes.

**House Study Bill 247
(Committee of the Whole)**

Appropriations: Raecker, Chair; Chambers, Cohoon, Dolecheck, Drake, Garrett, Gaskill, Hagenow, Hall, Heaton, Heddens, Huseman, Lukan, Murphy, T. Olson, Rogers, Running-Marquardt, Schulte, Schultz, T. Taylor, Wagner, Watts, Wenthe, Winckler and Worthan.

AMENDMENTS FILED

H-1702	H.F.	648	Senate Amendment
H-1706	H.F.	672	Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 3:51 p.m., until 8:30 a.m., Wednesday, May 4, 2011.

JOURNAL OF THE HOUSE

One Hundred-fifteenth Calendar Day - Eightieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 4, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

The Journal of Tuesday, May 3, 2011 was approved.

The House stood at ease at 8:38 a.m., until the fall of the gavel.

The House resumed session at 10:09 a.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Van Engelenhoven of Marion on request of Horbach of Tama; Sands of Louisa, Shaw of Pocahontas and Huseman of Cherokee on request of Upmeyer of Hancock.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal

responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 533, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time and referred to committee on **appropriations**.

Kaufmann of Cedar in the chair at 10:12 a.m.

CONSIDERATION OF BILL Ways and Means Calendar

House File 692, a bill for an act relating to renewable fuels, including by providing for tax credits, providing an appropriation, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Byrnes of Mitchell offered amendment H-1708 filed by him from the floor and moved its adoption.

Amendment H-1708 was adopted.

SENATE FILE 531 SUBSTITUTED FOR HOUSE FILE 692

Byrnes of Mitchell asked and received unanimous consent to substitute Senate File 531 for House File 692.

Senate File 531, a bill for an act relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and

including effective date and retroactive and other applicability provisions, was taken up for consideration.

Paustian of Scott asked and received unanimous consent to withdraw amendment H-1712 filed by him and Kaufmann of Cedar from the floor.

Byrnes of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 531)

The ayes were, 81:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Horbach
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Klein
Kressig	Lensing	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Schulte	Schultz	Smith, J.
Smith, M.	Soderberg	Steckman	Sweeney
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, 13:

Forristall	Hagenow	Helland	Hunter
Koester	Lofgren	Pearson	Pettengill
Taylor, J.	Vander Linden	Wagner	Watts
Windschitl			

Absent or not voting, 6:

Arnold	Huseman	Sands	Shaw
Swaim	Van Engelenhoven		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 692 WITHDRAWN

Byrnes of Mitchell asked and received unanimous consent to withdraw House File 692 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Garrett of Warren called up for consideration **House File 651**, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation, amended by the Senate amendment H-1662.

Tjepkes of Webster offered amendment H-1711, to the Senate amendment H-1662, filed by him from the floor and moved its adoption.

Amendment H-1711, to the Senate amendment H-1662, was adopted.

Garrett of Webster moved the Senate amendment H-1662, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1662, as amended.

Garrett of Warren moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 651)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall

Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtažovic
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paulsen, Spkr.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Schulte	Schultz	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Wolfe	Worthan
Kaufmann, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 6:

Arnold	Huseman	Sands	Shaw
Swaim	Van Engelenhoven		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 651** and **Senate File 531**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 3, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 328, an Act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

House File 461, an Act relating to the attachment of tags to deer carcasses.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 516, a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1713** May 4, 2011.

Senate File 530, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** May 4, 2011.

RESOLUTION FILED

H.R. 54, by Anderson, Drake, Arnold, Berry, Mascher, S. Olson, and Petersen, a resolution to commemorate Srebrenica Remembrance Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1707	S.F.	519	Koester of Polk
H-1709	H.F.	678	Hagenow of Polk
H-1710	S.F.	519	Hagenow of Polk
H-1713	S.F.	516	Committee on Ways and Means

On motion by Upmeyer of Hancock the House adjourned at 10:42 a.m., until 8:30 a.m., Thursday, May 5, 2011.

JOURNAL OF THE HOUSE

One Hundred-sixteenth Calendar Day - Eighty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 5, 2011

The House met pursuant to adjournment at 8:34 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Schulte of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lauren Burdt, Majority Leader's Page from Polk City.

The Journal of Wednesday, May 4, 2011 was approved.

SENATE FILES REREFERRED TO COMMITTEES

The Speaker announced the following Senate Files previously placed on the calendar, were rereferred to the following committees:

S.F. 175 Human Resources	S.F. 177 Public Safety
S.F. 185 Human Resources	S.F. 445 Education
S.F. 471 State Government	S.F. 490 State Government

SENATE FILE 522 REREFERRED

The Speaker announced that Senate File 522, previously referred to committee on **ways and means** was **passed on file**.

RESOLUTION FILED

H.R. 55, by Upmeyer and H. Miller, a resolution requesting that the Department of Human Services and the Department of Public Health study the management and treatment of atrial fibrillation.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 8:35 a.m., until 10:00 a.m., Friday, May 6, 2011.

JOURNAL OF THE HOUSE

One Hundred-seventeenth Calendar Day - Eighty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 6, 2011

The House met pursuant to adjournment at 10:12 a.m., Pettengill of Benton in the chair.

Prayer was offered by Representative Pettengill of Benton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Pettengill of Benton.

The Journal of Thursday, May 5, 2011 was approved.

ADOPTION OF HOUSE RESOLUTION 31

Upmeyer of Hancock called up for consideration **House Resolution 31**, a resolution calling for audit reform and transparency of the Federal Reserve, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 52

Upmeyer of Hancock called up for consideration **House Resolution 52**, a resolution calling for the curtailment and assessment of air quality regulation by the United States environmental protection agency, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock the House adjourned at 10:16 a.m., until 1:00 p.m., Monday, May 9, 2011.

JOURNAL OF THE HOUSE

One Hundred-twentieth Calendar Day - Eighty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 9, 2011

The House met pursuant to adjournment at 1:02 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Watts of Dallas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

The Journal of Friday, May 6, 2011 was approved.

HOUSE AND SENATE FILES REREFERRED TO COMMITTEES

The Speaker announced the following House Files previously placed on the calendar were rereferred to the following committees:

H.F. 559 Commerce
H.F. 564 Judiciary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of May, 2011: House Files 652 and 676.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

On motion by Upmeyer of Hancock the House adjourned at 1:04 p.m., until 8:30 a.m., Tuesday, May 10, 2011.

JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day - Eighty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 10, 2011

The House met pursuant to adjournment at 8:39 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Chambers of O'Brien County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Seth Wester, Speaker's Page from Primghar.

The Journal of Monday, May 9, 2011 was approved.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for the committee on government oversight to meet today.

On motion by Upmeyer of Hancock, the House was recessed at 8:42 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:41 p.m., Cownie of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-four members present, six absent.

INTRODUCTION OF BILLS

House File 693, by committee on government oversight, a bill for an act relating to advertisements for the sale of hearing aids.

Read first time and placed on the **calendar**.

House File 694, by committee on government oversight, a bill for an act relating to tax rates for employers with inactive accounts under the state unemployment compensation law.

Read first time and placed on the **calendar**.

House File 695, by committee on government oversight, a bill for an act relating to the testing requirements for sign language interpreters and transliterators.

Read first time and placed on the **calendar**.

House File 696, by committee on government oversight, a bill for an act allowing criminal history and abuse registry background checks for certain food vendors.

Read first time and placed on the **calendar**.

Speaker Paulsen in the chair at 4:00 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

ADOPTION OF HOUSE RESOLUTION 44

Heaton of Henry called up for consideration **House Resolution 44**, a resolution to recognize the positive impact of the community services block grant program, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 54

Anderson of Page called up for consideration **House Resolution 54**, a resolution to commemorate Srebrenica Remembrance Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 55

H. Miller of Webster called up for consideration **House Resolution 55**, a resolution requesting that the Department of Human Services and the Department of Public Health study the management and treatment of atrial fibrillation, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Schulte of Linn called up for consideration **Senate Concurrent Resolution 2**, as follows, and moved its adoption:

SENATE CONCURRENT RESOLUTION 2

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A concurrent resolution relating to the compensation

2 of chaplains, officers, and employees of the

3 ~~eighty-third~~ ~~eighty-fourth~~ general assembly.

4 WHEREAS, section 2.11 of the Code provides that "The

5 compensation of the chaplains, officers, and employees

6 of the general assembly shall be fixed by joint action

7 of the house and senate by resolution at the opening of

8 each session, or as soon thereafter as conveniently can

9 be done."; NOW THEREFORE,

10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

11 REPRESENTATIVES CONCURRING, That the compensation of

12 the employees of the ~~eighty-third~~ ~~eighty-fourth~~ general

13 assembly is set, effective from ~~January 12, 2009,~~

14 January 10, 2011, until January 10, 2011, January 14,

15 2013, in accordance with the following salary schedule:

16 #9

17 \$17,825.60

18 8.57

19 #10 #11 #12 #13 #14

20 \$18,803.20 \$19,801.60 \$20,758.40 \$21,798.40 \$22,942.40

21 9.04 9.52 9.98 10.48 11.03

22	#15	#16	#17	#18	#19	
23	\$24,169.60		\$25,417.60	\$26,499.20	\$27,830.40	\$29,078.40
24	11.62	12.22		12.74	13.38	13.98
25	#20	#21	#22	#23	#24	
26	\$30,596.80		\$31,928.00	\$33,529.60	\$35,172.80	\$36,753.60
27	14.71	15.35		16.12	16.91	17.67
28	#25	#26	#27	#28	#29	

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1	\$38,625.60	\$40,414.40	\$42,369.60	\$44,449.60	\$46,550.40	
2	18.57	19.43	20.37	21.37	22.38	
3	#30	#31	#32	#33	#34	
4	\$48,796.80		\$51,230.40	\$53,580.80	\$56,201.60	\$58,801.60
5	23.46	24.63	25.76	27.02	28.27	
6	#35	#36	#37	#38	#39	
7	\$61,651.20	\$64,584.00	\$67,745.60	\$70,948.80	\$74,422.40	
8	29.64	31.05	32.57	34.11	35.78	
9	#40	#41	#42	#43	#44	
10	\$78,000.00	\$81,744.00	\$85,758.40	\$89,731.20	\$94,120.00	
11	37.50	39.30	41.23	43.14	45.25	
12	#45	#46	#47	#48	#49	
13	\$98,633.60	\$103,334.40	\$108,264.00	\$113,464.00	\$118,913.60	
14	47.42	49.68	52.05	54.55	57.17	
15	#50	#51				
16	\$124,696.00	\$127,795.20				
17	59.95	61.44				

18 In this schedule, each numbered block shall be
19 the yearly and hourly compensation for the pay grade
20 of the number heading the block. Within each grade
21 there shall be seven steps numbered "1" through "7".
22 In the above schedule the steps for all grades are
23 determined in the following manner. Each numbered
24 block is counted as the "1" step for that grade. The
25 next higher block is counted as the "2" step; the next
26 higher block is the "3" step; the next higher block is
27 the "4" step; the next higher block is the "5" step;
28 the next higher block is the "6" step; and the next
29 higher block is the "7" step.
30 Alternatively, the senate rules and administration

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1 committee for senate employees, and the house
2 administration and rules committee for house employees
3 may allow their employees' compensation to be flexibly
4 set anywhere between steps "1" through "7" for an
5 employee's prescribed pay grade.
6 All employees shall be available to work daily
7 until completion of the senate's and house of
8 representatives' business. The employee's division
9 supervisor shall schedule all employees' working hours

10 to, as far as possible, maintain regular working hours.
11 All employees, other than those designated "part-
12 time", shall be compensated for 40 hours of work in
13 a one-week pay period. Secretaries to senators and
14 representatives are presumed to have ~~40~~ 32 hours
15 of work each week the legislature is in session and
16 shall be paid only on that basis. Full-time employees
17 who are required to work in excess of 80 hours in a
18 two-week pay period shall be allowed compensatory time
19 off at a rate of one hour for each hour of overtime
20 up to a maximum of 120 hours of compensatory time.
21 Joint security employees of the senate and house of
22 representatives may be compensated for each hour of
23 overtime at a rate of pay equal to one-and-one-half
24 times the hourly pay provided.
25 BE IT FURTHER RESOLVED, That part-time employees
26 shall be compensated at the scheduled hourly rate for
27 their pay grade and step.
28 BE IT FURTHER RESOLVED, That in the event the
29 salary schedule for employees of the State of Iowa
30 as promulgated by the department of administrative

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1 services pursuant to section 8A.413, subsection 2, is
2 revised upward at any time during the ~~eighty-third~~
3 eighty-fourth general assembly, such revised schedule
4 shall simultaneously be adopted for the compensation
5 of the employees of the ~~eighty-third~~ eighty-fourth
6 general assembly assigned a grade by this resolution,
7 unless otherwise provided by the senate and house of
8 representatives.
9 BE IT FURTHER RESOLVED, That adjustments in
10 the positions and compensation listed in this
11 resolution may be made through an interim review of
12 all legislative employees for internal equity and to
13 assure compliance with appropriate legal standards
14 for granting of overtime and compensatory time off.
15 Such review shall be conducted by a legislative
16 committee made up of members of the service committee
17 of legislative council and the appropriate salary
18 subcommittees of the senate and house. Only one such
19 review may be done in any fiscal year and adjustments
20 suggested must be approved by the appropriate hiring
21 body.
22 BE IT FURTHER RESOLVED, That the employees of the
23 ~~eighty-third~~ eighty-fourth general assembly be placed
24 in the following pay grades:
25 EMPLOYEES OF THE HOUSE
26 Chief Clerk of the House Grade 44
27 Sr. Assistant Chief Clerk of the House Grade 41
28 Assistant Chief Clerk of the House III Grade 38

- 29 Assistant Chief Clerk of the House II Grade 35
- 30 Assistant Chief Clerk of the House I Grade 32

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- 1 Legal Counsel II Grade 35
- 2 Legal Counsel I Grade 32
- 3 Legal Counsel Grade 30
- 4 Sr. Caucus Staff Director Grade 41
- 5 Caucus Staff Director Grade 38
- 6 Sr. Deputy Caucus Staff Director Grade 39
- 7 Deputy Caucus Staff Director Grade 36
- 8 Administrative Assistant to Leader or
- 9 Speaker Grade 27
- 10 Administrative Assistant I to Leader or
- 11 Speaker Grade 29
- 12 Administrative Assistant II to Leader or
- 13 Speaker Grade 32
- 14 Administrative Assistant III to Leader or
- 15 Speaker Grade 35
- 16 Sr. Administrative Assistant to Leader or
- 17 Speaker I Grade 38
- 18 Sr. Administrative Assistant to Leader or
- 19 Speaker II Grade 41
- 20 Research Assistant Grade 24
- 21 Legislative Research Analyst Grade 27
- 22 Legislative Research Analyst I Grade 29
- 23 Legislative Research Analyst II Grade 32
- 24 Legislative Research Analyst III Grade 35
- 25 Sr. Legislative Research Analyst Grade 38
- 26 Assistant Secretary to Leader or Speaker Grade 18
- 27 Secretary to Leader or Speaker Grade 19
- 28 Caucus Secretary Grade 21
- 29 Senior Caucus Secretary Grade 24
- 30 Administrative Secretary to Leader, Speaker,

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- 1 or Chief Clerk Grade 21
- 2 Executive Secretary to Leader, Speaker or
- 3 Chief Clerk Grade 24
- 4 Confidential Secretary to Leader, Speaker,
- 5 or Chief Clerk Grade 27
- 6 Confidential Secretary II to Leader, Speaker
- 7 or Chief Clerk Grade 32
- 8 Clerk to Chief Clerk Grade 16
- 9 Supervisor of Secretaries Grade 21
- 10 Supervisor of Secretaries I Grade 24
- 11 Supervisor of Secretaries II Grade 27
- 12 Sr. Administrative Services Officer Grade 35
- 13 Administrative Services Officer III Grade 32
- 14 Administrative Services Officer II Grade 29

15 Administrative Services Officer I Grade 26
16 Administrative Services Officer Grade 23
17 Administrative Services Assistant Grade 20
18 Senior Editor Grade 30
19 Editor II Grade 25
20 Editor I Grade 22
21 Assistant Editor Grade 19
22 Composer/Desk Top Specialist Grade 17
23 Sr. Text Processor Grade 25
24 Text Processor II Grade 22
25 Text Processor I Grade 19
26 Senior Finance Officer III Grade 38
27 Senior Finance Officer II Grade 35
28 Senior Finance Officer I Grade 31
29 Finance Officer II Grade 27
30 Finance Officer I Grade 24

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1 Assistant Finance Officer Grade 21
2 Recording Clerk II Grade 24
3 Recording Clerk I Grade 21
4 Assistant Legal Counsel I Grade 30
5 Assistant Legal Counsel Grade 27
6 Engrossing & Enrolling Processor Grade 27
7 Assistant to the Legal Counsel Grade 19
8 Senior Indexer Grade 28
9 Indexer II Grade 25
10 Indexer I Grade 22
11 Indexing Assistant Grade 19
12 Supply Clerk Grade 16
13 Switchboard Operator Grade 14
14 Legislative Secretary Grade 15
15 Legislative Committee Secretary Grade 17
16 Bill Clerk Grade 14
17 Assistant Bill Clerk Grade 12
18 Postmaster Grade 12
19 Sergeant-at-Arms II Grade 20
20 Sergeant-at-Arms I Grade 17
21 Assistant Sergeant-at-Arms Grade 14
22 Chief Doorkeeper Grade 12
23 Doorkeepers Grade 11
24 Pages Grade 9
25 EMPLOYEES OF THE SENATE
26 Secretary of the Senate Grade 44
27 Sr. Assistant Secretary of the Senate Grade 41
28 Assistant Secretary of the Senate III Grade 38
29 Assistant Secretary of the Senate II Grade 35
30 Assistant Secretary of the Senate I Grade 32

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- 1 Legal Counsel II Grade 35
- 2 Legal Counsel I Grade 32
- 3 Legal Counsel Grade 30
- 4 Sr. Caucus Staff Director Grade 41
- 5 Caucus Staff Director Grade 38
- 6 Sr. Deputy Caucus Staff Director Grade 39
- 7 Deputy Caucus Staff Director Grade 36
- 8 Administrative Assistant to Leader
9 or President Grade 27
- 10 Administrative Assistant I to Leader
11 or President Grade 29
- 12 Administrative Assistant II to Leader
13 or President Grade 32
- 14 Administrative Assistant III to Leader
15 or President Grade 35
- 16 Sr. Administrative Assistant to Leader
17 or President I Grade 38
- 18 Sr. Administrative Assistant to Leader
19 or President II Grade 41
- 20 Research Assistant Grade 24
- 21 Legislative Research Analyst Grade 27
- 22 Legislative Research Analyst I Grade 29
- 23 Legislative Research Analyst II Grade 32
- 24 Legislative Research Analyst III Grade 35
- 25 Sr. Legislative Research Analyst Grade 38
- 26 Caucus Secretary II Grade 21
- 27 Senior Caucus Secretary Grade 24
- 28 Secretary to Leader, President, or
29 Caucus Grade 18
- 30 Administrative Secretary to Leader,

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- 1 President, or Secretary of the Senate Grade 21
- 2 Executive Secretary to Leader, President,
3 or Secretary of the Senate Grade 24
- 4 Confidential Secretary to Leader, President,
5 or Secretary of the Senate Grade 27
- 6 Confidential Secretary II to Leader,
7 President, or Secretary of the Senate Grade 32
- 8 Supervisor of Secretaries Grade 21
- 9 Supervisor of Secretaries I Grade 24
- 10 Supervisor of Secretaries II Grade 27
- 11 Sr. Administrative Services Officer Grade 35
- 12 Administrative Services Officer III Grade 32
- 13 Administrative Services Officer II Grade 29
- 14 Administrative Services Officer I Grade 26
- 15 Administrative Services Officer Grade 23
- 16 Administrative Services Assistant Grade 20
- 17 Senior Editor Grade 30

18 Editor II Grade 25
19 Editor I Grade 22
20 Assistant Editor Grade 19
21 Compositor/Desk Top Specialist Grade 17
22 Assistant Legal Counsel I Grade 30
23 Assistant Legal Counsel Grade 27
24 Assistant to the Legal Counsel Grade 19
25 Proofreader Grade 16
26 Senior Finance Officer III Grade 38
27 Senior Finance Officer II Grade 35
28 Senior Finance Officer I Grade 13
29 Finance Officer II Grade 27
30 Finance Officer I Grade 24

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1 Assistant Finance Officer Grade 21
2 Recording Clerk II Grade 24
3 Recording Clerk I Grade 21
4 Senior Indexer Grade 28
5 Indexer II Grade 25
6 Indexer I Grade 22
7 Indexing Assistant Grade 19
8 Records and Supply Clerk Grade 18
9 Switchboard Operator Grade 14
10 Legislative Secretary Grade 15
11 Legislative Committee Secretary Grade 17
12 Bill Clerk Grade 14
13 Assistant Bill Clerk Grade 12
14 Postmaster Grade 12
15 Sergeant-at-Arms II Grade 20
16 Sergeant-at-Arms I Grade 17
17 Assistant Sergeant-at-Arms Grade 14
18 Chief Doorkeeper Grade 12
19 Doorkeepers Grade 11
20 Pages Grade 9
21 JOINT SENATE/HOUSE EMPLOYEES
22 Facilities Manager I Grade 35
23 Facilities Manager II Grade 38
24 Sr. Facilities Manager Grade 41
25 ~~Legislative Security Secretary Grade 19~~
26 Legislative Security Coordinator I Grade 23
27 Legislative Security Coordinator II Grade 26
28 Legislative Security Officer I Grade 20
29 Legislative Security Officer II Grade 23
30 Conservation/Restoration Specialist I Grade 28

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1 Conservation/Restoration Specialist II Grade 31
2 Sr. Legislative Lobbyist Clerk Grade 24
3 Legislative Lobbyist Clerk Grade 21

4 Sr. Copy Center Operator Grade 21

5 Copy Center Operator Grade 18

6 BE IT FURTHER RESOLVED, That there shall be four
7 classes of appointments as employees of the general
8 assembly:

9 A "permanent full-time" or "permanent part-time"
10 employee is one who is employed the year around and
11 eligible to receive state benefits.

12 An "exempt full-time" employee is one who is
13 employed for only a portion of the year, usually the
14 period of the legislative sessions with extensions
15 post-session and pre-session as scheduled. This class
16 is eligible to receive state benefits with the cost of
17 benefits to the state to be paid, using accrued leave
18 if authorized, by the employee when not on the payroll.

19 A "session-only" employee is one who is employed for
20 only a portion of the year, usually the legislative
21 session. This class is not eligible for state
22 benefits, except IPERS, and insurance as provided in
23 section 2.40.

24 A "part-time" employee is one who is employed to
25 work less than 40 hours per week. This class is not
26 eligible for state benefits, except IPERS if eligible.

27 BE IT FURTHER RESOLVED, That the exact
28 classification for individuals in a job series
29 created by this resolution shall be set or changed for
30 senate employees by the senate rules and administration

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1 committee and for the house employees by the house
2 administration and rules committee. The committees
3 shall base the classification upon the following
4 factors:

5 1. The extent of formal education required of the
6 position; and,

7 2. The extent of the responsibilities to be
8 assigned to the position; and,

9 3. The amount of supervision placed over the
10 position; and,

11 4. The number of persons the position is assigned
12 to supervise and skills and responsibilities of those
13 positions supervised.

14 The committees shall report the exact
15 classifications assigned to each individual on the
16 next legislative day, or, if such action is during
17 the interim, on the first day the senate or house
18 shall convene. Any action by the senate or house to
19 disapprove a report or a portion of a report shall be
20 effective the day after the action.

21 Recommendations for a pay grade for a new position
22 shall be developed in accordance with the factor scores

23 in the comparable worth report. Every four years the
24 senate rules and administration committee, the house
25 administration and rules committee, and the legislative
26 council may review all positions in the legislative
27 branch to assure conformity to comparable worth.

28 BE IT FURTHER RESOLVED, That a senator or
29 representative may employ a secretary who in the
30 judgment of the senator or representative employing

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1 such person, possesses the necessary skills to perform
2 the duties such senator or representative shall
3 designate, under the administrative direction, as
4 appropriate, of the secretary of the senate or the
5 chief clerk of the house.
6 Each standing committee chairperson, ethics
7 committee chairperson, and each appropriations
8 subcommittee chairperson shall designate a secretary
9 who is competent to perform the following duties:
10 prepare committee minutes, committee reports, type
11 committee correspondence, maintain committee records,
12 and otherwise assist the committee. Such duties
13 shall be performed in accordance with standards which
14 shall be provided by the secretary of the senate and
15 chief clerk of the house. In making the designation,
16 chairpersons shall consider persons for possible
17 designation as the secretary to the committee in the
18 following order:

19 First: The secretary to the chairperson.

20 Second: The secretary to the committee's

21 vice-chairperson.

22 Third: The secretary to any other member of the
23 committee.

24 Fourth: The secretary to any other member in the
25 same house as the committee.

26 BE IT FURTHER RESOLVED, That a Legal Counsel II
27 shall be a person who has graduated from an accredited
28 school of law and is admitted to practice in Iowa as
29 an Attorney and Counselor at Law and possesses either
30 a Masters of Law degree or has at least two years of

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1 legal experience after admission to practice.

2 A Legal Counsel I shall be a person who has
3 graduated from an accredited school of law and is
4 admitted to practice in Iowa as an Attorney and
5 Counselor at Law.

6 BE IT FURTHER RESOLVED, That employees of the
7 general assembly may be eligible for either:

8 a) increases in salary grade or step based on

9 evaluation of their job performance and recommendations
10 of their administrative officers, subject to approval
11 of the senate committee on rules and administration
12 or the house committee on administration and rules, as
13 appropriate or
14 b) mobility within a pay grade at the discretion
15 of the chief clerk of the house upon recommendation by
16 the employee's division supervisor on the part of the
17 house, and the discretion of the employee's division
18 supervisor on the part of the senate, subject to the
19 approval of the house committee on administration
20 and rules or the senate committee on rules and
21 administration, as appropriate - either in accord with
22 a flexible pay plan approved by the senate rules and
23 administration committee or the house administration
24 and rules committee, or in accord with the following
25 schedule:
26 (1) Progression from step "1" to "2" for a newly
27 hired employee - six months of actual employment.
28 (2) Progression from step "1" to "2" following
29 promotion within a job series - twelve months of
30 actual employment in that position.

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1 (3) Progression from step "2" to "3", and step "3"
2 to "4", and step "4" to "5", and step "5" to "6", and
3 step "6" to "7" - twelve months of actual employment
4 at the lower step.
5 BE IT FURTHER RESOLVED, That in addition to the
6 steps provided in the preceding paragraph, that
7 secretaries to senators and representatives who were
8 employees of the senate or house of representatives
9 during any general assembly prior to January 9, 1989,
10 and who have received certification for passing a
11 typing and shorthand performance examination shall be
12 eligible for two additional steps.
13 BE IT FURTHER RESOLVED, That in addition to the
14 steps provided in the preceding paragraph, that
15 secretaries to senators and representatives shall
16 be eligible for a maximum of three additional grades
17 beyond grade 15, in any combination, as provided in
18 this paragraph:
19 1. One additional grade for a secretary to a
20 standing committee chair, ethics committee chair
21 or appropriations subcommittee chair who is not the
22 designated committee secretary.
23 2. One additional grade for a secretary to a vice-
24 chairperson or ranking member of a standing committee,
25 ethics committee or appropriations subcommittee.
26 3. One additional grade for a secretary to the
27 chairperson of the chaplain's committee.

28 4. Two additional grades for a secretary to an
29 assistant floor leader or speaker pro tempore or
30 president pro tempore.

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1 5. One additional grade for a designated committee
2 secretary who is also the designated committee
3 secretary for an additional standing committee, ethics
4 committee, or appropriations subcommittee.
5 BE IT FURTHER RESOLVED, That in the event the
6 secretary to the chairperson of the chaplain's
7 committee is the secretary to the president, president
8 pro tempore, speaker, speaker pro tempore, or the
9 majority or minority leader, such secretary shall
10 receive one additional step.
11 BE IT FURTHER RESOLVED, That the entrance salary for
12 employees of the general assembly shall be at step 1 in
13 the grade of the position held. Such employee may be
14 hired above the entrance step if possessing outstanding
15 and unusual experience for the position. Such employee
16 who is hired above the entrance step shall be mobile
17 above that step in the same period of time as other
18 employees in that same step. An officer or employee
19 who is moved to another position may be considered for
20 partial or full credit for their experience in the
21 former position in determining the step in the new
22 grade.
23 The entry level for the position of research
24 analyst shall be Legislative Research Analyst, unless
25 extraordinary conditions justify increasing that entry
26 level.
27 BE IT FURTHER RESOLVED, That a pay increase for
28 employees of one step within the pay grade for the
29 position may be made for exceptionally meritorious
30 service in addition to step increases provided

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1 for in this resolution, at the discretion of the
2 chief clerk upon recommendation by the employee's
3 division supervisor on the part of the house, and upon
4 recommendation by the employee's division supervisor on
5 the part of the senate, and the approval of the senate
6 committee on rules and administration or the house
7 committee on administration and rules. Exceptionally
8 meritorious service pay increases shall be governed by
9 the following:
10 a. The employee must have served in the position
11 for at least twelve months;
12 b. Written justification, setting forth in detail
13 the nature of the exceptionally meritorious service

14 rendered, must be submitted to the senate rules and
15 administration committee or house administration and
16 rules committee and approved in advance of granting the
17 pay increase;

18 c. No more than one exceptionally meritorious
19 service pay increase may be granted in any twelve-
20 month period.

21 d. Such meritorious service pay increase shall
22 not be granted beyond the seven-step maximum for that
23 position.

24 BE IT FURTHER RESOLVED, That the senate rules and
25 administration committee and the house administration
26 and rules committee shall both hire officers and
27 employees for their respective bodies and fill any
28 vacancies which may occur, to be effective at such time
29 as they shall set. The committee shall report the
30 names of those it has hired for the positions specified

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1 in this resolution or the filling of any vacancies on
2 the next legislative day or, if such action is during
3 the interim, on the first day the senate or house shall
4 convene. Any action by the senate or house to amend or
5 disapprove a report or a portion of a report shall be
6 effective the day after the action.

7 The chief clerk of the house shall submit to the
8 house committee on administration and rules and
9 the secretary of the senate shall submit to the
10 senate committee on rules and administration the
11 list of names, or amendments thereto, of employee
12 classifications and recommended pay step for each
13 officer and employee. Such list shall include
14 recommendations for the pay step for all employees.
15 Each respective committee shall approve or amend the
16 list of recommended classifications and pay steps and
17 publish said list in the journal.

18 BE IT FURTHER RESOLVED, That permanent employees of
19 the general assembly shall receive vacation allowances,
20 sick leave, health and accident insurance, life
21 insurance, and disability income insurance as are
22 comparably provided for full-time permanent state
23 employees. The computations shall be maintained by the
24 finance officers in each house and coordinated with the
25 department of administrative services.

26 BE IT FURTHER RESOLVED, That should any employee
27 have a grievance, the grievance shall be resolved as
28 provided by procedures determined by the senate rules
29 and administration committee for senate employees or
30 the house administration and rules committee for house

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1 employees.
2 BE IT FURTHER RESOLVED, That the legislative
3 council take action to provide the same compensation
4 and benefits to all legislative central staff agency
5 employees for the ~~eighty-third~~ eighty-fourth general
6 assembly as is provided by this resolution. The
7 director of each legislative central staff agency
8 shall report to the chief clerk of the house and the
9 secretary of the senate the list of approved positions
10 for their agencies and the names, grades and steps of
11 each employee. Such lists shall be published in the
12 journals of the house and the senate within two weeks
13 after the adoption of this resolution by both houses.
14 BE IT FURTHER RESOLVED, That the compensation of
15 chaplains officiating at the opening of the daily
16 sessions of the house of representatives and the senate
17 of the ~~eighty-third~~ eighty-fourth general assembly be
18 fixed at ten dollars for each house of the general
19 assembly, and that mileage to and from the State
20 Capitol for chaplains be fixed at the rate established
21 for members of the general assembly.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 691, a bill for an act relating to state and local government finances by increasing the regular program foundation base, establishing property tax levy limits for cities and counties, establishing certain property assessment limitations, and including applicability provisions, was taken up for consideration.

Kaufmann of Cedar in the chair at 4:08 p.m.

Sands of Louisa offered amendment H-1715 filed by him from the floor and moved its adoption.

Amendment H-1715 was adopted, placing out of order amendment H-1718 filed by Thomas of Clayton from the floor.

SENATE FILE 522 SUBSTITUTED FOR HOUSE FILE 691

Sands of Louisa asked and received unanimous consent to substitute Senate File 522 for House File 691.

Senate File 522, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions, was taken up for consideration.

Sands of Louisa offered amendment H-1716 filed by him from the floor.

Thomas of Clayton offered amendment H-1719, to amendment H-1716, filed by him from the floor and moved its adoption.

Roll call was requested by Thomas of Clayton and Hunter of Polk.

On the question "Shall amendment H-1719 to amendment H-1716 be adopted?" (S.F. 522)

The ayes were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Klein	Koester

Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Pettengill	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 2:

Huseman	Raecker
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Amendment H–1719, to amendment H–1716, lost.

Hall of Woodbury offered amendment H–1726, to amendment H–1716, filed by him from the floor and moved its adoption.

Roll call was requested by Hall of Woodbury and Mascher of Johnson.

On the question "Shall amendment H–1726, to amendment H–1716, be adopted?" (S.F. 522)

The ayes were, 41:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Jorgensen
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, J.
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Klein	Koester	Lofgren
Massie	Miller, L.	Moore	Olson, S.

Paulsen, Spkr.	Paustian	Pearson	Pettengill
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Kaufmann, Presiding	

Absent or not voting, 4:

Huseman	Lukan	Murphy	Raecker
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Amendment H-1726, to amendment H-1716, lost.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1724, to amendment H-1716, filed by him from the floor.

Jacoby of Johnson offered amendment H-1725, to amendment H-1716, filed by him from the floor and moved its adoption.

Roll call was requested by Jacoby of Johnson and Mascher of Johnson.

On the question "Shall amendment H-1725, to amendment H-1716, be adopted?" (S.F. 522)

The ayes were, 44:

Abdul-Samad	Baltimore	Baudler	Berry
Cohoon	Gaines	Gaskill	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Moore	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Pettengill	Quirk	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

The nays were, 54:

Alons	Anderson	Arnold	Brandenburg
Byrnes	Chambers	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Helland

Horbach	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Olson, S.	Paulsen, Spkr.	Paustian
Pearson	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Kaufmann, Presiding		

Absent or not voting, 2:

De Boef Huseman

Amendment H-1725, to amendment H-1716, lost.

The House stood at ease at 4:46 p.m., until the fall of the gavel.

The House resumed session at 5:27 p.m., Speaker Paulsen in the chair.

Upmeyer of Hancock asked and received unanimous consent that Senate File 522 be deferred and that the bill retain its place on the calendar.

Regular Calendar

House File 693, a bill for an act relating to advertisements for the sale of hearing aids, was taken up for consideration.

Hagenow of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 693)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton

Heddens	Hein	Helland	Horbach
Hunter	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Huseman Lukan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 694, a bill for an act relating to tax rates for employers with inactive accounts under the state unemployment compensation law, was taken up for consideration.

Baltimore of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 694)

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kelley	Klein	Koester

Kressig	Lofgren	Lukan	Lykam
Mascher	Massie	Miller, H.	Miller, L.
Moore	Muhlbauer	Olson, R.	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

The nays were, 11:

Hunter	Isenhart	Kearns	Lensing
McCarthy	Murphy	Oldson	Petersen
Taylor, T.	Wessel-Kroeschell	Winckler	

Absent or not voting, 1:

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 695, a bill for an act relating to the testing requirements for sign language interpreters and transliterators, was taken up for consideration.

Pettengill of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 695)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Horbach
Isenhart	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher

Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 5:

Brandenburg	Hunter	Olson, T.	Running-Marquardt
Taylor, T.			

Absent or not voting, 5:

Hagenow	Hein	Helland	Huseman
Smith, M.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 696, a bill for an act allowing criminal history and abuse registry background checks for certain food vendors, was taken up for consideration.

Pettengill of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 696)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing

Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Swaim	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Heaton Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Paustian of Scott called up for consideration **House File 672**, a bill for an act relating to wind and other sources of renewable energy development and production, amended by the Senate amendment H-1706.

Paustian of Scott offered amendment H-1722, to the Senate amendment H-1706, filed by him and Soderberg of Plymouth from the floor and moved its adoption.

Amendment H-1722, to the Senate amendment H-1706, was adopted.

Paustian of Scott moved the Senate amendment H-1706, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1706, as amended.

Paustian of Scott moved that the bill, as amended by the Senate,

further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 672)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Isenhardt
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 3:

Hunter	Pearson	Watts
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Absent or not voting, 2:

Horbach	Huseman
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House**

Files 693, 694, 695, 696, 672 and Senate Concurrent Resolution 2.

Ways and Means Calendar

House File 688, a bill for an act relating to tax credits for investment in certain qualifying businesses or community-based seed capital funds and including retroactive applicability provisions, was taken up for consideration.

Helland of Polk offered amendment H-1714 filed by him from the floor and moved its adoption.

Amendment H-1714 was adopted.

Helland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 688)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, J.	Smith, M.	Soderberg
Steckman	Sweeney	Swaim	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems

Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 1:

Pearson

Absent or not voting, 1:

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 530, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Hein of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 530)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney

Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Wittneben
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 1:

Huseman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 688** and **Senate File 530**.

The House resumed consideration of **Senate File 522**, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions, previously deferred.

Sands of Louisa offered amendment H-1728, to amendment H-1716, filed by him from the floor and moved its adoption.

Horbach of Tama in the chair at 6:20 p.m.

Speaker Paulsen in the chair at 6:22 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas, until his return, on request of Upmeyer of Hancock.

Roll call was requested by T. Taylor of Linn and Jacoby of Johnson.

On the question "Shall amendment H-1728, to amendment H-1716, be adopted?" (S.F. 522)

The ayes were, 59:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Steckman	Swaim	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtaovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Running-Marquardt
Smith, M.	Taylor, J.	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 2:

Huseman	Watts
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Amendment H-1728, to amendment H-1716, was adopted.

Thomas of Clayton offered amendment H-1729, to amendment H-1716, filed by him from the floor and moved its adoption.

Roll call was requested by McCarthy of Polk and Mascher of Johnson.

On the question "Shall amendment H-1729, to amendment H-1716, be adopted?" (S.F. 522)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Huseman Watts

Amendment H-1729, to amendment H-1716, was adopted.

Cownie of Polk in the chair at 6:43 p.m.

Sands of Louisa moved amendment H-1716, as amended.

Roll call was requested by Sands of Louisa and Mascher of Johnson.

On the question "Shall amendment H-1716, as amended, be adopted?" (S.F. 522)

The ayes were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Chambers	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paulsen, Spkr.	Paustian	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Windschitl	Worthan	Cownie, Presiding

The nays were, 42:

Abdul-Samad	Berry	Byrnes	Cohoon
Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, R.	Olson, T.	Pearson	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben	Wolfe		

Absent or not voting, 2:

Huseman	Watts
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Amendment H-1716, as amended, was adopted.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Speaker Paulsen in the chair at 7:00 p.m.

On the question "Shall the bill pass?" (S.F. 522)

The ayes were, 58:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers

Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 40:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Running-Marquardt
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	Wolfe

Absent or not voting, 2:

Huseman	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 691 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 691 from further consideration by the House.

Appropriations Calendar

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Heddens of Story offered amendment H-1717 filed by Schulte of Linn from the floor.

Isenhart of Dubuque offered amendment H-1727, to amendment H-1717, filed by him and Petersen of Polk from the floor.

Schulte of Linn requested a division as follows:

Division A: Page 1, lines 4 through 8.

Division B: Page 1, lines 9 through 30.

Isenhart of Dubuque moved amendment H-1727A to amendment H-1717.

Roll call was requested by Isenhart of Dubuque and Abdul-Samad of Polk.

On the question "Shall amendment H-1727A, to amendment H-1717, be adopted?" (S.F. 525)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Taylor, J.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 2:

Huseman Watts

Amendment H-1727A, to amendment H-1717, was adopted.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-1723, to amendment H-1717, filed by her from the floor.

Isenhart of Dubuque moved amendment H-1727B to amendment H-1717.

Roll call was requested by Isenhart of Dubuque and Hunter of Polk.

On the question "Shall amendment H-1727B, to amendment H-1717, be adopted?" (S.F. 525)

The ayes were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Steckman
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pearson	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.

Soderberg	Sweeney	Taylor, J.	Taylor, T.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Windschitl	Worthan	Mr. Speaker
			Paulsen

Absent or not voting, 3:

Huseman	Running-Marquardt	Watts
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Amendment H-1727B, to amendment H-1717, lost.

Schulte of Linn moved amendment H-1717, as amended.

Amendment H-1717, as amended, was adopted.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 525)

The ayes were, 86:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Massie	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Olson, R.	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Taylor, T.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Wessel-Kroeschell	Windschitl	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 12:

Gaskill	Lensing	Mascher	McCarthy
Oldson	Petersen	Thede	Thomas
Wenthe	Willems	Winckler	Wittneben

Absent or not voting, 2:

Huseman	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 522 and 525.**

Pearson of Polk moved that the rules be suspended for the immediate consideration of House File 656.

Roll call was requested by Pearson of Polk and T. Olson of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended?" (H.F. 656)

The ayes were, 25:

Alons	Anderson	Brandenburg	Chambers
De Boef	Dolecheck	Fry	Grassley
Hagenow	Hager	Jorgensen	Klein
Koester	Massie	Moore	Muhlbauer
Pearson	Pettengill	Rogers	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.			

The nays were, 72:

Abdul-Samad	Arnold	Baltimore	Baudler
Berry	Byrnes	Cohoon	Cownie

Deyoe	Drake	Forristall	Gaines
Garrett	Gaskill	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhart
Iverson	Jacoby	Kajtazovic	Kaufmann
Kearns	Kelley	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
McCarthy	Miller, H.	Miller, L.	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Running-Marquardt	Sands
Smith, M.	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker Paulsen

Absent or not voting, 3:

Huseman	Schulte	Watts
---------	---------	-------

The motion to suspend the rules lost.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 10, 2011.
Had I been present, I would have voted "aye" on House File 693.

LUKAN of Dubuque

I was necessarily absent from the House chamber on May 6, 2011.
Had I been present, I would have voted "nay" on House Resolutions
31 and 52.

KELLEY of Jasper

I was necessarily absent from the House chamber on May 10, 2011.
Had I been present, I would have voted "nay" on amendment
H-1719 to amendment H-1716 to Senate File 522 and amendment
H-1726 to amendment H-1716 to Senate File 522.

RAECKER of Polk

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1720** May 10, 2011.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 242), relating to advertisements for the sale of hearing aids.

Fiscal Note is not required.

Recommended **Do Pass** May 10, 2011.

Committee Bill (Formerly House Study Bill 243), relating to the testing requirements for sign language interpreters and transliterators.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 10, 2011.

Committee Bill (Formerly House Study Bill 244), relating to tax rates for employers with inactive accounts under the state unemployment compensation law.

Fiscal Note is not required.

Recommended **Do Pass** May 10, 2011.

Committee Bill (Formerly House Study Bill 245), allowing criminal history background checks for certain food vendors.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 10, 2011.

AMENDMENTS FILED

H-1720	S.F.	533	Committee on Appropriations
H-1721	H.F.	656	Baudler of Adair
H-1730	H.F.	656	Baudler of Adair

On motion by Upmeyer of Hancock the House adjourned at 8:04 p.m., until 10:00 a.m., Thursday, May 12, 2011.

JOURNAL OF THE HOUSE

One Hundred Twenty-third Calendar Day - Eighty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 12, 2011

The House met pursuant to adjournment at 10:04 a.m., Speaker Paulsen in the chair.

Prayer was offered by Jack Hunt of Des Moines. He was the guest of Speaker Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sara Wester of Primghar. She was the guest of Speaker Paulsen of Linn.

The Journal of Tuesday, May 10, 2011 was approved.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, the following is a list of officers and employees of the House for the Eighty-Fourth General Assembly, 2011 Session, and their respective classification, grades and steps:

<u>POSITION</u>	<u>NAME</u>	<u>GRADE- STEP</u>	<u>CLASS OF APPOINT- MENT</u>
Chief Clerk	W. Charles Smithson	44-6	P-FT
Assistant Chief Clerk II	Meghan J. Van Wyk	35-1	P-FT
Sr. Caucus Staff Director	Jeffrey G. Mitchell	41-7	P-FT
Sr. Caucus Staff Director	Joseph P. Romano	41-7	P-FT
Sr. Deputy Caucus Staff Director	Lon W. Anderson	39-7	P-FT
Sr. Deputy Caucus Staff Director	Mary C. Braun	39-7	P-FT
Admin. Assist. to Leader	Andrea N. Jansa	27-5	P-FT
Admin. Assist. II to Speaker	Josie L. Albrecht	32-5	P-FT
Admin. Assist. II to Speaker	Matthew E. Hinch	32-7	P-FT
Admin. Assist. II to Speaker	Noreen F. Otto	32-7	P-FT
Admin. Assist. II to Leader	Anthony D. Phillips	32-7	P-FT
Sr. Admin. Assist. to Leader I	Brian J. Meyer	38-3	P-FT
Legislative Research Analyst	Jason M. Chapman	27-7	P-FT
Legislative Research Analyst	Amanda J. Freel	27-3	P-FT
Legislative Research Analyst	Kristi L. Kielhorn	27-5	P-FT

<u>POSITION</u>	<u>NAME</u>	<u>GRADE- STEP</u>	<u>CLASS OF APPOINT- MENT</u>
Legislative Research Analyst	Rachelle D. Thomas	27-5	P-FT
Legislative Research Analyst	Louis A. Vander Streek	27-2	P-FT
Legislative Research Analyst I	William T.D. Freeland	29-6	P-FT
Legislative Research Analyst II	Dustin W. Blythe	32-4	P-FT
Legislative Research Analyst II	Ezekiel L. Furlong	32-5	P-FT
Legislative Research Analyst III	David L. Epley	35-5	P-FT
Sr. Legislative Research Analyst	Dwayne Dean Fiihr, Jr.	38-5	P-FT
Sr. Legislative Research Analyst	Anna M. Hyatt-Crozier	38-6	P-FT
Sr. Legislative Research Analyst	Lewis E. Olson	38-7	P-FT
Sr. Legislative Research Analyst	Bradley A. Trow	38-7	P-FT
Caucus Secretary	Jill M. Jennings	21-3	P-FT
Sr. Caucus Secretary	Joseph M. Gilde	24-5	P-FT
Confidential Secretary to Speaker	Terri P. Steinke	27-1	P-FT
Supervisor of Secretaries I	Sarah E. Vanderploeg	24-1	P-FT
Sr. Admin. Services Officer	Susan K. Jennings	35-2	P-FT
Admin. Services Officer III	Doreen R. Terrell	32-6	P-FT
Admin. Services Officer III	Kristin L. Wentz	32-5	P-FT
Admin. Services Officer	Michelle K. Bauer	23-2	P-FT
Admin. Services Officer	Robin L. Bennett	23-3	P-FT
Admin. Services Officer	Katherine G. Kenline	23-2	P-FT
Sr. Finance Officer III	Debra K. Rex	38-7	P-FT
Sr. Finance Officer III	Kelly M. Bronsink	38-4	P-FT
Recording Clerk II	Diane K. Burget	24-3	E-FT
Engrossing & Enrolling Processor	Pauline E. Kephart	27-7	S-O
Switchboard Operator	Jane E. Phalen	14-2	S-O
Switchboard Operator	Kelly M. Schall	14-1	S-O
Legislative Secretary	Joan K. Acela	17-1	S-O
Legislative Secretary	Mary Ann Ahrens	17-2	S-O
Legislative Secretary	Clarice E. Alons	15-4	S-O
Legislative Secretary	Cheryl K. Arnold	15-4	S-O
Legislative Secretary	Jeffrey A. Badker	16-1	S-O
Legislative Secretary	Emma L. Barden	16-1	S-O
Legislative Secretary	Adrienne H. Branstad	17-2	S-O
Legislative Secretary	Ryan S. Bratvold	16-1	S-O
Legislative Secretary	Jenna S. Brownell	17-2	S-O
Legislative Secretary	Beverly A. Burns	17-3	S-O
Legislative Secretary	Collin Z. Byrnes	16-1	S-O
Legislative Secretary	Jesse R. Dick	16-1	S-O
Legislative Secretary	Bruce H. Droessler	16-1	S-O
Legislative Secretary	Mary K. Ellett	16-2	S-O
Legislative Secretary	Patricia Ann Ferin	16-1	S-O
Legislative Secretary	Jennifer A. Fisher	18-1	S-O
Legislative Secretary	Ryan M. Fisher	18-1	S-O
Legislative Secretary	Carolyn McNeill Gaukel	15-7+2	S-O
Legislative Secretary	Tara M. Gent	16-1	S-O
Legislative Secretary	Aaron M. Gingerich	16-1	S-O
Legislative Secretary	Reginald L. Hawkins	17-1	S-O
Legislative Secretary	Claire M. Haws	16-2	S-O

<u>POSITION</u>	<u>NAME</u>	<u>GRADE- STEP</u>	<u>CLASS OF APPOINT- MENT</u>
Legislative Secretary	Celma J. Higgins.....	16-1	S-O
Legislative Secretary	Susan R. Hoing	16-1	S-O
Legislative Secretary	Victoria L. Iverson	15-4	S-O
Legislative Secretary	Jase H. Jensen	15-2	S-O
Legislative Secretary	Charles A. Johnson.....	16-1	S-O
Legislative Secretary	Catherine S. Jury.....	15-7	S-O
Legislative Secretary	H. Jacob Kaufmann	17-1	S-O
Legislative Secretary	Diana C. Kearns	16-1	S-O
Legislative Secretary	Adam J. Kenworthy	16-1	S-O
Legislative Secretary	Felix J. Knutson.....	16-1	S-O
Legislative Secretary	Kevin D. Kuhle	16-1	S-O
Legislative Secretary	Carol J. Lamb	16-2	S-O
Legislative Secretary	DeShana E. Langford	15-1	S-O
Legislative Secretary	Emily E. Lofgren	16-1	S-O
Legislative Secretary	Karen A. Lischer.....	17-2	S-O
Legislative Secretary	Kelsey A. Lovell	15-1	S-O
Legislative Secretary	Carole I. Martin	16-2	S-O
Legislative Secretary	Pamela K. Massie	16-1	S-O
Legislative Secretary	Kathleen K. McKnight.....	16-1	S-O
Legislative Secretary	Susan G. Meimann	16-3	S-O
Legislative Secretary	Brooke N. Miller	16-1	S-O
Legislative Secretary	Nicole C. Moriniere.....	16-1	S-O
Legislative Secretary	Charolotte M. Mosher.....	15-7	S-O
Legislative Secretary	Falecia R. Mtayari	15-1	S-O
Legislative Secretary	Patricia R. Muhlbauer	15-1	S-O
Legislative Secretary	Neil A. Nelsen	16-1	S-O
Legislative Secretary	Shannon L. Newman	16-1	S-O
Legislative Secretary	Brenda R. Olson.....	15-2	S-O
Legislative Secretary	Sara B. Otrok	16-2	S-O
Legislative Secretary	Lauren EJ Page	17-6	S-O
Legislative Secretary	Matthew W. Peirce.....	16-1	S-O
Legislative Secretary	Jeffrey R. Perry	16-1	S-O
Legislative Secretary	Nicole L. Persson	15-1	S-O
Legislative Secretary	Jenica J. Quandt.....	16-1	S-O
Legislative Secretary	Jessica L. Rundlett	15-2	S-O
Legislative Secretary	Sara N. Sedlacek.....	16-1	S-O
Legislative Secretary	Diana M. Shaw	16-1	S-O
Legislative Secretary	Fran D. Smith.....	16-2	S-O
Legislative Secretary	Kelsey J. Snead.....	16-2	S-O
Legislative Secretary	Kent E. Sorenson	17-1	S-O
Legislative Secretary	Benjamin J. Sparks	16-1	S-O
Legislative Secretary	Kim P. Taylor.....	16-1	S-O
Legislative Secretary	Michael L. Thom	17-1	S-O
Legislative Secretary	Rosemary G. Thomas.....	16-3	S-O
Legislative Secretary	Phillip F. Valenziano	17-1	S-O
Legislative Secretary	Patricia J. Van Cleave	16-2	S-O
Legislative Secretary	Ruth A. Vander Linden.....	15-2	S-O
Legislative Secretary	Louis A. Vander Streek	16-1	S-O

<u>POSITION</u>	<u>NAME</u>	<u>GRADE-STEP</u>	<u>CLASS OF APPOINTMENT</u>
Legislative Secretary	Sarah A. West	16-1	S-O
Legislative Secretary	Linda J. Yanney	16-1	S-O
Legislative Committee Secretary	Pamela D. Anderson	17-2	S-O
Legislative Committee Secretary	Erwin W. Bartz	18-1	S-O
Legislative Committee Secretary	Coy A. Clark	18-1	S-O
Legislative Committee Secretary	Zachary C. Dalluge	17-1	S-O
Legislative Committee Secretary	Shirley J. Drake	17-6	S-O
Legislative Committee Secretary	Jennifer Erstad	17-1	S-O
Legislative Committee Secretary	Kelley A. Fifer	17-4	S-O
Legislative Committee Secretary	Drew C. Flickinger	18-1	S-O
Legislative Committee Secretary	Carol J. Forristall	17-2	S-O
Legislative Committee Secretary	Kathryn M. Hancock	17-1	S-O
Legislative Committee Secretary	Jane M. Hughes	17-2	S-O
Legislative Committee Secretary	John M. Johnson	17-1	S-O
Legislative Committee Secretary	Samuel J. Kavalier	17-1	S-O
Legislative Committee Secretary	Andrew R. Klein	17-2	S-O
Legislative Committee Secretary	Marlene J. Martens	17-6	S-O
Legislative Committee Secretary	Charity McCauley Andeweg	17-1	S-O
Legislative Committee Secretary	Catherine J. Miller-Sands	17-2	S-O
Legislative Committee Secretary	Melba K. Murken	17-4	S-O
Legislative Committee Secretary	Jean P. Olson	17-4	S-O
Legislative Committee Secretary	Samuel T. Pritchard	18-1	S-O
Legislative Committee Secretary	Martha S. Raecker	18-3	S-O
Legislative Committee Secretary	Andrew J. Soderberg	17-2	S-O
Legislative Committee Secretary	Ray M. Sorensen	17-1	S-O
Legislative Committee Secretary	Heidi M. Sorensen-Sloth	17-1	S-O
Legislative Committee Secretary	Paige M. Thorson	17-1	S-O
Legislative Committee Secretary	Phyllis M. Toy	17-1	S-O
Legislative Committee Secretary	Darlene A. VanOort	17-4	S-O
Legislative Committee Secretary	Alina A. Waggoner	17-1	S-O
Bill Clerk	Joyce A. Hendrix	14-1	S-O
Assistant Bill Clerk	Joan E. Skeffington	12-2	S-O
Postmaster	William C. Walling	12-7	S-O
Sergeant-at-Arms I	Harold L. Harker	17-1	S-O
Assistant Sergeant-at-Arms	Robert B. Yeager	14-2	S-O
Chief Doorkeeper	Jack R. Hall	12-2	S-O
Doorkeeper	Darrell E. Brown	11-2	S-O
Doorkeeper	James F. Mason	11-1	S-O
Doorkeeper	Frank P. Mauro	11-1	S-O
Doorkeeper	Donald L. Wederquist	11-2	S-O
Speaker's Page	Seth M. Wester	9-1	S-O
Chief Clerk's Page	Graham O. Lohman	9-1	S-O
Chief Clerk's Page	Melanie S. Weber	9-1	S-O
Page	Tiffany M. Anderson	9-1	S-O
Page	Conner D. Archer	9-1	S-O
Page	Zaakary T. Barnes	9-1	S-O
Page	Lauren A. Burdt	9-1	S-O
Page	Daniel P. Breitbarth	9-1	S-O

<u>POSITION</u>	<u>NAME</u>	<u>GRADE-STEP</u>	<u>CLASS OF APPOINTMENT</u>
Page.....	Jael C. Chepkwony	9-1	S-O
Page.....	Kelsey A. Frisk.....	9-1	S-O
Page.....	Brendan M. Grady	9-1	S-O
Page.....	Kassi J. Guinn	9-1	S-O
Page.....	Bryant J. Hickie.....	9-1	S-O
Page.....	Benjamin D. Keagle.....	9-1	S-O
Page.....	Ariani N. Oehrlein	9-1	S-O
Page.....	Delaney P. Olson.....	9-1	S-O
Page.....	Hae K. Pak	9-1	S-O
Page.....	Miguel A. Paramo	9-1	S-O
Page.....	Michael J. Terrell.....	9-1	S-O
Page.....	Andrew B. Young.....	9-1	S-O

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, the following is a list of officers and Joint Senate/House employees for the Eighty-Fourth General Assembly, 2011 Session, and their respective classification, grades and steps:

<u>POSITION</u>	<u>NAME</u>	<u>GRADE-STEP</u>	<u>CLASS OF APPOINTMENT</u>
Sr. Facilities Manager	Mark L. Willemsen.....	41-7	P-FT
Legislative Security Coordinator II.....	Shawna S. Ferguson	26-7	P-FT
Legislative Security Officer I.....	Kathleen C. Bacus	20-4	P-FT
Legislative Security Officer I.....	Robert W. Cornwell.....	20-6	P-FT
Legislative Security Officer I.....	Samuel L. Groves.....	20-3	P-FT
Legislative Security Officer I.....	Barbara A. Malone.....	20-2	P-FT
Legislative Security Officer I.....	Kert J. Schnell	20-7	P-FT
Legislative Security Officer I.....	Curtis L. Scott.....	20-7	P-FT
Legislative Security Officer I.....	Gordon M. Skeffington.....	20-5	P-FT
Legislative Security Officer I.....	Leo R. Skeffington	20-6	P-FT
Legislative Security Officer I.....	Richard D. Taylor	20-4	P-FT
Legislative Security Officer I.....	James W. Walton	20-3	P-FT
Legislative Security Officer I.....	Gabriel S. Wilson	20-1	P-FT
Conservation/Restoration Sp. II	Zachary L. Bunkers	31-2	P-FT
Conservation/Restoration Sp. II	Mark S. Lundberg.....	31-7	P-FT
Legislative Lobbyist Clerk	Kathy J. Stachon.....	21-2	S-O
Senior Copy Center Operator	Shirley M. Roach.....	21-7	E-FT
Copy Center Operator.....	Hannah L. Mahan.....	18-2	S-O

REPORT OF THE DIRECTOR OF THE LEGISLATIVE SERVICES AGENCY

CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES: Pursuant to Senate Concurrent Resolution 2, Glen P. Dickinson, Legislative Services Agency, submits the following list of position classifications in the Office of the Legislative Services Agency and the following list of the names, positions, and grades and steps of the employees in the Legislative Services Agency.

Table with 2 columns: POSITION CLASSIFICATION and PAY GRADE. Lists various roles such as Administrative Services Assistant, Director, Finance Officer, and Librarian with their corresponding pay grades.

<u>POSITION CLASSIFICATION</u>	<u>PAY GRADE</u>
Computer Systems Analyst 2	29
Computer Systems Analyst 1	27
Computer Systems Analyst	24
Senior Computer Systems Engineer.....	35
Computer Systems Engineer 2	32
Computer Systems Engineer 1	29
Division Administrator 2	41
Division Administrator 1	38
Session Technology Floor Asst.....	17
Senior Legislative Analyst.....	38
Legislative Analyst 3	35
Legislative Analyst 2	32
Legislative Analyst 1	29
Legislative Analyst	27
Assistant Editor 3	30
Assistant Editor 2	27
Assistant Editor 1	24
Code Editor	41
Deputy Code Editor.....	35
Index Supervisor	28
Indexer 2	25
Indexer 1	22
Assistant Indexer.....	19
Division Editor/Supervisor	39
Senior Legal Counsel	38
Legal Counsel 2.....	35
Legal Counsel 1.....	32
Legal Counsel.....	30
Publications Assistant	21
Senior Research Analyst.....	38
Research Analyst 3	35
Research Analyst 2	32
Research Analyst 1	29
Research Analyst	27

<u>NAME</u>	<u>POSITION</u>	<u>GRADE-STEP</u>
D. Ackerman	Senior Research Analyst	38-5
J. Acton	Senior Legislative Analyst	38-3
D. Adkisson	Senior Legal Counsel.....	38-7
D. Allen	Senior Computer Systems Analyst	35-5
M. Anfinson.....	Capitol Tour Guide.....	18-2
J. Arnett	Capitol Tour Guide Supervisor 2	25-7
J. Bellizzi.....	Computer Systems Analyst 2.....	29-5
J. Benson.....	Legislative Analyst 2.....	32-4
J. Brandstatter.....	Legislative Analyst 1.....	29-3
M. Bray.....	Capitol Tour Guide.....	18-1
A. Bridges.....	Capitol Tour Guide.....	18-1
J. Clark.....	Assistant Editor 2.....	27-3

<u>NAME</u>	<u>POSITION</u>	<u>GRADE- STEP</u>
E. Cook	Senior Legal Counsel	38-7
C. Coppock	Capitol Tour Guide	18-1
D. Craft	Legislative Document Technician 3	25-5
J. Croatt	Assistant Editor 2	27-1
C. Cronbaugh	LIO Director 1	32-7
S. Crowley	Division Editor/Supervisor	39-7
D. Degen	Legislative Document Technician 2	22-7
G. Dickinson	Director	\$130,000.00
J. Douglas	Legislative Document Specialist 2	27-7
S. Downey	Capitol Tour Guide	18-1
T. Duncan	Legislative Document Technician 2	22-1
M. Duster	Legal Counsel 1	32-3
M. Eaton	Division Administrator 1	38-7
J. Ellenwood	Legislative Document Technician 3	25-3
A. Erazo	Assistant Editor 1	24-3
J. Ewing	Legal Counsel	30-1
D. Ferguson	Senior Legislative Analyst	38-7
C. Fisher	Systems Analyst	32-7
M. Fisher	Capitol Tour Guide	18-2
P. Funaro	Senior Legal Counsel	38-7
G. Garrett	Legislative Doc. Tech. Supervisor	28-5
M. Hagen	Legislative Document Technician 2	22-3
K. Hanlon	Senior Research Analyst	38-7
L. Henschel	Computer Systems Analyst 1	27-1
N. Herselius	Capitol Tour Guide	18-1
L. Hickey	Iowa Code Editor	41-7
R. Hjelmaas	Senior Legal Counsel	38-5
S. Hoff	Division Administrator 1	38-3
N. Hoffman	Division Editor/Supervisor	39-7
J. Ihm	Computer Systems Analyst 1	27-1
J. Jess	Capitol Tour Guide	18-1
R. Johnson	Division Director	43-7
T. Johnson	Capitol Tour Guide	18-1
J. Joy	Computer Systems Analyst 1	27-1
D. Kair	Division Administrator 1	38-7
R. Karns	Assistant Editor 3	30-5
D. Kirk	Legislative Document Technician 2	22-2
J. Koth	Senior Computer Systems Engineer	35-6
D. Kozel	Senior Legislative Analyst	38-7
J. Kroes	Senior Computer Systems Engineer	35-7
M. Kruse	Senior Finance Officer 2	35-6
B. Lamberti	LIO Officer 2	27-4
S. Laust	Legislative Doc. Tech. Supervisor	28-6
B. Lenstra	Senior Legislative Analyst	38-7
S. Lerdal	Senior Legislative Analyst	38-7
A. Lynch	Legislative Document Technician 1	19-3
E. Lyons	Capitol Tour Guide	18-1
H. Lyons	Division Director	43-7
R. Madison	Senior Legislative Analyst	38-3

GRADE-
STEP

<u>NAME</u>	<u>POSITION</u>	
T. McDermott	Senior Legal Counsel	38-7
J. McEniry	Senior Legal Counsel	38-7
C. Mercati	Capitol Tour Guide	18-1
E. Meyer	Computer Systems Analyst 1	27-4
L. Morford	Legislative Document Technician 3	25-7
S. Nabholz	Legislative Document Technician 2	22-7
N. Navara	Legislative Document Technician 3	25-7
K. Nelson	Legislative Document Technician 2	22-4
R. Nelson	Senior Legal Counsel	38-7
K. Ohms	Legislative Analyst	27-1
W. Paxson	Capitol Tour Guide	18-1
S. Person	Capitol Tour Guide	18-2
J. Pollak	Division Administrator 2	41-7
J. Powell	Indexer 2	25-6
D. Reynolds	Senior Legislative Analyst	38-7
E. Robinson	Capitol Tour Guide	18-2
J. Robinson	Senior Legislative Analyst	38-7
R. Robinson	Senior Legislative Analyst	38-5
B. Rodenkirk	Senior Computer Systems Engineer	35-2
J. Royce	Senior Legal Counsel	38-7
G. Rudicil	Senior Computer Systems Analyst	35-7
M. Rykhoek	Computer Systems Analyst 1	27-2
R. Schulze	Assistant Editor 3	30-7
M. Shipman	Division Editor/Supervisor	39-7
S. Snyder	Division Administrator 2	41-6
T. Souer	Legislative Doc. Tech. Supervisor	28-7
M. Tannian	Legislative Analyst 2	32-2
E. Terry	Session Technology Floor Asst.	17-2
D. Thompson	Legislative Analyst 1	29-4
M. Thompson	Legislative Document Technician 3	25-6
C. Thurmond	Assistant Editor 1	24-4
J. Van Engelenhoven	Division Administrator 1	38-7
V. Van Vlair Hansen	Senior Computer Systems Analyst	35-6
T. Vander Linden	Assistant Editor 3	30-7
D. Vasey	Capitol Tour Guide	18-1
T. Vasey	Capitol Tour Guide	18-1
A. Ver Heul	Senior Legal Counsel	38-4
A. Ward	Legal Counsel	30-1
J. Warner	Assistant Editor 2	27-6
M. Weber	Capitol Tour Guide	18-2
M. Weiford	Assistant Editor 1	24-5
K. Wesely	Senior Finance Officer 2	35-4
N. Westbrook	Assistant Editor 3	30-4
T. Whipple	Legal Counsel 1	32-3
J. Wood	Capitol Tour Guide	18-2

REPORT OF THE CITIZENS' AIDE/OMBUDSMAN

CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES:
 Pursuant to Senate Concurrent Resolution 2, Ruth H. Cooperrider, Citizens' Aide/Ombudsman, submits the following list of position classifications in the Office of the Citizens' Aide/Ombudsman and the following list of the names, positions, and grades and steps of the employees in the Office of the Citizens' Aide/Ombudsman.

<u>POSITION CLASSIFICATION</u>	<u>PAY GRADE</u>
Citizens' Aide/Ombudsman.....	45
Deputy.....	41
Senior Legal Counsel.....	38
Legal Counsel 2.....	35
Legal Counsel 1.....	32
Senior Assistant Ombudsman.....	38
Assistant Ombudsman 3.....	35
Assistant Ombudsman 2.....	32
Assistant Ombudsman 1.....	29
Senior Finance Officer 2.....	35
Senior Finance Officer.....	31
Finance Officer 2.....	27
Finance Officer 1.....	24
Executive Secretary.....	24
Administrative Secretary.....	21
Secretary/Receptionist.....	19
Intern.....	19

CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES:
 Pursuant to Senate Concurrent Resolution 2, Ruth H. Cooperrider submits the following names of employees of the Office of the Citizens' Aide/Ombudsman and their respective classifications, grades, and steps.

<u>NAME</u>	<u>POSITION</u>	<u>GRADE-STEP</u>
L. Brundies.....	Assistant Ombudsman 1.....	29-3
J. Burdick Crane.....	Senior Finance Officer 2.....	35-4
J. Burnham.....	Senior Assistant Ombudsman.....	38-7
R. Calloway.....	Assistant Ombudsman 3.....	35-6
R. Cooperrider.....	Citizens' Aide/Ombudsman.....	45-5
B. Dalmer.....	Assistant Ombudsman 2.....	35-2
E. Hart.....	Assistant Ombudsman 2.....	32-5
K. Hirschman.....	Senior Assistant Ombudsman.....	38-7
E. Johnson.....	Intern.....	Unpaid
D. Julien.....	Citizens' Aide/Ombudsman Secretary/Receptionist.....	19-3
A. McBride.....	Assistant Ombudsman 2.....	32-5

<u>NAME</u>	<u>POSITION</u>	<u>GRADE-STEP</u>
E. Mitchell-Sadler	Assistant Ombudsman 2	32-6
C. Teas.....	Assistant Ombudsman 2	32-2
B. Van Allen.....	Assistant Ombudsman 2	32-4
K. White	Assistant Ombudsman 3	35-6

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 12, 2011, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 651, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, special fallen peace officers plates, and special military combat plates, establishing fees, and making an appropriation.

Also: That the Senate has on May 12, 2011, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 672, a bill for an act relating to wind and other sources of renewable energy development and production.

Also: That the Senate has on May 12, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 514, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 6, 2011. Had I been present, I would have voted "nay" on House Resolutions 31 and 52.

GASKILL of Wapello

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 11, 2011, he approved and transmitted to the Secretary of State the following bill:

House File 652, an Act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in operation new dawn and including effective date and retroactive applicability provisions.

Also: the Governor announcing that on May 12, 2011, he approved and transmitted to the Secretary of State the following bill:

House File 676, an Act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

Senate File 289, an Act relating to open records and public meetings and including effective date provisions.

Senate File 302, an Act increasing the amount of tax credits available under the Endow Iowa program and including effective date and retroactive applicability provisions.

Senate File 412, an Act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Senate File 434, an Act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

On motion by Upmeyer of Hancock the House adjourned at 10:07 a.m., until 1:00 p.m., Monday, May 16, 2011.

JOURNAL OF THE HOUSE

One Hundred Twenty-seventh Calendar Day - Eighty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 16, 2011

The House met pursuant to adjournment at 1:04 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Upmeyer of Hancock.

The Journal of Thursday, May 12, 2011 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 12, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 645, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

Also: That the Senate has on May 12, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

AMENDMENTS FILED

H-1731	H.F.	645	Senate Amendment
H-1732	H.F.	649	Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 1:05 p.m., until 10:00 a.m., Thursday, May 19, 2011.

JOURNAL OF THE HOUSE

One Hundred Thirtieth Calendar Day - Eighty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 19, 2011

The House met pursuant to adjournment at 10:21 a.m., Sands of Louisa in the chair.

Prayer was offered by Representative Cownie of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Twin Cedars kindergarten class from Bussey.

The Journal of Monday, May 16, 2011 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 16, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 534, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 534, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions.

Read first time and referred to committee on **ways and means**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 2011, he approved and transmitted to the Secretary of State the following bill:

House Joint Resolution 16, a Joint Resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

On motion by Cownie of Polk the House adjourned at 10:24 a.m., until 1:00 p.m. Monday, May 23, 2011.

JOURNAL OF THE HOUSE

One Hundred Thirty-fourth Calendar Day - Eighty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 23, 2011

The House met pursuant to adjournment at 1:00 p.m., Wagner of Linn in the chair.

Prayer was offered by Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Upmeyer of Hancock.

The Journal of Thursday, May 19, 2011 was approved.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of May, 2011: House Files 651 and 672.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

On motion by Upmeyer of Hancock the House adjourned at 1:02 p.m., until 10:00 a.m., Thursday, May 26, 2011.

JOURNAL OF THE HOUSE

One Hundred Thirty-seventh Calendar Day - Eighty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 26, 2011

The House met pursuant to adjournment at 10:02 a.m., Speaker Paulsen in the chair.

Prayer was offered by Speaker Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Paulsen of Linn.

The Journal of Monday, May 23, 2011 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 26, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

AMENDMENT FILED

H-1733 S.F. 525 Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 10:04 a.m., until 9:00 a.m., Friday, May 27, 2011.

JOURNAL OF THE HOUSE

One Hundred Thirty-eighth Calendar Day - Ninetieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 27, 2011

The House met pursuant to adjournment at 9:01 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Upmeyer of Hancock.

The Journal of Thursday, May 26, 2011 was approved.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 26, 2011, he approved and transmitted to the Secretary of State the following bills:

House File 651, an Act providing for a special civil war sesquicentennial motor vehicle registration plate, special fallen peace officers plates, and special military combat plates, establishing fees, and making appropriations.

House File 672, an Act relating to wind and other sources of renewable energy development and production, and including effective date provisions.

Senate File 526, an Act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Senate File 530, an Act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Senate File 531, an Act relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and including effective date and retroactive and other applicability provisions.

On motion by Upmeyer of Hancock the House adjourned at 9:02 a.m., until 1:00 p.m., Tuesday, May 31, 2011.

JOURNAL OF THE HOUSE

One Hundred Forty-second Calendar Day - Ninety-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 31, 2011

The House met pursuant to adjournment at 1:08 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Sands of Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Sands of Louisa.

The Journal of Friday, May 27, 2011 was approved.

On motion by Sands of Louisa the House adjourned at 1:10 p.m., until 8:30 a.m., Thursday, June 2, 2011.

JOURNAL OF THE HOUSE

One Hundred Forty-fourth Calendar Day - Ninety-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, June 2, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Rayhons of Hancock.

The Journal of Tuesday, May 31, 2011 was approved.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CITIZENS' AIDE/OMBUDSMAN

Annual Report, pursuant to Chapter 2C, Code of Iowa.

DEPARTMENT OF EDUCATION

National Security Education Program Report, pursuant to Senate File 2274, 2010 Iowa Acts.

RESOLUTION FILED

H.R. 56, by Abdul-Samad and Koester, a resolution to recognize the Trinity United Methodist Church building in Des Moines on its centennial.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 8:36 a.m., until 1:00 p.m., Monday, June 6, 2011.

JOURNAL OF THE HOUSE

One Hundred Forty-eighth Calendar Day - Ninety-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, June 6, 2011

The House met pursuant to adjournment at 1:05 p.m., Hagenow of Polk in the chair.

Prayer was offered by Representative Chambers of O'Brien County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Chambers of O'Brien.

The Journal of Thursday, June 2, 2011 was approved.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on ways and means to meet today.

The House stood at ease at 1:07 p.m., until the fall of the gavel.

The House resumed session at 2:54 p.m., Speaker Paulsen in the chair.

INTRODUCTION OF BILL

House File 697, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to taxation, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time and referred to committee on **ways and means**.

On motion by Upmeyer of Hancock, the House was recessed at 2:55 p.m., until 5:00 p.m.

The House resumed session at 5:40 p.m., Speaker Paulsen in the chair.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly LSB 2811HV), relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to taxation, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** June 6, 2011.

COMMITTEE ON WAYS AND MEANS

House File 697, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to taxation, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1735** June 6, 2011.

Senate File 534, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1736** June 6, 2011.

RESOLUTION FILED

H.R. 57, by Paulsen, Brandenburg, Drake, Forristall, Garrett, Lofgren, Schulte, Worthan, Jorgensen, Soderberg, Anderson, Sands, Cownie, Paustian, S. Olson, Moore, Hager, Windschitl, Dolecheck, Deyoe, J. Smith, Baltimore, Hein, Vander Linden, Upmeyer, Tjepkes, Pettengill, Rayhons, De Boef, Sweeney, Chambers, Huseman, Watts, Baudler, Koester, Iverson, Arnold, Rasmussen, Hanusa, Hagenow, Fry, J. Taylor, Rogers, Alons, Schultz, Shaw and Pearson, a resolution related to the naming of public buildings and institutions.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1734	H.F.	697	Cownie of Polk
H-1735	H.F.	697	Committee on Ways and Means
H-1736	S.F.	534	Committee on Ways and Means

On motion by Upmeyer of Hancock the House adjourned at 5:41 p.m., until 8:30 a.m., Tuesday, June 7, 2011.

JOURNAL OF THE HOUSE

One Hundred Forty-ninth Calendar Day - Ninety-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, June 7, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Rogers of Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Rogers of Black Hawk.

The Journal of Monday, June 6, 2011 was approved.

RULE 67 INVOKED (Time Certain)

Upmeyer of Hancock asked and received unanimous consent for the House to act upon all amendments filed to House File 697, proceed immediately to closing remarks on the bill, and that the bill be read for the final time and placed on its passage, no later than 2:00 p.m. on Wednesday, June 8, 2011.

Upmeyer of Hancock asked and received unanimous consent for the House to act upon all amendments filed to Senate File 534, proceed immediately to closing remarks on the bill, and that the bill be read for the final time and placed on its passage, no later than 2:00 p.m. on Wednesday, June 8, 2011.

The House stood at ease at 8:36 a.m., until the fall of the gavel.

The House resumed session at 9:15 a.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sweeney of Hardin, De Boef of Keokuk, J. Taylor of Woodbury and Baudler of Adair on request of Upmeyer of Hancock; Gaines of Polk on request of McCarthy of Polk.

ADOPTION OF HOUSE RESOLUTION 57

Soderberg of Plymouth called up for consideration **House Resolution 57**, a resolution related to the naming of public buildings and institutions, and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Taylor of Linn.

On the question "Shall the resolution be adopted?" (H.R. 57)

The ayes were, 56:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben	Wolfe	

Absent or not voting, 5:

Baudler De Boef Gaines Sweeney
Taylor, J.

The motion prevailed and the resolution was adopted.

AMENDMENT FILED

H-1737 H.F. 697 T. Taylor of Linn

On motion by Upmeyer of Hancock the House adjourned at 9:37 a.m., until 8:30 a.m., Wednesday, June 8, 2011.

JOURNAL OF THE HOUSE

One Hundred Fiftieth Calendar Day - Ninety-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, June 8, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Horbach of Tama County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Horbach of Tama.

The Journal of Tuesday, June 7, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

J. Taylor of Woodbury, Sweeney of Hardin, De Boef of Keokuk, Baudler of Adair, and J. Smith of Dickinson on request of Upmeyer of Hancock; Wolfe of Clinton on request of McCarthy of Polk.

CONSIDERATION OF BILLS Appropriations Calendar

House File 697, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to taxation, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Sands of Louisa offered amendment H-1735 filed by the committee on ways and means.

Jacoby of Johnson offered amendment H-1742, to the committee amendment H-1735, filed by him from the floor and moved its adoption.

Windschitl of Harrison in the chair at 9:45 a.m.

Speaker Paulsen in the chair at 9:55 a.m.

Roll call was requested by Jacoby of Johnson and Hunter of Polk.

On the question "Shall amendment H-1742, to the committee amendment H-1735, be adopted?" (H.F. 697)

The ayes were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Petersen	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Willems	Winckler
Wittneben			

The nays were, 55:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Soderberg	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

Absent or not voting, 8:

Baudler	De Boef	Quirk	Smith, J.
Sweeney	Taylor, J.	Wessel-Kroeschell	Wolfe

Amendment H-1742, to the committee amendment H-1735, lost.

Sands of Louisa offered amendment H-1738, to the committee amendment H-1735, filed by him from the floor and moved its adoption.

Amendment H-1738, to the committee amendment H-1735, was adopted.

Kaufmann of Cedar in the chair at 10:39 a.m.

Speaker Paulsen in the chair at 11:20 a.m.

Cownie of Polk in the chair at 12:11 p.m.

Speaker Paulsen in the chair at 12:28 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jacoby of Johnson on request of McCarthy of Polk, R. Olson of Polk, until his return, on request of McCarthy of Polk.

Sands of Louisa moved the committee amendment H-1735, as amended.

Roll call was requested by Sands of Louisa and Cownie of Polk.

On the question "Shall the committee amendment H-1735, as amended, be adopted?" (H.F. 697)

The ayes were, 56:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz

Shaw	Soderberg	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, T.	Pearson
Petersen	Running-Marquardt	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben

Absent or not voting, 8:

Baudler	De Boef	Jacoby	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Wolfe

The committee amendment H-1735, as amended, was adopted.

Wagner of Linn offered amendment H-1740 filed by him from the floor and moved its adoption.

Amendment H-1740 was adopted.

T. Taylor of Linn asked and received unanimous consent that amendment H-1741 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koester of Polk and Helland of Polk, until their return, on request of Upmeyer of Hancock.

Cownie of Polk offered amendment H-1734 filed by him and requested a division as follows:

Division A: Page 1, lines 2 through 46; page 12, line 26 through page 15, line 14 and page 57, lines 24 through 46.

Division B: Page 1, line 47 through page 2, line 7.

Division C: Page 2, lines 8 through 24.

Division D: Page 2, line 26 through page 3, line 27.
 Division E: Page 3, line 28 through page 4, line 44.
 Division F: Page 4, line 45 through page 10, line 15.
 Division G: Page 10, line 16 through page 11, line 50.
 Division H: Page 12, lines 1 through 25.
 Division I: Page 15, line 15 through page 17, line 28.
 Division J: Page 17, lines 29 through 39.
 Division K: Page 17, line 40 through page 18, line 46.
 Division L: Page 18, line 47 through page 55, line 49.
 Division M: Page 55, line 50 through page 57, line 23.

Cownie of Polk offered amendment H-1734A filed by him and moved its adoption.

Roll call was requested by Cownie of Polk and Raecker of Polk.

On the question "Shall amendment H-1734A be adopted?" (H.F. 697)

The ayes were, 53:

Alons	Arnold	Baltimore	Brandenburg
Byrnes	Chambers	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanson	Hanusa	Heaton	Hein
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Soderberg
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Heddens	Hunter
Isenhardt	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, T.	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim

Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben

Absent or not voting, 11:

Anderson	Baudler	De Boef	Helland
Jacoby	Koester	Olson, R.	Smith, J.
Sweeney	Taylor, J.	Wolfe	

Amendment H-1734A was adopted.

Cownie of Polk offered amendment H-1734B filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734B be adopted?" (H.F. 697)

The ayes were, 88:

Abdul-Samad	Alons	Arnold	Baltimore
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Horbach
Huseman	Isenhardt	Iverson	Jorgensen
Kajtaovic	Kaufmann	Kearns	Kelley
Klein	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, M.
Soderberg	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker
			Paulsen

The nays were, 1:

Hunter

Absent or not voting, 11:

Anderson	Baudler	De Boef	Helland
Jacoby	Koester	Olson, R.	Smith, J.
Sweeney	Taylor, J.	Wolfe	

Amendment H-1734B was adopted.

Cownie of Polk offered amendment H-1734C filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734C be adopted?" (H.F. 697)

The ayes were, 88:

Abdul-Samad	Alons	Arnold	Baltimore
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Horbach
Hunter	Huseman	Isenhart	Iverson
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Kressig	Lensing
Lofgren	Lukan	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, M.
Soderberg	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 12:

Anderson	Baudler	De Boef	Helland
Jacoby	Koester	Olson, R.	Petersen
Smith, J.	Sweeney	Taylor, J.	Wolfe

Amendment H-1734C was adopted.

Cownie of Polk offered amendment H-1734D filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734D be adopted?" (H.F. 697)

The ayes were, 88:

Abdul-Samad	Alons	Arnold	Baltimore
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Horbach
Huseman	Isenhart	Iverson	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, M.
Soderberg	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker Paulsen

The nays were, 1:

Hunter

Absent or not voting, 11:

Anderson	Baudler	De Boef	Helland
Jacoby	Koester	Olson, R.	Smith, J.
Sweeney	Taylor, J.	Wolfe	

Amendment H-1734D was adopted.

Cownie of Polk offered amendment H-1734E filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734E be adopted?" (H.F. 697)

The ayes were, 57:

Alons	Arnold	Baltimore	Brandenburg
Byrnes	Chambers	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanson	Hanusa	Heaton	Hein
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Soderberg
Steckman	Swaim	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Worthan
Mr. Speaker Paulsen			

The nays were, 31:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Heddens	Hunter	Isenhart
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, T.	Petersen	Quirk	Running-Marquardt
Smith, M.	Taylor, T.	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wittneben	

Absent or not voting, 12:

Anderson	Baudler	Berry	De Boef
Helland	Jacoby	Koester	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Wolfe

Amendment H-1734E was adopted.

Cownie of Polk offered amendment H-1739, to amendment H-1734, filed by him from the floor, and requested a division as follows:

Division A: Page 1, line 3.

Division B: Page 1, line 4.

Division C: Page 1, line 5 through page 3, line 10.

Division D: Page 3, lines 11 and 12.

Cownie of Polk offered amendment H-1739A, to amendment H-1734F, and moved its adoption.

Amendment H-1739A, to amendment H-1734F, was adopted.

Cownie of Polk asked and received unanimous consent to withdraw amendment H-1739B, to amendment H-1734F.

Cownie of Polk offered amendment H-1734F, as amended, filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734F, as amended, be adopted?" (H.F. 697)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, M.
Soderberg	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Mr. Speaker
			Paulsen

The nays were, none.

Absent or not voting, 8:

Baudler	De Boef	Jacoby	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Wolfe

Amendment H-1734F, as amended, was adopted.

Cownie of Polk offered amendment H-1734G filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734G be adopted?" (H.F. 697)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, M.	Soderberg
Steckman	Swaim	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 1:

Murphy

Absent or not voting, 8:

Baudler	De Boef	Jacoby	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Wolfe

Amendment H-1734G was adopted.

Cownie of Polk offered amendment H-1734H filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734H be adopted?" (H.F. 697)

The ayes were, 81:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Isenhardt	Iverson
Jorgensen	Kajtazovic	Kaufmann	Kearns
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Oldson	Olson, S.	Olson, T.	Paustian
Pearson	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Smith, M.
Soderberg	Steckman	Swaim	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Winckler	Windschitl	Wittneben	Worthan
Mr. Speaker			
Paulsen			

The nays were, 9:

Heddens	Hunter	Kelley	Lensing
Muhlbauer	Murphy	Taylor, T.	Wessel-Kroeschell
Willems			

Absent or not voting, 10:

Baudler	De Boef	Jacoby	Olson, R.
Petersen	Shaw	Smith, J.	Sweeney
Taylor, J.	Wolfe		

Amendment H-1734H was adopted.

Cownie of Polk offered amendment H-1734I filed by him.

Cownie of Polk offered amendment H-1739C, to amendment H-1734I and moved its adoption.

Amendment H-1739C, to amendment H-1734I, was adopted.

Kaufmann of Cedar in the chair at 1:37 p.m.

Cownie moved amendment H-1734I, as amended.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734I, as amended, be adopted?" (H.F. 697)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhart	Iverson	Jorgensen	Kajtazovic
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paulsen, Spkr.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, M.
Soderberg	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wittneben	Worthan	Kaufmann, Presiding

The nays were, none.

Absent or not voting, 8:

Baudler	De Boef	Jacoby	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Wolfe

Amendment H-1734I, as amended, was adopted.

Cownie of Polk offered amendment H-1734J filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734J be adopted?" (H.F. 697)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Fry	Gaines
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jorgensen	Kajtazovic	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lukan	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, S.	Olson, T.	Paulsen, Spkr.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, M.	Soderberg
Steckman	Swaim	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Worthan	Kaufmann, Presiding	

The nays were, none.

Absent or not voting, 9:

Baudler	De Boef	Forristall	Jacoby
Olson, R.	Smith, J.	Sweeney	Taylor, J.
Wolfe			

Amendment H-1734J was adopted.

Speaker Paulsen in the chair at 1:43 p.m.

Cownie of Polk offered amendment H-1734K filed by him.

Cownie of Polk offered amendment H-1739D, to amendment H-1734K and moved its adoption.

Amendment H-1739D, to amendment H-1734K, was adopted.

Cownie moved amendment H-1734K, as amended.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734K, as amended, be adopted?" (H.F. 697)

The ayes were, 78:

Alons	Anderson	Arnold	Baltimore
Berry	Brandenburg	Byrnes	Chambers
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heddens
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kajtazovic	Kaufmann
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Olson, S.	Olson, T.
Paustian	Pearson	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Shaw	Smith, M.	Soderberg	Swaim
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Willems	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 13:

Abdul-Samad	Gaines	Hunter	Isenhart
Kearns	Lensing	Mascher	Oldson
Petersen	Steckman	Taylor, T.	Wessel-Kroeschell
Winckler			

Absent or not voting, 9:

Baudler	De Boef	Heaton	Jacoby
Olson, R.	Smith, J.	Sweeney	Taylor, J.
Wolfe			

Amendment H-1734K, as amended, was adopted.

Cownie of Polk offered amendment H-1734L filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734L be adopted?" (H.F. 697)

The ayes were, 74:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Grassley	Hagenow
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Helland	Horbach
Hunter	Huseman	Iverson	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lofgren
Lukan	Lykam	Massie	Miller, L.
Moore	Muhlbauer	Murphy	Olson, S.
Olson, T.	Paustian	Pearson	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, M.	Soderberg
Steckman	Tjepkes	Upmeyer	Vander Linden
Wagner	Watts	Wessel-Kroeschell	Windschitl
Worthan	Mr. Speaker Paulsen		

The nays were, 16:

Gaskill	Isenhart	Lensing	Mascher
McCarthy	Miller, H.	Oldson	Petersen
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Willems	Winckler	Wittneben

Absent or not voting, 10:

Baudler	De Boef	Hager	Jacoby
Olson, R.	Smith, J.	Sweeney	Taylor, J.
Van Engelenhoven	Wolfe		

Amendment H-1734L was adopted.

Cownie of Polk offered amendment H-1734M filed by him and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1734M be adopted?" (H.F. 697)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Hein	Helland
Horbach	Hunter	Huseman	Isenhardt
Iverson	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lukan
Lykam	Mascher	Massie	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, M.	Soderberg
Steckman	Swaim	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Winckler	Windschitl	Wittneben
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 9:

Baudler	De Boef	Jacoby	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Willems
Wolfe			

Under the provision of Rule 76, conflict of interest, Heddens of Story refrained from voting.

Amendment H-1734M was adopted.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1737 filed by him on June 7, 2011.

Murphy of Dubuque offered amendment H-1741 filed by him from the floor, previously deferred, and moved its adoption.

Roll call was requested by McCarthy of Polk and T. Olson of Linn.

On the question "Shall amendment H-1741 be adopted?" (H.F. 697)

The ayes were, none.

The nays were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, M.
Soderberg	Steckman	Swaim	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts

Wenthe Windschitl	Wessel-Kroeschell Wittneben	Willems Worthan	Winckler Mr. Speaker Paulsen
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Absent or not voting, 8:

Baudler Smith, J.	De Boef Sweeney	Jacoby Taylor, J.	Olson, R. Wolfe
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Amendment H-1741 lost.

The Speaker announced that time certain having come to pass, the House will proceed immediately to closing remarks on the bill, and that the bill be read for the final time and placed on its passage.

McCarthy of Polk rose on a point of order regarding time certain.

The Speaker ruled the point not well taken.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 697)

The ayes were, 54:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Soderberg	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker Paulsen		

The nays were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam

Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, T.	Pearson
Petersen	Quirk	Running-Marquardt	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben		

Absent or not voting, 8:

Baudler	De Boef	Jacoby	Olson, R.
Smith, J.	Sweeney	Taylor, J.	Wolfe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The Speaker announced that time certain having come to pass, the House will act upon all amendments filed to Senate File 534, proceed immediately to closing remarks on the bill, and that the bill be read for the final time and placed on its passage.

Ways and Means Calendar

Senate File 534, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Sands of Louisa offered amendment H-1736 filed by the committee on ways and means and moved its adoption.

Petersen of Polk rose on a point of order that the committee amendment H-1736 was not germane.

The Speaker ruled the point well taken and the committee amendment H-1736 not germane.

Upmeyer of Hancock asked for unanimous consent to suspend the rules to consider the committee amendment H-1736.

Objection was raised.

Upmeyer of Hancock moved to suspend the rules to consider the committee amendment H-1736.

Roll call was requested by McCarthy of Polk and Murphy of Dubuque.

On the question "Shall the rules be suspended to consider the committee amendment H-1736?" (S.F. 534)

The ayes were, 52:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Helland
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Soderberg	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker Paulsen

The nays were, 38:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, T.	Petersen
Quirk	Running-Marquardt	Shaw	Smith, M.
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wittneben		

Absent or not voting, 10:

Baudler	De Boef	Forristall	Horbach
Jacoby	Olson, R.	Smith, J.	Sweeney
Taylor, J.	Wolfe		

The motion to suspend the rules prevailed.

Sands of Louisa moved the committee amendment H-1736.

The committee amendment H-1736 was adopted.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 534)

The ayes were, 54:

Alons	Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers	Cownie
Deyoe	Dolecheck	Drake	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Muhlbauer	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Soderberg	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 37:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Murphy
Oldson	Olson, T.	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Taylor, T.	Thede	Thomas
Wenthe	Wessel-Kroeschell	Willems	Winckler
Wittneben			

Absent or not voting, 9:

Baudler	De Boef	Forristall	Jacoby
Olson, R.	Smith, J.	Sweeney	Taylor, J.
Wolfe			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House stood at ease at 2:20 p.m., until the fall of the gavel.

The House resumed session at 2:53 p.m., Speaker Paulsen in the chair.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 697** and **Senate File 534**.

Kaufmann of Cedar in the chair at 2:55 p.m.

Speaker Paulsen in the chair at 3:22 p.m.

On motion by Upmeyer of Hancock the House adjourned at 3:33 p.m., until 8:30 a.m., Thursday, June 9, 2011.

JOURNAL OF THE HOUSE

One Hundred Fifty-first Calendar Day - Ninety-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, June 9, 2011

The House met pursuant to adjournment at 8:35 a.m., Speaker Paulsen in the chair.

Prayer was offered by Speaker Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Paulsen of Linn.

The Journal of Wednesday, June 8, 2011 was approved.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on June 9, 2011, he approved and transmitted to the Secretary of State the following bill:

Senate File 514, an Act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

On motion by Upmeyer of Hancock the House adjourned at 8:36 a.m., until 1:00 p.m., Monday, June 13, 2011.

JOURNAL OF THE HOUSE

One Hundred Fifty-fifth Calendar Day - Ninety-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, June 13, 2011

The House met pursuant to adjournment at 1:13 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Upmeyer of Hancock.

The Journal of Thursday, June 9, 2011 was approved.

RESOLUTIONS FILED

H.R. 58, by McCarthy, Mascher, R. Olson, Willems, Wolfe, Gaskill, Running-Marquardt, Wessel-Kroeschell, Lensing, Winckler, T. Taylor, T. Olson, Petersen, Oldson, Hall, Murphy, H. Miller, Kearns, Berry, Thede, Thomas, Cohoon, Kelley, Lykam, Wittneben, Abdul-Samad, M. Smith, Kressig, Jacoby, Heddens, Quirk, Muhlbauer, Wenthe, Isenhart, Hunter, Steckman, and Kajtazovic, a resolution opposing the Paul Ryan Medicare plan.

Laid over under **Rule 25**.

H.R. 59, by Thomas, H. Miller, Hanson, Wittneben, Dolecheck, Pettengill, Gaskill, Upmeyer, M. Smith, Swaim, Isenhart, Massie, Kearns, Fry, Heddens, Hagenow, Willems, Windschitl, Soderberg, Murphy, Huseman, and Kelley, a resolution honoring the Main Street Iowa Program on its 25th anniversary.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 1:14 p.m., until 9:00 a.m., Thursday, June 16, 2011.

JOURNAL OF THE HOUSE

One Hundred Fifty-eighth Calendar Day - Ninety-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, June 16, 2011

The House met pursuant to adjournment at 9:06 a.m., Speaker Paulsen in the chair.

Prayer was offered by Speaker Paulsen of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Paulsen of Linn.

The Journal of Monday, June 13, 2011 was approved.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

2012-2016 Iowa Transportation Improvement Program Report, pursuant to Chapter 7A.9, Code of Iowa.

RESOLUTION FILED

H.R. 60, by Murphy, a resolution to recognize a quarter century of legislative service by Sergeant-at-Arms Maynard Boatwright.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 9:07 a.m., until 1:00 p.m., Monday, June 20, 2011.

JOURNAL OF THE HOUSE

One Hundred Sixty-second Calendar Day - Ninety-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, June 20, 2011

The House met pursuant to adjournment at 1:01 p.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Upmeyer of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Upmeyer of Hancock.

The Journal of Thursday, June 16, 2011 was approved.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following correction was made:

W. CHARLES SMITHSON
Chief Clerk of the House

House Joint Resolution 2

1. Sponsor T. Taylor was removed and J. Taylor was added.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

Progress Report, pursuant to House File 466, 2005 Iowa Acts.

On motion by Upmeyer of Hancock the House adjourned at 1:03 p.m., until 9:00 a.m., Wednesday, June 22, 2011.

JOURNAL OF THE HOUSE

One Hundred Sixty-fourth Calendar Day - One Hundredth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, June 22, 2011

The House met pursuant to adjournment at 9:14 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Lukan of Dubuque County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Lukan of Dubuque.

The Journal of Monday, June 20, 2011 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 21, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 508, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on June 21, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Also: That the Senate has on June 21, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 510, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has on June 21, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Also: That the Senate has on June 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 535, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

Also: That the Senate has on June 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 536, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and including conditional retroactive applicability provisions.

Also: That the Senate has on June 21, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 537, a bill for an act relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 535, by committee on appropriations, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

Read first time and referred to committee on **appropriations**.

Senate File 536, by committee on appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and including conditional retroactive applicability provisions.

Read first time and **passed on file**.

Senate File 537, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

On motion by Upmeyer of Hancock, the House was recessed at 9:16 a.m., until 11:00 a.m.

The House reconvened at 11:06 a.m., Speaker Paulsen in the chair.

SENATE AMENDMENTS CONSIDERED

Upmeyer of Hancock called up for consideration **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1743 to the House amendment.

The motion lost and the House refused to concur in the Senate amendment H-1743, to the House amendment.

Upmeyer of Hancock called up for consideration **Senate File 510**, a bill for an act relating to and making appropriations to the justice system, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1744 to the House amendment.

The motion lost and the House refused to concur in the Senate amendment H-1744, to the House amendment.

Upmeyer of Hancock called up for consideration **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, amended by the House, further amended by the Senate and moved

that the House concur in Senate amendment H-1745 to the House amendment.

The motion lost and the House refused to concur in the Senate amendment H-1745, to the House amendment.

Upmeyer of Hancock called up for consideration **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1733 to the House amendment.

The motion lost and the House refused to concur in the Senate amendment H-1733, to the House amendment.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 509, 510, 517 and 525**.

On motion by Upmeyer of Hancock, the House was recessed at 11:10 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:57 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 22, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 148, a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions.

Also: That the Senate has on June 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 539, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions.

Also: That the Senate has on June 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 540, a bill for an act relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions.

Also: That the Senate has on June 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 542, a bill for an act relating to and making appropriations for health and human services and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 539, by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

Senate File 540, by committee on appropriations, a bill for an act relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions.

Read first time and referred to committee on **appropriations**.

Senate File 542, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services

and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions.

Read first time and referred to committee on **appropriations**.

CONFERENCE COMMITTEE APPOINTED
(Senate File 509)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 509: Hall of Woodbury, T. Olson of Linn, Drake of Cass, Paustian of Scott and Alons of Sioux.

CONFERENCE COMMITTEE APPOINTED
(Senate File 510)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 510: T. Taylor of Linn, T. Olson of Linn, Worthan of Buena Vista, Garrett of Warren and Horbach of Tama.

CONFERENCE COMMITTEE APPOINTED
(Senate File 517)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 517: Thomas of Clayton, Jacoby of Johnson, Schultz of Crawford, Lofgren of Muscatine and Soderberg of Plymouth.

CONFERENCE COMMITTEE APPOINTED
(Senate File 525)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 525: Upmeyer of Hancock, Schulte of Linn, Fry of Clarke, M. Smith of Marshall and Heddens of Story.

AMENDMENT FILED

H-1746 H.F. 148 Senate Amendment

On motion by Upmeyer of Hancock the House adjourned at 3:59 p.m., until 9:00 a.m., Thursday, June 23, 2011.

JOURNAL OF THE HOUSE

One Hundred Sixty-fifth Calendar Day - One Hundred-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, June 23, 2011

The House met pursuant to adjournment at 9:09 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Lofgren of Muscatine County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Lofgren of Muscatine.

The Journal of Wednesday, June 22, 2011 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 22, 2011, insisted on its amendment to Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions (Formerly SSB 1192), and the members of the Conference Committee on the part of the Senate are: The Senator from Jasper, Senator Black, Chair; the Senator from Polk, Senator Dearden; the Senator from Howard, Senator Wilhelm; the Senator from Pottawattamie, Senator Houser; the Senator from Muscatine, Senator Hahn.

Also: That the Senate has on June 22, 2011, insisted on its amendment to Senate File 510, a bill for an act relating to and making appropriations to the justice system (Formerly SSB 1198), and the members of the Conference Committee on the part of the Senate are: The Senator from Dubuque, Senator Hancock, Chair; the Senator from Linn, Senator Hogg; the Senator from Lee, Senator Fraise; the Senator from Worth, Senator Bartz; the Senator from Scott, Senator Smith.

Also: That the Senate has on June 22, 2011, insisted on its amendment to Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions (Formerly SSB 1199), and the

members of the Conference Committee on the part of the Senate are: The Senator from Black Hawk, Senator Dotzler, Chair; the Senator from Linn, Senator Dandekar; the Senator from Johnson, Senator Dvorsky; the Senator from Shelby, Senator Boettger; the Senator from Polk, Senator Whitver.

Also: That the Senate has on June 22, 2011, insisted on its amendment to Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions (Formerly SF 481), and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Cerro Gordo, Senator Ragan; the Senator from Osceola, Senator Johnson; the Senator from Polk, Senator Ward.

Also: That the Senate has on June 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 538, a bill for an act relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Also: That the Senate has on June 22, 2011, passed the following bill in which the concurrence of the House is asked:

Senate File 541, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 538, by committee on appropriations, a bill for an act relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time and referred to committee on **appropriations**.

Senate File 541, by committee on appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure

fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

On motion by Upmeyer of Hancock, the House was recessed at 9:10 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:25 p.m., Lofgren of Muscatine in the chair.

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

ON THE PART OF THE HOUSE:

JASON SCHULTZ, Chair
MARK LOFGREN
CHUCK SODERBERG

ON THE PART OF THE SENATE:

WILLIAM DOTZLER, Chair
NANCY J. BOETTGER
SWATI DANDEKAR
ROBERT E. DVORSKY

RESOLUTION FILED

H.R. 61, by Paulsen, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Laid over under **Rule 25**.

On motion by Soderberg of Plymouth the House adjourned at 4:26 p.m., until 10:00 a.m., Friday, June 24, 2011.

JOURNAL OF THE HOUSE

One Hundred Sixty-sixth Calendar Day - One Hundred-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, June 24, 2011

The House met pursuant to adjournment at 10:03 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Schulte of Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Schulte of Linn.

The Journal of Thursday, June 23, 2011 was approved.

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

ON THE PART OF THE HOUSE:

JACK DRAKE, Chair
DWAYNE ALONS
ROSS PAUSTIAN

ON THE PART OF THE SENATE:

DENNIS BLACK, Chair
DICK L. DEARDEN
JAMES F. HAHN
HUBERT HOUSER
MARY JO WILHELM

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

Senate File 510, a bill for an act relating to and making appropriations to the justice system.

ON THE PART OF THE HOUSE:

GARY WORTHAN, Chair
JULIAN GARRETT
LANCE HORBACH

ON THE PART OF THE SENATE:

TOM HANCOCK, Chair
MERLIN BARTZ
EUGENE S. FRAISE
ROBERT M. HOGG

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

ON THE PART OF THE HOUSE:

LINDA UPMEYER, Chair
LISA HEDDENS
RENEE SCHULTE
MARK SMITH

ON THE PART OF THE SENATE:

JACK HATCH, Chair
JOE BOLKCOM
DAVID JOHNSON
AMANDA RAGAN
PAT WARD

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 24, 2011, adopted the conference committee report and passed Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Also: That the Senate has on June 24, 2011, adopted the conference committee report and passed Senate File 510, a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has on June 24, 2011, adopted the conference committee report and passed Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Also: That the Senate has on June 24, 2011, adopted the conference committee report and passed Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock the House adjourned at 10:03 a.m., until 10:00 a.m., Monday, June 27, 2011.

JOURNAL OF THE HOUSE

One Hundred Sixty-ninth Calendar Day - One Hundred-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, June 27, 2011

The House met pursuant to adjournment at 10:05 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Fry of Clarke County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nolan Byrnes, son of Representative Byrnes of Mitchell.

The Journal of Friday, June 24, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Taylor of Linn, Gaines of Polk, R. Olson of Polk and Wittneben of Emmet on request of McCarthy of Polk; Worthan of Buena Vista, Chambers of O'Brien and De Boef of Keokuk on request of Upmeyer of Hancock; Steckman of Cerro Gordo, until her arrival, on request of McCarthy of Polk.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations at 11:30 a.m. today.

On motion by Upmeyer of Hancock, the House was recessed at 10:11 a.m., until 12:00 p.m.

AFTERNOON SESSION

The House reconvened at 12:10 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

Speaker Paulsen in the chair at 12:24 p.m.

SENATE AMENDMENTS CONSIDERED

Raecker of Polk called up for consideration **House File 148**, a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions, amended by the Senate, and moved that the House concur in Senate amendment H-1746.

The motion prevailed and the House concurred in the Senate amendment H-1746.

Raecker of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 148)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Gaskill	Grassley	Hagenow
Hager	Hall	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Horbach	Hunter	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Kaufmann	Kearns	Kelley	Klein
Koester	Kressig	Lensing	Lofgren
Lukan	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Oldson	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Swaim	Sweeney	Taylor, J.

Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wenthe	Wessel-Kroeschell	Willems	Winckler
Windschitl	Wolfe	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 9:

Chambers	De Boef	Gaines	Murphy
Olson, R.	Steckman	Taylor, T.	Wittneben
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Huseman of Cherokee called up for consideration **House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, amended by the Senate amendment H-1702.

Huseman of Cherokee offered amendment H-1748, to the Senate amendment H-1702, filed by him from the floor and moved its adoption.

Amendment H-1748, to the Senate amendment H-1702, was adopted.

Huseman of Cherokee moved the Senate amendment H-1702, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1702, as amended.

Huseman of Cherokee moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 648)

The ayes were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Mr. Speaker Paulsen

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, T.	Pearson
Petersen	Quirk	Running-Marquardt	Smith, M.
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wolfe

Absent or not voting, 8:

Chambers	De Boef	Gaines	Olson, R.
Steckman	Taylor, T.	Wittneben	Worthan

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following be immediately messaged to the Senate: **House Files 148 and 648.**

The House stood at ease at 12:43 p.m., until the fall of the gavel.

The House resumed session at 1:17 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Upmeyer of Hancock.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Wagner of Linn asked and received unanimous consent that the committee amendment H-1720 be deferred.

Wagner of Linn offered amendment H-1749, filed by him from the floor and moved its adoption.

Amendment H-1749 was adopted, placing out of order amendment H-1720 filed by the committee on appropriations on May 10, 2011.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 533)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Helland	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Lukan	Massie	Miller, L.

Moore	Olson, S.	Paustian	Pettengill
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Mr. Speaker Paulsen	

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, T.	Pearson
Petersen	Quirk	Running-Marquardt	Smith, M.
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wolfe

Absent or not voting, 9:

Chambers	De Boef	Gaines	Olson, R.
Raecker	Steckman	Taylor, T.	Wittneben
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 533** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 59

Upmeyer of Hancock called up for consideration **House Resolution 59**, a resolution honoring the Main Street Iowa Program on its 25th anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Upmeyer of Hancock, the House was recessed at 1:28 p.m., until 3:30 p.m.

The House reconvened at 3:45 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 27, 2011, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

Huseman of Cherokee called up for consideration House File 648, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 648)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 648: Chambers of O'Brien, Huseman of Cherokee, Helland of Polk, Cohoon of Des Moines and Oldson of Polk.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 648** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lukan of Dubuque, Koester of Polk and Anderson of Page, until their return, on request of Upmeyer of Hancock; Abdul-Samad of Polk, until his return, on request of McCarthy of Polk.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 509)

Drake of Cass called up for consideration the report of the conference committee on Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 509)

The ayes were, 54:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Isenhart	Iverson
Jorgensen	Kaufmann	Klein	Lofgren
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Mr. Speaker		
	Paulsen		

The nays were, 35:

Berry	Cohoon	Gaskill	Hall
Hanson	Heddens	Hunter	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, T.	Pearson	Petersen	Quirk

Running-Marquardt	Smith, M.	Steckman	Swaim
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 11:

Abdul-Samad	Anderson	Chambers	De Boef
Gaines	Koester	Lukan	Olson, R.
Taylor, T.	Wittneben	Worthan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 510)

Garrett of Warren called up for consideration the report of the conference committee on Senate File 510, a bill for an act relating to and making appropriations to the justice system, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Garrett of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 510)

The ayes were, 53:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Helland
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Lofgren	Massie
Miller, L.	Moore	Muhlbauer	Olson, S.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven

Vander Linden Mr. Speaker Paulsen	Wagner	Watts	Windschitl
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The nays were, 36:

Berry	Cohoon	Gaskill	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy	Oldson
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wolfe

Absent or not voting, 11:

Abdul-Samad	Anderson	Chambers	De Boef
Gaines	Koester	Lukan	Olson, R.
Taylor, T.	Wittneben	Worthan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 517)

Schultz of Crawford called up for consideration the report of the conference committee on Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Schultz of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 52:

Alons	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Lofgren	Massie	Miller, L.
Moore	Olson, S.	Paustian	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Mr. Speaker Paulsen

The nays were, 35:

Berry	Cohoon	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Muhlbauer	Murphy	Oldson
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Smith, M.	Steckman	Swaim
Thede	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 13:

Abdul-Samad	Anderson	Chambers	De Boef
Gaines	Gaskill	Helland	Koester
Lukan	Olson, R.	Taylor, T.	Wittneben
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 525)

Schulte of Linn called up for consideration the report of the conference committee on Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability

services, making appropriations, and including effective date provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Schulte of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 525)

The ayes were, 88:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Huseman	Isenhardt	Jacoby	Jorgensen
Kajtažovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Paustian	Pearson	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Steckman	Swaim
Sweeney	Taylor, J.	Thede	Thomas
Tjepkes	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wolfe	Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 12:

Abdul-Samad	Chambers	De Boef	Gaines
Helland	Iverson	Lukan	Olson, R.
Taylor, T.	Upmeyer	Wittneben	Worthan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 683, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and including conditional retroactive applicability provisions, was taken up for consideration.

Huseman of Cherokee offered amendment H-1747 filed by him from the floor and moved its adoption.

Amendment H-1747 was adopted.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 683)

The ayes were, 90:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Huseman	Isenhart	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wolfe	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 10:

Abdul-Samad	Chambers	De Boef	Gaines
Helland	Lukan	Olson, R.	Taylor, T.
Wittneben	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 683** and **Senate Files 509, 510, 517** and **525**.

SENATE AMENDMENTS CONSIDERED

Watts of Dallas called up for consideration **House File 646**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions, amended by the Senate amendment H-1682.

Watts of Dallas offered amendment H-1750, to the Senate amendment H-1682, filed by him from the floor and moved its adoption.

Amendment H-1750, to the Senate amendment H-1682, was adopted.

Watts of Dallas moved the Senate amendment H-1682, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1682, as amended.

Watts of Dallas moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 646)

The ayes were, 54:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Shaw	Smith, J.	Soderberg
Sweeney	Taylor, J.	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Windschitl	Mr. Speaker		
	Paulsen		

The nays were, 35:

Berry	Cohoon	Gaskill	Hall
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kajtazovic	Kearns	Kelley
Kressig	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, T.	Pearson	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	

Absent or not voting, 11:

Abdul-Samad	Chambers	De Boef	Gaines
Helland	Lukan	Olson, R.	Taylor, T.
Wittneben	Wolfe	Worthan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Garrett of Warren called up for consideration **Senate File 511**, a bill for an act relating to and making appropriations to the judicial branch, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1683 to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H-1683, to the House amendment.

Garrett of Warren moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 52:

Anderson	Arnold	Baltimore	Baudler
Brandenburg	Byrnes	Cownie	Deyoe
Dolecheck	Drake	Forristall	Fry
Garrett	Grassley	Hagenow	Hager
Hanusa	Heaton	Hein	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Massie
Miller, L.	Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Windschitl	Mr. Speaker Paulsen

The nays were, 38:

Alons	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Muhlbauer
Murphy	Oldson	Olson, T.	Pearson
Petersen	Quirk	Running-Marquardt	Shaw
Smith, M.	Steckman	Swaim	Thede
Thomas	Wenthe	Wessel-Kroeschell	Willems
Winckler	Wolfe		

Absent or not voting, 10:

Abdul-Samad	Chambers	De Boef	Gaines
Helland	Lukan	Olson, R.	Taylor, T.
Wittneben	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that

the following bills be immediately messaged to the Senate: **House File 646** and **Senate File 511**.

L. Miller of Scott called up for consideration **Senate File 313**, a bill for an act relating to medical assistance program-related provisions, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1699 to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H-1699, to the House amendment.

L. Miller of Scott moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 313)

The ayes were, 90:

Alons	Anderson	Arnold	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Gaskill	Grassley	Hagenow	Hager
Hall	Hanson	Hanusa	Heaton
Heddens	Hein	Horbach	Hunter
Huseman	Ishenart	Iverson	Jacoby
Jorgensen	Kajtaovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lensing	Lofgren	Lykam	Mascher
Massie	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Oldson
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Sands	Schulte	Schultz	Shaw
Smith, J.	Smith, M.	Soderberg	Steckman
Swaim	Sweeney	Taylor, J.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wolfe	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 10:

Abdul-Samad	Chambers	De Boef	Gaines
Helland	Lukan	Olson, R.	Taylor, T.
Wittneben	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 535, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** June 27, 2011.

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of Senate File 535.

Appropriations Calendar

Senate File 535, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship, with report of committee recommending passage, was taken up for consideration.

Kaufmann of Cedar in the chair at 5:05 p.m.

Speaker Paulsen in the chair at 5:12 p.m.

Drake of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 535)

The ayes were, 57:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hall	Hanusa	Heaton
Hein	Horbach	Huseman	Iverson
Jorgensen	Kaufmann	Klein	Koester
Lofgren	Massie	Miller, L.	Moore
Muhlbauer	Olson, S.	Paustian	Pearson
Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Shaw	Smith, J.	Soderberg	Sweeney
Taylor, J.	Tjepkes	Upmeyer	Van Engelenhoven
Vander Linden	Wagner	Watts	Windschitl
Mr. Speaker Paulsen			

The nays were, 32:

Berry	Cohoon	Gaskill	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lykam	Mascher	McCarthy
Murphy	Oldson	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wolfe

Absent or not voting, 11:

Abdul-Samad	Chambers	De Boef	Gaines
Helland	Lukan	Miller, H.	Olson, R.
Taylor, T.	Wittneben	Worthan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 313** and **535**.

ADOPTION OF HOUSE RESOLUTION 61

Schulte of Linn called up for consideration **House Resolution 61**, a resolution relating to an annual budget for the daily operations of the House of Representatives, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 5:32 p.m., until the fall of the gavel.

The House resumed session at 5:48 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 27, 2011, appointed the Conference Committee to House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions (Formerly HSB 220), and the members of the Conference Committee on the part of the Senate are: the Senator from Polk, Senator McCoy; the Senator from Webster, Senator Beall; the Senator from Johnson, Senator Dvorsky; the Senator from Pottawattamie, Senator Houser; the Senator from Benton, Senator Kapucian.

Also: That the Senate has on June 27, 2011, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting

appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENTS CONSIDERED

Heaton of Henry called up for consideration **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, amended by the Senate amendment H-1732.

Heaton of Henry offered amendment H-1751, to the Senate amendment H-1732, filed by him from the floor and moved its adoption.

Amendment H-1751, to the Senate amendment H-1732, was adopted.

Heaton of Henry moved the Senate amendment H-1732, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1732, as amended.

Heaton of Henry moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 649)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Cownie
Deyoe	Dolecheck	Drake	Forristall
Fry	Garrett	Grassley	Hagenow
Hager	Hanusa	Heaton	Hein
Horbach	Huseman	Iverson	Jorgensen
Kaufmann	Klein	Koester	Lofgren
Massie	Miller, L.	Moore	Muhlbauer
Olson, S.	Paustian	Pettengill	Raecker

Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Mr. Speaker Paulsen	

The nays were, 36:

Abdul-Samad	Berry	Cohoon	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller, H.	Murphy
Oldson	Olson, T.	Pearson	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Swaim	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wolfe

Absent or not voting, 9:

Chambers	De Boef	Gaines	Helland
Lukan	Olson, R.	Taylor, T.	Wittneben
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 649** be immediately messaged to the Senate.

Wagner of Linn called up for consideration **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in Senate amendment H-1752 to the House amendment.

The motion lost and the House refused to concur in the Senate amendment H-1752, to the House amendment.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 533** be immediately messaged to the Senate.

The House stood at ease at 6:02 p.m., until the fall of the gavel.

The House resumed session at 6:59 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 27, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 683, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

Also: That the Senate has on June 27, 2011, appointed the Conference Committee to Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions (Formerly SSB 1210), and the members of the Conference Committee on the part of the Senate are: the Senator from Johnson, Senator Dvorsky; the Senator from Black Hawk, Senator Danielson; the Senator from Dubuque, Senator Jochum; the Senator from Sac, Senator Kettering; the Senator from Butler, Senator Dix.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 533)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 533: Raecker of Polk, Wagner of Linn, Kaufmann of Cedar, T. Olson of Linn and Running-Marquardt of Linn.

The House stood at ease at 7:01 p.m., until the fall of the gavel.

The House resumed session at 7:39 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 27, 2011, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

HOUSE INSISTS

Upmeyer of Hancock called up for consideration House File 649, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 649)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 649: Heaton of Henry, Fry of Clarke, Windschitl of Harrison, Heddens of Story and Wessel-Kroeschell of Story.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 649** and **Senate File 533**

SENATE FILE 536 REFERRED

The Speaker announced that Senate File 536, previously **passed on file** was referred to committee on **appropriations**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on June 27, 2011. Had I been present, I would have voted "aye" on Senate Files 509, 510, and 517.

ANDERSON of Page

I was necessarily absent from the House chamber on June 27, 2011. Had I been present, I would have voted "aye" on Senate Files 509, 510, and 517.

KOESTER of Polk

On motion by Upmeyer of Hancock the House adjourned at 7:40 p.m., until 9:00 a.m., Tuesday, June 28, 2011.

JOURNAL OF THE HOUSE

One Hundred Seventieth Calendar Day - One Hundred-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, June 28, 2011

The House met pursuant to adjournment at 10:06 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Deyoe of Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Deyoe of Story.

The Journal of Monday, June 27, 2011 was approved.

On motion by Upmeyer of Hancock, the House was recessed at 10:06 a.m., until 1:00 p.m.

EVENING SESSION

The House reconvened at 5:58 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 28, 2011, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 646, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of June, 2011: House File148.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

RESOLUTION FILED

H.R. 62, by Isenhardt, Hein, Lukan, Moore, Murphy, and Vander Linden, a resolution honoring the four-decade saga of the USS Dubuque and its crew.

Laid over under **Rule 25**.

On motion by Upmeyer of Hancock the House adjourned at 5:58 p.m., until 10:00 a.m., Wednesday, June 29, 2011.

JOURNAL OF THE HOUSE

One Hundred Seventy-first Calendar Day - One Hundred-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, June 29, 2011

The House met pursuant to adjournment at 10:07 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Hager of Allamakee County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alex Byrnes, daughter of Representative Byrnes of Mitchell.

The Journal of Tuesday, June 28, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Taylor of Linn, Wittneben of Emmet and Thede of Scott on request of McCarthy of Polk; Worthan of Buena Vista on request of Upmeyer of Hancock; Kaufmann of Cedar, until his return, on request of Upmeyer of Hancock.

The House stood at ease at 10:11 a.m., until the fall of the gavel.

The House resumed session at 1:26 p.m., Speaker Paulsen in the chair.

ADOPTION OF HOUSE RESOLUTION 62

Upmeyer of Hancock called up for consideration **House Resolution 62**, a resolution honoring the four-decade saga of the USS Dubuque and its crew, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:30 p.m., until the fall of the gavel.

The House resumed session at 2:39 p.m., Speaker Paulsen in the chair.

SENATE AMENDMENT CONSIDERED

Dolecheck of Ringgold called up for consideration **House File 645**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions, amended by the Senate amendment H-1731.

Dolecheck of Ringgold offered amendment H-1753, to the Senate amendment H-1731, filed by him from the floor and moved its adoption.

Amendment H-1753, to the Senate amendment H-1731, was adopted.

Dolecheck of Ringgold moved the Senate amendment H-1731, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1731, as amended.

Dolecheck of Ringgold moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 645)

The ayes were, 55:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Klein
Koester	Lofgren	Lukan	Massie
Miller, L.	Moore	Olson, S.	Paustian

Pettengill	Raecker	Rasmussen	Rayhons
Rogers	Sands	Schulte	Schultz
Smith, J.	Soderberg	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Mr. Speaker Paulsen	

The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhart	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 6:

Kaufmann	Taylor, J.	Taylor, T.	Thede
Wittneben	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 645** be immediately messaged to the Senate.

The House stood at ease at 3:18 p.m., until the fall of the gavel.

The House resumed session at 3:58 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swaim of Davis until his return, on request of McCarthy of Polk.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 648)

A conference committee report signed by the following Senate and House members was filed June 29, 2011, on House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

ON THE PART OF THE HOUSE:

ROYD CHAMBERS, Chair
DENNIS COHOON
ERIK HELLAND
DAN HUSEMAN
JO OLDSON

ON THE PART OF THE SENATE:

MATT MCCOY, Chair
DARYL BEALL
ROBERT E. DVORSKY
TIM KAPUCIAN

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 648)

Chambers of O'Brien called up for consideration the report of the conference committee on House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 648)

The ayes were, 76:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Fry	Gaines	Garrett
Grassley	Hagenow	Hager	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Huseman	Isenhart
Iverson	Jacoby	Jorgensen	Kajtazovic
Klein	Koester	Kressig	Lofgren
Lukan	Massie	Miller, L.	Moore
Murphy	Oldson	Olson, R.	Olson, S.
Olson, T.	Paustian	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Rogers
Running-Marquardt	Sands	Schulte	Schultz
Smith, J.	Smith, M.	Soderberg	Steckman
Sweeney	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Vander Linden	Wagner	Watts
Wessel-Kroeschell	Windschitl	Wolfe	Mr. Speaker Paulsen

The nays were, 17:

Gaskill	Hall	Hunter	Kearns
Kelley	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Pearson
Petersen	Shaw	Wenthe	Willems
Winckler			

Absent or not voting, 7:

Kaufmann	Swaim	Taylor, J.	Taylor, T.
Thede	Wittneben	Worthan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 648** be immediately messaged to the Senate.

On motion by Upmeyer of Hancock, the House was recessed at 4:18 p.m., until 7:00 p.m.

EVENING SESSION

The House reconvened at 7:18 p.m., Speaker Paulsen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-four members present, sixteen absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 29, 2011, amended and passed the following bill in which the concurrence of the House is asked:

House File 590, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

Also: That the Senate has on June 29, 2011, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 645, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

Also: That the Senate has on June 29, 2011, adopted the conference committee report and passed House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **House File 590**, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including

effective date and transition provisions, amended by the Senate, and moved that the House concur in Senate amendment H-1754.

The motion prevailed and the House concurred in the Senate amendment H-1754.

Lukan of Dubuque moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 590)

The ayes were, 82:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Huseman
Isenhardt	Iverson	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Klein
Koester	Kressig	Lofgren	Lukan
Lykam	McCarthy	Miller, H.	Miller, L.
Moore	Muhlbauer	Murphy	Olson, R.
Olson, S.	Olson, T.	Paustian	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Smith, J.	Smith, M.	Soderberg
Steckman	Sweeney	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Willems	Windschitl
Wolfe	Mr. Speaker		
	Paulsen		

The nays were, 12:

Gaskill	Kelley	Lensing	Mascher
Massie	Oldson	Pearson	Petersen
Shaw	Swaim	Wessel-Kroeschell	Winckler

Absent or not voting, 6:

Dolecheck	Taylor, J.	Taylor, T.	Thede
Wittneben	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 590** be immediately messaged to the Senate.

The House stood at ease at 7:47 p.m., until the fall of the gavel.

The House resumed session at 9:08 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 29, 2011, adopted the conference committee report and passed Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 533)

A conference committee report signed by the following Senate and House members was filed June 29, 2011, on Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

ON THE PART OF THE HOUSE:

J. SCOTT RAECKER, Chair
 JEFF KAUFMANN
 NICK WAGNER

ON THE PART OF THE SENATE:

ROBERT E. DVORSKY, Chair
 JEFF DANIELSON
 PAM JOCHUM

ADOPTION OF THE REPORT OF THE
 CONFERENCE COMMITTEE
 (Senate File 533)

Wagner of Linn called up for consideration the report of the conference committee on Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 533)

The ayes were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pettengill	Raecker	Rasmussen
Rayhons	Rogers	Sands	Schulte
Schultz	Smith, J.	Soderberg	Sweeney

Tjepkes Wagner	Upmeyer Watts	Van Engelenhoven Windschitl	Vander Linden Mr. Speaker Paulsen
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The nays were, 39:

Abdul-Samad	Berry	Cohoon	Gaines
Gaskill	Hall	Hanson	Heddens
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Pearson	Petersen	Quirk
Running-Marquardt	Shaw	Smith, M.	Steckman
Swaim	Thomas	Wenthe	Wessel-Kroeschell
Willems	Winckler	Wolfe	

Absent or not voting, 5:

Taylor, J. Worthan	Taylor, T.	Thede	Wittneben
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **Senate File 533** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Upmeyer of Hancock asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations to meet upon adjournment.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 248 Appropriations

Relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

On motion by Upmeyer of Hancock the House adjourned at 9:25 p.m., until 8:30 a.m., Thursday, June 30, 2011.

JOURNAL OF THE HOUSE

One Hundred Seventy-second Calendar Day - One Hundred-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, June 30, 2011

The House met pursuant to adjournment at 8:39 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Jorgensen of Woodbury County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Jorgensen of Woodbury.

The Journal of Wednesday, June 29, 2011 was approved.

INTRODUCTION OF BILL

House File 698, by committee on appropriations, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

Read first time and placed on the **appropriations calendar**.

The House stood at ease at 8:42 a.m., until the fall of the gavel.

The House resumed session at 2:42 p.m., Speaker Paulsen in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, Worthan of Buena Vista and J. Taylor of Woodbury on request of Upmeyer of Hancock; T. Taylor of Linn, Thede of Scott and Wittneben of Emmet, on request of McCarthy of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty members absent.

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of House File 698.

CONSIDERATION OF BILL Appropriations Calendar

House File 698, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Wagner of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 698)

The ayes were, 87:

Abdul-Samad	Alons	Anderson	Baltimore
Baudler	Berry	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Gaskill
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Hunter
Huseman	Isenhardt	Iverson	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Lofgren	Lukan	Lykam	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Rogers	Running-Marquardt	Sands
Schulte	Schultz	Smith, J.	Smith, M.
Soderberg	Steckman	Swaim	Sweeney
Thomas	Tjepkes	Upmeyer	Van Engelenhoven

Vander Linden Willems	Wagner Windschitl	Watts Mr. Speaker Paulsen	Wenthe
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The nays were, 7:

Lensing Wessel-Kroeschell	Mascher Winckler	Pearson Wolfe	Shaw
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Absent or not voting, 6:

Arnold Wittneben	Taylor, J. Worthan	Taylor, T.	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 698** be immediately messaged to the Senate.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 649)

A conference committee report signed by the following Senate and House members was filed June 29, 2011, on House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

ON THE PART OF THE HOUSE:

DAVE HEATON, Chair
JOEL FRY
MATT WINDSCHITL

ON THE PART OF THE SENATE:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 649)

Heaton of Henry called up for consideration the report of the conference committee on House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including

effective, retroactive, and applicability date provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 649)

The ayes were, 61:

Alons	Anderson	Baltimore	Baudler
Brandenburg	Byrnes	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hall
Hanson	Hanusa	Heaton	Heddens
Hein	Helland	Horbach	Huseman
Iverson	Jorgensen	Kaufmann	Klein
Koester	Lofgren	Lukan	Miller, H.
Miller, L.	Moore	Muhlbauer	Olson, S.
Paustian	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Smith, J.	Soderberg	Sweeney
Tjepkes	Upmeyer	Van Engelenhoven	Vander Linden
Wagner	Watts	Wenthe	Windschitl
Mr. Speaker Paulsen			

The nays were, 33:

Abdul-Samad	Berry	Gaines	Gaskill
Hunter	Isenhardt	Jacoby	Kajtazovic
Kearns	Kelley	Kressig	Lensing
Lykam	Mascher	Massie	McCarthy
Murphy	Oldson	Olson, R.	Olson, T.
Pearson	Petersen	Running-Marquardt	Schultz
Shaw	Smith, M.	Steckman	Swaim
Thomas	Wessel-Kroeschell	Willems	Winckler
Wolfe			

Absent or not voting, 6:

Arnold	Taylor, J.	Taylor, T.	Thede
Wittneben	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House File 649** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Thank you, Mr. Speaker, Mr. Speaker, Ladies and Gentlemen of the House.

Because of the uncertain nature of the shut down, I literally did not prepare any remarks until a few moments ago when Representative Mascher and I scribbled out a few comments on a piece of paper here, so I'll do my best to give a brief, closing speech.

Also, it is 96 degrees outside, I'm told, with a 110 heat index, so I'll be also brief for those reasons, so folks can get on the road.

Let me start by thanking my caucus for electing me as their leader. It has been a great honor to do that.

I also want to thank caucus staff, both the Republican caucus staff and more importantly for me, the Democratic caucus staff. Now I say that because last year, I made a big faux pas. On closing day, the 78th day at noon, I thanked, as Majority Leader, the Republican caucus staff and I did not thank the Democratic caucus staff. Of course I heard about that afterwards, but I do want to say to the body I did not thank the Republican caucus staff because I really wanted to thank them, it was just a Segway to say the name, Jeff Mitchell.

For those newbies who don't know what I'm talking about, you can ask a more senior colleague. I do want to thank our caucus staff. I want to thank door keepers, the sergeant at arms, pages and clerks, Brian and Andrea on my staff, and also working with Republicans, including leadership, Speaker of the House, Majority Leader, Speaker Pro Temp, and all assistant leaders from both sides.

I'm going to start with a little bit of humor before I play the role of the Minority Leader. I remember once, Christopher Rants was asked, "what kind of minority leader are you going to be?" And he said something to the effect of "well, I've seen several, so it'll depend on the day," and so right now I'll be maybe Dick Meyers or Pat Murphy; I may play that kind of a role. Before the end of the speech, I may turn on my inner Rants.

To start with – what I've learned this year. A little bit of lighthearted humor. I've learned that Mary Mascher lets me know that I forget a lot of things, a lot of details. But I also know that she's more than willing to let me know that. I've learned from Cecil Dolecheck that there is nothing like a good book or books to pass the time. I've learned from Peter Cownie and Vicki Lensing that there is *no limit* to the number of times you can say on a bill "this is only a corrective amendment."

I've learned from Chuck Isenhardt that there is *no limit* on the number of amendments that a legislator can read and digest in a given session. I've learned from Jeff Kaufmann and Erik Helland that every time I go to the speaker's well, I make sure that the green microphone light is off.

I've learned that no matter who is in control, *timing* of debate can still be a problem. Four years ago, in a very controversial move, the House Democrats decided to move and lift the ban on somatic nuclear transfer, otherwise known as STEM research. Very heavily opposed by the Catholic Church, and as we came out to debate that bill, I noticed that everyone had a chalk mark on their head. It was Ash Wednesday. This year we debated nuclear power on the 25th anniversary of the Chernobyl meltdown.

Lastly, I've learned that farmers need GPS systems, but I'm assured by farmers like Dan Muhlbauer, that's it's not because, while farming, they get lost.

On a more serious note, I've learned that the chamber, I hope most of us would agree, needs a lot more bipartisanship. There is too much partisanship that existed this year at the Capitol. The blame is to be spread.

To contrast though, from the House Democrats perspective, for four years when we were in the majority, just as one point of reference, when we were in the majority, just as one point of reference, there was hardly a week that went by that we didn't have a Republican preside over debate in this chamber. Whether it was Representative Lukan or Cownie, or many, many others that presided over the debate, we tried to allow that to happen. There was hardly a day that went by that we didn't have our committee chairs assign a bill to Republicans to floor manage and dozens and dozens were floor managed by the minority party.

This year, from the minority perspective, it has been far too partisan and we have far too many partisan debates. We heard a lot this year about the message from the recent elections. What were the messages of the recent elections? I think it's far more complex, far more complex than what we have heard about this year from the majority party.

Readily admit, nationwide 680 incumbent Democratic legislators lost, 18 legislative chambers flipped from Democrat to Republican control. There's only five Democrat senators left in South Dakota and only five Democrat senators left in New Hampshire. They have trifectas now in states like Minnesota and Wisconsin.

What was the message from the electorate? What was the message here in Iowa? Were voters standing in line in November to eliminate our public preschool system? Were voters standing in line to end our collective bargaining system by establishing free-agency at the discretion of the employer. I don't think so and I think that a lot of these efforts, by this tsunami that occurred, as a result of the tsunami that occurred in November, that voters are starting to pull people back, as they often times do.

We now have governor's poll ratings from states like Michigan, Ohio, Indiana, Wisconsin, that are now at the lowest levels in recorded history. We have a special election in the Wisconsin legislature; a reliable, strong Republican seat that a Democrat just won in a landslide. A reliable seat in Congress for New York, formerly held by Jack Kemp; a Democrat just won in a landslide.

What was the message then, last November? I think it's far more complex. I think Iowans and those voters nationally that vote in elections, have had it up to here with our apparent inability to work together to find common ground. Have we given them any hope with how we have shut down this session?

House Democrats want to challenge the majority party, next year, to do better. We will try do better, as well. We want to challenge you to do better. Let's try to resolve our differences, much, much earlier. And remember that Iowa, or Iowans, expect us to work together. We will do our part to work together, to govern together, just like we did last year on government reorganization, which we passed unanimously. But far too often this year, we've had to play the role of the loyal opposition party. We hope we can do better next year.

Thank you, Mr. Speaker and ladies and gentlemen of the House, and I hope everyone has a great summer.

REMARKS BY MAJORITY LEADER UPMEYER

Upmeyer of Hancock offered the following remarks:

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House....

I want to take a moment to thank you all for the selflessness in which you serve Iowans. I know that this session it may have been especially difficult to be away from your families and lives, but you are doing the people's work, and Iowans appreciate your commitment.

To all of the people who keep this chamber running – in particular –LSA and the chief clerk's office – your knowledge and hard work is invaluable.

To all of the people who keep the building beautiful and welcoming to Iowans – thank you.

And a special thank you to our staff: Jeff, Lon, Jason, Amanda, Kristi, Lew, Louis, Brad, Dustin, Jill, Matt, Josie, Terri, Noreen and Tony.

To Minority Leader McCarthy and your staff, thank you for working with us when you were able.

When we started this session, were many new faces in the chamber. I think it's safe to say on day 172 that you're all veterans now. Your patience and perseverance has paid off. You know what they say; good things come to those who wait.

At the beginning of the year, House Republicans laid out an aggressive plan to create jobs, craft fiscally responsible budgets, reduce government burdens and regulations and give the taxpayers a seat at the table.

We wasted little time getting started. Our first bill was the Taxpayers First Act. This plan took input from Iowans and put their ideas into action, reducing state spending by over half a billion dollars over three years and would have set aside \$383 million in a Tax Relief Fund.

Despite the Senate's rejection of the Taxpayers First Act, we were successful in getting nearly every part of that initial bill written into other legislation, still accomplishing our goals. We knew it would be tough, but we didn't walk away.

I am proud that we established the Taxpayers Trust Fund, which is a landmark achievement on behalf of the taxpayers of Iowa. When the State's revenue exceeds expectations the priority will no longer be to use those funds to grow government. Instead, we will now make sure the money gets back into the pockets of the people who earned it.

If there was one thing that we knew Iowans wanted us to address this year, it was the economy. Too many Iowans are out of work and their government was only making the problem worse. But if you were expecting the House to pass some stimulus or cash-for-clunkers program, you weren't paying attention. Iowans want government to get out of the way.

We hit the streets and gravel roads and set a goal of identifying and eliminating burdensome regulations. Led by the chair of our Rules Committee (thank you Rep. Pettengill), we went to all corners of Iowa, listening to their problems.

We heard from job creators, small business owners and every day Iowans who said the rules and regulations set by government were choking growth and inhibiting progress. We began to address these issues this session and will aggressively do so going forward.

When we convened in January, we faced a nearly billion dollar shortfall built into the budget. This fiscal problem was caused by past bad habits of spending more than the state takes in, using one-time dollars for ongoing expenses and borrowing away our future with increased debt. Addressing this was not going to be an easy task – changing the way government operates never is.

Our solution was to craft a sustainable budget; one that eliminated gimmicks and took an Iowa-commonsense approach to budgeting. It should come as no surprise that this was met with significant pushback and threats to shut down government just to protect the status quo. Through it all, we have stood by our promise and on our principles.

If we want to get serious about putting Iowans back to work, we need to start putting money back into the hands of Iowans and job creators which is why we passed broad-based tax reform that didn't pick winners and losers.

I am disappointed that once again, the Legislature has failed to provide any REAL property tax reform for Iowans. With over 100,000 Iowans out of work, now was not the time to be timid. Property tax reform should benefit all property taxpayers.

Ask yourself this; If Iowa continues to have the second highest commercial property tax rate in the nation, can it also be the home of job growth? Are we sending a signal that employers should invest here?

We want to give businesses of ALL sizes the impetus to hire. It is unfortunate that we conclude this session with another missed opportunity to enact real property tax reform.

Over the coming weeks and months, pundits will want to conclude what this session was or was not. They will speculate on property taxes, government spending, job creation, divided government, and the length of the session.

Whatever the conjecture, the reality is this session was about courageously standing up for Iowans. Whether it was giving them smaller government, their money, or even just a seat at the table, Republicans spent 172 days focusing on, and putting Iowans, first.

I want to thank Governor Branstad for his tireless leadership this session. He and Lt. Governor Reynolds travelled the state talking to Iowans, sharing the message of smaller government and job creation.

Thank you to the members of this chamber and of my caucus, your support and advice is appreciated. To the leadership team, Jeff, Erik, Renee, Steve, Matt and Dave, thank you. You have each been a resource and inspiration when I needed you most.

Mr. Speaker, thank you for your leadership and your friendship during this successful session.

REMARKS BY SPEAKER PAULSEN

Paulsen of Linn offered the following remarks:

I want to begin by saying thank you to all the members of the Iowa House of Representatives. Thank you for the time you've sacrificed away from your families, home and careers; and thank you for your commitment to the people of our great state, this session has certainly been unique.

And, special recognition and thank you to the House Majority Leader, the lady from Hancock, Representative Linda Upmeyer. Madam Leader, your leadership, hard work and resolve during the past six months has been tremendous. House Republicans and Iowans appreciate your tireless efforts.

I'd also like to recognize Representative McCarthy for his leadership and efforts to work in a civil and responsible manner. Having previously served as the Minority Leader, I understand and appreciate the challenges you face.

I also want to thank the leadership staff: Josie, Noreen, Terri, Tony and Matt. Thank you for everything you have done this year.

And, thank you to the House Republican Caucus staff for your thorough and timely policy work. Jeff, Lew, Lon, Brad, Jason, Kristi, Jill, Amanda, Louis and Dustin; you continue to impress me with your knowledge and work ethic and you have served the caucus well.

And, thank you to the Chief Clerk, Charlie Smithson, and the hard work of your staff. Having served in the United States Air Force, I am well aware that in every operation there are individuals essential to its success that are rarely recognized and I thank each of you for your service and ensuring the House runs smoothly.

A special thank you to LSA for all of your hard work as well.

Lastly, thanks to Governor Branstad. I appreciate your leadership and your commitment to accomplishing the goals Iowans elected us to tackle.

As I said, this session has been unique. Unique because the first session of the 84th General Assembly will be recorded as one of the longest lasting sessions in the history of the State of Iowa. It is important to understand why this session has lasted as long as it has.

The short explanation is there are philosophical disagreements among passionate Majority Caucuses. The people of Iowa chose to elect a Republican Governor, Republican House and Democrat Senate. Typically, with a divided government things take a little longer to progress. I do not believe this is necessarily a bad thing because it forces individuals with differing perspectives to engage and work together to find agreement. It is healthy for the process and it is what Iowans expect out of their elected officials.

That said, at the beginning of the year, House Republicans committed to an important set of principles:

- Put Iowans back to work
- make it easier to be an employer in the State of Iowa
- refuse to spend more than the state takes in
- shrink the size, scope and cost of state government
- and give the taxpayers a seat at the table.

Through One Hundred and Seventy Two days we have not wavered from those principals. They have not changed and they will not change.

Make no mistake, there will be long days and hard work ahead in subsequent sessions, hopefully, however, they won't last as long as this one. But if they do, it is because this body will do whatever it takes to conduct the people's work while honoring its principals and commitments.

Staying true to those principals, this chamber has passed legislation to accomplish many positive things for the people of Iowa.

First and foremost, this chamber has provided Iowa employers with the certainty of a pro-growth environment needed to put Iowans back to work.

We stopped the relentless assault on Iowa employers by successfully defending Iowa's Right to Work Law. We also protected Iowans from other previously proposed job killing measures. We sent a powerful message that Iowa is open for business.

We signaled there will be certainty in the tax code and that taxes will not rise under our watch. And, this chamber has been successful in creating a Tax Relief Fund. It is designed to capture surplus one-time dollars and deliver it back to the taxpayer, where they belong. The new fund ensures taxpayers will have a seat at the table for years to come.

We conducted a thorough and thoughtful review of state rules and regulations. We identified red tape that is a burden to doing business and proposed and passed legislation addressing these issues. This is an area where we will focus even more next session.

This chamber has been successful in reining in government spending. State Government no longer spends more than it takes in. As it stands today, the Fiscal Year 2012 budget will spend approximately 95% of total available revenue. While still too much, this is a responsible and sustainable level of spending. Instead of spending \$1.18 for each on-going dollar, we now will spend less than .97 cents for each on going dollar.

Controlling spending is not only important for the health of Iowa's economy, but it is also an important piece in providing certainty to Iowa employers. When state government has its fiscal house in order, employers have the confidence to make long-term planning decisions to invest in Iowa and expand their workforce. Because of our actions, employers no longer need to worry about tax increases and other budget gimmicks that threaten job creation.

We have reduced the size of the state bureaucracy. Iowans are better served and get the most out of their hard earned tax dollars when government is lean and efficient. We will continue to find opportunities to ensure essential services like public safety, education and disaster recovery are delivered efficiently without additional layers of bureaucracy.

This body also acted in a bipartisan manner on a host of other issues important to Iowans. The House approved measures to give Iowans the opportunity to vote on the definition of marriage, expand renewable and alternative energy sources like nuclear power, cut income taxes, and provide homeowners and business owners with real and meaningful property tax relief.

Clearly, I am disappointed we were unsuccessful in enacting property tax reform measures.

While this body was successful in enacting the largest property tax cut in the history of Iowa – by once again fully funding the K-12 foundation formula and committing to 100% funding on all property tax credits in FY13 – it is not enough. We continue to have some of the highest commercial property taxes in the nation. We will be back here to address this again next year. Iowans have earned meaningful and sustainable property tax relief.

The House passed legislation to provide schools with flexibility to better educate our children and grandchildren, to give Iowans a voice in making their healthcare decisions and to protect life. Regrettably, these issues and many others did not receive a fair hearing in the Iowa Senate. Regardless, we will reconvene next year to work on these issues and others important to Iowans.

None of us expected to be here on June 30th. But sometimes being patient and doing things differently is what it takes to keep your promises. General George Patton once said, "Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity." Back in January I asked the 60 members of the House Republican caucus to get the state budget back in order and to get government out of the way of our employers.

We have not only succeeded in that plan but you have impressed Iowans with your drive, determination and ingenuity.

Thank you.

HOUSE AND SENATE FILES REREFERRED TO COMMITTEES

Under the provision of House Rule 45, the following House Files and Senate Files were rereferred to the committees listed:

House File 656	Gov. Oversight	Senate File 261	Ways and Means
House File 671	Ways and Means	Senate File 295	Human Resources
House File 678	Gov. Oversight	Senate File 461	Admin. and Rules
House File 689	Appropriations	Senate File 516	Ways and Means
House File 690	Ways and Means	Senate File 519	Gov. Oversight

ADOPTION OF HOUSE CONCURRENT RESOLUTION 16

Upmeyer of Hancock asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 16**, a concurrent resolution to provide for adjournment sine die, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Upmeyer of Hancock asked and received unanimous consent that **House Concurrent Resolution 16** be immediately messaged to the Senate.

The House stood at ease at 3:37 p.m., until the fall of the gavel.

The House resumed session at 3:41 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on June 30, 2011, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 16, a concurrent resolution to provide for adjournment sine die.

Also: That the Senate has on June 30, 2011, adopted the conference committee report and passed House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions

and appropriations, and including effective, retroactive, and applicability date provisions.

Also: That the Senate has on June 30, 2011, passed the following bill in which the concurrence of the Senate was asked:

House File 698, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

DISSENT FROM HOUSE FILE 649

Mr. Speaker:

Article III Section 10 of the Constitution of the State of Iowa provides:

Protest – record of vote – Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

The following reason for dissent was received in the office of the Chief Clerk for entry hereon:

We are submitting our official protest votes with regards to House File 649 on the thirtieth day of June in the 2011 year of our Lord Jesus Christ.

The bill is injurious to the citizens of Iowa because “[T]o compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical.” Thomas Jefferson

Representative Glen Massie
Representative Kim Pearson
Representative Tom Shaw
Representative Jason Schultz

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of June, 2011: House File 698.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on June 30, 2011, he approved and transmitted to the Secretary of State the following bill:

House File 148, an Act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions.

House File 698, an Act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 248), relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** June 29, 2011.

AMENDMENT FILED

H-1755 S.F. 493 Isenhardt of Dubuque

FINAL ADJOURNMENT

By virtue of **House Concurrent Resolution 16**, duly adopted, the day of June 30, 2011, having arrived, the Speaker of the House of Representatives declared the 2011 Regular Session of the Eighty-fourth General Assembly adjourned sine die at 3:41 p.m.

SUPPLEMENT TO THE HOUSE JOURNAL**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of July, 2011: House File 683.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of July, 2011: House Files 590, 645, 646 and 648.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of July, 2011: House File 649.

W. CHARLES SMITHSON
Chief Clerk of the House

Report adopted.

BILLS APPROVED
SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on the bills passed by the 2011 Regular Session of the Eighty-fourth General Assembly subsequent to the date of final adjournment.

House File 590, an Act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions. Approved 7-18-11.

House File 683, an Act relating to and making transportation and other infrastructure-related appropriations to the Department of Transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and including conditional retroactive applicability provisions. Approved 7-7-11.

Senate File 313, an Act relating to medical assistance program-related provisions. Approved 7-26-11.

Senate File 509, an Act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date and retroactive and other applicability provisions. Approved 7-21-11.

Senate File 511, an Act relating to and making appropriations to the judicial branch. Approved 7-29-11.

Senate File 525, an Act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions. Approved 7-26-11.

Senate File 535, an Act relating to the water resources coordinating council, including by transferring associated powers and duties from the Office of the Governor to the Department of Agriculture and Land Stewardship. Approved 7-21-11.

GOVERNOR'S ITEM VETO MESSAGES
SUBSEQUENT TO ADJOURNMENT

A copy of the following communications were received and placed on file:

HOUSE FILE 645

July 27, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit House File 645, an Act relating to the funding of, the operation of, and appropriation of moneys to the College Student Aid Commission, the Department for the Blind, the Department of Education, and the state Board of Regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

House File 645 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve of the items designated as Sections 90, 91 and 92, in their entirety. These items comprise Division V which would impose additional requirements on local, state, regional, or national organizations which relate to the functions of the board of directors of a school district, or to the administrators of a school district and to which a school board pays monetary fees for products or services or annual dues to the organization. I support transparency and accountability for how taxpayer dollars are spent. However, this language is overly broad, lacks clarity, and may have unintended consequences. I am concerned this language will not operate in practice in the way it may have been intended. The language in Division V is overly inclusive and could encompass privately owned, for-profit companies that sell goods or services to a school district.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 645 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

HOUSE FILE 646

July 18, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
Des Moines, Iowa 50319
Dear Mr. Secretary:

I hereby transmit House File 646, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions.

House File 646 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 51, paragraph 4. This item exempts the Commerce Revolving Fund appropriations from a Governor's across the board reduction authority under Iowa Code section 8.31. While the Commerce Revolving Fund should not have financial issues due to the Commerce Department divisions having the ability to collect fees from the associated regulated industries to cover spending, there has been no previous exception to Iowa Code section 8.31. To approve an exception now would potentially open other entities wanting exceptions to the governor's financial management authority.

I am unable to approve the designated portion of Section 67, subsection 2(d), paragraph 3, in its entirety. This item allows the utilities division to spend any unused, unencumbered, or unobligated balance for purposes of the energy-efficient building project for fiscal year 2013. This section is unnecessary as the energy-efficient building project will be completed before the beginning of fiscal year 2013.

I am unable to approve the items designated as Sections 75, 76, and 77 of the bill in their entirety. These items appropriate money for fiscal year 2013 from the Medicaid Fraud Fund. The Medicaid Fraud Fund receives its funding from money it recovers from Medicaid fraud cases. Based on projected revenues and estimated expenditures for fiscal year 2012, the fund is left with a balance less than \$1,000 for fiscal year 2013 which is insufficient to provide for the appropriations made in sections 75, 76, and 77. Therefore, this issue must be visited next session in order to determine a sufficient level of funding.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 646 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

HOUSE FILE 648

July 27, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit House File 648, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, the Technology Reinvestment Fund, the Revenue Bonds Capitals Fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

House File 648 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 8, lettered paragraph b. The language I disapprove states the General Assembly's intent to appropriate resources for the restoration and reconstruction of the dam at Lake Delhi in future fiscal years. I am supporting the preconstruction dam restoration study as required in this section. I am designating the Department of Natural Resources to take the lead in overseeing this study. However, it is premature to assume the State will obligate funds for the dam until the study is completed and analyzed by myself and the General Assembly.

I am unable to approve the item designated as Section 1, subsection 8, lettered paragraph c, in its entirety. This item would appropriate \$75,000 from the Rebuild Iowa Infrastructure Fund ("RIIF") for fiscal year 2012 to the Department of Natural Resources ("DNR") for the administration of a Water Trails and Low Head Dam Public Hazard Improvement Program. This item was not part of the budget recommendation I submitted to the General Assembly. I expect the Department of Natural Resources to provide what support is necessary for the administration of this program from within the resources the department has available for fiscal year 2012.

I am unable to approve the item designated as Section 1, subsection 8, lettered paragraph d, in its entirety. This item would appropriate \$75,000 from RIIF for fiscal year 2012 to the DNR for contracting for an asset manager for the Honey Creek Resort State Park as a continuation of a program started last fiscal year. The intent at that time was for a one-year contract with an asset manager for the park. Due to this fact, I cannot agree with the continuation of this funding from the RIIF. If it is necessary to continue to contract with an asset manager, I expect the DNR to include these costs in the operations of the park and pay for such operations with the revenues generated at the park. Additionally, this item was not part of the budget recommendation I submitted to the General Assembly.

I am unable to approve the designated portion of Section 5, subsection 2. This item would prohibit the Department of Administrative Services from conducting major repair and maintenance on the Iowa building. The exclusion of one specific building from this program is not appropriate and if continued would lead to increased costs in the future.

I am unable to approve the designated portion of Section 6, lettered paragraph a. This item would prohibit the Department of Administrative Services from conducting major repair and maintenance on the Iowa building. The exclusion of one specific building from this program is not appropriate and if continued would lead to increased costs in the future.

I am unable to approve the designated portion of Section 7. This item would define "resident subcontractor" and could potentially create a preference for resident subcontractors. I disapprove of this language because it could harm Iowa contractors by potentially triggering the reciprocal preference laws of other states, which would hurt construction employment opportunities for Iowans as Iowa contractors compete for out-of-state public projects. Further, this item could impose a costly and burdensome requirement on all Iowa public owners overseeing the construction of public improvements.

I am unable to approve the designated portion of Section 26. This item would increase the RIFF appropriation for the Community Attraction and Tourism program from \$5,000,000 to \$15,000,000 for fiscal year 2013. My recommended budget for fiscal year 2013 called for no appropriation in this program area. As a result of my disapproval of this section, the program will maintain funding at \$5,000,000 for fiscal year 2013. This will provide additional time to consider the best use of these funds in the future.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 648 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

HOUSE FILE 649

July 26, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit House File 649, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

House File 649 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 4, lettered paragraph h, numbered paragraph 2 in its entirety. This item requires that the Department of Public Health establish a board of direct care workers contingent upon availability of funds. Funding for such a board would come from license fees and requiring direct care workers to pay such fees would be unduly burdensome and costly for both the State of Iowa and the workers.

I am unable to approve the item designated as Section 3, subsection 2, lettered paragraph d in its entirety. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans' Home to report expenditure reports monthly to the Legislative Services Agency for fiscal year 2012. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of Section 25. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2012 to fiscal year 2013 for field operations. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 26, paragraph 6 in its entirety. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2012 to fiscal year 2013 for general administration. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 31 in its entirety. This item creates a redundant mandate requiring the Iowa Department on Aging, Department of Human Services, Department of Public Health, and Department of Veterans' Affairs to report to the Legislature, Legislative Services Agency, the Department of Management, and the legislative caucus staff when a department is applying for or renewing a federal grant with a value of over \$1,000. While I strongly support communication and collaboration among state agencies and branches of government, this item is unnecessary because Iowa Code section 8.9, paragraph 2(a) requires that all grant applications submitted and grant moneys received shall be reported to the Office of Grant Enterprise Management. Iowa Code section 8.9, paragraph 2(b) provides that a report shall be submitted to the legislature on July 1st and January 1st of each year.

I am unable to approve the item designated as Section 37, paragraph 14 in its entirety. This item directs the Department of Human Services and the Iowa Medicaid Enterprise to study new provider payment methodologies. I support innovation in Medicaid to allow sustainability and greater quality of care. However, due to the austere nature of this budget and our need to focus on current cost containment strategies proposed by the Iowa Medicaid Enterprise, I cannot approve of a new study further stretching department resources.

I am unable to approve the designated portion of Section 45, paragraph 7, lettered paragraph c. Spending for the county rebates was inadvertently located in two locations with two different directives to the department. The first location, Section 43,

subsection 5, lettered paragraph c, allows the Department of Human Services to target funding that decreases county mental health waiting lists which I approve. The language I disapprove here distributes funding that does not necessarily provide additional funding to counties with a waiting list as the requirements for distribution of targeted growth are not dependent on a county having a waiting list.

I am unable to approve the items designated as Sections 95, 96, 97, 98, and 99 in their entirety. These items reinstate the mental health drug exemption from the Medicaid preferred drug list retroactive to January 1, 2011. These items unduly harm a sound, clinically appropriate approach that has resulted in minimal impacts to Iowa Medicaid patients and providers, but that has provided valuable cost savings to a vital entitlement program.

I am unable to approve the items designated as Sections 105, 106, and 107 in their entirety. These items extend the State's indemnification to hospitals that already have their own liability insurance and who are already required to provide volunteer services. The State currently provides specialty healthcare providers that have limited resources with indemnification when they provide volunteer services to the most vulnerable citizens of Iowa. Because hospitals with their own liability insurance already provide volunteer services, members of the public would receive no benefit while the State would experience unnecessary costs.

I am unable to approve the item designated as Section 109 in its entirety. This item directs the Department of Human Services and the Iowa Medicaid Enterprise to study new payment methodologies. I support innovation in Medicaid to allow sustainability and greater quality of care. However, due to the austere nature of this budget and our need to focus on current cost containment strategies proposed by the Iowa Medicaid Enterprise, I cannot approve of a new study further stretching department resources.

I am unable to approve the item designated as Section 114, subsection 4, lettered paragraph h, numbered paragraph 2 in its entirety. This item requires that the Department of Public Health establish a board of direct care workers contingent upon availability of funds. Funding for such a board would come from license fees and requiring direct care workers to pay such fees would be unduly burdensome and costly for both the State of Iowa and the workers.

I am unable to approve the item designated as Section 115, subsection 2, lettered paragraph d in its entirety. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans' Home shall report expenditure reports monthly to the Legislative Services Agency for fiscal year 2013. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of Section 138. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2013 to 2014 for field operations. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 139, paragraph 6 in its entirety. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2013 to 2014 for general administration. The carry-

forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 148, paragraph 14 in its entirety. This item directs the Department of Human Services and the Iowa Medicaid Enterprise to study new provider payment methodologies. I support innovation in Medicaid to allow sustainability and greater quality of care. However, due to the austere nature of this budget and our need to focus on current cost containment strategies proposed by the Iowa Medicaid Enterprise, I cannot approve of a new study further stretching department resources.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 649 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

SENATE FILE 508

July 18, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 508, an Act appropriating federal funds made available from federal block grants and other non-state sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Senate File 508 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve Section 36 of the bill in its entirety. This item creates a redundant mandate by requiring departments that receive funds from this appropriation bill to provide a detailed plan of the past, current, and future expenditures of federal funds designated for departmental administrative expenses 60 days before the start of the new federal fiscal year. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems. Furthermore, the future year's plan will be of little to no benefit beyond what is currently available because most of the amounts will not have been established by the federal government in a timely fashion that would allow a complete and accurate report 60 days before the start of the new federal fiscal year.

For the above reasons, I respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 508 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

SENATE FILE 510

July 29, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 510, an act relating to and making appropriations to the justice system, providing penalties, and including effective and retroactive applicability date provisions.

Senate File 510 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated in Section 4, numbered paragraph 1, lettered paragraph a in its entirety. This item prevents the Department of Corrections from entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2012 and 2013 without prior notification of the legislature and employee organizations. However, these sections allow the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department's management authority.

I am unable to approve the item designated in Section 4, numbered paragraph 2, lettered paragraph a in its entirety. This item mandates the Department of Corrections to transfer at least \$300,000 from canteen funds of the institutions to the department's education programs. The department already is required and desires to utilize canteen funds for the benefit of inmates. However, this item requires the department to use \$300,000 of the canteen fund towards inmate education programs when the fund usually does not have \$300,000. It is impossible for the department to spend \$300,000 of the fund when the fund's balance is typically below that amount. Therefore, I continue to encourage the department to use funds provided in the Canteen Fund towards education programs for inmates.

I am unable to approve the item designated in Section 5, subsection 6 in its entirety. This item would require all Community Based Correctional ("CBC") facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language in order to

assure that each CBC facility will maintain control of the types and numbers of offenders who they serve in their respective residential programs.

I am unable to approve the item designated in Section 33, numbered paragraph 1, lettered paragraph a in its entirety. This item prevents the Department of Corrections from entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2012 and 2013 without prior notification of the legislature and employee organizations. However, these sections allow the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department's management authority.

I am unable to approve the item designated in Section 33, numbered paragraph 2, lettered paragraph a in its entirety. This item mandates the Department of Corrections to transfer at least \$300,000 from canteen funds of the institutions to the department's education programs. The department already is required and desires to utilize canteen funds for the benefit of inmates. However, this item requires the department to use \$300,000 of the canteen fund towards inmate education programs when the fund usually does not have \$300,000. It is impossible for the department to spend \$300,000 of the fund when the fund's balance is typically below that amount. Therefore, I continue to encourage the department to use funds provided in the Canteen Fund towards education programs for inmates.

I am unable to approve the item designated in Section 34, paragraph 6 in its entirety. This item would require all Community Based Correctional ("CBC") facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language in order to assure that each CBC facility will maintain control of the types and numbers of offenders who they serve in their respective residential programs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 510 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

SENATE FILE 517

July 27, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 517, an Act relating to and making appropriations to the Department of Cultural Affairs, the Department of Economic Development, certain Board of Regents Institutions, the Department of Workforce Development, the Iowa Finance Authority, and the Public Employment Relations Board, and addressing related matters including tax credits and including immediate effective dates and retroactive applicability provisions.

Senate File 517 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 15, subsection 3, paragraph c, in its entirety. This item would prohibit Iowa Workforce Development (“IWD”) from putting forth an enhanced delivery system that broadens access to Iowans across the state in fiscal year 2012. In order to develop a sustainable delivery system, in light of continually fluctuating federal funding, the department must put forth a system that embraces the use of technology while providing enhanced benefits through maximum efficiencies. At this time, IWD has over one hundred ninety virtual access point workstations in over sixty new locations throughout the state in order to increase access to these critical services. Iowans are already utilizing expanded hours of operations, six days a week. At my direction, IWD will have hundreds of additional virtual access points by the end of fiscal year 2012.

I am unable to approve the item designated as Section 15, subsection 5 in its entirety. This item attempts to define a delivery system in such a way as to prevent growth and progress in serving Iowans in fiscal year 2012. IWD has recognized the necessity of delivering services through multiple streams, including technology. As such, IWD is putting forth a plan that delivers more services to Iowans while streamlining government.

I am unable to approve the item designated as Section 20 in its entirety. This item would prohibit IWD from using the National Career Readiness Certificate program in fiscal year 2012. The National Career Readiness Certificate program is an Iowa-based product which is an assessment and skill development tool that has been embraced by over 400 Iowa employers as an exceptional tool for demonstrating skills for a potential employee. It is recognized nationally by both the Executive Office of the President and the U. S. Department of Labor as a reliable and portable tool for job seekers to present and certify their skills. I cannot agree with the denial to IWD of the potential use of this program.

I am unable to approve the item designated as Section 26 in its entirety. This item would transfer and appropriate unobligated money in the Save Our Small Business

Fund to Iowa Workforce Development to be used for field offices in fiscal year 2012. Funding on-going operational expenses with one-time funds violates sound budgeting principles. This one-time funding source does not create a sustainable operating environment; instead it moves the funding problem into the future.

I am unable to approve the item designated as Section 61, subsection 3, paragraph c, in its entirety. This item would prohibit IWD from putting forth an enhanced delivery system that broadens access to Iowans across the state for fiscal year 2013. In order to develop a sustainable delivery system, in light of continually fluctuating federal funding, the department must put forth a system that embraces the use of technology while providing enhanced benefits through maximum efficiencies. At this time, IWD has over one hundred ninety virtual access point workstations in over sixty new locations throughout the state in order to increase access to these critical services. Iowans are already utilizing expanded hours of operations, six days a week. At my direction, IWD will have hundreds of additional virtual access points by the end of fiscal year 2012.

I am unable to approve the item designated as Section 61, subsection 5 in its entirety. This item attempts to define a delivery system in such a way as to prevent growth and progress in serving Iowans for fiscal year 2013. IWD has recognized the necessity of delivering services through multiple streams, including technology. As such, IWD is putting forth a plan that delivers more services to Iowans while streamlining government.

I am unable to approve the item designated as Section 66 in its entirety. This item would prohibit IWD from using the National Career Readiness Certificate program in fiscal year 2013. The National Career Readiness Certificate program is an Iowa-based product which is an assessment and skill development tool that has been embraced by over 400 Iowa employers as an exceptional tool for demonstrating skills for a potential employee. It is recognized nationally by both the Executive Office of the President and the U. S. Department of Labor as a reliable and portable tool for job seekers to present and certify their skills. I cannot agree with the denial to IWD of the potential use of this program.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 517 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

SENATE FILE 533

July 27, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 533, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Senate File 533 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 6 in its entirety. This item would provide that for fiscal year 2012 bonus pay would be prohibited for employees of the Executive, Judicial and Legal branches. This item would unduly limit the ability of the Executive branch to deploy such methods to attract, retain, incentivize and reward exceptional employees.

I am unable to approve the item designated as Section 45 in its entirety. This item would provide that for fiscal year 2013 bonus pay would be prohibited for employees of the Executive, Judicial and Legal branches. This item would unduly limit the ability of the Executive branch to deploy such methods to attract, retain, incentivize and reward exceptional employees.

I am unable to approve the item designated as Section 90 in its entirety. This item would increase the number of voting members of the Iowa Law Enforcement Academy council by two members, increasing the total membership from thirteen to fifteen members. The number of voting members was increased by legislation earlier this year from seven to thirteen. I disapprove of this item because adding two additional members to this board, bringing the total to fifteen voting members, would make it too cumbersome and will impede its effectiveness. The existing board members can work to seek input from the public and interested parties.

I am unable to approve the items designated as Section 108 in its entirety. These items would specify that each department of State government track budget and actual expenditures for contract services and employee training. This item creates a redundant mandate. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is available within the State's accounting and budgeting systems.

I am unable to approve the items designated as Sections 117, 118 and 119 in their entirety. These items would extend the Medication Therapy Management pilot program conducted by the Department of Administrative Services for certain State employees for one more year. This pilot program is funded by a transfer of \$510,000 from the Board of Pharmacy to the Department of Administrative Services to pay for the extension. The purpose of this pilot program was to temporarily engage in an activity and, at completion, thoroughly review the results before taking additional action. As a result, it is premature to authorize an additional year for this pilot program until the results have been reviewed to measure program effectiveness and for that reason I cannot authorize its continuation at this time.

I am unable to approve the items designated as Sections 120 and 121 in their entirety. The item would increase the Earned Income Tax Credit from the current level of 7.0% of the federal credit to 10.0% of the federal credit. This change is estimated to reduce revenue to the state general fund by \$28.5 million for Fiscal Years 2012-2013. It is my desire to approach tax policy in a comprehensive and holistic manner. As such, I urge members of the House and Senate to continue to work with my office on an overall tax reduction package that both fits within our sound budgeting principles while reducing those taxes that are impeding our state's ability to compete for new business and jobs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 533 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

Amendments filed during the Eighty-fourth General Assembly,
2011 Session:

H-1001

- 1 Amend House File 45 as follows:
 2 1. Page 19, after line 21 by inserting:
 3 <Sec. ____ Section 262.9, subsection 19, Code 2011,
 4 is amended by adding the following new paragraph:
 5 NEW PARAGRAPH. c. Limit any increase in tuition,
 6 fees, or other charges at the institutions of higher
 7 education under its control during a school year to not
 8 more than four percent of the amount of the tuition,
 9 fees, or other charges in effect during the previous
 10 school year.>
 11 2. Page 20, after line 15 by inserting:
 12 <Sec. ____ APPLICABILITY — LEGISLATIVE INTENT.
 13 1. The section of this division of this Act
 14 amending section 262.9 applies to an increase in
 15 tuition, fees, or other charges on or after January 1,
 16 2011, and applies retroactively to that date.
 17 2. It is the intent of the general assembly that if
 18 staff reductions are necessary to implement the section
 19 of this division of this Act amending section 262.9,
 20 such reductions shall be applied to administrative
 21 staff before being applied to instructional, health
 22 care, or other staff that provide instruction or
 23 services directly to students, patients, or consumers.>
 24 3. By renumbering as necessary.

KAUFMANN of Cedar
GRASSLEY of Butler

H-1002

- 1 Amend House File 45 as follows:
 2 1. Page 30, by striking lines 3 through 27.
 3 2. By renumbering as necessary.

SWAIM of Davis

H-1003

- 1 Amend House File 45 as follows:
 2 1. Page 17, line 16, by striking <AND COMMUNITY
 3 COLLEGE>
 4 2. Page 17, line 20, by striking <and at the
 5 community colleges>

HALL of Woodbury

H-1004

- 1 Amend House File 45 as follows:
 2 1. By striking page 18, line 8, through page 19,
 3 line 9.
 4 2. By striking page 19, line 22, through page 20,
 5 line 15, and inserting:
 6 <Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 7 of this Act, being deemed of immediate importance,
 8 takes effect upon enactment.>
 9 3. By renumbering as necessary.

WINCKLER of Scott
 BERRY of Black Hawk
 GAINES of Polk
 HALL of Woodbury
 HEDDENS of Story
 ISENHART of Dubuque
 KAJTAZOVIC of Black Hawk
 KELLEY of Jasper
 LENSING of Johnson
 MASCHER of Johnson
 H. MILLER of Webster
 MURPHY of Dubuque
 R. OLSON of Polk
 PETERSEN of Polk
 RUNNING-MARQUARDT of Linn
 STECKMAN of Cerro Gordo
 T. TAYLOR of Linn
 THOMAS of Clayton
 WESSEL-KROESCHELL of Story
 WITTNEBEN of Emmett

ABDUL-SAMAD of Polk
 COHOON of Des Moines
 GASKILL of Wapello
 HANSON of Jefferson
 HUNTER of Polk
 JACOBY of Johnson
 KEARNS of Lee
 KRESSIG of Black Hawk
 LYKAM of Scott
 McCARTHY of Polk
 MUHLBAUER of Crawford
 OLDSON of Polk
 T. OLSON of Linn
 QUIRK of Chickasaw
 M. SMITH of Marshall
 SWAIM of Davis
 THEDE of Scott
 WENTHE of Fayette
 WILLEMS of Linn
 WOLFE of Clinton

H-1005

- 1 Amend House File 45 as follows:
 2 1. Page 6, before line 28 by inserting:
 3 <Sec. ____ Section 8.39, subsection 2, Code 2011,
 4 is amended to read as follows:
 5 2. If the appropriation of a department,
 6 institution, or agency is insufficient to properly meet
 7 the legitimate expenses of the department, institution,
 8 or agency, the director, with the approval of the
 9 governor, may make an interdepartmental transfer from
 10 any other department, institution, or agency of the
 11 state having an appropriation in excess of its needs,
 12 of sufficient funds to meet that deficiency. An
 13 interdepartmental transfer to an appropriation which
 14 is not an entitlement appropriation is not authorized
 15 when the general assembly is in regular session and,
 16 in addition, the sum of interdepartmental transfers
 17 in a fiscal year to an appropriation which is not

18 an entitlement appropriation shall not exceed fifty
 19 percent of the amount of the appropriation as enacted
 20 by the general assembly. For the purposes of this
 21 subsection, an entitlement appropriation is a line item
 22 appropriation to the state public defender for indigent
 23 defense or to the department of human services for
 24 foster care, state supplementary assistance, or medical
 25 assistance, or for the family investment program. This
 26 subsection is not applicable to an appropriation made
 27 for a biennial period or for any other multiyear period
 28 in excess of one fiscal year.>
 29 2. By renumbering as necessary.

T. OLSON of Linn
 BERRY of Black Hawk
 GAINES of Polk
 HALL of Woodbury
 HEDDENS of Story
 ISENHART of Dubuque
 KAJTAZOVIC of Black Hawk
 KELLEY of Jasper
 LENSING of Johnson
 MASCHER of Johnson
 H. MILLER of Webster
 MURPHY of Dubuque
 R. OLSON of Polk
 QUIRK of Chickasaw
 M. SMITH of Marshall
 SWAIM of Davis
 THEDE of Scott
 WENTHE of Fayette
 WILLEMS of Linn
 WITTNEBEN of Emmet

ABDUL-SAMAD of Polk
 COHOON of Des Moines
 GASKILL of Wapello
 HANSON of Jefferson
 HUNTER of Polk
 JACOBY of Johnson
 KEARNS of Lee
 KRESSIG of Black Hawk
 LYKAM of Scott
 McCARTHY of Polk
 MUHLBAUER of Crawford
 OLDSOON of Polk
 PETERSEN of Polk
 RUNNING-MARQUARDT of Linn
 STECKMAN of Cerro Gordo
 T. TAYLOR of Linn
 THOMAS of Clayton
 WESSEL-KROESCHELL of Story
 WINCKLER of Scott
 WOLFE of Clinton

H-1006

1 Amend House File 45 as follows:
 2 1. Page 29, line 12, before <contract> by inserting
 3 <grant agreement or>

T. OLSON of Linn
 T. TAYLOR of Linn
 HUNTER of Polk
 PETERSEN of Polk
 ABDUL-SAMAD of Polk
 R. OLSON of Polk
 THOMAS of Clayton
 HANSON of Jefferson

RUNNING-MARQUARDT of Linn
 JACOBY of Johnson
 OLDSOON of Polk
 GAINES of Polk
 McCARTHY of Polk
 MURPHY of Dubuque
 ISENHART of Dubuque
 KEARNS of Lee

H-1007

- 1 Amend House File 45 as follows:
 2 1. Page 14, by striking lines 7 through 26.
 3 2. Page 14, by striking lines 34 and 35.
 4 3. Page 15, by striking lines 15 through 19.
 5 4. By striking page 37, line 35, through page 45,
 6 line 16.
 7 5. By renumbering as necessary.

THOMAS of Clayton
 BERRY of Black Hawk
 GAINES of Polk
 HALL of Woodbury
 HEDDENS of Story
 ISENHART of Dubuque
 KAJTAZOVIC of Black Hawk
 KELLEY of Jasper
 LENSING of Johnson
 MASCHER of Johnson
 H. MILLER of Webster
 MURPHY of Dubuque
 R. OLSON of Polk
 PETERSEN of Polk
 M. SMITH of Marshall
 SWAIM of Davis
 THEDE of Scott
 WESSEL-KROESCHELL of Story
 WINCKLER of Scott
 WOLFE of Clinton

ABDUL-SAMAD of Polk
 COHOON of Des Moines
 GASKILL of Wapello
 HANSON of Jefferson
 HUNTER of Polk
 JACOBY of Johnson
 KEARNS of Lee
 KRESSIG of Black Hawk
 LYKAM of Scott
 McCARTHY of Polk
 MUHLBAUER of Crawford
 OLDSON of Polk
 T. OLSON of Linn
 RUNNING-MARQUARDT of Linn
 STECKMAN of Cerro Gordo
 T. TAYLOR of Linn
 WENTHE of Fayette
 WILLEMS of Linn
 WITTNEBEN of Emmet

H-1008

- 1 Amend House File 45 as follows:
 2 1. By striking page 21, line 23, through page 23,
 3 line 5.
 4 2. By renumbering as necessary.

HEDDENS of Story

H-1009

- 1 Amend House File 45 as follows:
 2 1. Page 48, after line 30 by inserting:
 3 <Sec. ____ 2010 Iowa Acts, chapter 1193, section 1,
 4 is amended to read as follows:
 5 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
 6 GROWTH FUNDING — FY 2011-2012. Notwithstanding
 7 section 331.439, subsection 3, the allowed growth
 8 factor adjustment for county mental health, mental
 9 retardation, and developmental disabilities service
 10 expenditures for the fiscal year beginning July 1,

11 2011, shall be established by statute which shall be
 12 enacted within thirty calendar days of the ~~convening of~~
 13 ~~the Eighty-fourth General Assembly, 2011 Session, on~~
 14 ~~January 10, 2011~~ date the governor's recommendation is
 15 submitted to the general assembly. The governor shall
 16 submit to the general assembly a recommendation for
 17 such allowed growth factor adjustment and the amounts
 18 of related appropriations to the general assembly
 19 on or before January ~~11~~ 27, 2011. The governor's
 20 recommendation and the allowed growth factor adjustment
 21 enacted by the general assembly pursuant to this
 22 section shall incorporate measures to ensure that
 23 the funding appropriated during the 2011 legislative
 24 session to the risk pool in the property tax relief
 25 fund to eliminate county waiting lists for services can
 26 be relied upon to remain available for the long term to
 27 support the services provided for the individuals who
 28 were removed from a waiting list.>
 29 2. Page 49, after line 4 by inserting:
 30 <Sec. __. RETROACTIVE APPLICABILITY. The
 31 provision amending 2010 Iowa Acts, chapter 1193,
 32 section 1, applies retroactively to April 29, 2010.>
 33 3. By renumbering as necessary.

HEDDENS of Story

H-1010

1 Amend House File 45 as follows:
 2 1. Page 8, line 9, after <1.> by inserting
 3 <The legislation shall require the department of
 4 administrative services to report to the general
 5 assembly within 90 days of the close of each fiscal
 6 year providing an analysis as to how the cost for
 7 that fiscal year of outsourcing state vehicle leasing
 8 through a private entity compared to the previous
 9 fiscal year and how the cost of the outsourcing
 10 approach compared to state ownership and management of
 11 the passenger vehicle pool. If at any time the cost of
 12 the outsourcing approach is determined to be in excess
 13 of the cost of state owned approach, the outsourcing
 14 approach shall be terminated and replaced with the most
 15 cost-effective approach identified by the department
 16 for providing the passenger vehicle pool.>

GASKILL of Wapello

H-1011

1 Amend House File 45 as follows:
 2 1. By striking page 16, line 13, through page 17,
 3 line 23.

- 4 2. Page 18, by striking lines 3 through 7.
5 3. By renumbering as necessary.

LENSING of Johnson
MASCHER of Johnson
KAJTAVOVIC of Black Hawk
WESSEL-KROESCHELL of Story
T. TAYLOR of Linn
BERRY of Black Hawk

KRESSIG of Black Hawk
JACOBY of Johnson
HEDDENS of Story
T. OLSON of Linn
RUNNING-MARQUARDT of Linn

H-1012

- 1 Amend House File 45 as follows:
2 1. Page 1, line 2, before <TAX> by inserting
3 <MIDDLE CLASS FAMILY>
4 2. Page 1, line 10, before <tax> by inserting
5 middle class family>
6 3. Page 1, line 15, before <tax> by inserting
7 middle class family>
8 4. Page 1, line 24, by striking <Tax> and inserting
9 <Middle class family tax>
10 5. Page 1, line 25, before <tax> by inserting
11 <middle class family>
12 6. Page 1, line 32, before <tax> by inserting
13 <middle class family>
14 7. Page 1, by striking line 34 and inserting
15 <reduce taxes for households with a federal adjusted
16 gross income of two hundred fifty thousand dollars per
17 year or less.>
18 8. Page 2, line 3, before <tax> by inserting
19 <middle class family>
20 9. Page 2, line 8, before <tax> by inserting
21 <middle class family>
22 10. Page 2, line 18, before <tax> by inserting
23 <middle class family>
24 11. Page 2, line 28, before <tax> by inserting
25 <middle class family>
26 12. Page 2, line 31, before <TAX> by inserting
27 <MIDDLE CLASS FAMILY>
28 13. Page 2, line 33, before <tax> by inserting
29 <middle class family>
30 14. Page 3, line 1, after <representative.> by
31 inserting <The options considered shall include tax
32 rate reductions for households with a federal adjusted
33 gross income of two hundred fifty thousand dollars
34 per year or less and expansion of earned income tax
35 credits.>
36 15. Page 3, line 7, before <tax> by inserting
37 <middle class family>
38 16. By renumbering as necessary.

WOLFE of Clinton

ABDUL-SAMAD of Polk

BERRY of Black Hawk
 GAINES of Polk
 HALL of Woodbury
 HEDDENS of Story
 ISENHART of Dubuque
 KEARNS of Lee
 KRESSIG of Black Hawk
 LYKAM of Scott
 McCARTHY of Polk
 MUHLBAUER of Crawford
 OLDSON of Polk
 PETERSEN of Polk
 M. SMITH of Marshall
 SWAIM of Davis
 THEDE of Scott
 WENTHE of Fayette
 WILLEMS of Linn
 WITTNEBEN of Emmet

COHOON of Des Moines
 GASKILL of Wapello
 HANSON of Jefferson
 HUNTER of Polk
 KAJTAZOVIC of Black Hawk
 KELLEY of Jasper
 LENSING of Johnson
 MASCHER of Johnson
 H. MILLER of Webster
 MURPHY of Dubuque
 T. OLSON of Linn
 RUNNING-MARQUARDT of Linn
 STECKMAN of Cerro Gordo
 T. TAYLOR of Linn
 THOMAS of Clayton
 WESSEL-KROESCHELL of Story
 WINCKLER of Scott

H-1013

1 Amend House File 45 as follows:
 2 1. Page 1, line 2, before <TAX> by inserting <MAIN
 3 STREET BUSINESS COMMERCIAL PROPERTY>
 4 2. Page 1, line 10, before <tax> by inserting <main
 5 street business commercial property>
 6 3. Page 1, line 15, before <tax> by inserting <main
 7 street business commercial property>
 8 4. Page 1, line 24, by striking <Tax> and inserting
 9 <Main Street commercial property tax>
 10 5. Page 1, line 25, before <tax> by inserting <main
 11 street business commercial property>
 12 6. Page 1, line 32, before <tax> by inserting <main
 13 street business commercial property>
 14 7. Page 1, by striking line 34 and inserting
 15 <reduce main street business commercial property
 16 tax rates. For the purposes of this section, "main
 17 street business" means a business that is domiciled in
 18 this state with thirty-five or fewer employees, that
 19 is owned, operated, and actively managed by an Iowa
 20 resident, and that only employs persons who are legally
 21 authorized to work in this state.>
 22 8. Page 2, line 3, before <tax> by inserting <main
 23 street business commercial property>
 24 9. Page 2, line 8, before <tax> by inserting <main
 25 street business commercial property>
 26 10. Page 2, line 18, before <tax> by inserting
 27 <main street business commercial property>
 28 11. Page 2, line 28, before <tax> by inserting
 29 <main street business commercial property>
 30 12. Page 2, line 31, before <TAX> by inserting
 31 <MAIN STREET BUSINESS COMMERCIAL PROPERTY>

- 32 13. Page 2, line 33, before <tax> by inserting
- 33 <main street business commercial property>
- 34 14. Page 3, line 7, before <tax> by inserting <main
- 35 street business commercial property>
- 36 15. By renumbering as necessary.

SWAIM of Davis
 BERRY of Black Hawk
 GAINES of Polk
 HALL of Woodbury
 HEDDENS of Story
 ISENHART of Dubuque
 KAJTAZOVIC of Black Hawk
 KELLEY of Jasper
 LENSING of Johnson
 MASCHER of Johnson
 H. MILLER of Webster
 MURPHY of Dubuque
 R. OLSON of Polk
 PETERSEN of Polk
 RUNNING-MARQUARDT of Linn
 STECKMAN of Cerro Gordo
 THEDE of Scott
 WENTHE of Fayette
 WILLEMS of Linn
 WITTNEBEN of Emmet

ABDUL-SAMAD of Polk
 COHOON of Des Moines
 GASKILL of Wapello
 HANSON of Jefferson
 HUNTER of Polk
 JACOBY of Johnson
 KEARNS of Lee
 KRESSIG of Black Hawk
 LYKAM of Scott
 McCARTHY of Polk
 MUHLBAUER of Crawford
 OLDSOON of Polk
 T. OLSON of Linn
 QUIRK of Chickasaw
 M. SMITH of Marshall
 T. TAYLOR of Linn
 THOMAS of Clayton
 WESSEL-KROESCHELL of Story
 WINCKLER of Scott
 WOLFE of Clinton

H-1014

- 1 Amend House File 45 as follows:
- 2 1. Page 9, by striking lines 27 through 33.
- 3 2. By renumbering as necessary.

GASKILL of Wapello

H-1015

- 1 Amend House File 45 as follows:
- 2 1. Page 50, after line 23 by inserting:
- 3 <DIVISION _____
- 4 GOVERNMENT EFFICIENCY MEASURES
- 5 Sec. ____ PRESCRIPTION DRUG PURCHASING. The
- 6 standing committees on human resources of the
- 7 senate and house of representatives and the joint
- 8 appropriations subcommittee on health and human
- 9 services shall consult with appropriate parties in
- 10 developing a plan to achieve significant costs savings
- 11 by implementing a sole source contract or other means
- 12 of consolidating pharmacy services and prescription
- 13 drug purchasing for state employees, Medicaid program
- 14 recipients, patients at state institutions, inmates at
- 15 correctional facilities, and other persons for whom

16 the state pays a significant portion of prescription
17 drug costs. The plan shall be submitted in the form
18 of proposed legislation for consideration by the
19 Eighty-fourth General Assembly, 2011 Session.

20 Sec. ____ Section 8.51, Code 2011, is amended to
21 read as follows:

22 ~~8.51 Fiscal year of political~~ Political subdivisions
23 ~~— fiscal year — unexpended funds.~~

24 1. The fiscal year of cities, counties, and other
25 political subdivisions of the state shall begin July 1
26 and end the following June 30. For the purpose of this
27 section, the term political subdivision includes school
28 districts.

29 2. Each department that provides state funding to
30 a political subdivision of the state shall annually
31 review the statutory and regulatory requirements
32 applicable to the political subdivision's receipt
33 of the funding. The purpose of the review is to
34 identify any barrier in statute or departmental rule
35 or policy that would prevent recovery of any such
36 state funding provided to a political subdivision that
37 remains unencumbered or unobligated and the political
38 subdivision no longer complies with requirements to
39 receive the state funding. If an identified barrier
40 exists in state law, the department shall propose
41 legislation to the governor and general assembly to
42 remove the barrier. If an identified barrier is in
43 departmental rule or policy, the department shall amend
44 the rule or policy to remove the barrier.

45 Sec. ____ Section 8.57, subsection 6, paragraph f,
46 Code 2011, is amended to read as follows:

47 ~~f. There is appropriated from the rebuild Iowa~~
48 ~~infrastructure fund to the secure an advanced vision~~
49 ~~for education fund created in section 423F.2, for each~~
50 ~~fiscal year of the fiscal period beginning July 1,~~

Page 2

1 ~~2008, and ending June 30, 2010, and for each fiscal~~
2 ~~year of the fiscal period beginning July 1, 2011,~~
3 ~~and ending June 30, 2014, the amount of the moneys~~
4 ~~in excess of the first forty-seven million dollars~~
5 ~~credited to the rebuild Iowa infrastructure fund during~~
6 ~~the fiscal year, not to exceed ten million dollars.~~

7 Sec. ____ Section 8.57C, subsection 3, paragraph a,
8 Code 2011, is amended to read as follows:

9 a. There is appropriated from the general fund
10 of the state for the fiscal years beginning July 1,
11 2006, July 1, 2007, July 1, ~~2011~~ 2012, and for each
12 subsequent fiscal year thereafter, the sum of seventeen
13 million five hundred thousand dollars to the technology
14 reinvestment fund.

15 Sec. ____ NEW SECTION. 8A.319 State purchases —
 16 energy efficient lighting.
 17 The department shall, by July 1, 2011, replace
 18 all existing interior incandescent light bulbs in
 19 state buildings with light bulbs which qualify for the
 20 energy star efficiency rating developed by the United
 21 States environmental protection agency, or which meet
 22 alternative or additional energy efficiency standards
 23 or specifications as established by the department
 24 by rule. For the purposes of this section, "state
 25 building" means a public facility or building owned by
 26 or leased by the state, or an agency or department of
 27 the state.

28 POOLED TECHNOLOGY — FY 2010-2011

29 Sec. ____ 2010 Iowa Acts, chapter 1184, section 4,
 30 subsections 1 and 5, are amended to read as follows:

31 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

32 For technology improvement projects:
 33 \$ ~~3,793,654~~
 34 0

35 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 36 COMMISSION

37 For replacement of equipment for the Iowa
 38 communications network:
 39 \$ ~~2,244,956~~
 40 0

41 The commission may continue to enter into contracts
 42 pursuant to section 8D.13 for the replacement of
 43 equipment and for operations and maintenance costs of
 44 the network.

45 In addition to moneys appropriated in this
 46 subsection, the commission may use a financing
 47 agreement entered into by the treasurer of state in
 48 accordance with section 12.28 for the replacement
 49 of equipment for the network. For purposes of this
 50 subsection, the treasurer of state is not subject to

Page 3

1 the maximum principal limitation contained in section
 2 12.28, subsection 6. Repayment of any amounts financed
 3 shall be made from receipts associated with fees
 4 charged for use of the network.

5 TECHNOLOGY REINVESTMENT FUND — EDUCATIONAL DATA
 6 WAREHOUSE

7 Sec. ____ 2010 Iowa Acts, chapter 1184, section
 8 4, subsection 3, paragraph b, is amended to read as
 9 follows:

10 b. For the implementation of an educational data
 11 warehouse that will be utilized by teachers, parents,
 12 school district administrators, area education agency
 13 staff, department of education staff, and policymakers:

14 \$ 600,000
 15 67,593
 16 The department may use a portion of the moneys
 17 appropriated in this lettered paragraph for an
 18 e-transcript data system capable of tracking students
 19 throughout their education via interconnectivity with
 20 multiple schools.
 21 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 22 of this Act, being deemed of immediate importance,
 23 takes effect upon enactment.>
 24 2. By renumbering as necessary.

MASCHER of Johnson
 BERRY of Black Hawk
 GAINES of Polk
 HALL of Woodbury
 HEDDENS of Story
 ISENHART of Dubuque
 KAJTAZOVIC of Black Hawk
 KELLEY of Jasper
 LENSING of Johnson
 McCARTHY of Polk
 MUHLBAUER of Crawford
 OLDSOON of Polk
 PETERSEN of Polk
 RUNNING-MARQUARDT of Linn
 STECKMAN of Cerro Gordo
 T. TAYLOR of Linn
 THOMAS of Clayton
 WESSEL-KROESCHELL of Story
 WINCKLER of Scott
 WOLFE of Clinton

ABDUL-SAMAD of Polk
 COHOON of Des Moines
 GASKILL of Wapello
 HANSON of Jefferson
 HUNTER of Polk
 JACOBY of Johnson
 KEARNS of Lee
 KRESSIG of Black Hawk
 LYKAM of Scott
 H. MILLER of Webster
 MURPHY of Dubuque
 T. OLSON of Linn
 QUIRK of Chickasaw
 M. SMITH of Marshall
 SWAIM of Davis
 THEDE of Scott
 WENTHE of Fayette
 WILLEMS of Linn
 WITTNEBEN of Emmet

H-1016

1 Amend House File 45 as follows:
 2 1. Page 16, line 12, after <2011.> by inserting
 3 <The change in this subsection's appropriation amount
 4 made by this 2011 Iowa Acts amendment is applicable on
 5 the effective date of the legislation proposed by the
 6 standing committees on education.>

WINCKLER of Scott

H-1017

1 Amend House File 45 as follows:
 2 1. Page 11, before line 7 by inserting:
 3 <Sec. ____ 2010 Iowa Acts, chapter 1189, section
 4 10, subsection 2, is amended to read as follows:
 5 2. TERRACE HILL QUARTERS
 6 For salaries, support, maintenance, and

7 miscellaneous purposes for the governor's quarters
 8 at Terrace Hill, and for not more than the following
 9 full-time equivalent positions:
 10 \$ 394,291
 11 FTEs 10.00
 12 Moneys appropriated in this subsection from the
 13 general fund of the state or from any other source
 14 for the fiscal year shall not be used to increase the
 15 number of full-time equivalent positions for culinary
 16 and domestic services at the governor's quarters
 17 at Terrace Hill beyond the number of such positions
 18 employed as of January 1, 2011.>
 19 2. By renumbering as necessary.

KRESSIG of Black Hawk

H-1018

1 Amend House File 45 as follows:
 2 1. Page 15, by striking lines 2 through 14.
 3 2. By renumbering as necessary.

H. MILLER of Webster
HANSON of Jefferson

H-1019

1 Amend House File 45 as follows:
 2 1. By striking page 30, line 28, through page 32,
 3 line 2.
 4 2. By renumbering as necessary.

JACOBY of Johnson
 WESSEL-KROESCHELL of Story
 MASCHER of Johnson
 HEDDENS of Story
 KRESSIG of Black Hawk
 COHOON of Des Moines
 M. SMITH of Marshall
 BERRY of Black Hawk
 HUNTER of Polk
 PETERSEN of Polk
 ISENHART of Dubuque
 T. TAYLOR of Linn

LYKAM of Scott
 LENSING of Johnson
 STECKMAN of Cerro Gordo
 THEDE of Scott
 WINCKLER of Scott
 KELLEY of Jasper
 ABDUL-SAMAD of Polk
 KAJTAZOVIC of Black Hawk
 OLDSON of Polk
 MURPHY of Dubuque
 KEARNS of Lee

H-1020

1 Amend House File 45 as follows:
 2 1. Page 7, line 32, by striking <April 4> and
 3 inserting <July 1>
 4 2. Page 8, after line 9 by inserting:
 5 <3. Requiring the department of administrative

6 services to allow motor pool employees to bid on
 7 providing vehicle support and maintenance functions if
 8 subsections 1 and 2 are required by the implementation
 9 provisions.>
 10 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1021

1 Amend House File 45 as follows:
 2 1. Page 19, after line 30 by inserting:
 3 <Sec. ____ Section 273.3, subsection 11, Code 2011,
 4 is amended to read as follows:
 5 11. Employ personnel to carry out the functions
 6 of the area education agency which shall include the
 7 employment of an administrator who shall possess a
 8 license issued under chapter 272. The administrator
 9 shall be employed pursuant to section 279.20 and
 10 sections 279.23, 279.24 and 279.25. The salary
 11 for an area education agency administrator shall
 12 be established by the board based upon the previous
 13 experience and education of the administrator.
 14 The maximum salary of the administrator shall not
 15 exceed one hundred thirty percent of the average of
 16 the salaries of the superintendents for all school
 17 districts served by the area education agency. Section
 18 279.13 applies to the area education agency board and
 19 to all teachers employed by the area education agency.
 20 Sections 279.23, 279.24 and 279.25 apply to the area
 21 education board and to all administrators employed by
 22 the area education agency.>
 23 2. By renumbering as necessary.

WILLEMS of Linn
 MUHLBAUER of Crawford
 SWAIM of Davis
 HANSON of Jefferson
 WITTNEBEN of Emmet
 GASKILL of Wapello

H. MILLER of Webster
 WENTHE of Fayette
 THOMAS of Clayton
 KELLEY of Jasper
 QUIRK of Chickasaw

H-1022

1 Amend House File 45 as follows:
 2 1. By striking page 3, line 14, through page 4,
 3 line 12.
 4 2. Page 6, by striking lines 21 through 27.
 5 3. By striking page 6, line 28, through page 7,
 6 line 11.
 7 4. Page 7, by striking lines 20 through 23.
 8 5. Page 20, by striking lines 18 through 23.
 9 6. By striking page 27, line 3, through page 29,

- 10 line 26.
11 7. By striking page 29, line 27, through page 30,
12 line 2.
13 8. By striking page 32, line 6, through page 33,
14 line 16.
15 9. By striking page 45, line 17, through page 49,
16 line 4.
17 10. By renumbering as necessary.

MURPHY of Dubuque

H-1023

- 1 Amend House File 45 as follows:
2 1. Page 19, after line 21 by inserting:
3 <Sec. ____ Section 262.9, subsection 19, Code 2011,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. c. Limit any increase in tuition,
6 fees, and other charges at the institutions of higher
7 education under its control during a school year to not
8 more than four percent of the amount of the tuition,
9 fees, or other charges in effect during the previous
10 school year.>
11 2. Page 20, after line 15 by inserting:
12 <Sec. ____ APPLICABILITY — LEGISLATIVE INTENT.
13 1. The section of this division of this Act
14 amending section 262.9 applies to an increase in
15 tuition, fees, or other charges on or after January 1,
16 2011, and applies retroactively to that date.
17 2. It is the intent of the general assembly that if
18 staff reductions are necessary to implement the section
19 of this division of this Act amending section 262.9,
20 such reductions shall be applied to administrative
21 staff before being applied to instructional, health
22 care, or other staff that provide instruction or
23 services directly to students, patients, or consumers.>
24 3. By renumbering as necessary.

KAUFMANN of Cedar
GRASSLEY of Butler

H-1024

- 1 Amend House File 45 as follows:
2 1. By striking page 27, line 3, through page 29,
3 line 26.
4 2. By renumbering as necessary.

ISENHART of Dubuque

H-1025

1 Amend House File 45 as follows:

2 1. Page 6, line 10, by striking <flood plains> and
3 inserting <a floodplain>

4 2. Page 6, line 11, by striking <this storage> and
5 inserting <this Act>

6 3. Page 6, line 12, by striking <flood plain.>
7 and inserting <floodplain. For the purposes of this
8 section, "floodplain" means the same as one hundred
9 year floodplain, as defined in section 459.102.>

10 4. Page 9, by striking lines 4 and 5 and inserting
11 <shall not terminate a lease for office space outside
12 of the capitol complex at a time when early termination
13 penalties would be applicable for doing so.>

14 5. Page 9, by striking lines 27 through 33.

15 6. By striking page 9, line 34, through page 10,
16 line 26.

17 7. Page 10, after line 26 by inserting:

18 <Sec. ____ 2010 Iowa Acts, chapter 1189, section 5,
19 subsection 2, paragraphs c and d, are amended to read
20 as follows:

21 ~~e. The auditor shall not seek reimbursement
22 from governmental subdivisions for audits which are
23 reimbursable pursuant to section 11.20 or 11.21 in an
24 amount that exceeds the total amount reimbursed to the
25 auditor by governmental subdivisions for the fiscal
26 year beginning July 1, 2008.~~

27 d. Notwithstanding any provision of this subsection
28 to the contrary, the auditor may seek reimbursement
29 from departments and agencies specified in section
30 11.5B, and governmental subdivisions, in an amount that
31 exceeds the total amount reimbursed to the auditor
32 by those departments, or agencies, or governmental
33 subdivisions for the fiscal year beginning July 1,
34 2008, for audits required by the federal government and
35 reimbursable from federal funds.>

36 8. Page 12, after line 10 by inserting:

37 <g. The public broadcasting division of the
38 department of education.>

39 9. Page 15, line 14, after <section.> by inserting
40 <Any great places program grant contract entered into
41 prior to the effective date of this section shall
42 continue as provided by the terms of the contract.>

43 10. Page 17, line 23, after <thereafter.> by
44 inserting <In identifying options for additional
45 consolidation of administrative functions beyond those
46 previously implemented, the subcommittee shall review
47 the efficiencies initiatives and funding reduction
48 reports submitted by the community colleges and the
49 state board of regents pursuant to 2010 Iowa Acts,
50 chapter 1183, sections 9 and 12.>

Page 2

- 1 11. Page 19, line 21, after <2003.> by inserting
- 2 <To the extent feasible, area education agencies shall
- 3 first apply the reduction required by this subsection
- 4 to administration and other functions before applying
- 5 the reductions to staff positions engaged in working
- 6 directly with children and families.>
- 7 12. Page 21, line 17, by striking <191,820> and
- 8 inserting <148,000>
- 9 13. By renumbering as necessary.

WAGNER of Linn
RAECKER of Polk

H-1026

- 1 Amend the amendment, H-1021, to House File 45 as
- 2 follows:
- 3 1. Page 1, after line 1 by inserting:
- 4 <__. Page 19, by striking lines 10 through 21.>
- 5 2. By renumbering as necessary.

WILLEMS of Linn

H-1027

- 1 Amend the amendment, H-1009, to House File 45 as
- 2 follows:
- 3 1. Page 1, after line 1 by inserting:
- 4 <__. Page 46, line 19, after <costs.> by inserting
- 5 <The distribution allocations shall be completed on or
- 6 before July 1, 2011.>>
- 7 2. By renumbering as necessary.

HEDDENS of Story

H-1028

- 1 Amend the amendment, H-1010, to House File 45 as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 16 and
- 4 inserting <<The legislation shall require the
- 5 legislative services agency to report to the general
- 6 assembly within 90 days of the close of each fiscal
- 7 year providing an analysis as to how the cost for
- 8 that fiscal year of outsourcing state vehicle leasing
- 9 through a private entity compared to the previous
- 10 fiscal year and how the cost of the outsourcing
- 11 approach compared to state ownership and management of
- 12 the passenger vehicle pool. If at any time the cost of
- 13 the outsourcing approach is determined to be in excess

14 of the cost of state owned approach, the outsourcing
 15 approach shall be terminated and replaced with the most
 16 cost-effective approach identified by the department
 17 of administrative services for providing the passenger
 18 vehicle pool.>>

GASKILL of Wapello

H-1029

1 Amend the amendment, H-1015, to House File 45 as
 2 follows:
 3 1. By striking page 1, line 45, through page 2,
 4 line 6.
 5 2. Page 2, by striking lines 15 through 27.
 6 3. By renumbering as necessary.

WAGNER of Linn

H-1030

1 Amend the amendment, H-1017, to House File 45 as
 2 follows:
 3 1. Page 1, by striking lines 12 through 18 and
 4 inserting:
 5 <The department of administrative services shall
 6 implement a request for proposal process for the
 7 purposes of entering into a contract, by March 15,
 8 2011, with a private company to provide grass cutting
 9 and hedge trimming at the terrace hill quarters. The
 10 amount of cost savings resulting from such contract or
 11 from any reduction in full-time equivalent positions
 12 shall revert to the general fund of the state. >>

WAGNER of Linn

H-1031

1 Amend the amendment, H-1023, to House File 45 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 24 and
 4 inserting:
 5 <__. Page 19, after line 21 by inserting:
 6 <Sec. __. Section 262.9, subsection 19, Code 2011,
 7 is amended by adding the following new paragraph:
 8 NEW PARAGRAPH. c. Limit any increase in tuition,
 9 fees, and other charges at the institutions of higher
 10 education under its control during a school year to not
 11 more than an amount equivalent to the increase in the
 12 most recently issued higher education price index.>
 13 __. Page 20, after line 15 by inserting:
 14 <Sec. __. APPLICABILITY — LEGISLATIVE INTENT.

15 1. The section of this division of this Act
16 amending section 262.9 applies to an increase in
17 tuition, fees, and other charges on or after January 1,
18 2011, and applies retroactively to that date.
19 2. It is the intent of the general assembly that if
20 staff reductions are necessary to implement the section
21 of this division of this Act amending section 262.9,
22 such reductions shall be applied to administrative
23 staff before being applied to instructional, health
24 care, or other staff that provide instruction or
25 services directly to students, patients, or consumers.>
26 _____. By renumbering as necessary.>
27 2. By renumbering as necessary.

KAUFMANN of Cedar
GRASSLEY of Butler

H-1032

1 Amend the amendment, H-1023, to House File 45 as
2 follows:
3 1. Page 1, by striking lines 1 through 24 and
4 inserting:
5 <Amend House File 45 as follows:
6 _____. Page 19, after line 21 by inserting:
7 <Sec. _____. Section 262.9, subsection 19, Code 2011,
8 is amended by adding the following new paragraph:
9 NEW PARAGRAPH. c. Limit any increase in tuition,
10 fees, and other charges at the institutions of higher
11 education under its control during a school year to not
12 more than an amount equivalent to the increase in the
13 most recently issued higher education price index.>
14 _____. Page 20, after line 15 by inserting:
15 <Sec. _____. APPLICABILITY — LEGISLATIVE INTENT.
16 1. The section of this division of this Act
17 amending section 262.9 applies to an increase in
18 tuition, fees, and other charges on or after January 1,
19 2011, and applies retroactively to that date.
20 2. It is the intent of the general assembly that if
21 staff reductions are necessary to implement the section
22 of this division of this Act amending section 262.9,
23 such reductions shall be applied to administrative
24 staff before being applied to instructional, health
25 care, or other staff that provide instruction or
26 services directly to students, patients, or consumers.>
27 _____. By renumbering as necessary.>
28 2. By renumbering as necessary.

KAUFMANN of Cedar
GRASSLEY of Butler

H-1033

1 Amend House File 94 as follows:

2 1. Page 3, before line 28 by inserting:

3 <2A. In addition to the information to be provided
4 pursuant to subsection 2, there shall be provided on
5 the searchable internet site all of the following:

6 a. A listing and description of special tax credits
7 claimed for the individual income tax, corporate income
8 tax, franchise tax, and insurance premiums tax. A
9 special tax credit is a tax credit for which fewer than
10 twenty percent of the tax filers in the applicable tax
11 category claim the tax credit. For each category of
12 tax the internet site shall list each of the special
13 tax credits applicable to it, the total amount of
14 that tax credit claimed, and the number of taxpayers
15 claiming the tax credit.

16 b. The estimated cost to the state of each of
17 the twenty sales tax exemptions that account for the
18 largest dollar amount share of sales tax exemptions
19 under section 423.3. The cost of each exemption shall
20 be listed by county and, in addition, stated as a per
21 capita amount for each county. This paragraph does not
22 apply to the tax exemptions pursuant to section 423.3,
23 subsections 2, 31, 39, 58, 73, and 85.

24 c. The information to be provided pursuant to
25 subsection 2 shall also be provided for entities or
26 recipients of the special tax credits or exemptions
27 described in this subsection.

28 2B. In providing information pursuant to this
29 section on tax exemptions or tax credits, the
30 confidentiality provisions of Iowa law and federal law
31 shall apply and be adhered to.>

ISENHART of Dubuque

H-1034

1 Amend House File 94 as follows:

2 1. Page 3, before line 28 by inserting:

3 <2A. The searchable internet site developed
4 pursuant to this section shall allow the public at no
5 cost to search by name for businesses receiving income
6 tax refunds. The department of revenue shall provide
7 the information described in subsection 2 and such
8 additional information as necessary to the department
9 of management. In the case of businesses electing
10 to receive pass-through treatment for purposes of
11 taxation, the department of revenue shall aggregate
12 the refund data and information by business name and
13 transmit it to the department of management without
14 disclosing the identity of individual taxpayers.

15 For purposes of this subsection, "business" does not
16 include sole proprietorships.
17 2. Page 5, line 8, by striking <Individual tax
18 levies> and inserting <In the case of property
19 taxes, the individual components of the applicable
20 consolidated levy>

Petersen of Polk

H-1035

1 Amend House File 94 as follows:
2 1. Page 1, before line 9 by inserting:
3 <Sec. ____ Section 8A.502, subsection 9, Code 2011,
4 is amended by striking the subsection.>
5 2. Page 2, line 13, after <assistance.> by
6 inserting <The department of management shall define by
7 rule adopted pursuant to chapter 17A the meaning of the
8 term "individual recipient of state assistance".>
9 3. Page 2, before line 33 by inserting:
10 <8. "Tax exemption or credit" means an exclusion
11 from the operation or collection of a tax imposed in
12 this state. Tax exemption or credit includes tax
13 credits, exemptions, deductions, and rebates. "Tax
14 exemption or credit" also includes sales tax refunds if
15 such refunds are applied for and granted as a form of
16 financial assistance, including but not limited to the
17 refunds allowed in sections 15.331A and 423.4.
18 9. "Taxing jurisdiction" means a political
19 subdivision of the state with the authority to levy
20 taxes. Taxing jurisdiction includes but is not
21 limited to a city, a county, a school district, and a
22 township.>
23 4. Page 3, line 13, by striking <and principal
24 location or residence>
25 5. Page 3, line 17, by striking <of the revenue
26 expended>
27 6. Page 3, line 22, after <expenditure> by
28 inserting <, to the extent that such information is
29 available and can be provided>
30 7. Page 3, line 24, after <expenditure> by
31 inserting <, to the extent that such information is
32 available and can be provided>
33 8. Page 3, before line 28 by inserting:
34 <2A. a. In providing information pursuant to this
35 section on tax exemptions or credits, the department of
36 revenue shall do the following:
37 (1) Provide aggregate information for those tax
38 exemptions or credits that are claimed by individual
39 taxpayers.
40 (2) Provide the information described in subsection
41 2 for those tax exemptions or credits that are awarded

42 by an agency.
 43 (3) Adhere to all applicable confidentiality
 44 provisions to the extent possible while complying with
 45 the requirements of this section.
 46 b. An agency awarding tax exemptions or credits
 47 shall provide to the department of revenue any
 48 information the department may request regarding such
 49 exemptions or credits.>
 50 9. Page 3, by striking lines 31 and 32 and

Page 2

1 inserting <updated regularly as new data and
 2 information become available, but shall be updated
 3 no less frequently than annually within thirty days
 4 following the close of the state fiscal year. In
 5 addition, the>
 6 10. Page 4, line 30, by striking <districts> and
 7 inserting <jurisdictions>
 8 11. Page 5, by striking lines 6 through 8 and
 9 inserting <taxing jurisdiction. The information shall
 10 include all applicable tax types imposed in the taxing
 11 jurisdiction and shall be organized, presented, and
 12 accessible, to the extent possible, by county, city,
 13 and physical address for each residency or business.
 14 Individual tax levies>
 15 12. Page 5, lines 11 and 12, by striking <by
 16 zip code or physical address for each residency or
 17 business> and inserting <in the manner described in
 18 subsection 1>
 19 13. Page 5, line 14, by striking <district> and
 20 inserting <jurisdiction>
 21 14. Page 5, line 21, by striking <district> and
 22 inserting <jurisdiction>
 23 15. Page 5, by striking lines 26 and 27 and
 24 inserting <jurisdictions in the state, each taxing
 25 jurisdiction may annually be required to report its tax
 26 rates to the department of management or the department
 27 of revenue and shall>
 28 16. By renumbering, redesignating, and correcting
 29 internal references as necessary.

HELLAND of Polk

H-1036

1 Amend House File 95 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 43.49, subsection 1, unnumbered
 4 paragraph 1, Code 2011, is amended to read as follows:
 5 On the ~~Monday or~~ Tuesday following the primary
 6 election, the board of supervisors shall meet, open,

7 and canvass the returns from each voting precinct in
8 the county, and make abstracts thereof, stating the
9 following:>

10 2. Page 6, by striking lines 3 through 5 and
11 inserting:

12 <(3) The document includes an expiration date, and
13 the document is not expired at the time it is presented
14 or expired after the date of the last preceding general
15 election.>

16 3. Page 6, by striking lines 6 through 8 and
17 inserting:

18 <(4) The document was issued by the United States
19 or the state of Iowa.>

20 4. Page 8, after line 32 by inserting:

21 <Sec. ____ Section 50.24, subsection 1, Code 2011,
22 is amended to read as follows:

23 1. The county board of supervisors shall meet to
24 canvass the vote on the first ~~Monday or~~ Tuesday after
25 the day of each election to which this chapter is
26 applicable, unless the law authorizing the election
27 specifies another date for the canvass. If that ~~Monday~~
28 ~~or~~ Tuesday is a public holiday, section 4.1, subsection
29 34, controls.

30 Sec. ____ Section 50.46, Code 2011, is amended to
31 read as follows:

32 50.46 Special elections — canvass and certificate.

33 When a special election has been held to fill a
34 vacancy, pursuant to section 69.14, the board of
35 county canvassers shall meet ~~no earlier than 1:00 p.m.~~
36 ~~on the second day after the election, on the first~~
37 Tuesday following the election and canvass the votes
38 cast at the election. If the ~~second day~~ first Tuesday
39 after the election is a public holiday, section 4.1,
40 subsection 34, controls. The commissioner, as soon as
41 the canvass is completed, shall transmit to the state
42 commissioner an abstract of the votes so canvassed,
43 and the state board, within five days after receiving
44 such abstracts, shall canvass the tally lists. A
45 certificate of election shall be issued by the county
46 or state board of canvassers, as in other cases. All
47 the provisions regulating elections, obtaining tally
48 lists, and canvass of votes at general elections,
49 except as to time, shall apply to special elections.

50 Sec. ____ Section 50.48, subsection 7, Code 2011,

Page 2

1 is amended to read as follows:

2 7. If the election is an election held by a city
3 which is not the final election for the office in
4 question, the recount shall progress according to the
5 times provided by this subsection. If this subsection

6 applies the canvass shall be held by the ~~second day~~
 7 on the Tuesday after the election, the request for a
 8 recount must be made by the ~~third eighth~~ day after
 9 the election, the board shall convene to conduct the
 10 recount by the ~~sixth ninth~~ day after the election, and
 11 the report shall be filed by the ~~eleventh thirteenth~~
 12 day after the election.>

13 5. Page 10, after line 3 by inserting:
 14 <Sec. ____ Section 277.20, unnumbered paragraph 1,
 15 Code 2011, is amended to read as follows:

16 On the next ~~Friday~~ Tuesday after the regular school
 17 election, the county board of supervisors shall
 18 canvass the returns made to the county commissioner
 19 of elections from the several precinct polling places
 20 and the absentee ballot counting board, ascertain
 21 the result of the voting with regard to every matter
 22 voted upon and cause a record to be made thereof as
 23 required by section 50.24. Special elections held in
 24 school districts shall be canvassed at the time and
 25 in the manner required by that section. The board
 26 shall declare the results of the voting for members of
 27 boards of directors of school corporations nominated
 28 pursuant to section 277.4, and the commissioner shall
 29 at once issue a certificate of election to each person
 30 declared elected. The board shall also declare the
 31 results of the voting on any public question submitted
 32 to the voters of a single school district, and the
 33 commissioner shall certify the result as required by
 34 section 50.27.>

35 6. Page 10, before line 21 by inserting:
 36 <Sec. ____ Section 331.605, subsection 1, paragraph
 37 f, Code 2011, is amended to read as follows:

38 f. A county fee of four dollars for a certified
 39 copy of a birth record, death record, or marriage
 40 certificate. The fee prescribed by this paragraph
 41 shall not be assessed to applicants requesting a
 42 certified copy of a birth record if the applicant
 43 executes an affidavit indicating the applicant is
 44 requesting the certified copy of a birth record
 45 for the purpose of obtaining an Iowa nonoperator's
 46 identification card to be used for voting.

47 Sec. ____ Section 376.7, subsection 1, Code 2011,
 48 is amended to read as follows:

49 1. If a primary election is necessary, it shall be
 50 held on the Tuesday four weeks before the date of the

Page 3

1 regular city election. For each office on the ballot,
 2 a voter shall only vote for the number of persons to be
 3 elected to that office at the regular city election.
 4 The county board of supervisors shall publicly canvass

5 the tally lists of the vote cast in the primary
 6 election, following the procedures prescribed in
 7 section 50.24, at a meeting to be held on the ~~second~~
 8 day first Tuesday following the primary election, ~~and~~
 9 ~~beginning no earlier than 1:00 p.m. on that day.~~

10 Sec. ____ Section 376.9, subsection 1, Code 2011,
 11 is amended to read as follows:

12 1. A runoff election may be held only for positions
 13 unfilled because of failure of a sufficient number of
 14 candidates to receive a majority vote in the regular
 15 city election. When a council has chosen a runoff
 16 election in lieu of a primary, the county board of
 17 supervisors shall publicly canvass the tally lists of
 18 the vote cast in the regular city election, following
 19 the procedures prescribed in section 50.24, at a
 20 meeting to be held on the ~~second day~~ first Tuesday
 21 following the regular city election, ~~and beginning no~~
 22 ~~earlier than 1:00 p.m. on that day.~~ Candidates who
 23 do not receive a majority of the votes cast for an
 24 office, but who receive the highest number of votes
 25 cast for that office in the regular city election, to
 26 the extent of twice the number of unfilled positions,
 27 are candidates in the runoff election.>

28 7. Title page, line 2, after <person> by inserting
 29 <, providing for properly related matters,>

30 8. By renumbering as necessary.

SCHULTE of Linn

H-1037

1 Amend the amendment, H-1035, to House File 94 as
 2 follows:

3 1. Page 1, before line 50 by inserting:

4 <2B. The searchable internet site developed
 5 pursuant to this section shall allow the public at no
 6 cost to search by name for businesses receiving income
 7 tax refunds. The department of revenue shall provide
 8 the information described in subsection 2 and such
 9 additional information as necessary to the department
 10 of management. In the case of businesses electing
 11 to receive pass-through treatment for purposes of
 12 taxation, the department of revenue shall aggregate
 13 the refund data and information by business name and
 14 transmit it to the department of management without
 15 disclosing the identity of individual taxpayers.
 16 For purposes of this subsection, "business" does not
 17 include sole proprietorships.>

18 2. Page 2, by striking line 14 and inserting <In
 19 the case of property taxes, the individual components

20 of the applicable consolidated levy>
21 3. By renumbering, redesignating, and correcting
22 internal references as necessary.

PETERSEN of Polk

H-1038

1 Amend House File 149 as follows:
2 1. Page 1, line 6, after <State"> by inserting <and
3 that Iowa is a Judeo-Christian State>

MURPHY of Dubuque

H-1039

1 Amend House File 149 as follows:
2 1. Page 1, line 6, after <State"> by inserting <and
3 that Iowa is an English only state>

MURPHY of Dubuque

H-1040

1 Amend House File 149 as follows:
2 1. Page 1, line 6, after <State"> by inserting <and
3 the phrase, "I pledge allegiance to the flag, of the
4 United States of America, and to the Republic for which
5 it stands, one nation under God, indivisible, with
6 liberty and justice for all ">

MURPHY of Dubuque

H-1041

1 Amend House File 149 as follows:
2 1. Page 1, line 6, after <State"> by inserting <and
3 that Iowa has statistical reporting of abortions>

MURPHY of Dubuque

H-1042

1 Amend House File 149 as follows:
2 1. Page 1, line 6, after <State"> by inserting <and
3 that it is in the Iowa Code that marriage is between a
4 man and a woman>

MURPHY of Dubuque

H-1043

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 6, after <State"> by inserting <and
- 3 that Iowa has parental notification for minors seeking
- 4 an abortion>

MURPHY of Dubuque

H-1044

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 6, after <State"> by inserting <and
- 3 Iowa's average unemployment rate from the previous year
- 4 and how Iowa ranked nationally with respect to average
- 5 unemployment rates>

MURPHY of Dubuque

H-1045

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 6, after <State"> by inserting <and
- 3 Iowa's average wage from the previous year and how Iowa
- 4 ranked nationally with respect to average wages>

MURPHY of Dubuque

H-1046

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 7, after <letters> by inserting
- 3 <and an emblem of the American flag>

MURPHY of Dubuque

H-1047

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 6, by striking <a Right-to-Work>
- 3 and inserting <an Open Shop>

WILLEMS of Linn

H-1048

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 6, by striking <the phrase, "Iowa
- 3 is a Right-to-Work State"> and inserting <that Iowa
- 4 law allows cities and counties to abate local property
- 5 taxes for improving industrial real estate>

HUNTER of Polk

H-1049

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that in
4 Iowa, city councils or boards of supervisors may use
5 the property taxes resulting from the increase in
6 taxable valuation caused by the construction of new
7 industrial or commercial facilities to provide economic
8 development incentives to businesses>

HUNTER of Polk

H-1050

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that Iowa's
4 worker's compensation costs are among the nation's
5 lowest and the average cost of worker's compensation
6 insurance for manufacturers in Iowa is twenty-five
7 percent lower than the national average>

HUNTER of Polk

H-1051

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that Iowa
4 has a regulatory assistance program which enhances
5 the range of services available to Iowa companies by
6 advising and assisting companies in the preparation
7 and submission of permit applications with the
8 Iowa department of natural resources and other Iowa
9 regulatory agencies and the purpose of the regulatory
10 assistance program is to facilitate communication
11 between the companies and regulators and to expedite
12 the permitting process>

HUNTER of Polk

H-1052

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that Iowa has
4 a new internet site which consolidates all the small
5 business incentives and technical assistance programs
6 available to entrepreneurs who would like to develop or
7 expand their businesses in Iowa>

HUNTER of Polk

H-1053

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on incentives for green initiatives>

HUNTER of Polk

H-1054

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on information and communication technology
5 services>

HUNTER of Polk

H-1055

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on inbound and outbound shipping costs, and
5 the importance of Iowa's role in barge shipments along
6 the Mississippi river to international trade>

HUNTER of Polk

H-1056

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <include the
3 phrase, "Iowa is a Right-to-Work State"> and inserting
4 <incorporate the latest top ten survey results from
5 annual corporate surveys>

HUNTER of Polk

H-1057

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on the importance of Iowa as an agriculture
5 products international exporter>

HUNTER of Polk

H-1058

- 1 Amend House File 149 as follows:
2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that Iowa's
4 corporate income tax may be reduced or eliminated
5 through Iowa's federal deductibility>

HUNTER of Polk

H-1059

- 1 Amend House File 149 as follows:
2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that Iowa's
4 single-factor nonunitary tax is based only on the
5 percentage of total sales income within the state>

HUNTER of Polk

H-1060

- 1 Amend House File 149 as follows:
2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that in Iowa,
4 personal property is not assessed for tax purposes,
5 and in Iowa, personal property includes corporate
6 inventories of goods-in-process, raw materials, and
7 salable goods>

HUNTER of Polk

H-1061

- 1 Amend House File 149 as follows:
2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on labor costs>

HUNTER of Polk

H-1062

- 1 Amend House File 149 as follows:
2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that in Iowa
4 the purchase of industrial machinery and computers
5 assessed as real property and used for manufacturing or
6 used to process data by insurance companies, financial
7 institutions, or certain commercial enterprises is
8 exempt from Iowa sales or use tax>

HUNTER of Polk

H-1063

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <that in
4 Iowa, a refundable credit is available for increasing
5 research activities of up to six and one-half percent
6 of a company's allotted share of qualifying research
7 expenditures in Iowa, and that the credit can be
8 doubled under certain programs>

HUNTER of Polk

H-1064

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on highway accessibility>

HUNTER of Polk

H-1065

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on tax incentives>

HUNTER of Polk

H-1066

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on energy availability and costs>

HUNTER of Polk

H-1067

1 Amend House File 149 as follows:

2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on sustainable development>

HUNTER of Polk

H-1068

1 Amend House File 149 as follows:

- 2 1. Page 1, line 6, by striking <the phrase, "Iowa
3 is a Right-to-Work State"> and inserting <the latest
4 information on the availability of Iowa's skilled
5 labor>

HUNTER of Polk

H-1069

1 Amend House File 149 as follows:

- 2 1. Page 1, line 6, after <State"> by inserting <and
3 that Iowa allows gays to marry>

HUNTER of Polk

H-1070

1 Amend House File 126 as follows:

- 2 1. Page 3, by striking line 18 and inserting:
3 <3. Any person who is or has been registered with
4 any state or federal government body as a lobbyist or
5 government liaison at any time during the previous two
6 years, shall be required to file reports with the board
7 listing contributions to Iowa candidates and political
8 committees if the sum of such contributions is seven
9 hundred fifty dollars or more during an election cycle.
10 Such reports shall be submitted on the same schedule as
11 other financial reports made to the board by persons
12 or entities required to report. Such a report shall
13 identify the individuals or groups that the lobbyist
14 represents.
15 4. ~~The secretary of the senate, chief clerk of the~~
16 ~~house;~~>

ISENHART of Dubuque

H-1071

1 Amend the amendment, H-1046, to House File 149 as
2 follows:

- 3 1. Page 1, line 3, after <flag> by inserting <and
4 an emblem of the state flag>
5 2. Page 1, after line 3 by inserting:
6 <__. Page 1, line 8, after <literature.> by
7 inserting <The two emblems shall be in full color,
8 shall be centered on the page, and shall each measure
9 two and one-half inches square. If the state seal

10 appears on the literature, the two emblems shall be
11 proportional to the state seal in size.>>
12 3. By renumbering as necessary.

MURPHY of Dubuque

H-1072

1 Amend House File 149 as follows:
2 1. Page 1, line 6, by striking <Iowa is a
3 Right-to-Work State> and inserting <Iowa has some
4 of the most skilled and productive members of the
5 workforce in the world>

KEARNS of Lee

H-1073

1 Amend House File 184 as follows:
2 1. Page 1, line 6, by striking <zero> and inserting
3 two>
4 2. Page 1, line 8, by striking <zero> and inserting
5 two>

McCARTHY of Polk

H-1074

1 Amend House File 185 as follows:
2 1. Page 1, line 7, by striking <zero> and inserting
3 two>
4 2. Page 1, line 9, by striking <zero> and inserting
5 two>

McCARTHY of Polk

H-1075

1 Amend House File 189 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 257.8, subsection 1, Code 2011,
5 is amended to read as follows:
6 1. State percent of growth. ~~The state percent of~~
7 ~~growth for the budget year beginning July 1, 2009, is~~
8 ~~four percent.~~ The state percent of growth for the
9 budget year beginning July 1, 2010, is two percent.
10 The state percent of growth for the budget year
11 beginning July 1, 2011, is two percent. The state
12 percent of growth for the budget year beginning July
13 1, 2012, is two percent. The state percent of growth
14 for each subsequent budget year shall be established by

15 statute which shall be enacted within thirty days of
 16 the submission in the year preceding the base year of
 17 the governor's budget under section 8.21. ~~The Except~~
 18 ~~for the budget year beginning July 1, 2011, and the~~
 19 ~~budget year beginning July 1, 2012, the establishment~~
 20 of the state percent of growth for a budget year shall
 21 be the only subject matter of the bill which enacts the
 22 state percent of growth for a budget year.

23 Sec. 2. Section 257.8, subsection 2, Code 2011, is
 24 amended to read as follows:

25 2. Categorical state percent of growth. The
 26 categorical state percent of growth for the budget
 27 year beginning July 1, 2010, is two percent. ~~The~~
 28 ~~categorical state percent of growth for the budget~~
 29 ~~year beginning July 1, 2011, is two percent. The~~
 30 ~~categorical state percent of growth for the budget~~
 31 ~~year beginning July 1, 2012, is two percent. The~~
 32 categorical state percent of growth for each budget
 33 year shall be established by statute which shall be
 34 enacted within thirty days of the submission in the
 35 year preceding the base year of the governor's budget
 36 under section 8.21. ~~The Except for the budget year~~
 37 ~~beginning July 1, 2011, and the budget year beginning~~
 38 ~~July 1, 2012, the establishment of the categorical~~
 39 state percent of growth for a budget year shall be
 40 the only subject matter of the bill which enacts
 41 the categorical state percent of growth for a budget
 42 year. The categorical state percent of growth may
 43 include state percents of growth for the teacher salary
 44 supplement, the professional development supplement,
 45 and the early intervention supplement.

46 Sec. 3. EFFECTIVE UPON ENACTMENT AND
 47 APPLICABILITY. This Act, being deemed of immediate
 48 importance, takes effect upon enactment and is
 49 applicable for computing state aid under the state
 50 school foundation program for the school budget year

Page 2

1 beginning July 1, 2011, and for the school budget year
 2 beginning July 1, 2012.>

3 2. Title page, by striking lines 1 through 4 and
 4 inserting: <An Act establishing the state percent of
 5 growth and the categorical state percent of growth for
 6 purposes of the state school foundation program and
 7 including effective date and applicability provisions.>

JACOBY of Johnson

H-1076

1 Amend House File 189 as follows:

2 1. Page 1, by striking lines 9 through 28 and
3 inserting:

4 <2. The department of management shall determine
5 all of the following for each school district within
6 the state:

7 a. The total amount of revenue generated for the
8 base year by the school district's foundation property
9 tax levy and the school district's additional property
10 tax levy, taking into account amounts allocated to the
11 school district pursuant to section 257.15.

12 b. The total amount of revenue to be generated for
13 the budget year by the school district's foundation
14 property tax levy and the school district's additional
15 property tax levy, taking into account amounts to be
16 allocated to the school district pursuant to section
17 257.15.

18 c. The remainder of the amount determined under
19 paragraph "b" after subtracting the amount determined
20 in paragraph "a".

21 3. Each school district that has a remainder
22 determined under subsection 2, paragraph "c" that
23 is greater than zero shall receive a property tax
24 relief supplement in an amount equal to the remainder
25 determined under paragraph "c". The department of
26 management shall notify each school district of the
27 amount of the property tax relief supplement.

28 4. School districts that receive a property tax
29 relief supplement under this section, shall not levy
30 property taxes for the amount of the property tax
31 relief supplement received.

32 5. Property tax relief supplement payments received
33 by a school district under this section may be used for
34 any purpose for which such amounts may be used if such
35 moneys were generated through property taxes.>

JACOBY of Johnson

H-1077

1 Amend House File 222 as follows:

2 1. Page 1, line 3, after <not> by inserting
3 <knowingly>

HUNTER of Polk

H-1078

1 Amend House File 212 as follows:

2 1. Page 1, by striking lines 10 and 11 and

3 inserting <a standard of dress, or otherwise imposes
4 limitations on student dress, if the board determines
5 that the policy>

KELLEY of Jasper

H-1079

1 Amend House File 194 as follows:
2 1. Page 1, by striking line 27 and inserting
3 <dollars but not exceeding two hundred fifty thousand
4 dollars, ~~eight five~~ and ~~ninety-eight~~ thirty-eight
5 hundredths>
6 2. Page 1, before line 29 by inserting:
7 <Sec. ____ Section 422.5, subsection 1, Code 2011,
8 is amended by adding the following new paragraph:
9 NEW PARAGRAPH. 0j. On all taxable income exceeding
10 two hundred fifty thousand dollars, eight and
11 fifty-three hundredths percent.>
12 3. Title page, by striking line 1 and inserting <An
13 Act relating to the individual income>
14 4. By renumbering as necessary.

JACOBY of Johnson
KAJTAZOVIC of Black Hawk
OLDSON of Polk

GASKILL of Wapello
KRESSIG of Black Hawk
PETERSEN of Polk

H-1080

1 Amend House File 194 as follows:
2 1. Page 1, line 27, after <dollars> by inserting
3 <but not exceeding one hundred eighty-two thousand five
4 hundred dollars>
5 2. Page 1, before line 29 by inserting:
6 <Sec. ____ Section 422.5, subsection 1, Code 2011,
7 is amended by adding the following new paragraph:
8 NEW PARAGRAPH. 0j. On all taxable income exceeding
9 one hundred eighty-two thousand five hundred dollars,
10 eight and forty-nine hundredths percent.>
11 3. By renumbering as necessary.

T. OLSON of Linn
PETERSEN of Polk
OLDSON of Polk

GASKILL of Wapello
KRESSIG of Black Hawk
KAJTAZOVIC of Black Hawk

H-1081

1 Amend House File 260 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 274.3 Exercise of powers
5 — construction.

6 1. The board of directors of a school district
 7 shall operate, control, and supervise all public
 8 schools located within its district boundaries and may
 9 exercise any broad and implied power related to the
 10 operation, control, and supervision of those public
 11 schools except as expressly prohibited or prescribed by
 12 the Constitution of the State of Iowa or by statute.

13 2. Notwithstanding subsection 1, the board of
 14 directors of a school district shall not have power to
 15 levy any tax unless expressly authorized by the general
 16 assembly.

17 3. This chapter, chapter 257 and chapters 275
 18 through 301, and other statutes relating to the
 19 boards of directors of school districts and to school
 20 districts shall be liberally construed to effectuate
 21 the purposes of subsection 1.>

22 2. Title page, by striking lines 1 and 2 and
 23 inserting <An Act relating to the exercise, by school
 24 districts, of any broad and implied powers except as
 25 expressly prohibited or prescribed by the Constitution
 26 of the State of Iowa or by statute, and to the
 27 construction of statutes related to school district
 28 boards and school districts.>

FORRISTALL of Pottawattamie

H-1082

1 Amend the amendment, H-1081, to House File 260 as
 2 follows:

3 1. Page 1, after line 16 by inserting:
 4 <__. This section shall not apply to a research
 5 and development school as defined in section 256G.2 or
 6 to a laboratory school as defined in section 265.1.
 7 The board of directors of a school district in which
 8 such a research and development school or laboratory
 9 school is located shall not exercise over such a school
 10 any powers granted to the board by subsection 1.>

11 2. Page 1, line 28, after <districts> by inserting
 12 <, and providing an exception>

HAGENOW of Polk

H-1083

1 Amend House File 194 as follows:

2 1. Page 1, by striking line 27 and inserting
 3 <dollars but not exceeding two hundred fifty thousand
 4 dollars, eight seven and ninety-eight eighteen
 5 hundredths>

6 2. Page 1, before line 29 by inserting:
 7 <Sec. __. Section 422.5, subsection 1, Code 2011,

8 is amended by adding the following new paragraph:
9 NEW PARAGRAPH. 0j. On all taxable income exceeding
10 two hundred fifty thousand dollars, eight and
11 fifty-three hundredths percent.>
12 3. Title page, by striking line 1 and inserting <An
13 Act relating to the individual income>
14 4. By renumbering as necessary.

JACOBY of Johnson
KAJTAZOVIC of Black Hawk
OLDSON of Polk

GASKILL of Wapello
KRESSIG of Black Hawk
PETERSEN of Polk

H-1084

1 Amend House File 194 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 298.14, Code 2011, is amended
4 to read as follows:
5 298.14 School district income surtaxes.
6 1. a. For each fiscal year, the cumulative total
7 of the percents of surtax approved by the board of
8 directors of a school district and collected by the
9 department of revenue under sections 257.21, 257.29,
10 and 298.2, and the enrichment surtax under section
11 442.15, Code 1989, and an income surtax collected by
12 a political subdivision under chapter 422D, shall not
13 exceed twenty percent.
14 b. (1) Notwithstanding paragraph "a", a board
15 of directors of a school district shall impose, and
16 the department of revenue shall collect, an enhanced
17 cumulative income surtax amount pursuant to this
18 paragraph "b".
19 (2) The enhanced cumulative income surtax shall be
20 in the following amounts for the following years:
21 (a) For 2012, for each surtax specified in
22 paragraph "a" that is imposed in 2011 and is still
23 imposed in 2012, the amount shall be one hundred
24 twenty-five percent of the amount generated by each
25 surtax imposed by the school district in 2011.
26 (b) For 2013, for each surtax specified in
27 paragraph "a" that is imposed in 2011 and is still
28 imposed in 2013, the amount shall be one hundred
29 fifteen percent of the amount generated by each surtax
30 imposed by the school district in 2011.
31 (c) For 2014, for each surtax specified in
32 paragraph "a" that is imposed in 2011 and is still
33 imposed in 2014, the amount shall be one hundred ten
34 percent of the amount generated by each surtax imposed
35 by the school district in 2011.
36 (d) For 2015, for each surtax specified in
37 paragraph "a" that is imposed in 2011 and is still
38 imposed in 2015, the amount shall be one hundred five

39 percent of the amount generated by each surtax imposed
 40 by the school district in 2011.

41 (e) For 2016, for each surtax specified in
 42 paragraph "a" that is imposed in 2011 and is still
 43 imposed in 2016, the amount shall be the amount
 44 generated by each surtax imposed by the school district
 45 in 2011.

46 (3) This paragraph "b" is repealed on June 30,
 47 2016.

48 2. A school district income surtax fund is created
 49 in the office of treasurer of state. Income surtaxes
 50 collected by the department of revenue under sections

Page 2

1 257.21, 257.29, and 298.2 and section 442.15, Code
 2 1989, shall be deposited in the school district income
 3 surtax fund to the credit of each school district. A
 4 separate accounting of each surtax, by school district,
 5 shall be maintained.

6 3. The director of the department of administrative
 7 services shall draw warrants in payment of the surtaxes
 8 collected in each school district. Warrants shall be
 9 payable in two installments to be paid on approximately
 10 the first day of December and the first day of
 11 February following collection of the taxes and shall be
 12 delivered to the respective school districts.>

HELLAND of Polk

H-1085

1 Amend House File 182 as follows:

2 1. Page 1, by striking lines 6 through 13 and
 3 inserting:

4 <Sec. ____ Section 901.3, Code 2011, is amended by
 5 adding the following new subsection:

6 NEW SUBSECTION. 8. Whether the defendant has a
 7 history of mental health or substance abuse problems.
 8 If so, the investigator shall inquire into the
 9 treatment options available in both the community of
 10 the defendant and the correctional system.

11 Sec. ____ Section 901.3, subsection 7, unnumbered
 12 paragraph 2, Code 2011, is amended to read as follows:

13 All local and state mental and correctional
 14 institutions, courts, and police agencies shall furnish
 15 to the investigator on request the defendant's criminal
 16 record and other relevant information. The originating
 17 source of specific mental health or substance abuse
 18 information including the histories, treatment, and use
 19 of medications shall not be released to the presentence
 20 investigator unless the defendant authorizes the

21 release of such information. If the defendant
22 refuses to release the information, the presentence
23 investigator may note the defendant's refusal to
24 release mental health or substance abuse information
25 in the presentence investigation report and rely upon
26 other mental health or substance abuse information
27 available to the presentence investigator. With
28 the approval of the court, a physical examination or
29 psychiatric evaluation of the defendant may be ordered,
30 or the defendant may be committed to an inpatient or
31 outpatient psychiatric facility for an evaluation of
32 the defendant's personality and mental health. The
33 results of any such examination or evaluation shall be
34 included in the report of the investigator.>
35 2. By renumbering as necessary.

HAGENOW of Polk

H-1086

1 Amend House File 222 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 68A.405, subsection 1,
4 paragraphs a and b, Code 2011, are amended to read as
5 follows:
6 a. For purposes of this subsection:
7 (1) "Individual" includes a candidate for public
8 office who has not filed a statement of organization
9 under section 68A.201.
10 (2) "Organization" includes an organization
11 established to advocate the passage or defeat of a
12 ballot issue but that has not filed a statement of
13 organization under section 68A.201.
14 (3) "Published material" means any newspaper,
15 magazine, shopper, outdoor advertising facility,
16 poster, direct mailing, brochure, internet website,
17 campaign sign, or any other form of printed general
18 public political advertising. "Published material"
19 includes television, radio, video, or motion picture
20 advertising.
21 b. (1) Except as set out in subsection 2,
22 published material, or automated telephone calls
23 designed to expressly advocate the nomination,
24 election, or defeat of a candidate for public office or
25 the passage or defeat of a ballot issue shall include
26 on the published material an attribution statement
27 disclosing who is responsible for the published
28 material.
29 (2) Automated telephone calls made by a person or
30 organization for the purpose of gathering information
31 to inform or influence an election for a public office
32 shall include a disclaimer clearly identifying the name

33 of the caller, the name of the person or organization
34 funding the communication, and the name and telephone
35 number of an authorized person responsible for the
36 communication.

37 ~~(2)~~ (3) The person who is responsible for the
38 published material has the sole responsibility and
39 liability for the attribution statement required by
40 this section.>

41 2. Title page, line 1, after <to> by inserting:
42 <require attribution statements for certain campaign
43 communications, and to>

44 3. By renumbering as necessary.

ISENHART of Dubuque

H-1087

1 Amend House File 222 as follows:

2 1. Page 1, before line 1 by inserting:
3 Section 1. NEW SECTION. 68A.407 Communications
4 provided to the board.

5 1. Any communication used in an automated telephone
6 call, which is made to influence an election for a
7 public office, and paid for as a direct, in-kind or
8 independent expenditure by a person, candidate, or
9 political committee, shall be filed with the board
10 in both electronic and script formats, according to
11 specifications established by the board.

12 2. The communication shall be filed within
13 twenty-four hours of when the communication was first
14 made or within six hours of when the communication
15 was first made if so communicated within five days
16 of the election. The filing shall include the total
17 expenditures associated with the communication.

18 3. An automated telephone call made to influence an
19 election for public office, and paid for as a direct,
20 in-kind or independent expenditure by a person or by
21 a candidate or political committee, shall not be made
22 if it has not been filed with the board as required by
23 this section.

24 4. Any communication filed with the board which
25 directly or indirectly refers to a vote, position,
26 or view taken by a candidate for public office, or
27 portrays the view of a candidate for public office,
28 shall include documentation of that vote, position,
29 or view in a form required by the board. The
30 documentation shall include but not necessarily be
31 limited to the date, place, and manner by which the
32 candidate cast such a vote, took such a position or
33 expressed such a view, and shall reference a public
34 source of information where the documentation can
35 be verified. In addition, the filing shall include

36 the name, address, telephone number and electronic
 37 mail address of the person who is taking legal
 38 responsibility for the truthfulness of the information.
 39 5. A communication filed with the board and its
 40 associated documentation shall be permanently posted by
 41 the board on a publicly accessible internet site in an
 42 easily identifiable format as soon as technically and
 43 reasonably possible.
 44 6. The board may establish reasonable fees to
 45 cover the costs associated with implementation of this
 46 section, payable by the persons, candidate committees,
 47 political committees, or other entities filing
 48 communications with the board.
 49 7. In addition to the penalty set out in section
 50 68A.701, a person who violates this section shall be

Page 2

1 subject to a penalty not to exceed the total amount
 2 of the expenditures to produce and transmit the
 3 communication.>
 4 2. Title page, line 1, after <to> by inserting:
 5 <require reporting requirements for certain campaign
 6 communications, and to>
 7 3. By renumbering as necessary.

ISENHART of Dubuque

H-1088

1 Amend the amendment, H-1084, to House File 194 as
 2 follows:
 3 1. Page 1, after line 45 by inserting:
 4 <(2A) The enhanced cumulative income surtax imposed
 5 pursuant to this paragraph "b" shall not apply for
 6 purposes of calculating the cumulative limitation
 7 described in paragraph "a".>

HELLAND of Polk

H-1089

1 Amend House File 195 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 598.41D, Code 2011, is amended
 5 to read as follows:
 6 598.41D Assignment of visitation or physical care
 7 parenting time — parent serving active duty — family
 8 member.
 9 1. Notwithstanding any provision to the contrary, a
 10 parent who has been granted court-ordered visitation

11 with the parent's minor child may file an application
12 for modification of a decree or a petition for
13 modification of an order regarding child visitation,
14 prior to or during the time the parent is serving
15 active duty in the military service of the United
16 States, to temporarily assign that parent's visitation
17 ~~rights~~ to a family member of the minor child, as
18 specified by the parent. The application or petition
19 shall be accompanied by an affidavit from the family
20 member indicating the family member's knowledge of the
21 application or petition and willingness to exercise the
22 parent's visitation ~~rights~~ during the parent's absence.
23 The application or petition shall also request any
24 change in the visitation schedule necessitated by the
25 assignment.

26 2. Notwithstanding any provision to the contrary,
27 a parent who has been granted court-ordered physical
28 care or joint physical care of the parent's minor child
29 may file an application for modification of a decree
30 or a petition for modification of an order regarding
31 child custody, prior to or during the time the parent
32 is serving active duty in the military service of the
33 United States, to temporarily assign the parent's
34 physical care parenting time to a family member of
35 the minor child, as specified by the parent. The
36 application or petition shall be accompanied by an
37 affidavit from the family member indicating the family
38 member's knowledge of the application or petition
39 and willingness to exercise the parent's physical
40 care parenting time during the parent's absence.
41 The application or petition shall also request any
42 change in the physical care parenting time schedule
43 necessitated by the assignment.

44 2. 3. a. If the active duty of a parent affects
45 the parent's ability or anticipated ability to appear
46 at a regularly scheduled hearing, the court shall
47 provide for an expedited hearing in matters instituted
48 under this section.

49 b. If the active duty or anticipated active duty of
50 a parent prevents the parent from appearing in person

Page 2

1 at a hearing, the court shall provide, upon reasonable
2 advance notice, for the parent to present testimony
3 and evidence by electronic means in matters instituted
4 under this section. For the purposes of this
5 paragraph, "electronic means" includes communication by
6 telephone, video teleconference, or the internet.

7 ~~3. 4.~~ a. The court may grant the parent's request
8 for temporary assignment of visitation or physical
9 care parenting time and any change in the visitation

10 or physical care parenting time schedule requested if
11 the court finds that such assignment of visitation or
12 physical care parenting time is in the best interest
13 of the child.

14 b. In determining the best interest of the child,
15 the court shall ensure all of the following:

16 (1) That the specified family member is not a sex
17 offender as defined in section 692A.101.

18 (2) That the specified family member does not have
19 a history of domestic abuse, as defined in section
20 236.2. In determining whether a history of domestic
21 abuse exists, the court's consideration shall include
22 but is not limited to commencement of an action
23 pursuant to section 236.3, the issuance of a protective
24 order against the individual or the issuance of a
25 court order or consent agreement pursuant to section
26 236.5, the issuance of an emergency order pursuant to
27 section 236.6, the holding of an individual in contempt
28 pursuant to section 664A.7, the response of a peace
29 officer to the scene of alleged domestic abuse or the
30 arrest of an individual following response to a report
31 of alleged domestic abuse, or a conviction for domestic
32 abuse assault pursuant to section 708.2A.

33 (3) That the specified family member does not have
34 a record of founded child or dependent adult abuse.

35 (4) That the specified family member has an
36 established relationship with the child and assigning
37 visitation or physical care parenting time to the
38 specified family member will provide the child the
39 opportunity to maintain an ongoing family relationship
40 that is important to the child.

41 (5) That the specified family member ~~is able~~
42 demonstrates an ability to personally and financially
43 support the child and will support the child's
44 relationship with both of the child's parents during
45 the assigned visitation or physical care parenting
46 time.

47 ~~4.5.~~ An order granting assignment of visitation
48 rights or physical care parenting time under this
49 section does not create separate rights to visitation
50 or physical care parenting time for a person other than

Page 3

1 the parent. An order granting assignment of visitation
2 or physical care parenting time under this section
3 does not grant any custodial or parental rights to any
4 person who is not the parent of the child.

5 6. An order granted under this section may
6 temporarily assign visitation or physical care
7 parenting time that is equal to or less than the
8 visitation or physical care parenting time awarded to

9 the parent whose visitation or physical care parenting
10 time is assigned.

11 ~~5. 7.~~ The parent whose visitation ~~rights are or~~
12 physical care parenting time is temporarily assigned
13 shall provide a copy of the order granting assignment
14 of visitation or physical care parenting time to the
15 school and school district of the child to whom the
16 order applies.

17 ~~6. 8.~~ An order granting temporary assignment
18 of visitation ~~rights or physical care parenting~~
19 time pursuant to this section shall terminate
20 upon notification of the court by the parent or
21 automatically upon the parent's completion of active
22 duty, whichever occurs first.

23 ~~7. 9.~~ After a parent completes active duty, if an
24 application for modification of a decree or a petition
25 for modification of an order is filed, the parent's
26 absence due to active duty or the assignment of
27 visitation ~~rights or physical care parenting time~~ does
28 not constitute a substantial change in circumstances,
29 and the court shall not consider a parent's absence due
30 to that active duty or the assignment of visitation
31 ~~rights or physical care parenting time~~ in making a
32 determination regarding the best interest of the child
33 relative to such an application or petition filed after
34 a parent completes active duty.

35 ~~8. 10.~~ As used in this section, "active duty"
36 means active military duty pursuant to orders issued
37 under Tit. X of the United States Code. However, this
38 section shall not apply to active guard and reserve
39 duty or similar full-time military duty performed by
40 a parent when the child remains in actual custody of
41 the parent.

42 ~~11.~~ As used in this section, "parenting time" means
43 actual time spent with the child as specified in a
44 decree or order, but does not include any other element
45 of legal custody, physical care, or joint physical
46 care.

47 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
48 deemed of immediate importance, takes effect upon
49 enactment.>

50 2. Title page, line 1, by striking <joint>.

J. TAYLOR of Woodbury

H-1090

1 Amend House File 222 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.405, subsection 1,
4 paragraphs a and b, Code 2011, are amended to read as
5 follows:

6 a. For purposes of this subsection:

7 (1) "Individual" includes a candidate for public
8 office who has not filed a statement of organization
9 under section 68A.201.

10 (2) "Organization" includes an organization
11 established to advocate the passage or defeat of a
12 ballot issue but that has not filed a statement of
13 organization under section 68A.201.

14 (3) "Published material" means any newspaper,
15 magazine, shopper, outdoor advertising facility,
16 poster, direct mailing, brochure, internet website,
17 campaign sign, or any other form of printed general
18 public political advertising. "Published material"
19 includes television, radio, video, or motion picture
20 advertising.

21 b. (1) Except as set out in subsection 2,
22 published material, or automated telephone calls
23 designed to expressly advocate the nomination,
24 election, or defeat of a candidate for public office or
25 the passage or defeat of a ballot issue shall include
26 on the published material an attribution statement
27 disclosing who is responsible for the published
28 material.

29 (2) Automated telephone calls made by a person or
30 organization for the purpose of gathering information
31 about or to influence an election for a public office
32 shall include a disclaimer clearly identifying the name
33 of the caller, the name of the person or organization
34 funding the communication, and the name and telephone
35 number of an authorized person responsible for the
36 communication.

37 ~~(2)~~ (3) The person who is responsible for the
38 published material has the sole responsibility and
39 liability for the attribution statement required by
40 this section.>

41 2. Title page, line 1, after <to> by inserting:
42 <require attribution statements for certain campaign
43 communications, and to>

44 3. By renumbering as necessary.

ISENHART of Dubuque

H-1091

1 Amend House File 45, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 UNIFORM PROVISIONS

7 Section 1. LEGISLATIVE GROUP HEALTH PLANS. The
8 group health insurance coverage available to members

9 and employees of the general assembly on or after the
10 effective date of this section shall not provide for
11 additional coverage benefits, lower costs, or other
12 enhancements that are unavailable to officials and
13 employees of the executive branch of state government.

14 Sec. 2. STATE AGENCY OFFICE SUPPLIES PURCHASE,
15 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
16 MARKETING.

17 1. For the purposes of this section, "department"
18 means the same as defined in section 8.2.

19 2. a. For the period beginning on the effective
20 date of this section through the close of the fiscal
21 year ending on June 30, 2011, each state department
22 shall be subject to a limitation on expenditures
23 made on or after the effective date of this section
24 for office supplies, purchases of equipment, office
25 equipment, and equipment noninventory, printing and
26 binding, and marketing in accordance with this section.

27 b. The limitation shall be equal to 50 percent of
28 the unexpended or unencumbered amount that a department
29 has budgeted or otherwise designated for purposes
30 of office supplies, purchases of equipment, office
31 equipment, and equipment noninventory, printing and
32 binding, and marketing from the appropriations made
33 from all sources other than federal funds for the
34 fiscal year beginning July 1, 2010, and ending June 30,
35 2011, to the department from all sources, as of the
36 effective date of this section.

37 3. For the period beginning on the effective date
38 of this section through the close of the fiscal year
39 ending on June 30, 2011, out-of-state travel by an
40 employee of a department, which travel is funded in
41 whole or in part by an appropriation from a source
42 other than federal funds, shall not be authorized
43 unless a waiver for the travel is approved by the
44 executive council. The executive council shall adopt
45 waiver criteria based on the relative importance of
46 the travel to fulfilling statutorily required duties,
47 the potential for the travel to bring cost savings or
48 enhanced revenues for the state, and other means to
49 determine whether the benefit or potential benefit of
50 the travel significantly outweighs the potential cost.

Page 2

1 4. The committees on appropriations of the
2 senate and house of representatives shall recommend
3 legislation applying a directive for the executive
4 branch to implement a master marketing contract for
5 state agencies that commences on or before July 1,
6 2011.

7 5. The appropriations to which the expenditure

8 reductions required by this section are attributed
 9 shall be reduced by the amount of the expenditure
 10 reductions. Within 30 days of the enactment date of
 11 this section, the department of management shall apply
 12 such appropriation reductions and shall submit a report
 13 to the general assembly and legislative services agency
 14 itemizing the expenditure and appropriation reductions
 15 applied.

16 6. This section is not applicable to the state
 17 board of regents and the institutions under the control
 18 of the state board.

19 Sec. 3. Section 7E.3, Code 2011, is amended by
 20 adding the following new subsection:

21 NEW SUBSECTION. 5. Adults not lawfully
 22 present. Unless expressly authorized by federal or
 23 state law, ensure that the public benefits administered
 24 by the department or independent agency are not
 25 provided to persons who are not lawfully present in the
 26 United States.

27 Sec. 4. Section 68B.8, Code 2011, is amended by
 28 adding the following new unnumbered paragraph:
 29 NEW UNNUMBERED PARAGRAPH A state agency of the
 30 executive branch of state government shall not employ
 31 a person through the use of its public funds whose
 32 position with the agency is primarily representing the
 33 agency relative to the passage, defeat, approval, or
 34 modification of legislation that is being considered by
 35 the general assembly.

36 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of
 37 this Act, being deemed of immediate importance, takes
 38 effect upon enactment.

39 DIVISION II

40 ADMINISTRATION AND REGULATION

41 Sec. 6. JOINT APPROPRIATIONS SUBCOMMITTEE ON
 42 ADMINISTRATION AND REGULATION REQUIREMENTS. If the
 43 joint appropriations subcommittee on administration
 44 and regulation determines one or both of the options
 45 described in subsections 1 and 2 are significantly less
 46 costly than maintaining the current system, the joint
 47 subcommittee shall develop and shall submit recommended
 48 implementation provisions to the general assembly's
 49 committees on appropriations in proposed legislation
 50 concerning one or both of the following:

Page 3

1 1. Eliminating and selling the pool of state-owned
 2 passenger vehicles located in Polk county for temporary
 3 assignment to multiple drivers of a department or
 4 agency that is located within Polk county. The
 5 recommendations shall not encompass vehicles assigned
 6 for law enforcement purposes or for specialized use by

7 the department of natural resources.

8 2. Outsourcing state vehicle leasing through a
9 private entity to fill the needs addressed by the
10 vehicles subject to sale under subsection 1.

11 Sec. 7. DEPARTMENT OF ADMINISTRATIVE SERVICES —
12 STATE-OWNED PASSENGER VEHICLES.

13 1. Consistent with the requirements of section
14 8A.361, for the period beginning on the effective
15 date of this section and ending June 30, 2011, the
16 department of administrative services shall be the
17 sole department authorized to operate a pool of
18 passenger vehicles located in Polk county for temporary
19 assignment to multiple drivers of a state department or
20 agency that is located within Polk county. For that
21 period, the department shall not purchase new passenger
22 vehicles for the pool. The department shall continue
23 to be the sole department authorized to operate a pool
24 of passenger vehicles as provided under this section
25 until a date specified in a later enactment, or the end
26 date of the period, whichever is later.

27 2. For purposes of this section, "passenger
28 vehicles" means United States environmental protection
29 agency designated compact sedans, compact wagons,
30 midsize sedans, midsize wagons, full-size sedans,
31 and passenger minivans. "Passenger vehicles" does
32 not mean utility vehicles, vans other than passenger
33 minivans, fire trucks, ambulances, motor homes, buses,
34 medium-duty and heavy-duty trucks, heavy construction
35 equipment, and other highway maintenance vehicles,
36 vehicles assigned for law enforcement purposes,
37 vehicles assigned for specialized use by the department
38 of natural resources, and any other classes of vehicles
39 of limited application approved by the director of the
40 department of administrative services.

41 Sec. 8. SALE OR LEASE OF IOWA COMMUNICATIONS
42 NETWORK. The Iowa telecommunications and technology
43 commission shall implement a request for proposals
44 process to sell or lease the Iowa communications
45 network. The request for proposals shall provide for
46 the sale to be concluded or the lease to commence
47 during the fiscal year beginning July 1, 2011. The
48 commission shall condition the sale or lease of the
49 Iowa communications network with terms that will allow
50 existing authorized users of the network to continue

Page 4

1 such use at a lower overall long-term cost when
2 compared to the anticipated operation and maintenance
3 costs if state ownership and control were to continue.
4 Public funds shall not be used to secure the purchase
5 of the network. The commission shall submit periodic

6 status reports to the general assembly at three-month
7 intervals, beginning on October 1, 2011, regarding
8 progress made toward selling or leasing the network.

9 Sec. 9. Section 8A.321, subsection 6, paragraph a,
10 Code 2011, is amended to read as follows:

11 a. Lease all buildings and office space necessary
12 to carry out the provisions of this subchapter or
13 necessary for the proper functioning of any state
14 agency at the seat of government. For state agencies
15 at the seat of government, the director may lease
16 buildings and office space in Polk county or in a
17 county contiguous to Polk county. If no specific
18 appropriation has been made, the proposed lease
19 shall be submitted to the executive council for
20 approval. The cost of any lease for which no specific
21 appropriation has been made shall be paid from the
22 fund provided in section 7D.29. An office space
23 lease shall not be terminated at a time when either
24 contract damages or early termination penalties may be
25 applicable for doing so.

26 Sec. 10. EFFECTIVE UPON ENACTMENT. This division
27 of this Act, being deemed of immediate importance,
28 takes effect upon enactment.

29 DIVISION III
30 ECONOMIC DEVELOPMENT

31 Sec. 11. Section 15.108, subsection 5, paragraph c,
32 Code 2011, is amended to read as follows:

33 c. Coordinate and develop with the department of
34 transportation, the department of natural resources,
35 the department of cultural affairs, ~~the generation~~
36 ~~Iowa commission~~, the vision Iowa board, other state
37 agencies, and local and regional entities public
38 interpretation, marketing, and education programs
39 that encourage Iowans and out-of-state visitors
40 to participate in the recreational and leisure
41 opportunities available in Iowa. The department shall
42 establish and administer a program that helps connect
43 both Iowa residents and residents of other states to
44 new and existing Iowa experiences as a means to enhance
45 the economic, social, and cultural well-being of the
46 state. The program shall include a broad range of
47 new opportunities, both rural and urban, including
48 main street destinations, green space initiatives, and
49 artistic and cultural attractions.

50 Sec. 12. 2010 Iowa Acts, chapter 1186, section 1,

Page 5

1 subsection 11, is amended to read as follows:

2 11. For membership in North America's supercorridor
3 coalition:

4 \$ 50,000

5 Beginning July 1, 2011, the department shall not
6 renew membership in North America's supercorridor
7 coalition.

8 Sec. 13. REPEAL. Section 15.421, Code 2011, is
9 repealed.

10 Sec. 14. EFFECTIVE UPON ENACTMENT. This division
11 of this Act, being deemed of immediate importance,
12 takes effect upon enactment.

13 DIVISION IV
14 EDUCATION

15 Sec. 15. 2010 Iowa Acts, chapter 1183, section 6,
16 subsection 1, is amended to read as follows:

17 1. GENERAL ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:

21	\$	<u>7,096,482</u>	
22		<u>7,037,482</u>	
23	FTEs	83.67	

24 Sec. 16. LIBRARY ACQUISITION FUNDING — DEPARTMENT
25 OF EDUCATION — STATE LIBRARY.

26 1. For the period beginning on the effective date
27 of this section through the close of the fiscal year
28 ending on June 30, 2011, the department of education
29 shall be subject to a limitation on expenditures made
30 on or after the effective date of this section for
31 library acquisitions at the state library including
32 digital acquisitions.

33 2. The limitation shall be equal to 50 percent
34 of the unexpended or unencumbered amount that the
35 department of education has budgeted or otherwise
36 designated for purposes of library acquisitions,
37 including digital acquisitions, from the appropriations
38 made to the department from all sources, as of the
39 effective date of this section.

40 Sec. 17. REGENTS UNIVERSITY LEAVE LIMITATION. For
41 the period beginning on the effective date of this
42 section and ending June 30, 2012, the state board of
43 regents shall limit the number of leave of absence
44 assignments granted pursuant to section 262.9,
45 subsection 14, to not more than the equivalent of
46 3 percent of the faculty staff members employed at
47 each of the institutions under the state board. In
48 addition, the board shall establish policies and
49 oversight to ensure that the assignments enhance the
50 core mission of the institutions. The board shall

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1 annually prepare a report comparing each assignment
2 proposal to the results received.

3 Sec. 18. EFFECTIVE UPON ENACTMENT. This division

4 of this Act, being deemed of immediate importance,
5 takes effect upon enactment.

6 DIVISION V

7 HEALTH AND HUMAN SERVICES

8 Sec. 19. Section 217.6, Code 2011, is amended by
9 adding the following new unnumbered paragraph:
10 NEW UNNUMBERED PARAGRAPH The rules and regulations
11 adopted for the public benefits and programs
12 administered by the department of human services shall
13 apply the residency eligibility restrictions required
14 by federal and state law.

15 Sec. 20. DEPARTMENT ON AGING — PLAN FOR REDUCTION
16 IN NUMBER OF AREA AGENCIES ON AGING. The department on
17 aging shall develop a plan for reducing the number of
18 area agencies on aging in the state, to be effective
19 beginning July 1, 2012. The department shall submit
20 the plan to the standing committees on human resources
21 of the senate and house of representatives and the
22 joint appropriations subcommittee on health and human
23 services on or before December 15, 2011.

24 LEGISLATIVE HEALTH CARE

25 COVERAGE COMMISSION

26 Sec. 21. 2009 Iowa Acts, chapter 118, section 1,
27 subsection 11, is amended to read as follows:

28 11. This section is repealed on ~~December 31, 2011~~
29 July 1, 2013.

30 Sec. 22. 2009 Iowa Acts, chapter 183, section 65,
31 subsection 3, is amended to read as follows:

32 3. There is appropriated from the human services
33 reinvestment fund for the fiscal year beginning July 1,
34 2009, and ending June 30, 2010, the following amount to
35 be used for the following designated purpose:

36 For the legislative services agency to be used
37 for costs associated with the legislative health
38 care coverage commission created in 2009 Iowa Acts,
39 Senate File 389, if enacted, or a similar legislative
40 commission:

41 ~~\$315,000~~
42 160,000

43 Notwithstanding section 8.33, moneys appropriated in
44 this subsection that remain unencumbered or unobligated
45 at the close of the fiscal year shall not revert but
46 shall remain available for expenditure for the purposes
47 designated until the close of the fiscal year that
48 begins July 1, 2010.

49 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
50 of this Act, being deemed of immediate importance,

Page 7

1 takes effect upon enactment.

2 DIVISION VI

3 INFRASTRUCTURE AND TRANSPORTATION

4 Sec. 24. WILDFLOWERS. For the period beginning on
5 the effective date of this section through the close of
6 the fiscal year ending June 30, 2011, the department of
7 transportation shall only pay for wildflowers or other
8 aesthetic plantings when justified to prevent erosion
9 or control weed growth, and to reduce maintenance
10 costs.

11 Sec. 25. SUSTAINABLE COMMUNITIES — JOINT
12 APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
13 INFRASTRUCTURE, AND CAPITALS. The joint appropriations
14 subcommittee on transportation, infrastructure, and
15 capitals shall develop and, on or before April 4, 2011,
16 shall submit recommended implementation provisions to
17 the general assembly's committees on appropriations
18 in proposed legislation concerning reductions of all
19 identifiable appropriations enacted by the Eighty-third
20 General Assembly, 2010 session, for purposes of
21 sustainable communities projects.

22 Sec. 26. 2010 Iowa Acts, chapter 1184, section 1,
23 subsection 1, paragraph c, unnumbered paragraph 1, is
24 amended to read as follows:

25 For the state's share of support in conjunction
26 with the city of Des Moines and local area businesses
27 to provide a free shuttle service to the citizens
28 of Iowa that includes transportation between the
29 capitol complex and the downtown Des Moines area,
30 notwithstanding section 8.57, subsection 6, paragraph
31 "c":

32 \$ ~~200,000~~
33 125,000

34 Sec. 27. EFFECTIVE UPON ENACTMENT. This division
35 of this Act, being deemed of immediate importance,
36 takes effect upon enactment.

37 DIVISION VII

38 REBUILD IOWA OFFICE

39 Sec. 28. Section 16.191, subsection 2, paragraph e,
40 Code 2011, is amended to read as follows:

41 e. ~~The executive director of the rebuild Iowa~~
42 ~~office or the director's designee until June 30, 2011,~~
43 ~~and then the administrator of the homeland security~~
44 ~~and emergency management division of the department of~~
45 ~~public defense or the administrator's designee.~~

46 Sec. 29. Section 29C.20B, subsection 1, Code 2011,
47 is amended to read as follows:

48 1. ~~The rebuild Iowa office shall work with the~~
49 department of human services and nonprofit, voluntary,
50 and faith-based organizations active in disaster

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1 recovery and response in coordination with the homeland
2 security and emergency management division shall
3 work to establish a statewide system of disaster case
4 management to be activated following the governor's
5 proclamation of a disaster emergency or the declaration
6 of a major disaster by the president of the United
7 States for individual assistance purposes. Under
8 the system, the department of human services shall
9 coordinate case management services locally through
10 local committees as established in each local emergency
11 management commission's emergency plan. ~~Beginning~~
12 ~~July 1, 2011, the department of human services shall~~
13 ~~assume the duties of the rebuild Iowa office under this~~
14 ~~subsection.~~

15 Sec. 30. Section 29C.20B, subsection 2, unnumbered
16 paragraph 1, Code 2011, is amended to read as follows:

17 The department of human services, in conjunction
18 with ~~the rebuild Iowa office~~, the homeland security
19 and emergency management division, and an Iowa
20 representative to the national voluntary organizations
21 active in disaster, shall adopt rules pursuant to
22 chapter 17A to create coordination mechanisms and
23 standards for the establishment and implementation of
24 a statewide system of disaster case management which
25 shall include at least all of the following:

26 Sec. 31. Section 103A.8C, subsection 1, Code 2011,
27 is amended to read as follows:

28 1. The commissioner, after consulting with
29 and receiving recommendations from the department
30 of public defense, and the department of natural
31 resources, ~~and the rebuild Iowa office~~, shall adopt
32 rules pursuant to chapter 17A specifying standards and
33 requirements for design and construction of safe rooms
34 and storm shelters. In developing these standards,
35 the commissioner shall consider nationally recognized
36 standards. The standards and requirements shall be
37 incorporated into the state building code established
38 in section 103A.7, but shall not be interpreted
39 to require the inclusion of a safe room or storm
40 shelter in a building construction project unless such
41 inclusion is expressly required by another statute
42 or by a federal statute or regulation. However,
43 if a safe room or storm shelter is included in any
44 building construction project which reaches the
45 design development phase on or after January 1, 2011,
46 compliance with the standards developed pursuant to
47 this section shall be required.

48 Sec. 32. 2010 Iowa Acts, chapter 1189, section 28,
49 is amended to read as follows:

50 SEC. 28. REBUILD IOWA OFFICE.

1 There is appropriated from the general fund of the
2 state to the rebuild Iowa office for the fiscal year
3 beginning July 1, 2010, and ending June 30, 2011, the
4 following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:

6 For salaries, support, maintenance, and
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9 \$ 647,014
10 497,014
11 FTEs 12.00

12 It is the intent of the general assembly that the
13 rebuild Iowa office shall be repealed effective June
14 30, 2011, and shall not receive an appropriation from
15 the general fund of the state after that date.

16 Sec. 33. REBUILD IOWA OFFICE ELIMINATION — JOINT
17 APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The
18 joint appropriations subcommittee on the justice system
19 shall consult with the homeland security and emergency
20 management division of the department of public defense
21 and other relevant sources in proposing legislation
22 identifying the appropriate state agencies to assume
23 the duties of the rebuild Iowa office.

24 Sec. 34. EFFECTIVE UPON ENACTMENT. The provision
25 of this division of this Act amending 2010 Iowa Acts,
26 chapter 1189, section 28, being deemed of immediate
27 importance, takes effect upon enactment.

28 DIVISION VIII

29 CORRECTIVE PROVISIONS

30 EARLY CHILDHOOD IOWA INITIATIVE

31 Sec. 35. 2010 Iowa Acts, chapter 1031, section 310,
32 is amended by adding the following new subsection:

33 5. a. References to community empowerment areas
34 in 2010 Iowa Acts, shall be deemed to instead refer to
35 early childhood Iowa areas, including but not limited
36 to such references made in the following provisions:

37 (1) 2010 Iowa Acts, chapter 1183, section 6,
38 subsection 10, paragraph "c".

39 (2) 2010 Iowa Acts, chapter 1192, section 2,
40 subsection 4, paragraph "a".

41 (3) 2010 Iowa Acts, chapter 1192, section 6,
42 subsection 12.

43 b. References to the Iowa empowerment fund and the
44 school ready children grants account in 2010 Iowa Acts,
45 shall be deemed to instead refer to the early childhood
46 Iowa fund and the comparable account within that fund,
47 including but not limited to such references made in
48 the following provisions: 2010 Iowa Acts, chapter
49 1183, section 6, subsections 10, 11, and 12.

50 UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE

Page 10

1 Sec. 36. 2010 Iowa Acts, chapter 1188, section 22,
2 is amended to read as follows:
3 SEC. 22. UNEMPLOYMENT COMPENSATION
4 PROGRAM. Notwithstanding section 96.9, subsection
5 4, paragraph "a", moneys credited to the state by
6 the secretary of the treasury of the United States
7 pursuant to section 903 of the Social Security Act
8 are appropriated to the department of workforce
9 development and shall be used by the department for the
10 administration of the unemployment compensation program
11 only. This appropriation shall not apply to any fiscal
12 year beginning after December 31, ~~2009~~ 2010.

DIVISION IX

GOVERNMENT EFFICIENCY MEASURES

14 Sec. 37. Section 8.51, Code 2011, is amended to
15 read as follows:
16
17 8.51 ~~Fiscal year of political~~ Political subdivisions
18 ~~— fiscal year — unexpended funds.~~
19 1. The fiscal year of cities, counties, and other
20 political subdivisions of the state shall begin July 1
21 and end the following June 30. For the purpose of this
22 section, the term political subdivision includes school
23 districts.

24 2. Each department that provides state funding to
25 a political subdivision of the state shall annually
26 review the statutory and regulatory requirements
27 applicable to the political subdivision's receipt
28 of the funding. The purpose of the review is to
29 identify any barrier in statute or departmental rule
30 or policy that would prevent recovery of any such
31 state funding provided to a political subdivision that
32 remains unencumbered or unobligated and the political
33 subdivision no longer complies with requirements to
34 receive the state funding. If an identified barrier
35 exists in state law, the department shall propose
36 legislation to the governor and general assembly to
37 remove the barrier. If an identified barrier is in
38 departmental rule or policy, the department shall amend
39 the rule or policy to remove the barrier.

40 Sec. 38. EFFECTIVE UPON ENACTMENT. This division
41 of this Act, being deemed of immediate importance,
42 takes effect upon enactment.

DIVISION X

BUDGET AND TAX RATE DATABASE

44 Sec. 39. Section 8.6, Code 2011, is amended by
45 adding the following new subsection:
46 NEW SUBSECTION. 9A. Budget and tax rate
47 databases. To develop and make available to the public
48 a searchable budget database and internet site as
49 required under chapter 8G, division I, and to develop
50

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1 and make available to the public a searchable tax rate
2 database and internet site as required under chapter
3 8G, division II.

4 Sec. 40. Section 8A.502, subsection 9, Code 2011,
5 is amended by striking the subsection.

6 Sec. 41. NEW SECTION. 8G.1 Intent — findings.

7 The general assembly finds that taxpayers should
8 be able to easily access the details on how the state
9 is spending their tax dollars and the performance
10 results achieved for those expenditures. Therefore,
11 it is the intent of the general assembly to direct
12 the department of management to create and maintain a
13 searchable budget database and internet site detailing
14 where tax dollars are expended, the purposes for which
15 tax dollars are expended, and the results achieved for
16 all taxpayer investments in state government.

17 Sec. 42. NEW SECTION. 8G.2 Short title.

18 This subchapter shall be known as and may be cited
19 as the "Taxpayer Transparency Act".

20 Sec. 43. NEW SECTION. 8G.3 Definitions.

21 As used in this subchapter, unless the context
22 otherwise requires:

23 1. "Agency" means a state department, office,
24 board, commission, bureau, division, institution,
25 or public institution of higher education. "Agency"
26 includes individual state agencies and programs,
27 as well as those programs and activities that are
28 administered by or involve more than one agency.
29 "Agency" includes all elective offices in the executive
30 branch of government and the general assembly.
31 "Agency" includes the judicial branch of state
32 government.

33 2. "Director" means the director of the department
34 of management.

35 3. "Entity" or "recipients" means any of the
36 following:

- 37 a. A corporation.
- 38 b. An association.
- 39 c. An employee union.
- 40 d. A limited liability company.
- 41 e. A limited liability partnership.
- 42 f. Any other legal business entity, including
43 nonprofit entities.
- 44 g. A grant recipient.
- 45 h. Contractors.
- 46 i. A county, city, school district, or other local
47 government entity.

48 "Entity" or "recipients" does not include an
49 individual recipient of state assistance, an employee,
50 or a student. The department of management shall

Page 12

1 define by rule adopted pursuant to chapter 17A the
2 meaning of the term "individual recipient of state
3 assistance".
4 4. "Funding action or expenditure" includes details
5 on the type of spending that is provided including but
6 not limited to grants, contracts, and appropriations.
7 "Funding action or expenditure" includes tax exemptions
8 or credits. Where possible, an electronic link to
9 the actual grants or contracts shall be provided.
10 An electronic link shall be in a format that is a
11 searchable document.
12 5. "Funding source" means the state account or fund
13 from which the expenditure is appropriated. "Funding
14 source" does not include federal moneys or grants
15 received by an agency.
16 6. "Searchable internet site" means an internet site
17 that allows the public at no cost to search and compile
18 the information identified in section 8G.4 and that
19 provides such information in a format capable of being
20 downloaded from the site to personal computers.
21 7. "State audit or report" shall include any audit
22 or report issued by the auditor of state, department of
23 management, legislative services agency, legislative
24 committee, or executive body relating to the entity
25 or recipient of state funds, the budget program or
26 activity, or agency.
27 8. "Tax exemption or credit" means an exclusion from
28 the operation or collection of a tax imposed in this
29 state. Tax exemption or credit includes tax credits,
30 exemptions, deductions, and rebates. "Tax exemption or
31 credit" also includes sales tax refunds if such refunds
32 are applied for and granted as a form of financial
33 assistance, including but not limited to the refunds
34 allowed in sections 15.331A and 423.4.
35 9. "Taxing jurisdiction" means a political
36 subdivision of the state with the authority to levy
37 taxes. Taxing jurisdiction includes but is not limited
38 to a city, a county, a school district, and a township.
39 Sec. 44. NEW SECTION. 8G.4 Searchable budget
40 database internet site created.
41 1. By January 1, 2013, the director shall develop
42 and make publicly available a database internet
43 site for searching, accessing, and processing data,
44 including the data required in this section, for the
45 most recent state budget. The internet site shall
46 be developed in such a way that the information can
47 be provided to other software applications, including
48 internet software applications, in a manner and format
49 that allows such software applications to access and
50 interpret the data using the internal programming of

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1 the software applications. In gathering or receiving
2 information from agencies, the director shall make a
3 good faith effort to minimize the costs and disruptions
4 to other agencies and their computer systems of
5 providing such information.

6 2. The searchable internet site developed pursuant
7 to this section shall allow the public at no cost to
8 search and compile the information provided pursuant
9 to this subsection. Each state agency, except the
10 institutions under the state board of regents, shall
11 provide the following:

- 12 a. Name of the entity or recipient of state funds.
- 13 b. Amount of state funds expended.
- 14 c. Funding or expending agency.
- 15 d. Funding source.
- 16 e. Budget program or activity of the expenditure.
- 17 f. Descriptive purpose for the funding action or
18 expenditure.
- 19 g. Expected performance outcome for the funding
20 action or expenditure, to the extent that such
21 information is available and can be provided.
- 22 h. Past performance outcomes achieved for the
23 funding action or expenditure, to the extent that such
24 information is available and can be provided.
- 25 i. State audit or report relating to the entity
26 or recipient of state funds or the budget program or
27 activity or agency.
- 28 j. Any other relevant information specified by the
29 director.

30 3. For purposes of complying with this section,
31 the institutions under the state board of regents, for
32 each budgeted department, program, or activity, shall
33 provide the following:

- 34 a. The funding source and the amount of state funds
35 received by the institutions.
- 36 b. The amount of state funds expended by the
37 institutions.
- 38 c. The names of the entities or recipients
39 receiving state funds from the institutions.
- 40 d. The amounts paid to the entities or recipients
41 named in paragraph "c".
- 42 e. A description of the department, program,
43 or activity involved, including, to the extent
44 practicable, the descriptive purpose and expected
45 performance outcome of each budget program or activity.
- 46 f. Past performance outcomes of the budget program
47 or activity.
- 48 g. State audit or report relating to the budget
49 program or activity.
- 50 h. Other information as the institutions may deem

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1 appropriate for a budget program or activity.
2 4. a. In providing information pursuant to this
3 section on tax exemptions or credits, the department of
4 revenue shall do the following:
5 (1) Provide aggregate information for those tax
6 exemptions or credits that are claimed by individual
7 taxpayers.
8 (2) Provide the information described in subsection
9 2 for those tax exemptions or credits that are awarded
10 by an agency.
11 (3) Adhere to all applicable confidentiality
12 provisions to the extent possible while complying with
13 the requirements of this section.
14 b. An agency awarding tax exemptions or credits
15 shall provide to the department of revenue any
16 information the department may request regarding such
17 exemptions or credits.
18 5. In addition to the information to be provided
19 pursuant to subsection 2, there shall be provided on
20 the searchable internet site all of the following:
21 a. A listing and description of awarded tax credits
22 claimed for the individual income tax, corporate income
23 tax, franchise tax, and insurance premiums tax. An
24 awarded tax credit is a tax credit allowed and claimed
25 through a state-authorized program. For each category
26 of tax the internet site shall list each of the awarded
27 tax credits applicable to it, the total amount of
28 that tax credit claimed, and the number of taxpayers
29 claiming the tax credit.
30 b. The estimated cost to the state of each of
31 the twenty sales tax exemptions that account for the
32 largest dollar amount share of sales tax exemptions
33 under section 423.3. The estimated cost to the state
34 shall include the amount of exempt sales by business
35 type for each county. This paragraph does not apply
36 to the tax exemptions pursuant to section 423.3,
37 subsections 2, 31, 39, 58, 73, and 85.
38 c. The information to be provided pursuant to
39 subsection 2 shall also be provided for entities or
40 recipients of the awarded tax credits or exemptions
41 described in this subsection.
42 6. This section does not apply to local
43 governments.
44 Sec. 45. NEW SECTION. 8G.5 Internet site updates.
45 1. Effective July 1, 2013, the internet site shall
46 be updated regularly as new data and information become
47 available, but shall be updated no less frequently
48 than annually within sixty days following the close of
49 the state fiscal year. In addition, the director may
50 update the internet site as new data becomes available.

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1 All agencies shall provide to the director data that is
2 required to be included on the internet site not later
3 than sixty days following the close of the state fiscal
4 year. The director shall provide guidance to agency
5 heads or the governing body of an agency to ensure
6 compliance with this section.

7 2. By January 1, 2014, the director shall add data
8 for the previous budgets to the internet site. Data
9 for previous fiscal years may be added as it becomes
10 available and as time permits. The director shall
11 ensure that all data added to the internet site remain
12 accessible to the public for a minimum of ten years.

13 Sec. 46. NEW SECTION. 8G.6 Noncompliance.

14 The director shall not be considered in compliance
15 with this subchapter if the data required for the
16 internet site is not available in a searchable manner
17 and capable of being compiled or if the public is
18 redirected to other government internet sites unless
19 each of those sites displays information from all
20 agencies and each category of information required can
21 be searched electronically by field in a single search.

22 Sec. 47. NEW SECTION. 8G.10 Intent — findings.

23 The general assembly finds that increasing
24 the ease of public access to state and local tax
25 rates, particularly where the rates are currently
26 available from disparate government sources and are
27 difficult for the public to collect and efficiently
28 aggregate, significantly contributes to governmental
29 accountability, public participation, and the
30 understanding of the cost of government services.
31 Therefore, it is the intent of the general assembly to
32 direct the department of management, in consultation
33 with the department of revenue, to create and maintain
34 a searchable database and internet site of each tax
35 rate for all taxing jurisdictions in the state to make
36 citizen access to state and local tax rates as open,
37 transparent, and publicly accessible as is feasible.

38 Sec. 48. NEW SECTION. 8G.11 Short title.

39 This subchapter shall be known and cited as the
40 "Taxation Disclosure Act".

41 Sec. 59. NEW SECTION. 8G.12 Tax rate database.

42 1. Searchable tax rate database. By January 1,
43 2012, the department of management, in consultation
44 with the department of revenue, shall make publicly
45 available on an internet site a searchable database
46 of all tax rates in the state for each taxing
47 jurisdiction. The information shall include all
48 applicable tax types imposed in the taxing jurisdiction
49 and shall be organized, presented, and accessible, to
50 the extent possible, by county, city, and physical

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1 address for each residency or business. Individual tax
2 levies shall be further specified within each tax rate.

3 2. Geographical tax rate map. In addition to
4 searching for tax rates in the manner described
5 in subsection 1, searches shall be accommodated by
6 a geographical tax rate map of the state that is
7 capable of being displayed with a level of specificity
8 corresponding to each taxing jurisdiction.

9 Sec. 50. NEW SECTION. 8G.13 Updating database.

10 To facilitate the department of management's efforts
11 in creating and maintaining a searchable database of
12 the taxes identified in section 8G.12, subsection 3,
13 for all taxing jurisdictions in the state, each taxing
14 jurisdiction may annually be required to report its tax
15 rates to the department of management or the department
16 of revenue and shall report any changes to its tax
17 rates within thirty days of the change.>

18 Sec. 51. Section 422.20, subsection 3, paragraph a,
19 Code 2011, is amended to read as follows:

20 a. Unless otherwise expressly permitted by section
21 8A.504, section 8G.4section 96.11, subsection 6,
22 section 421.17, subsections 22, 23, and 26, subsection
23 27, paragraph "k", and subsection 31, section 252B.9,
24 section 321.40, subsection 6, sections 321.120, 421.19,
25 421.28, 422.72, and 452A.63, and this section, a tax
26 return, return information, or investigative or audit
27 information shall not be divulged to any person or
28 entity, other than the taxpayer, the department, or
29 internal revenue service for use in a matter unrelated
30 to tax administration.

31 Sec. 52. Section 422.72, subsection 3, paragraph a,
32 Code 2011, is amended to read as follows:

33 a. Unless otherwise expressly permitted by section
34 8A.504, section 8G.4section 96.11, subsection 6,
35 section 421.17, subsections 22, 23, and 26, subsection
36 27, paragraph "k", and subsection 31, section 252B.9,
37 section 321.40, subsection 6, sections 321.120, 421.19,
38 421.28, 422.20, and 452A.63, and this section, a tax
39 return, return information, or investigative or audit
40 information shall not be divulged to any person or
41 entity, other than the taxpayer, the department, or
42 internal revenue service for use in a matter unrelated
43 to tax administration.

44 2. Title page, by striking lines 1 through 5 and
45 inserting <An Act relating to public funding and
46 regulatory matters and revising appropriations and

47 including effective and other applicability date
48 provisions, and making penalties applicable.>
49 3. By renumbering as necessary.

SENATE AMENDMENT

H-1092

1 Amend House File 278 as follows:
2 1. Page 1, line 15, before <endangers> by inserting
3 <knowingly>

SWAIM of Davis
KRESSIG of Black Hawk
R. OLSON of Polk

H-1093

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by striking lines 28 through 31 and
4 inserting <section 103, and Pub. L. No. 111-5, section
5 1201, does not apply in computing net income for state
6 tax purposes. If the>
7 2. Page 8, line 17, by striking <2011> and
8 inserting <2010>
9 3. Page 9, by striking lines 16 through 19 and
10 inserting <section 103, and Pub. L. No. 111-5, section
11 1201, does not apply in computing net income for state
12 tax purposes. If the>
13 4. Page 10, line 5, by striking <2011> and
14 inserting <2010>
15 5. Page 11, by striking lines 12 through 23.
16 6. By renumbering, redesignating, and correcting
17 internal references as necessary.

COMMITTEE ON WAYS AND MEANS

H-1094

1 Amend House File 299 as follows:
2 1. Page 2, line 35, by striking <an unarmed> and
3 inserting <a>

BRANDENBURG of Pottawattamie
WAGNER of Linn

H-1095

1 Amend House File 278 as follows:
2 1. Page 1, line 10, by striking <an aggravated>
3 and inserting <a serious>

4 2. Page 1, line 15, before <endangers> by
5 inserting <knowingly>

SWAIM of Davis
KRESSIG of Black Hawk
R. OLSON of Polk

H-1096

1 Amend House File 341 as follows:
2 1. Page 1, by striking lines 1 and 2.
3 2. Title page, line 2, by striking <deleting
4 related provisions,>
5 3. By renumbering as necessary.

HUNTER of Polk

H-1097

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 21, after line 23 by inserting:
4 <DIVISION _____
5 TAX RELIEF FUND
6 Sec. ____ Section 8.55, subsection 2, Code 2011, is
7 amended to read as follows:
8 2. a. The maximum balance of the fund is the
9 amount equal to two and one-half percent of the
10 adjusted revenue estimate for the fiscal year. If the
11 amount of moneys in the Iowa economic emergency fund is
12 equal to the maximum balance, moneys in excess of this
13 amount shall be transferred to the general tax relief
14 fund.
15 b. Notwithstanding paragraph "a", any moneys
16 in excess of the maximum balance in the economic
17 emergency fund after the distribution of the surplus
18 in the general fund of the state at the conclusion
19 of each fiscal year shall not be transferred to the
20 general tax relief fund ~~of the state~~ but shall be
21 transferred to the senior living trust fund. The
22 total amount appropriated, reverted, or transferred,
23 in the aggregate, under this paragraph, section
24 8.57, subsection 2, and any other law providing
25 for an appropriation or reversion or transfer of an
26 appropriation to the credit of the senior living trust
27 fund, for all fiscal years beginning on or after July
28 1, 2004, shall not exceed the amount specified in
29 section 8.57, subsection 2, paragraph "c".
30 Sec. ____ NEW SECTION. 8.57E Tax relief fund.
31 1. The tax relief fund is created. The fund shall
32 be separate from the general fund of the state and
33 the balance in the fund shall not be considered part

34 of the balance of the general fund of the state. The
35 moneys credited to the fund are not subject to section
36 8.33 and shall not be transferred, used, obligated,
37 appropriated, or otherwise encumbered except as
38 provided in this section.
39 2. Moneys in the tax relief fund shall only be
40 used as pursuant to appropriations made by the general
41 assembly to reduce taxes.
42 3. a. Moneys in the fund may be used for cash flow
43 purposes during a fiscal year provided that any moneys
44 so allocated are returned to the fund by the end of
45 that fiscal year.
46 b. Except as provided in section 8.58, the tax
47 relief fund shall be considered a special account for
48 the purposes of section 8.53 in determining the cash
49 position of the general fund of the state for the
50 payment of state obligations.

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1 4. Notwithstanding section 12C.7, subsection 2,
2 interest or earnings on moneys deposited in the tax
3 relief fund shall be credited to the fund.
4 Sec. ____ Section 8.58, Code 2011, is amended to
5 read as follows:
6 8.58 Exemption from automatic application.
7 1. To the extent that moneys appropriated under
8 section 8.57 do not result in moneys being credited
9 to the general fund under section 8.55, subsection
10 2, moneys appropriated under section 8.57 and moneys
11 contained in the cash reserve fund, rebuild Iowa
12 infrastructure fund, environment first fund, ~~and~~ Iowa
13 economic emergency fund, and tax relief fund shall not
14 be considered in the application of any formula, index,
15 or other statutory triggering mechanism which would
16 affect appropriations, payments, or taxation rates,
17 contrary provisions of the Code notwithstanding.
18 2. To the extent that moneys appropriated under
19 section 8.57 do not result in moneys being credited
20 to the general fund under section 8.55, subsection
21 2, moneys appropriated under section 8.57 and moneys
22 contained in the cash reserve fund, rebuild Iowa
23 infrastructure fund, environment first fund, ~~and~~ Iowa
24 economic emergency fund, and tax relief fund shall not
25 be considered by an arbitrator or in negotiations under
26 chapter 20.
27 Sec. ____ TAX RELIEF FUND — LEGISLATIVE
28 INTENT. It is the intent of the general assembly to
29 enact appropriations from the tax relief fund created
30 by this division of this Act pursuant to tax relief
31 legislation which shall be proposed by the standing
32 committees on ways and means of the senate and house

33 of representatives.

34 Sec. ____ EFFECTIVE DATE AND APPLICABILITY.

35 1. This division of this Act, being deemed of
36 immediate importance, takes effect upon enactment.

37 2. The amendment in this division to section
38 8.55, providing for transfer of moneys from the Iowa
39 economic emergency fund to the tax relief fund instead
40 of the general fund of the state applies to transfers
41 made from the Iowa economic emergency fund after
42 the effective date of this division and the state
43 general fund expenditure limitation calculated for the
44 fiscal year beginning July 1, 2011, shall be adjusted
45 accordingly.

46 DIVISION _____
47 STATE EMPLOYEES — REVENUE ESTIMATE

48 Sec. ____ GROUP HEALTH INSURANCE PREMIUM COSTS FOR
49 STATE EMPLOYEES.

50 1. The state's executive and judicial branch

Page 3

1 authorities responsible for negotiating the collective
2 bargaining agreements entered into under chapter 20
3 shall engage in discussions with the applicable state
4 employee organizations to renegotiate provisions
5 involving health insurance coverage of state employees
6 and their families in order to achieve cost savings
7 for the state. The discussions shall include but are
8 not limited to a requirement for a state employee who
9 is covered by a collective bargaining agreement and
10 is a member of state group health insurance plan for
11 employees of the state established under chapter 509A
12 to pay at least one hundred dollars per month of the
13 total premium for such health plan coverage for single
14 persons or increase the amount paid per month for
15 family coverage by the same amount that would be paid
16 for the single persons coverage.

17 2. If collective bargaining agreements are
18 renegotiated to achieve cost savings pursuant to
19 subsection 1, the cost savings provisions shall
20 also apply to state employees who are not covered by
21 collective bargaining as provided in chapter 20 and
22 are members of a state group health insurance plan for
23 employees of the state established under chapter 509A.

24 3. Beginning on the effective date of this section
25 or March 1, 2011, whichever is earlier, a state
26 legislator or legislative staff member who is a member
27 of a state group health insurance plan for employees
28 of the state established under chapter 509A shall pay
29 at least one hundred dollars per month of the total
30 premium for such health care coverage for single
31 persons or increase the amount paid per month for

32 family coverage by the same amount that would be paid
33 for the single persons coverage. The payment amount
34 shall be determined by the legislative council, subject
35 to the minimum amount specified in this subsection.

36 Sec. ____ REVENUE ESTIMATING CONFERENCE
37 MEETING. Upon the request of the speaker of the
38 house of representatives or the majority leader of the
39 senate, the revenue estimating conference shall meet on
40 a date in February or March 2011, as specified in the
41 request. At this meeting, in addition to the estimates
42 normally agreed to at the meetings of the conference,
43 the conference shall also agree on estimates for fiscal
44 year 2012-2013.

45 Sec. ____ NEW SECTION. 8A.440 Group health
46 insurance premium costs.

47 1. Collective bargaining agreements entered into
48 pursuant to chapter 20 for state employees shall
49 provide that a state employee covered by that agreement
50 who is a member of a state group health insurance plan

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1 for employees of the state established under chapter
2 509A shall pay at least one hundred dollars per month
3 of the total premium for such insurance for single
4 persons or increase the amount paid per month for
5 family coverage by the same amount that would be paid
6 for the single persons coverage.

7 2. A state employee not covered by a collective
8 bargaining agreement as provided in chapter 20 who
9 is a member of a state group health insurance plan
10 for employees of the state established under chapter
11 509A shall pay the same amount per month of the
12 total premium for such insurance as is paid under
13 the collective bargaining agreement that covers
14 the greatest number of state employees in the state
15 government entity employing the state employee.

16 Sec. ____ APPLICABILITY. The provision of this
17 division of this Act enacting section 8A.440, applies
18 to collective bargaining agreements entered into on or
19 after the effective date of this division of this Act.

20 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.

23 DIVISION _____

24 NATURAL RESOURCES

25 Sec. ____ DEPARTMENT OF NATURAL RESOURCES — REAL
26 PROPERTY ACQUISITION CURTAILED.

27 1. Notwithstanding any provision to the contrary,
28 for the period beginning on the effective date of this
29 section through the close of the fiscal year ending
30 on June 30, 2011, the department of natural resources

31 shall not enter into a new arrangement to acquire or
 32 otherwise control real property.
 33 2. For the purposes of this section, "new
 34 arrangement" means an obligation entered into on
 35 or after the effective date of this section. An
 36 obligation includes but is not limited to an agreement,
 37 contract, lease-purchase arrangement, or any other
 38 instrument leading to state ownership or control
 39 of real property that was not previously owned or
 40 controlled by the state. "New arrangement" does
 41 not include a real property acquisition or control
 42 project for which an appropriation to the department
 43 was encumbered prior to the effective date of this
 44 section. "New arrangement" does not include a donated
 45 real property acquisition or control project received
 46 or entered into on or after the effective date of this
 47 section.
 48 3. This section, being deemed of immediate
 49 importance, takes effect upon enactment.
 50 Sec. ____ 2010 Iowa Acts, chapter 1191, section 20,

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1 is amended to read as follows:
 2 SEC. 13. IOWA RESOURCES ENHANCEMENT AND PROTECTION
 3 FUND. Notwithstanding the amount of the standing
 4 appropriation from the general fund of the state to
 5 the Iowa resources enhancement and protection fund as
 6 provided in section 455A.18, there is appropriated from
 7 the environment first fund created in section 8.57A to
 8 the Iowa resources enhancement and protection fund,
 9 in lieu of the appropriation made in section 455A.18,
 10 for the fiscal year beginning July 1, 2010, and ending
 11 June 30, 2011, the following amount, to be allocated as
 12 provided in section 455A.19:

13 \$ 15,000,000
 14 11,931,189

15 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 16 of this Act, being deemed of immediate importance,
 17 takes effect upon enactment.

18 DIVISION _____
 19 COUNTY MENTAL HEALTH
 20 AND DISABILITY SERVICES

21 Sec. ____ COUNTY WAITING LISTS.
 22 1. There is appropriated from the general fund of
 23 the state to the department of human services for the
 24 fiscal year beginning July 1, 2010, and ending June 30,
 25 2011, the following amount, or so much thereof as is
 26 necessary, to be used for the purposes designated:
 27 To be credited to the risk pool in the property tax
 28 relief fund created in chapter 426B and expended as
 29 provided in this section:

30 \$ 25,000,000
 31 2. The amount appropriated in this section is
 32 appropriated from the risk pool to the department
 33 of human services for distribution as provided in
 34 this section. Notwithstanding section 8.33, moneys
 35 appropriated in this section that remain unencumbered
 36 or unobligated at the close of the fiscal year shall
 37 not revert but shall remain available for expenditure
 38 for the purposes designated until the close of the
 39 succeeding fiscal year.
 40 3. a. For the purposes of this section, "services
 41 fund" means a county's mental health, mental
 42 retardation, and developmental disabilities services
 43 fund created in section 331.424A.
 44 b. The risk pool board shall implement a process
 45 for distribution of the amount appropriated in this
 46 section to counties to be used to provide eligibility
 47 for services and other support payable from the
 48 counties' services funds for persons who are eligible
 49 under county management plans in effect as of December
 50 31, 2010, but due to insufficient funding are on a

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1 waiting list for the services and other support. The
 2 period addressed by the funding appropriated in this
 3 section begins on or after the effective date of
 4 this section and ends June 30, 2012. Of the amount
 5 appropriated in this section, up to \$5,000,000 shall
 6 be targeted to expand medical assistance program
 7 waiver slots for those waivers for which counties pay
 8 the nonfederal share of the costs. The distribution
 9 allocations shall be completed on or before July 1,
 10 2011.
 11 c. The general assembly finds that as of the time
 12 of enactment of this section, the funding appropriated
 13 in this section is sufficient to eliminate the need
 14 for continuing, instituting, or reinstating waiting
 15 lists during the period addressed by the appropriation.
 16 However, the process implemented by the risk pool
 17 board shall ensure there is adequate funding so that
 18 a person made eligible for services and other support
 19 from the waiting list would not be required to return
 20 to the waiting list if a later projection indicates the
 21 funding is insufficient to cover for the entire period
 22 all individuals removed from the waiting list pursuant
 23 to this section.
 24 d. The funding provided in this section is intended
 25 to provide necessary services for adults in need of
 26 mental health, mental retardation, or developmental
 27 disabilities services until improvements to the current
 28 system can be developed and enacted.

29 Sec. ____ ADULT MENTAL HEALTH AND DISABILITY
30 SERVICE SYSTEM REFORM.

31 1. The general assembly finds there is need to
32 reform the adult mental health and disability services
33 system administered by counties to address the needs
34 of persons with mental illness, mental retardation, or
35 developmental disabilities. Issues with the current
36 system include the following:

- 37 a. Lack of a set of core services uniformly
- 38 available throughout the state.
- 39 b. Lack of uniformity in service expenditures
- 40 throughout the state.
- 41 c. Disparity in county levy rates for the services
- 42 funds for this system.
- 43 d. The need to improve the array of community-based
- 44 services and services to avoid the use or continued use
- 45 of crisis services.
- 46 e. The need to expand the availability of dual
- 47 diagnosis mental health and substance abuse services.
- 48 f. The need to improve the consistency of services
- 49 available to both youth and adult populations.
- 50 g. The need to address the medical assistance

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1 (Medicaid) program changes in the federal Patient
2 Protection and Affordable Care Act (PPACA) that will
3 greatly expand the program's eligibility for persons in
4 the service system beginning in calendar year 2014.

5 h. Dissatisfaction with using county of legal
6 settlement determinations to determine county and state
7 financial responsibility for services.

8 2. In order to address the issues identified in
9 subsection 1, the committees on human resources,
10 appropriations, and ways and means of the senate and
11 house of representatives shall propose legislation to
12 address the following actions by the dates indicated:

13 a. Phase-in of the state fully assuming the
14 nonfederal share of the costs for Medicaid program
15 services now borne by counties by the implementation
16 date of the Medicaid eligibility changes under PPACA.

17 b. Provide property tax relief and equity by having
18 the state assume a greater role in funding the adult
19 mental health and disability services system from
20 counties by July 1, 2012, when the repeals contained in
21 this division of this Act take effect.

22 c. Shift the balance of responsibilities for the
23 services system between the state and counties so
24 that the state ensures greater uniformity and there
25 is sufficient size to develop effective services
26 while maintaining the county role of bringing local
27 resources together in unique ways that best meet the

28 needs of clients, by implementing a new services system
29 structure by July 1, 2012, when the repeals contained
30 in this division of this Act take effect.
31 Sec. ____ Section 331.424A, Code 2011, is amended
32 by adding the following new subsection:
33 NEW SUBSECTION. 6. This section is repealed July
34 1, 2012.
35 Sec. ____ Section 331.438, Code 2011, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 5. This section is repealed July
38 1, 2012.
39 Sec. ____ Section 331.439, Code 2011, is amended by
40 adding the following new subsection:
41 NEW SUBSECTION. 10. This section is repealed July
42 1, 2012.
43 Sec. ____ Section 331.440, Code 2011, is amended by
44 adding the following new subsection:
45 NEW SUBSECTION. 7. This section is repealed July
46 1, 2012.
47 Sec. ____ NEW SECTION. 426B.6 Future repeal.
48 This chapter is repealed July 1, 2012.
49 Sec. ____ 2010 Iowa Acts, chapter 1193, section 1,
50 is amended to read as follows:

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1 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
2 GROWTH FUNDING — FY 2011-2012. Notwithstanding
3 section 331.439, subsection 3, the allowed growth
4 factor adjustment for county mental health, mental
5 retardation, and developmental disabilities service
6 expenditures for the fiscal year beginning July 1,
7 2011, shall be established by statute which shall be
8 enacted within thirty calendar days of the ~~convening of~~
9 ~~the Eighty-fourth General Assembly, 2011 Session, on~~
10 ~~January 10, 2011~~ date the governor's recommendation is
11 submitted to the general assembly. The governor shall
12 submit to the general assembly a recommendation for
13 such allowed growth factor adjustment and the amounts
14 of related appropriations to the general assembly
15 on or before January ~~11~~ 27, 2011. The governor's
16 recommendation and the allowed growth factor adjustment
17 enacted by the general assembly pursuant to this
18 section shall incorporate measures to ensure that
19 the funding appropriated during the 2011 legislative
20 session to the risk pool in the property tax relief
21 fund to eliminate county waiting lists for services can
22 be relied upon to remain available for the long term to
23 support the services provided for the individuals who
24 were removed from a waiting list.
25 Sec. ____ CONFORMING PROVISIONS. The legislative
26 services agency shall prepare a study bill for

27 consideration by the committees on human resources of
 28 the senate and house of representatives for the 2012
 29 legislative session, providing conforming Code changes
 30 for implementation of the repeal provisions contained
 31 in this division of this Act.
 32 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 33 of this Act, being deemed of immediate importance,
 34 takes effect upon enactment.
 35 Sec. ____ RETROACTIVE APPLICABILITY. The provision
 36 of this division of this Act amending 2010 Iowa Acts,
 37 chapter 1193, section 1, applies retroactively to April
 38 29, 2010.>
 39 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

H-1098

1 Amend House File 268 as follows:
 2 1. Page 1, by striking lines 8 through 11 and
 3 inserting:
 4 <2. A person who obtains a deer hunting license
 5 under this section is not required to pay the wildlife
 6 habitat fee but shall purchase a deer hunting license
 7 and a hunting license, be otherwise qualified to hunt,
 8 and pay a one dollar fee that shall be used>
 9 2. Page 1, by striking lines 16 through 18 and
 10 inserting:
 11 <3. A person who obtains a special senior statewide
 12 antlered or any sex deer hunting license under this
 13 section is not eligible to obtain another antlered
 14 or any sex deer hunting license for use during
 15 muzzleloader or shotgun deer hunting season.>

LUKAN of Dubuque

H-1099

1 Amend House File 186 as follows:
 2 1. Page 1, after line 2 by inserting:
 3 <NEW PARAGRAPH. 0ai. Mephedrine (4-MMC)
 4 (RS)-2-methylamino-1-(4-methylphenyl)propan-1-one
 5 NEW PARAGRAPH. 00ai. Methylene-
 6 dioxyprovalerone(MDPV)[(1-(1,3-
 7 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone]>

BAUDLER of Adair

H-1100

1 Amend House File 132 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 403.19, Code 2011, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4A. An ordinance adopted under
7 this section providing for a division of revenue shall
8 be filed in the office of the county auditor of each
9 county where the property that is subject to the
10 ordinance is located.>
11 2. Title page, by striking lines 1 through 3 and
12 inserting <An Act relating to the filing requirements
13 for certain ordinances relating to a division of
14 revenue.>

COMMITTEE ON LOCAL GOVERNMENT

H-1101

1 Amend House File 328 as follows:
2 1. Page 5, line 19, after <524.904> by inserting <,
3 subsection 7,>

J. SMITH of Dickinson

H-1102

1 Amend House File 328 as follows:
2 1. Page 4, after line 12 by inserting:
3 <Sec. ____ Section 533D.9, subsection 2, paragraph
4 b, Code 2011, is amended to read as follows:
5 b. The annual percentage rate as computed pursuant
6 to the federal Truth in Lending Act. The annual
7 percentage rate shall not exceed thirty-six percent,
8 as computed pursuant to the federal Truth in Lending
9 Act, unless a licensee makes an election and submits to
10 the indebtedness limitations and electronic database
11 reporting requirements specified in section 533D.10A.
12 Sec. ____ Section 533D.9, subsection 2, Code 2011,
13 is amended by adding the following new paragraph:
14 NEW PARAGRAPH. e. That the licensee cannot
15 initiate debt collection procedures, civil court
16 proceedings, or arbitration to collect an unpaid check
17 unless the licensee has provided the maker of the check
18 the opportunity to repay the obligation without any
19 additional charges, other than the penalty provided in
20 paragraph "d" of this subsection, in biweekly payments
21 of not more than ten percent of the face of the check
22 until the debt is paid in full. Additionally, that
23 during this repayment period the licensee may not
24 transfer or sell the debt owing on the unpaid check,
25 and the loan shall not be considered to be in default.
26 Further, that the maker of the check's failure to make
27 a biweekly payment under this paragraph shall place
28 the loan in default and the licensee may, after proper
29 notice, exercise rights against the maker under the

30 law.

31 Sec. ____ Section 533D.10, subsection 1, Code 2011,
32 is amended to read as follows:

33 1. A licensee shall not do any of the following:

34 a. Hold from any one maker more than two checks at
35 any one time.

36 b. Hold from any one maker a check or checks in an
37 aggregate face amount of more than five hundred dollars
38 at any one time.

39 c. Hold or agree to hold a check for ~~more~~ less than
40 ~~thirty-one~~ fourteen days.

41 d. Require the maker to receive payment by a method
42 which causes the maker to pay additional or further
43 fees and charges to the licensee or another person.

44 e. Repay, refinance, or otherwise consolidate
45 a postdated check transaction with the proceeds of
46 another postdated check transaction made by the same
47 licensee. A licensee may not enter into another
48 delayed deposit services transaction with the maker of
49 a check if the licensee presently has a transaction
50 outstanding with the maker or if the maker had a

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1 previous transaction with the licensee within two
2 days of the new transaction, unless the licensee has
3 provided the following notice both verbally and in
4 writing, and the maker has acknowledged receipt of the
5 notice with a signature and date:

6 Notice to Borrower

7 (1) The licensee may not repay, refinance, or
8 otherwise consolidate a postdated check transaction
9 with the proceeds of another postdated check
10 transaction made by the same licensee.

11 (2) While a licensee may charge a penalty if a
12 check is not negotiable on the date agreed upon, the
13 penalty shall not exceed fifteen dollars. This penalty
14 shall only be collected by the licensee once on a
15 check no matter how long that check remains unpaid.
16 This penalty is the only additional charge a lender
17 may charge you (the borrower) when a check is not
18 negotiable on the date agreed upon.

19 (3) If your check is not negotiable on the date
20 agreed upon, the licensee must provide you (the
21 borrower) the opportunity to repay the obligation
22 without any additional charges, other than the penalty
23 described above, in biweekly payments of not more than
24 ten percent of the face of the check until the debt is
25 paid in full.

26 By signing and dating this notice, you acknowledge
27 the statements above, but yet still desire to obtain
28 another loan with the licensee.

29 Borrower(s) signature:Date:
30 Borrower(s) signature:Date:
31 f. Receive any other charges or fees in addition to
32 the fees listed in section 533D.9, subsections 1 and 2.
33 g. Initiate debt collection procedures, civil
34 court proceedings, or civil or private arbitration
35 proceedings to collect an unpaid check unless the
36 licensee has provided the maker the opportunity to
37 repay the obligation without any additional charges,
38 other than the penalty provided in section 533D.9,
39 subsection 2, paragraph "d", in biweekly payments of
40 not more than ten percent of the face of the check
41 until the debt is paid in full. During this repayment
42 period the licensee may not transfer or sell the debt
43 owing on the unpaid check, and the loan shall not be
44 considered to be in default. The failure of the maker
45 of the check to make a biweekly payment as required
46 shall place the loan in default and the licensee may,
47 after proper notice, exercise rights against the maker
48 under the law.
49 Sec. __. NEW SECTION. 533D.10A Alternative annual
50 percentage rate — indebtedness limitation — electronic

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1 database.
2 1. A licensee may elect to impose an annual
3 percentage rate, as computed pursuant to the federal
4 Truth in Lending Act, which exceeds thirty-six percent
5 by filing with the superintendent a written notice of
6 intent. An election pursuant to this section shall
7 apply to all delayed deposit services transactions
8 entered into by the licensee. A licensee having made
9 an election pursuant to this section who desires to
10 discontinue imposition of an alternative interest rate
11 and consents to imposition of the thirty-six percent
12 annual percentage rate otherwise applicable under
13 this chapter, or a licensee previously imposing an
14 annual percentage rate not exceeding thirty-six percent
15 who desires to make an election pursuant to this
16 subsection, may submit a request to the superintendent,
17 not more than once a year.
18 2. A licensee electing to impose an alternative
19 annual percentage rate pursuant to this section
20 shall be prohibited from entering into a delayed
21 deposit services transaction which will cause the
22 maker of the check, when all other delayed deposit
23 services transactions entered into with any licensee
24 involving the maker of the check are accounted for,
25 and when the term of the transaction is aggregated
26 with the other transactions, to be indebted for a
27 period exceeding ninety days during the preceding

28 twelve-month period. For purposes of this paragraph,
29 if the maker of the check has entered into more than
30 one delayed deposit services transaction with the
31 same or another licensee, and the periods during which
32 the transactions are outstanding overlap, each day
33 of each respective transaction shall be counted in
34 satisfying the ninety-day restriction. For purposes
35 of this subsection, if a maker of a check is making
36 biweekly payments during a repayment period as provided
37 in section 533D.9, subsection 2, paragraph "e", the
38 repayment period shall not be counted in satisfying the
39 ninety-day restriction.

40 3. a. Each licensee making an election pursuant to
41 this section shall, by October 1, 2011, subscribe to,
42 report to, and utilize an electronic database tracking
43 service to be developed or selected pursuant to rules
44 adopted by the banking division of the department
45 of commerce, that permits the licensee to determine
46 whether a maker of a check has an outstanding unpaid
47 check or debit authorization that is, or reasonably
48 appears to be, connected to a delayed deposit services
49 transaction. Each licensee shall require a maker
50 of a check to sign a written declaration confirming

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1 that, pursuant to section 533D.10A, subsection 2, the
2 maker of the check is eligible to enter into a delayed
3 deposit services transaction.

4 b. Records of a licensee and the electronic
5 database tracking service shall be subject to review
6 and examination by the division to determine whether
7 the licensee is in compliance with this section and
8 other applicable provisions of this chapter.

9 c. Information, records, and documents obtained
10 in the performance of the review and examination,
11 including the amount of any outstanding unpaid check or
12 debit authorization and the identity of the maker of
13 the check, are confidential and shall not be disclosed
14 by the division and are not subject to subpoena. Such
15 information, records, and documents do not constitute
16 a public record under chapter 22. The superintendent
17 may disclose such information to representatives of
18 other state or federal regulatory authorities and
19 may release summary complaint information so long as
20 the information does not specifically identify the
21 complainant. The superintendent may also provide this
22 information to the attorney general for purposes of
23 enforcing this chapter.>

24 2. Page 5, by striking lines 18 and 19 and
25 inserting:

26 <Sec. ___. EFFECTIVE DATE.

27 1. The section of this Act amending section 524.904
28 takes effect upon enactment.
29 2. Section 533D.10A, subsection 2, as enacted in
30 this Act, takes effect October 1, 2011.>

PETERSEN of Polk

H-1103

1 Amend the amendment, H-1093, to Senate File 209,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, before line 16 by inserting:
5 <__. Title page, by striking lines 2 through 4
6 and inserting <making appropriations and providing for
7 updated Code references to the Internal Revenue Code
8 and including effective date and>>

SANDS of Louisa

H-1104

1 Amend the amendment, H-1097, to Senate File 209,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 4, through page 5, line
5 17.
6 2. By striking page 6, line 29, through page 7,
7 line 48.
8 3. Page 8, by striking lines 25 through 31.
9 4. By renumbering as necessary.

T. OLSON of Linn

H-1105

1 Amend the amendment, H-1097, to Senate File 209,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 2, line 47, through page 3,
5 line 35, and inserting:
6 <REVENUE ESTIMATE>
7 2. By striking page 3, line 45, through page 4,
8 line 19.
9 3. By renumbering as necessary.

MURPHY of Dubuque

H-1106

1 Amend the amendment, H-1097, to Senate File 209,
2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by striking lines 6 through 29 and

5 inserting:

6 <Sec. ____ Section 8.55, subsection 2, paragraph a,
7 Code 2011, is amended to read as follows:

8 a. The maximum balance of the fund is the amount
9 equal to two and one-half percent of the adjusted
10 revenue estimate for the fiscal year. If the amount of
11 moneys in the Iowa economic emergency fund is equal to
12 the maximum balance, moneys in excess of this amount
13 shall be transferred ~~to the general fund.~~ in accordance
14 with the following descending order:

15 (1) Fifty percent of the excess shall be
16 transferred to the senior living trust fund.

17 (2) The amount necessary for the veterans trust
18 fund to equal the fund's maximum balance for the fiscal
19 year following the fiscal year of the transfer shall be
20 transferred to the veterans trust fund.

21 (3) The remainder shall be transferred to the tax
22 relief fund.

23 Sec. ____ Section 8.55, subsection 2, paragraph b,
24 Code 2011, is amended by striking the paragraph.

25 Sec. ____ Section 8.57, subsection 2, paragraphs
26 c and d, Code 2011, are amended by striking the
27 paragraphs.>

28 2. Page 2, line 39, by striking <the tax relief
29 fund> and inserting <the senior living trust fund,
30 veterans trust fund, and tax relief fund>

31 3. By renumbering as necessary.

THOMAS of Clayton

H-1107

1 Amend the amendment, H-1093, to Senate File 209,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 15.

5 2. By renumbering, redesignating, and correcting
6 internal references as necessary.

JACOBY of Johnson

H-1108

1 Amend the amendment, H-1093, to Senate File 209,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, after line 15 by inserting:

5 <____. Page 21, after line 23 by inserting:

6 <DIVISION _____

7 Sec. ____ UNEMPLOYMENT COMPENSATION EXTENDED

8 BENEFIT INDICATORS. Notwithstanding any contrary
9 provisions of chapter 96, with respect to weeks of
10 unemployment beginning on or after December 17, 2010,
11 and ending four weeks prior to the last week for which
12 the federal government funds one hundred percent of the
13 cost of shareable extended unemployment compensation
14 benefits and shareable regular unemployment
15 compensation benefits as authorized by section 2005(a)
16 of Tit. II of the federal Assistance for Unemployed
17 Workers and Struggling Families Act, of the federal
18 American Recovery and Reinvestment Act of 2009, Pub.
19 L. No. 111-5, as amended, for the purposes of section
20 96.19, subsections 21 and 32, and section 96.29,
21 subsections 4 and 5:

22 1. There is a state "on" indicator for a week
23 ending on or before December 31, 2011, or any other
24 date established in federal law permitting this
25 provision if the average rate of total seasonally
26 adjusted unemployment under chapter 96 for the period
27 consisting of the most recent three months for which
28 data for all states are published before the close
29 of the week equaled or exceeded six and one-half
30 percent and equaled or exceeded one hundred ten percent
31 of the average of the rates for any or all of the
32 corresponding three-month periods ending in the three
33 preceding calendar years.

34 2. There is a state "off" indicator for a week
35 only if, for the period consisting of the week and the
36 immediately preceding twelve weeks, neither subsection
37 1 nor section 96.19, subsection 21 or 30, specify that
38 there is an "on" indicator.

39 3. A "high unemployment period" means any period
40 during which an extended benefit period would be in
41 effect if subsection 1 were applied by substituting
42 "eight percent" for "six and one half percent". In
43 a high unemployment period, section 96.29, subsection
44 4, shall be applied by substituting "eighty percent"
45 for "fifty percent" under paragraph "a", subparagraph
46 (1) and "twenty" for "thirteen" under paragraph "a",
47 subparagraph (2).

48 4. For purposes of determining eligibility for
49 extended unemployment compensation benefits under this
50 Act, an individual's eligibility period shall include

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1 any week which begins in accordance with both of the
2 following:

3 a. After the date as of which the individual
4 exhausts all rights to emergency unemployment
5 compensation.

6 b. During an extended benefit period that began on

7 or before the date the individual exhausts all rights
 8 to emergency unemployment compensation.
 9 Sec. 2. EFFECTIVE DATE. This division of this Act
 10 takes effect on the first Sunday occurring thirty days
 11 after enactment of this division of this Act.
 12 Sec. 3. RETROACTIVE APPLICABILITY. For purposes of
 13 providing extended unemployment compensation benefits,
 14 this division of this Act applies retroactively to
 15 weeks of unemployment beginning on or after December
 16 17, 2010. >>
 17 2. Page 1, after line 15 by inserting:
 18 <__. Title page, line 4, after <credit,> by
 19 inserting <providing for extended unemployment
 20 benefits,>>
 21 3. By renumbering as necessary.

ISENHART of Dubuque

H-1109

1 Amend House File 470 as follows:
 2 1. Page 2, line 31, by striking <eighteen> and
 3 inserting <twenty-one>

BAUDLER of Adair

H-1110

1 Amend House File 271 as follows:
 2 1. Page 1, after line 31 by inserting:
 3 <Sec. __. Section 903A.2, subsection 3, Code 2011,
 4 is amended to read as follows:
 5 3. Time served in a jail, ~~or~~ municipal holding
 6 facility, or another facility prior to actual placement
 7 in an institution under the control of the department
 8 of corrections and credited against the sentence by
 9 the court shall accrue for the purpose of reduction of
 10 sentence under this section. Time which elapses during
 11 an escape shall not accrue for purposes of reduction of
 12 sentence under this section.
 13 Sec. __. Section 903A.5, subsection 1, Code 2011,
 14 is amended to read as follows:
 15 1. An inmate shall not be discharged from the
 16 custody of the director of the Iowa department of
 17 corrections until the inmate has served the full term
 18 for which the inmate was sentenced, less earned time
 19 and other credits earned and not forfeited, unless
 20 the inmate is pardoned or otherwise legally released.
 21 Earned time accrued and not forfeited shall apply
 22 to reduce a mandatory minimum sentence being served
 23 pursuant to section 124.406, 124.413, 902.7, 902.8,
 24 902.8A, or 902.11. An inmate shall be deemed to be

25 serving the sentence from the day on which the inmate
 26 is received into the institution. If an inmate was
 27 confined to a county jail, municipal holding facility,
 28 or other correctional or mental facility at any time
 29 prior to sentencing, or after sentencing but prior to
 30 the case having been decided on appeal, because of
 31 failure to furnish bail or because of being charged
 32 with a nonbailable offense, the inmate shall be given
 33 credit for the days already served upon the term of the
 34 sentence. However, if a person commits any offense
 35 while confined in a county jail, municipal holding
 36 facility, or other correctional or mental health
 37 facility, the person shall not be granted jail credit
 38 for that offense. Unless the inmate was confined in
 39 a correctional facility, the sheriff of the county in
 40 which the inmate was confined or the officer in charge
 41 of the municipal holding facility in which the inmate
 42 was confined shall certify to the clerk of the district
 43 court from which the inmate was sentenced and to the
 44 department of corrections' records administrator at the
 45 Iowa medical and classification center the number of
 46 days so served. The department of corrections' records
 47 administrator, or the administrator's designee, shall
 48 apply jail credit as ordered by the court of proper
 49 jurisdiction or as authorized by this section and
 50 section 907.3, subsection 3.>

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- 1 2. Title page, line 1, after <relating to>
- 2 by inserting <criminal defendants and inmates by
- 3 modifying>
- 4 3. Title page, line 2, after <defendants> by
- 5 inserting <and applying credit for time served>
- 6 4. By renumbering as necessary.

McCARTHY of Polk

H-1111

- 1 Amend House File 502 as follows:
- 2 1. By striking page 25, line 20, through page 26,
- 3 line 5.
- 4 2. Page 48, by striking lines 14 through 19.
- 5 3. By striking page 55, line 10, through page 56,
- 6 line 5.
- 7 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY

H-1112

- 1 Amend House File 473 as follows:
 2 1. By striking page 1, line 1, through page 2, line
 3 27.
 4 2. Page 7, by striking lines 17 and 18.
 5 3. Page 7, line 20, by striking <, public works,
 6 and public road>
 7 4. Page 7, line 21, by striking <, public works,
 8 and public road>
 9 5. Title page, line 2, by striking <, public works,
 10 and public road>
 11 6. Title page, line 3, by striking <effective date
 12 and>
 13 7. By renumbering as necessary.

MURPHY of Dubuque

H-1113

- 1 Amend House File 473 as follows:
 2 1. By striking page 1, line 1, through page 7, line
 3 14.
 4 2. Page 7, by striking lines 17 through 22.
 5 3. Title page, by striking lines 1 through 3
 6 and inserting <An Act removing the requirement that
 7 governmental entities give preference to Iowa labor in
 8 the constructing or building of public improvement or
 9 public works projects.>
 10 4. By renumbering as necessary.

MURPHY of Dubuque

H-1114

- 1 Amend House File 525 as follows:
 2 1. Page 1, line 21, after <respect to> by inserting
 3 <but not limited to the following:>
 4 2. Page 1, line 26, after <training,> by inserting
 5 <school class preparation time.>

MURPHY of Dubuque

H-1115

- 1 Amend House File 525 as follows:
 2 1. Page 1, line 21, after <respect to> by inserting
 3 <but not limited to the following:>
 4 2. Page 1, lines 25 and 26, by striking <procedures
 5 for staff reduction,> and inserting <procedures for
 6 staff reduction,>

T. TAYLOR of Linn

H-1116

- 1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>
4 2. Page 1, line 25, after <evaluation procedures>
5 by inserting <including the frequency of evaluations,
6 the method of evaluation, evaluation forms and other
7 evaluation instruments, evaluation criteria, the
8 purposes for and use of evaluations, and remedial and
9 employee performance improvement plans and procedures>

KEARNS of Lee

H-1117

- 1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>
4 2. Page 1, line 26, after <training,> by inserting
5 <school class size,>

MURPHY of Dubuque

H-1118

- 1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>
4 2. Page 1, line 26, after <training,> by inserting
5 <work uniforms and equipment and other required work
6 clothing and equipment, including allowances for
7 uniforms and equipment and other required work clothing
8 and equipment.>

MURPHY of Dubuque

H-1119

- 1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>
4 2. Page 1, line 26, after <training,> by inserting
5 <staffing levels,>

KEARNS of Lee

H-1120

- 1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>

4 2. Page 1, lines 26 and 27, by striking < matters
5 mutually agreed upon> and inserting < ~~matters mutually~~
6 ~~agreed upon~~ terms and conditions of employment>

T. TAYLOR of Linn

H-1121

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after < other insurance > by
3 inserting < except for pediatric insurance >
4 2. By renumbering as necessary.

MURPHY of Dubuque

H-1122

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after < other insurance > by
3 inserting < except for coverage for autism >

HUNTER of Polk

H-1123

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after < other insurance > by
3 inserting < except for mandated coverage for dental
4 care, anesthesia, and hospital charges >

HUNTER of Polk

H-1124

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after < other insurance > by
3 inserting < except for discussion of treatment options
4 with a covered individual, notwithstanding any position
5 taken by the carrier, organized delivery system, or
6 plan on such treatment options >

HUNTER of Polk

H-1125

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after < other insurance > by
3 inserting < except for coverage for emergency room
4 services >

HUNTER of Polk

H-1126

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <other insurance> by
3 inserting <except for coverage of continuing care for
4 a terminal illness>

HUNTER of Polk

H-1127

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <other insurance> by
3 inserting <except for life insurance>

HUNTER of Polk

H-1128

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <other insurance> by
3 inserting <except for coverage for prosthetic devices>

HUNTER of Polk

H-1129

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <other insurance> by
3 inserting <except for coverage for clinical trials for
4 cancer patients>

HUNTER of Polk

H-1130

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <insurance.> by inserting
3 <However, for each fiscal year, this paragraph
4 shall not apply to public employees represented by
5 a certified employee organization who are teachers
6 licensed under chapter 272 and who are employed by a
7 public employer which is a school district or area
8 education agency if the average salary of teachers
9 in the state was ranked below twenty-fifth in the
10 country in a nationally recognized study comparing
11 state average teacher salaries among all fifty states
12 released in the previous fiscal year.>

HUNTER of Polk

H-1131

- 1 Amend House File 525 as follows:
- 2 1. Page 4, after line 5 by inserting:
- 3 <Sec. ____ EFFECTIVE DATE. This Act takes effect
- 4 December 21, 2012.>
- 5 2. Title page, line 2, before <applicability> by
- 6 inserting <effective date and>
- 7 3. By renumbering as necessary.

WILLEMS of Linn

H-1132

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, after <outsourcing> by
- 3 inserting <except the outsourcing of veterans as
- 4 defined section 35.1>

KEARNS of Lee

H-1133

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, after <outsourcing> by
- 3 inserting <except the outsourcing of correctional
- 4 officers>

T. TAYLOR of Linn

H-1134

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, after <outsourcing> by
- 3 inserting <except the outsourcing of correctional
- 4 officers who have been injured in the line of duty>

T. TAYLOR of Linn

H-1135

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, after <outsourcing> by
- 3 inserting <except the outsourcing of correctional
- 4 officers who have been injured by an inmate in
- 5 an institution administered by the department of
- 6 corrections>

T. TAYLOR of Linn

H-1136

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, after ~~<outsourcing>~~ by
- 3 inserting <except the outsourcing of correctional
- 4 officers who have been sexually assaulted by an inmate
- 5 in an institution administered by the department of
- 6 corrections>

MURPHY of Dubuque

H-1137

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking ~~<insurance.>~~ and
- 3 inserting <insurance except for supplemental coverage
- 4 for adopted or newly born children.>
- 5 2. By renumbering as necessary.

MURPHY of Dubuque

H-1138

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking ~~<insurance.>~~
- 3 and inserting <insurance except for coverage for
- 4 dental services under accident and sickness insurance
- 5 policies.>
- 6 2. By renumbering as necessary.

MURPHY of Dubuque

H-1139

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking ~~<insurance.>~~ and
- 3 inserting <insurance except for disclosures relating to
- 4 dental coverage reimbursement rates.>

MURPHY of Dubuque

H-1140

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking ~~<insurance.>~~ and
- 3 inserting <insurance except for prohibitions of dental
- 4 fee restrictions for noncovered services.>
- 5 2. By renumbering as necessary.

MURPHY of Dubuque

H-1141

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance except for prescription drug
- 4 benefits.>
- 5 2. By renumbering as necessary.

T. TAYLOR of Linn

H-1142

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.>
- 3 and inserting <insurance except for prohibitions on
- 4 restricting coverage in instances involving a diagnosis
- 5 of a fibrocystic condition.>
- 6 2. By renumbering as necessary.

HUNTER of Polk

H-1143

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance except for coordination of health
- 4 care benefits with state medical assistance.>
- 5 2. By renumbering as necessary.

MURPHY of Dubuque

H-1144

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance except for group managed health
- 4 care plan requirements attached to limited provider
- 5 network plan offers.>

KEARNS of Lee

H-1145

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, after <other insurance>
- 3 by inserting <except for continuity of care after
- 4 pregnancy to provide insurance coverage to a covered
- 5 person in the second or third trimester of pregnancy
- 6 for continued care from the health care provider,
- 7 including treatment or care through postpartum care
- 8 related to the child birth and delivery>

HUNTER of Polk

H-1146

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, after <other insurance> by
- 3 inserting <except for coverage for diabetes>

HUNTER of Polk

H-1147

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, after <other insurance> by
- 3 inserting <except for coverage for human papilloma
- 4 virus vaccinations>

MURPHY of Dubuque

H-1148

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 22, by striking <insurance,> and
- 3 inserting <insurance,>
- 4 2. Page 2, by striking line 15.
- 5 3. By renumbering as necessary.

HUNTER of Polk

H-1149

- 1 Amend House File 525 as follows:
- 2 1. Page 2, by striking line 15.
- 3 2. By renumbering as necessary.

HUNTER of Polk

H-1150

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 21, after <respect to> by inserting
- 3 <but not limited to the following:>
- 4 2. Page 1, line 21, after <hours> by inserting
- 5 <including the establishment of work shifts and
- 6 schedules and procedures and criteria for assigning
- 7 work shifts and schedules>

T. TAYLOR of Linn

H-1151

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 21, after <respect to> by inserting
- 3 <but not limited to the following:>

- 4 2. Page 1, line 23, after <pay> by inserting
- 5 <including payments and benefits other than wages which
- 6 are not paid as compensation for or conditioned upon
- 7 the employees' performance of services in addition to
- 8 their regular services to the public employer>

HUNTER of Polk

H-1152

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 26, after <training,> by inserting
- 3 <retirement systems other than retirement systems
- 4 provided by the state.>
- 5 2. Page 2, by striking line 14.
- 6 3. By renumbering as necessary.

HUNTER of Polk

H-1153

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 26, after <training,> by inserting
- 3 <tuition reimbursement.>
- 4 2. By renumbering as necessary.

WILLEMS of Linn

H-1154

- 1 Amend House File 525 as follows:
- 2 1. Page 4, after line 5 by inserting:
- 3 <Sec. ____ REPEAL. Section 20.30, Code 2011, is
- 4 repealed.>
- 5 2. By renumbering as necessary.

WILLEMS of Linn

H-1155

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 15, by striking <insurance.> and
- 3 inserting <insurance except for dental insurance.>
- 4 2. By renumbering as necessary.

HUNTER of Polk

H-1156

- 1 Amend House File 525 as follows:
- 2 1. Page 3, line 7, by striking <organization.>
- 3 and inserting <organization such as athletic coaches

- 4 employed by regents institutions and presidents of
5 regents institutions.>
6 2. By renumbering as necessary.

WILLEMS of Linn

H-1157

- 1 Amend House File 525 as follows:
2 1. Page 1, line 24, after <classifications,> by
3 inserting <training,>
4 2. By renumbering as necessary.

WILLEMS of Linn

H-1158

- 1 Amend House File 525 as follows:
2 1. Page 1, line 26, after <training,> by inserting
3 <retirement systems,>
4 2. Page 2, by striking line 14.
5 3. By renumbering as necessary.

WILLEMS of Linn

H-1159

- 1 Amend House File 525 as follows:
2 1. Page 1, line 22, by striking <insurance,> and
3 inserting <insurance and insurance carriers.>
4 2. Page 2, by striking line 15.
5 3. By renumbering as necessary.

KEARNS of Lee

H-1160

- 1 Amend House File 525 as follows:
2 1. Page 2, line 25, by striking <not>
3 2. Page 3, by striking lines 27 through 30.
4 3. By renumbering as necessary.

WILLEMS of Linn

H-1161

- 1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>
4 2. Page 1, line 26, after <training,> by inserting
5 <discipline and discharge, including grounds for
6 discharge and imposition of other discipline, levels

7 and types of disciplinary measures, and procedures for
8 resolving disciplinary and discharge disputes.>
9 3. By renumbering as necessary.

WILLEMS of Linn

H-1162

1 Amend House Concurrent Resolution 13 as follows:
2 1. Page 1, line 12, by striking <preserve> and
3 inserting <enhance>
4 2. Page 1, line 14, after <use of> by inserting
5 <safe>
6 3. Page 2, by striking lines 2 through 6 and
7 inserting:
8 <WHEREAS, states bear an undue burden from
9 toxic chemicals, including health care costs and
10 environmental damages, disadvantaging businesses that
11 lack information on chemicals in their supply chain,
12 and increasing demands for state regulation; NOW
13 THEREFORE,>
14 4. Page 2, lines 13 and 14, by striking <their
15 intended use> and inserting <people and the
16 environment>
17 5. Page 2, line 22, by striking <of chemicals> and
18 inserting <and disposal of chemicals, including a focus
19 on geographic areas with significant exposures>
20 6. Page 2, line 30, by striking <children> and
21 inserting <human beings and the environment>
22 7. Page 3, line 4, after <impose a> by inserting
23 <full>
24 8. Page 3, by striking line 8 and inserting <should
25 provide that companies and the EPA will work together>
26 9. Page 3, line 12, after <rely on> by inserting
27 <the best available>
28 10. Page 3, line 17, by striking <enable> and
29 inserting <ensure>
30 11. Page 3, line 17, by striking <to have> and
31 inserting <has>
32 12. Page 3, after line 19 by inserting:
33 <BE IT FURTHER RESOLVED, That the policy reforms
34 should reward innovation by fast-tracking approval
35 of new demonstratively safer chemicals, and reward
36 investment in green chemistry research and workforce
37 development to boost American business and spur jobs in
38 the manufacture of safer alternatives; and>
39 13. Page 3, line 23, after <competitive> by
40 inserting <, safe chemical>

ISENHART of Dubuque

H-1163

- 1 Amend House File 475 as follows:
2 1. Page 1, line 3, after <d.> by inserting <(1)>
3 2. Page 1, after line 8 by inserting:
4 <(2) Grants for veterans suffering subsequent,
5 unrelated injuries after September 11, 2001, but
6 prior to the effective date of this Act, shall be
7 payable, upon a showing that the veteran would have
8 been eligible for payment had the subsequent, unrelated
9 injury occurred on or after the effective date of this
10 Act.
11 Sec. ____ Section 35A.14, Code 2011, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 6. The department may appear
14 before the executive council and request funds to meet
15 the funding needs of the grant program under this
16 section if funds are made available to the executive
17 council for this purpose.>
18 3. Page 1, after line 8 by inserting:
19 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
20 APPLICABILITY. This Act, being deemed of immediate
21 importance, takes effect upon enactment and applies
22 retroactively to September 11, 2001, for veterans
23 suffering a subsequent, unrelated injury after that
24 date.>
25 4. Title page, line 1, after <program> by inserting
26 <and including effective date and retroactive
27 applicability provisions>
28 5. By renumbering as necessary.

SHAW of Pocahontas

H-1164

- 1 Amend House File 525 as follows:
2 1. Page 2, after line 19 by inserting:
3 <Sec. ____ Section 20.10, subsection 2, Code 2011,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. i. Offer any payment or employment
6 benefit to an individual public employee, or discuss
7 the possibility of such an offer, unless the public
8 employee has signed a release to declare themselves a
9 free agent employee.>
10 2. By renumbering as necessary.

HUNTER of Polk

H-1165

- 1 Amend House File 525 as follows:
2 1. Page 2, after line 19 by inserting:

3 <Sec. ____ Section 20.10, subsection 2, Code 2011,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. i. Coerce, threaten, or otherwise
6 induce an employee or potential employee into signing a
7 release to declare themselves a free agent employee.>
8 2. By renumbering as necessary.

HUNTER of Polk

H-1166

1 Amend House File 525 as follows:
2 1. Page 3, line 6, after <including> by inserting
3 <school superintendents, school administrators, and
4 other>
5 2. By renumbering as necessary.

HUNTER of Polk

H-1167

1 Amend House File 525 as follows:
2 1. Page 1, after line 10 by inserting:
3 <Sec. ____ Section 20.4, subsections 10 and 11,
4 Code 2011, are amended by striking the subsections.>
5 2. By renumbering as necessary.

HUNTER of Polk

H-1168

1 Amend House File 525 as follows:
2 1. Page 1, line 26, after <training,> by inserting
3 <the provision of thermal imaging cameras as needed to
4 carry out employment duties.>

HUNTER of Polk

H-1169

1 Amend House File 525 as follows:
2 1. Page 2, after line 19 by inserting:
3 <Sec. ____ Section 20.10, subsection 2, Code 2011,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. i. Provide to any individual
6 employed as an administrator a benefits package which
7 exceeds the terms of a benefits package which the
8 public employer provides to any member of a bargaining
9 unit employed by the public employer.>
10 2. By renumbering as necessary.

HUNTER of Polk

H-1170

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, by striking <outsourcing.>
- 3 and inserting <outsourcing, except for the purpose of
- 4 precluding the hiring of illegal immigrants by the
- 5 public employer.>

HUNTER of Polk

H-1171

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, by striking <outsourcing.> and
- 3 inserting <outsourcing, except for the outsourcing of
- 4 nurses.>

HUNTER of Polk

H-1172

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, by striking <outsourcing.> and
- 3 inserting <outsourcing, except for the outsourcing of
- 4 librarians.>

HUNTER of Polk

H-1173

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 16, by striking <outsourcing.>
- 3 and inserting <outsourcing, except the outsourcing of
- 4 nurses who work with needles and who become infected
- 5 by human immunodeficiency virus in the course of their
- 6 employment.>

HUNTER of Polk

H-1174

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 26, after <training.> by inserting
- 3 <the provision of oxygen tanks as needed by an
- 4 employee.>

HUNTER of Polk

H-1175

- 1 Amend House File 525 as follows:
- 2 1. Page 1, after line 10 by inserting:

3 <Sec. ____ Section 20.7, subsection 3, Code 2011,
 4 is amended to read as follows:
 5 3. Suspend or discharge public employees for ~~proper~~
 6 just cause.>
 7 2. By renumbering as necessary.

WILLEMS of Linn

H-1176

1 Amend House File 525 as follows:
 2 1. Page 1, line 26, after <training,> by inserting
 3 <the purchase of uniforms by police officers and fire
 4 fighters for personal use.>

HUNTER of Polk

H-1177

1 Amend House File 525 as follows:
 2 1. Page 1, after line 10 by inserting:
 3 <Sec. ____ Section 20.7, Code 2011, is amended to
 4 read as follows:
 5 20.7 Public employer rights — justification for
 6 privatization.
 7 1. Public employers shall have, in addition
 8 to all powers, duties, and rights established by
 9 constitutional provision, statute, ordinance, charter,
 10 or special act, the exclusive power, duty, and the
 11 right to:
 12 ~~1. a.~~ Direct the work of its public employees.
 13 ~~2. b.~~ Hire, promote, demote, transfer, assign and
 14 retain public employees in positions within the public
 15 agency.
 16 ~~3. c.~~ Suspend or discharge public employees for
 17 proper cause.
 18 4. d. Maintain the efficiency of governmental
 19 operations.
 20 ~~5. e.~~ Relieve public employees from duties because
 21 of lack of work or for other legitimate reasons.
 22 ~~6. f.~~ Determine and implement methods, means,
 23 assignments and personnel by which the public
 24 employer's operations are to be conducted.
 25 ~~7. g.~~ Take such actions as may be necessary to
 26 carry out the mission of the public employer.
 27 ~~8. h.~~ Initiate, prepare, certify, and administer
 28 its budget.
 29 ~~9. i.~~ Exercise all powers and duties granted to
 30 the public employer by law.
 31 2. A public employer shall justify on the basis of
 32 cost efficiency any measures relating to privatization
 33 of jobs held by public employees employed by the public

34 employer that the public employer pursues. A public
35 employer shall provide written documentation of the
36 justification to each public employee whose job is or
37 may be privatized within thirty days of the date on
38 which the public employer first pursues privatization
39 of the public employee's job.>

40 2. By renumbering as necessary.

HUNTER of Polk

H-1178

1 Amend House File 525 as follows:

2 1. Page 3, line 8, by striking ~~<employees>~~ and
3 inserting <employees, including private sector
4 employees who have contracted to perform state services
5 in the infrastructure and professional service areas,>

HUNTER of Polk

H-1179

1 Amend House File 525 as follows:

2 1. Page 3, line 7, by striking ~~<organization.>~~
3 and inserting <organization such as athletic
4 coaches employed by regents institutions, medical
5 professionals, presidents of regents institutions, and
6 department directors, and public employees excluded
7 from the provisions of this chapter under section
8 20.4.>

HUNTER of Polk

H-1180

1 Amend House File 525 as follows:

2 1. Page 2, by striking lines 16 through 19.
3 2. By renumbering as necessary.

HUNTER of Polk

H-1181

1 Amend House File 525 as follows:

2 1. Page 1, after line 10 by inserting:
3 <Sec. ____ Section 20.4, subsection 5, Code 2011,
4 is amended by striking the subsection.>
5 2. By renumbering as necessary.

HUNTER of Polk

H-1182

- 1 Amend House File 525 as follows:
 2 1. Page 1, after line 10 by inserting:
 3 <Sec. ____ Section 20.3, subsection 3, Code 2011,
 4 is amended by striking the subsection.
 5 Sec. ____ Section 20.4, subsection 3, Code 2011, is
 6 amended by striking the subsection.
 7 Sec. ____ Section 20.4, subsection 7, Code 2011, is
 8 amended to read as follows:
 9 7. Judicial officers, and ~~confidential~~,
 10 professional, or supervisory employees of the judicial
 11 branch.>
 12 2. By renumbering as necessary.

HUNTER of Polk

H-1183

- 1 Amend House File 525 as follows:
 2 1. Page 1, by striking lines 1 through 14.
 3 2. By renumbering as necessary.

HORBACH of Tama

H-1184

- 1 Amend House File 148 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 8.22A, subsection 2, Code 2011,
 5 is amended to read as follows:
 6 2. The conference shall meet as often as deemed
 7 necessary, but shall meet at least quarterly. The
 8 conference may use sources of information deemed
 9 appropriate. At each meeting, the conference shall
 10 agree to estimates for the current and the next
 11 two succeeding fiscal years for the general fund
 12 of the state, lottery revenues to be available for
 13 disbursement, and from gambling revenues and from
 14 interest earned on the cash reserve fund and the
 15 economic emergency fund to be deposited in the rebuild
 16 Iowa infrastructure fund.
 17 Sec. 2. Section 8.39, subsections 1 and 2, Code
 18 2011, are amended to read as follows:
 19 1. Except as otherwise provided by law, an
 20 appropriation or any part of it shall not be used
 21 for any other purpose than that for which it was
 22 made. However, with the prior written consent and
 23 approval of the governor and the director of the
 24 department of management, the governing board or head
 25 of any state department, institution, or agency may,

26 at any time during the fiscal year, make a whole or
27 partial intradepartmental transfer of its unexpended
28 appropriations for purposes within the scope of such
29 department, institution, or agency. Such transfer
30 shall be to an appropriation made from the same funding
31 source and within the same fiscal year. The amount
32 of a transfer made from an appropriation under this
33 subsection shall be limited to not more than one-tenth
34 of one percent of the total of all appropriations
35 made from the funding source of the transferred
36 appropriation for the fiscal year in which the transfer
37 is made.

38 2. If the appropriation of a department,
39 institution, or agency is insufficient to properly meet
40 the legitimate expenses of the department, institution,
41 or agency, the director, with the approval of the
42 governor, may make an interdepartmental transfer from
43 any other department, institution, or agency of the
44 state having an appropriation in excess of its needs,
45 of sufficient funds to meet that deficiency. Such
46 transfer shall be to an appropriation made from the
47 same funding source and within the same fiscal year.
48 The amount of a transfer made from an appropriation
49 under this subsection shall be limited to not more
50 than one-tenth of one percent of the total of all

Page 2

1 appropriations made from the funding source of the
2 transferred appropriation for the fiscal year in which
3 the transfer is made. An interdepartmental transfer
4 to an appropriation which is not an entitlement
5 appropriation is not authorized when the general
6 assembly is in regular session and, in addition,
7 the sum of interdepartmental transfers in a fiscal
8 year to an appropriation which is not an entitlement
9 appropriation shall not exceed fifty percent of the
10 amount of the appropriation as enacted by the general
11 assembly. For the purposes of this subsection, an
12 entitlement appropriation is a line item appropriation
13 to the state public defender for indigent defense or to
14 the department of human services for foster care, state
15 supplementary assistance, or medical assistance, or for
16 the family investment program.

17 Sec. 3. Section 8.39, Code 2011, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 2A. The aggregate amount of
20 intradepartmental and interdepartmental transfers made
21 from all appropriations for a fiscal year pursuant to
22 this section is limited to not more than five-tenths of
23 one percent of the total amount of the appropriations
24 made from the general fund of the state for the fiscal

25 year.
26 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being
27 deemed of immediate importance, takes effect upon
28 enactment.>
29 2. Title page, by striking lines 1 through 8
30 and inserting <An Act relating to state expenditure
31 requirements involving the revenue estimating
32 conference and appropriation transfers and including
33 effective date provisions.>

RAECKER of Polk
WENTHE of Fayette

H-1185

1 Amend House File 212 as follows:
2 1. Page 1, after line 15 by inserting:
3 <__. A dress code policy adopted pursuant to this
4 section shall not discriminate on the basis of race
5 and shall fulfill the school district's affirmative
6 obligation to disestablish any prior de jure segregated
7 system.>
8 2. By renumbering as necessary.

M. SMITH of Marshall

H-1186

1 Amend House File 535 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. DEPARTMENT OF EDUCATION PRESCHOOL
5 FUNDING REVIEW. The department of education shall
6 conduct a review of the preschool foundation aid
7 funding for the statewide preschool program for
8 four-year-old children established under chapter 256C,
9 including a review of the feasibility of establishing
10 a sliding tuition scale for families whose incomes
11 are above 300 percent of the federal poverty level as
12 defined by the most recently revised poverty income
13 guidelines published by the United States department
14 of health and human services. The department shall
15 submit its findings and recommendations, including but
16 not limited to recommendations for statutory changes
17 relating to program funding and tuition charges, in a
18 report to the governor, the general assembly, and the
19 state board of education by December 1, 2011.>
20 2. Title page, by striking lines 1 through 4 and
21 inserting <An Act providing for a review of preschool
22 foundation aid funding for the statewide preschool
23 program for four-year-old children.>

WILLEMS of Linn

H-1187

- 1 Amend House File 393 as follows:
- 2 1. Page 1, line 3, before <or> by inserting <₁
- 3 physician assistant.>
- 4 2. Page 1, line 4, before <or> by inserting <₂
- 5 physician assistant.>
- 6 3. Page 1, line 17, before <or> by inserting <₃
- 7 physician assistant's.>
- 8 4. Page 1, by striking lines 19 through 24 and
- 9 inserting:
- 10 <b. A physician assistant or an advanced registered
- 11 nurse practitioner authorized to sign a death
- 12 certificate shall be licensed in this state and shall
- 13 have been in charge of the deceased patient's care.>
- 14 5. Page 1, line 29, before <or> by inserting <₄
- 15 physician assistant.>
- 16 6. Page 2, line 4, before <or> by inserting <₅
- 17 physician assistant.>
- 18 7. Title page, line 1, after <allowing> by
- 19 inserting <a physician assistant or>

L. MILLER of Scott

H-1188

- 1 Amend House File 535 as follows:
- 2 1. Page 2, after line 30 by inserting:
- 3 <__. "High-quality preschool program" means a
- 4 preschool program that meets the federal head start
- 5 program performance standards adopted pursuant to the
- 6 federal Improving Head Start for School Readiness
- 7 Act of 2007, Pub. L. No. 110-134, the Iowa quality
- 8 preschool program standards and criteria as determined
- 9 by the department in accordance with 281 IAC 16.3, and
- 10 the national association for the education of young
- 11 children program standards and accreditation criteria.>
- 12 2. Page 5, line 13, after <standards> by inserting
- 13 <, including but not limited to the federal head start
- 14 program performance standards adopted pursuant to the
- 15 federal Improving Head Start for School Readiness
- 16 Act of 2007, Pub. L. No. 110-134, the Iowa quality
- 17 preschool program standards and criteria as determined
- 18 by the department in accordance with 281 IAC 16.3, and
- 19 the national association for the education of young
- 20 children program standards and accreditation criteria>
- 21 3. Page 11, line 34, by striking <high-quality>
- 22 4. Page 12, line 1, before <preschool> by inserting
- 23 <high-quality>

FORRISTALL of Pottawattamie

H-1189

1 Amend House File 500 as follows:

2 1. Page 1, after line 27 by inserting:

3 <Sec. ____ Section 455A.5, Code 2011, is amended by

4 adding the following new subsection:

5 NEW SUBSECTION. 7. After notice of intended action

6 is filed by the director regarding a proposed rule

7 and upon the affirmative vote of five members of the

8 commission, the commission may require the director

9 to file notice terminating the rulemaking proceeding

10 pursuant to section 17A.4, subsection 1, paragraph

11 "b".>

12 2. Page 2, after line 17 by inserting:

13 <Sec. ____ Section 455A.6, Code 2011, is amended by

14 adding the following new subsection:

15 NEW SUBSECTION. 7. After notice of intended action

16 is filed by the director regarding a proposed rule

17 and upon the affirmative vote of six members of the

18 commission, the commission may require the director

19 to file notice terminating the rulemaking proceeding

20 pursuant to section 17A.4, subsection 1, paragraph

21 "b".>

22 3. By renumbering as necessary.

ISENHART of Dubuque

H-1190

1 Amend House File 525 as follows:

2 1. Page 3, line 18, after <services.> by inserting

3 <However, the ability of the employer to finance

4 economic adjustments without raising any tax shall

5 be deemed to include the amount of any tax reduction

6 approved or implemented by the public employer since

7 the previous collective bargaining agreement was

8 enacted.>

ISENHART of Dubuque

H-1191

1 Amend House File 525 as follows:

2 1. Page 1, line 31, after <parties.> by inserting

3 <Negotiations shall also include terms creating one

4 or more labor-management committees, which shall be

5 authorized to meet during the term of the agreement to

6 collaborate on matters of mutual interest or concern.

7 A labor-management committee shall be a forum to

8 discuss permissive topics of bargaining not covered

9 by the agreement. A labor-management committee shall

10 include equal representation of labor and management.

11 with labor members appointed by the employee
12 organization and management members appointed by the
13 public employer. A labor-management committee may
14 propose memorandums of understanding not inconsistent
15 with the negotiated agreement, subject to ratification
16 by members of the affected bargaining unit.>

ISENHART of Dubuque

H-1192

1 Amend House File 148 as follows:
2 1. Page 1, after line 28 by inserting:
3 <Sec. ____ NEW SECTION. 421D.1 Tax expenditures
4 repealed.
5 1. Beginning on June 30, 2012, and every fifth year
6 thereafter, each Code provision in effect that provides
7 for a state or local tax expenditure is repealed. For
8 purposes of this section, "tax expenditure" means an
9 exclusion from the operation or collection of a tax
10 imposed in this state. Tax expenditures include tax
11 credits, exemptions, deductions, and rebates. Tax
12 expenditures also include sales tax refunds issued
13 pursuant to section 423.4.
14 2. a. The repeal of a tax expenditure shall be
15 applicable beginning with the tax year, assessment
16 year, or fiscal year, as applicable, following the date
17 of the repeal.
18 b. The repeal of a tax expenditure originally taken
19 prior to its repeal that authorized the carryforward of
20 an unused portion of the tax expenditure shall continue
21 to be valid after its repeal until the unused portion
22 is depleted or until expiration of the carryforward
23 period provided for in the statutory authorization for
24 the tax expenditure, whichever is earlier. The repeal
25 of a tax expenditure shall not apply to a taxpayer who
26 was authorized to take the tax expenditure pursuant
27 to a contract entered into with a state agency until
28 such time as the contract is voided or expires. A
29 tax expenditure authorized for multiple years that is
30 repealed pursuant to this section shall continue after
31 the date of repeal until its expiration provided for in
32 the statutory authorization for the tax expenditure.
33 Sec. ____ APPLICABILITY. The section of this
34 division of this Act enacting section 421D.1 applies to
35 tax expenditures in effect on and after June 30, 2012.>
36 2. By renumbering as necessary.

ISENHART of Dubuque

H-1193

1 Amend House File 566 as follows:

- 2 1. By striking page 103, line 25, through page 104,
3 line 25.
4 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY

H-1194

1 Amend House File 381 as follows:

- 2 1. By striking page 2, line 26, through page 3,
3 line 12, and inserting:
4 <4. For a contract for private construction, if the
5 owner fails to pay the contractor by the date payment
6 is due pursuant to the contract, the owner shall pay
7 interest to the contractor beginning on the first day
8 after payment is due, computed at the rate of eighteen
9 percent per annum.
10 5. For a contract for private construction, a
11 contractor shall pay a subcontractor any amounts
12 due within seven business days of whichever of the
13 following is later:
14 a. Receipt of payment by the contractor from the
15 owner, including payment of retainage, if retainage is
16 released by the owner.
17 b. The date payment to the subcontractor is due
18 pursuant to the contract.
19 6. If a contractor fails to pay a subcontractor
20 pursuant to subsection 5, the contractor shall pay
21 interest to the subcontractor beginning on the first
22 business day after payment becomes due, computed at the
23 rate of eighteen percent per annum.>
24 2. Page 3, line 13, by striking <6 and 7> and
25 inserting <5 and 6>
26 3. Page 3, lines 28 and 29, by striking <in a
27 contract for private construction or>
28 4. By striking page 6, line 10, through page 7,
29 line 1, and inserting:
30 <3. For a contract for public construction, if the
31 owner fails to pay the contractor by the date payment
32 is due pursuant to the contract, the owner shall pay
33 interest to the contractor beginning on the first day
34 after payment is due, computed at the rate of eighteen
35 percent per annum.
36 4. For a contract for public construction, a
37 contractor shall pay a subcontractor any amounts
38 due within seven business days of whichever of the
39 following is later:
40 a. Receipt of payment by the contractor from the
41 owner.

42 b. The date payment to the subcontractor is due
43 pursuant to the contract.
44 5. If a contractor fails to pay a subcontractor
45 pursuant to subsection 4, the contractor shall pay
46 interest to the subcontractor beginning on the first
47 business day after payment becomes due, computed at the
48 rate of eighteen percent per annum.>
49 5. Page 7, line 2, by striking <6 and 7> and
50 inserting <4 and 5>

Page 2

1 6. Page 7, lines 6 and 7, by striking <in a
2 contract for public construction or>
3 7. By renumbering as necessary.

COMMITTEE ON COMMERCE

H-1195

1 Amend House File 490 as follows:
2 1. Page 2, line 32, by striking <fourteen> and
3 inserting <twenty>
4 2. Page 2, line 33, by striking <fourteen> and
5 inserting <twenty>

BALTIMORE of Boone

H-1196

1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <insurance.>
3 and inserting <insurance except for coverage for
4 mammography.>
5 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1197

1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <insurance.> and
3 inserting <insurance except for coverage for skilled
4 nursing care received in a hospital.>
5 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1198

1 Amend House File 459 as follows:
2 1. By striking everything after the enacting

3 clause and inserting:
4 <Section 1. Section 400.1, subsection 2, Code 2011,
5 is amended to read as follows:
6 2. For the purpose of determining the population of
7 a city under this chapter, the most recent decennial
8 federal census ~~conducted in 1980~~ shall be used.
9 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2,
10 subsection 3, shall not apply to this Act.>

GASKILL of Wapello

H-1199

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <~~other insurance~~> by
3 inserting <except for coverage for veterans for the
4 treatment of mental illnesses>

HUNTER of Polk

H-1200

1 Amend House File 525 as follows:
2 1. Page 2, line 16, by striking <~~outsourcing~~>
3 and inserting <outsourcing, except for outsourcing
4 which consists of the hiring of contractors solely for
5 the purpose of decreasing wages paid by the public
6 employer>

HUNTER of Polk

H-1201

1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <~~insurance~~>
3 and inserting <insurance, except for coverage for
4 occupational therapy>

HEDDENS of Story

H-1202

1 Amend House File 525 as follows:
2 1. Page 1, line 26, after <~~training~~> by inserting
3 <the provision of bullet-proof vests as needed to carry
4 out employment duties>

HUNTER of Polk

H-1203

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <insurance.> and
3 inserting <insurance except for postdelivery benefits
4 and care for mothers.>
5 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1204

- 1 Amend House File 222 as follows:
2 1. Page 1, after line 9 by inserting:
3 <__. This section shall not apply to any of the
4 following:
5 a. Telephone calls made to a business telephone
6 line.
7 b. Telephone calls made by a person who is
8 personally acquainted with the intended recipient.>
9 2. Page 1, by striking lines 13 and 14 and
10 inserting:
11 <__. A person who violates this section is subject
12 only to the civil penalties authorized by section
13 68B.32D. Prior to imposing such a civil penalty, the
14 board shall give a person on a committee one warning
15 notice.>
16 3. By renumbering as necessary.

COWNIE of Polk

H-1205

- 1 Amend House File 525 as follows:
2 1. Page 2, after line 19 by inserting:
3 <Sec. __. Section 20.17, subsection 3, Code 2011,
4 is amended to read as follows:
5 3. Negotiating sessions, strategy meetings of
6 public employers, mediation, and the deliberative
7 process of arbitrators shall be exempt from the
8 provisions of chapter 21. However, the employee
9 organization shall present its initial bargaining
10 position to the public employer at the first bargaining
11 session. ~~The public employer shall present its initial~~
12 ~~bargaining position to the employee organization at the~~
13 ~~second bargaining session, which shall be held no later~~
14 ~~than two weeks following the first bargaining session.~~
15 Both sessions The public employer shall present its
16 initial bargaining position at the same time. The
17 session shall be open to the public and subject to the
18 provisions of chapter 21. Parties who by agreement
19 are utilizing a cooperative alternative bargaining

20 process may exchange their respective initial interest
21 statements in lieu of initial bargaining positions at
22 ~~these~~ this open sessions ~~session~~. Hearings conducted
23 by arbitrators shall be open to the public.>
24 2. By renumbering as necessary.

HUNTER of Polk

H-1206

1 Amend House File 525 as follows:
2 1. Page 1, line 26, after <training,> by inserting
3 <the establishment of a classroom supply fund,>

HUNTER of Polk

H-1207

1 Amend House File 525 as follows:
2 1. Page 2, after line 19 by inserting:
3 <Sec. ____ Section 20.17, subsection 1, Code 2011,
4 is amended to read as follows:
5 1. The employee organization certified as the
6 bargaining representative shall be the exclusive
7 representative of all public employees in the
8 bargaining unit and shall represent all public
9 employees fairly. However, any public employee may
10 meet and adjust individual complaints with a public
11 employer as long as such adjustment does not affect
12 the current collective bargaining agreement. To
13 sustain a claim that a certified employee organization
14 has committed a prohibited practice by breaching its
15 duty of fair representation, a public employee must
16 establish by a preponderance of the evidence action
17 or inaction by the organization which was arbitrary,
18 discriminatory, or in bad faith.>
19 2. By renumbering as necessary.

HUNTER of Polk

H-1208

1 Amend House File 525 as follows:
2 1. Page 1, line 26, after <training,> by inserting
3 <harassment policies in the workplace,>

THEDE of Scott

H-1209

1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <insurance> and

3 inserting <insurance except for insurance relating to
4 obstetrics and gynecology services from conception
5 until natural birth for any woman covered by an
6 insurance plan>

MURPHY of Dubuque

H-1210

1 Amend House File 459 as follows:
2 1. Page 1, line 3, before <In> by inserting <a.>
3 2. Page 1, after line 17 by inserting:
4 <b. A city that seeks to dissolve its civil
5 service commission shall first adopt by ordinance
6 policies and procedures to ensure fair hiring and
7 discipline practices. These policies and procedures
8 shall be developed by a citizen board. The citizen
9 board shall consist of nine members, including two
10 management employees, two fire fighter employees, two
11 police officer employees, one other nonmanagement
12 city employee, and two members of the public. The
13 membership shall be bipartisan and gender balanced.
14 The city shall hold three public hearings on the
15 policies and procedures developed by the citizen
16 board prior to a vote on the ordinance. At the public
17 hearings, the council shall receive oral and written
18 comments regarding the policies and procedures from any
19 person.>
20 3. By renumbering as necessary.

GASKILL of Wapello

H-1211

1 Amend House File 525 as follows:
2 1. Page 1, line 21, after <respect to> by inserting
3 <but not limited to the following:>
4 2. Page 1, line 22, after <absence> by inserting
5 <including cash payments for accumulated leave>

WILLEMS of Linn

H-1212

1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <insurance.> and
3 inserting <insurance except for coverage for adopted
4 children>

HUNTER of Polk

H-1213

- 1 Amend House File 525 as follows:
 2 1. Page 2, line 15, by striking <insurance.> and
 3 inserting <insurance, except for coverage of speech
 4 therapy.>

HEDDENS of Story

H-1214

- 1 Amend House File 525 as follows:
 2 1. Page 2, line 15, by striking <insurance.> and
 3 inserting <insurance, except for coverage of physical
 4 therapy.>

HEDDENS of Story

H-1215

- 1 Amend House File 268 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 483A.8B, Code 2011, is amended
 4 to read as follows:
 5 483A.8B Senior crossbow deer hunting licenses.
 6 1. A person who is a resident and who is ~~seventy~~
 7 sixty-five years of age or older may be issued one
 8 special senior statewide antlerless deer only crossbow
 9 deer hunting license to hunt deer during bow season as
 10 established by rule by the commission. A person who
 11 obtains a license to hunt deer under this section is
 12 not required to pay the wildlife habitat fee but shall
 13 be otherwise qualified to hunt deer in this state and
 14 shall have a resident hunting license.
 15 2. A person may obtain a license under this section
 16 in addition to a statewide antlered or any sex deer
 17 hunting bow season license. Season dates, shooting
 18 hours, limits, license quotas, and other regulations
 19 for this license shall be the same as set forth by the
 20 commission by rule for bow season deer hunts.>
 21 2. Title page, line 1, by striking <authorizing>
 22 and inserting <relating to>
 23 3. Title page, lines 1 and 2, by striking <shotgun
 24 season>
 25 4. By renumbering as necessary.

ALONS of Sioux
LUKAN of Dubuque

H-1216

- 1 Amend House File 535 as follows:
2 1. Page 11, line 34, by striking <high-quality>
3 2. Page 12, line 1, before <preschool> by inserting
4 <high-quality>

FORRISTALL of Pottawattamie

H-1217

- 1 Amend House File 525 as follows:
2 1. Page 2, line 15, by striking <insurance.> and
3 inserting <insurance, except for coverage of mental
4 health and substance abuse.>

WINCKLER of Scott

H-1218

- 1 Amend House File 525 as follows:
2 1. Page 1, line 22, by striking <insurance,> and
3 inserting <insurance,>
4 2. Page 2, line 1, after <concession.> by inserting
5 <A collective bargaining agreement entered into
6 pursuant to this chapter shall include a requirement
7 that a public employee who is covered by the collective
8 bargaining agreement and is a member of a group health
9 insurance plan for public employees established under
10 chapter 509A pay at least one hundred dollars per month
11 of the total premium for such health plan.>
12 3. Page 2, by striking line 15.
13 4. By renumbering as necessary.

JORGENSEN of Woodbury

H-1219

- 1 Amend House File 549 as follows:
2 1. Page 3, after line 7 by inserting:
3 <4A. The owner of a motor vehicle shall not be
4 liable for a violation detected by an automated traffic
5 enforcement system if a uniform traffic citation
6 was issued to the operator of the motor vehicle in
7 connection with the same violation.>
8 2. By renumbering as necessary.

WATTS of Dallas

H-1220

- 1 Amend House File 525 as follows:
 2 1. Page 4, after line 5 by inserting:
 3 <Sec. ____ NEW SECTION. 20.32 FREE AGENCY —
 4 PROHIBITED CONDUCT — PENALTIES.
 5 1. A public employee or any other person on the
 6 employee's behalf who receives any financial or
 7 nonfinancial inducement or benefit from any person for
 8 declaring themselves a free agent employee commits a
 9 serious misdemeanor.
 10 2. A public employee who receives disparate
 11 treatment from a public employer, which is beneficial
 12 to the employee in relation to the treatment the
 13 public employee would be entitled to receive under the
 14 negotiated agreement as a member of the bargaining unit
 15 from which the public employee became a free agent
 16 commits a serious misdemeanor.
 17 3. A violation of this section is also punishable
 18 as a civil infraction with a penalty not to exceed
 19 twenty-five thousand dollars. A representative of the
 20 affected bargaining unit shall may file a complaint
 21 alleging violation of this section.>
 22 2. Title page, line 2, by striking <agreements> and
 23 inserting <agreements, providing penalties,>
 24 3. By renumbering as necessary.

ISENHART of Dubuque

H-1221

- 1 Amend Senate File 321, as passed by the Senate, as
 2 follows:
 3 1. Page 1, after line 34 by inserting:
 4 <() The wastewater is not land applied on the
 5 same area on more than one occasion within a five-day
 6 period.>

ISENHART of Dubuque

H-1222

- 1 Amend House File 459 as follows:
 2 1. Page 1, line 3, before <In> by inserting <a.>
 3 2. Page 1, after line 17 by inserting:
 4 <b. An aggrieved employee, who formerly held civil
 5 service rights under this chapter, may bring a civil
 6 action in district court for matters relating to those
 7 rights. If the employee brings such a civil action,
 8 the city shall be responsible for payment of all the

9 legal fees and court costs of the employee in the
10 matter.>
11 3. By renumbering as necessary.

GASKILL of Wapello

H-1223

1 Amend House File 459 as follows:
2 1. Page 1, line 3, before <In> by inserting <a.>
3 2. Page 1, after line 17 by inserting:
4 <b. An aggrieved employee, who formerly held civil
5 service rights under this chapter, may bring a civil
6 action in district court for matters relating to these
7 rights. If the employee brings such a civil action and
8 prevails, the city shall be responsible for payment of
9 all the legal fees and court costs of the employee in
10 the matter.>
11 3. By renumbering as necessary.

GASKILL of Wapello

H-1224

1 Amend House File 459 as follows:
2 1. Page 1, line 3, before <In> by inserting <a.>
3 2. Page 1, after line 17 by inserting:
4 <b. A city that has been sanctioned pursuant to the
5 provisions of the federal Equal Employment Opportunity
6 Act of 1972, Pub. L. No. 92-261, shall be required to
7 establish and maintain a civil service commission as
8 otherwise provided in this chapter.>
9 3. By renumbering as necessary.

GASKILL of Wapello

H-1225

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <other insurance> by
3 inserting <except for coverage for oral chemotherapy>

JACOBY of Johnson

H-1226

1 Amend House File 535 as follows:
2 1. Page 8, after line 20 by inserting:
3 <6. Private education partner — religious
4 expression. An approved high-quality preschool
5 program offered by a religious entity or organization
6 shall not be prohibited from the free exercise of

7 religion during the program's hours of instruction if
8 the program meets the program requirements established
9 pursuant to this section.>
10 2. By renumbering as necessary.

J. TAYLOR of Woodbury
MUHLBAUER of Crawford

H-1227

1 Amend House File 212 as follows:
2 1. Page 1, line 8, after <prescribes> by inserting
3 <for students or employees>
4 2. Page 1, line 10, by striking <a student's>

KELLEY of Jasper

H-1228

1 Amend House File 525 as follows:
2 1. Page 2, line 15, after <other insurance> by
3 inserting <except for coverage for biologically based
4 mental illnesses>

M. SMITH of Marshall

H-1229

1 Amend House File 525 as follows:
2 1. Page 2, line 20, after <subsections> by
3 inserting <2,>
4 2. Page 2, after line 21 by inserting:
5 <2. Each party shall serve its final offer on
6 each of the impasse items upon the other party within
7 four days of the board's receipt of the request for
8 arbitration. The parties may continue to negotiate
9 all offers until an agreement is reached or an award
10 is rendered by the arbitrator. The full costs of
11 arbitration under this section shall be shared equally
12 by the parties to the dispute, except that if the
13 arbitrator determines that one or more of the offers
14 submitted by only one party are unreasonable, the
15 arbitrator shall, in any final decision, assess the
16 full costs of the arbitration proceeding against that
17 party.>
18 3. By renumbering as necessary.

WOLFE of Clinton

H-1230

1 Amend House File 493 as follows:

2 1. Page 1, after line 21 by inserting:

3 <Sec. ____ **NEW SECTION.** 279.68 Leave of absence
4 for charge of a crime — salary repayment.

5 A teacher on a leave of absence with full or partial
6 compensation because the teacher is charged with the
7 commission of a public offense classified as a felony,
8 an aggravated misdemeanor, or a serious misdemeanor
9 shall repay to the school district employing the
10 teacher all salary the teacher received during the
11 period of the leave of absence if the teacher is
12 convicted of the public offense.>

13 2. Title page, line 2, after <colleges> by
14 inserting <and teachers employed by school districts>

15 3. By renumbering as necessary.

PEARSON of Polk

H-1231

1 Amend House File 535 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. DEPARTMENT OF EDUCATION — PRESCHOOL
5 STUDIES.

6 1. The department of education, in collaboration
7 with the board of educational examiners, shall conduct
8 a study of preschool programs and related funding,
9 administration, teacher preparation, and licensure
10 issues; income levels of families utilizing the
11 programs; student achievement levels; efficacy for
12 populations served or potentially served; and the
13 availability of public and private preschool programs
14 statewide. The study shall also explore the use of
15 a statewide assessment to determine kindergarten
16 preparedness. The department shall submit its
17 findings, plans for future funding, and recommendations
18 for statutory language in a report to the general
19 assembly by December 15, 2011.

20 2. The department of education shall conduct a
21 longitudinal study of the children who participated
22 in the statewide preschool program for four-year-old
23 children to determine the effectiveness of the
24 program in improving student learning in reading
25 and mathematics. The study shall include the income
26 levels of families whose children were enrolled in
27 the program, shall review the quality indicators of
28 the preschool program since 2007, and shall include
29 the results of the Iowa tests of basic skills results
30 for students in grade three who were enrolled in the

31 program as four-year-olds. The study shall also review
32 the integration of services provided or funded by the
33 federal head start program, the early childhood Iowa
34 initiative, shared visions, or federal and state early
35 childhood special education programs. The department
36 shall report the results of the study to the governor
37 and general assembly on or before July 1, 2013.>

38 2. Title page, by striking lines 1 through 4 and
39 inserting <An Act requiring the department of education
40 to conduct studies of preschool programs and the
41 effectiveness of the statewide preschool program for
42 four-year-old children.>

WINCKLER of Scott
MASCHER of Johnson

H-1232

1 Amend House File 537 as follows:

2 1. Page 1, after line 30 by inserting:

3 <Sec. ____ Section 231C.5, subsection 2, paragraphs
4 b and h, Code 2011, are amended to read as follows:

5 b. A statement regarding the impact of the fee
6 structure on third-party payments, and whether
7 third-party payments and resources are accepted by the
8 assisted living program. The occupancy agreement shall
9 also include a statement regarding whether third-party
10 payment is a basis for involuntary transfer or transfer
11 and the program's policy regarding retention or
12 involuntary transfer or transfer of a tenant following
13 depletion of private resources. A tenant residing in
14 an assisted living program prior to July 1, 2011, shall
15 not be subject to involuntary transfer or transfer
16 based solely on source of payment, unless the occupancy
17 agreement entered into prior to that date specifically
18 provided otherwise and was signed by the tenant or the
19 tenant's legal representative. An assisted living
20 program shall amend any occupancy agreement entered
21 into prior to July 1, 2011, to reflect the requirements
22 of this paragraph and shall obtain the signature
23 of the tenant or the tenant's legal representative
24 acknowledging the amendment to the occupancy agreement
25 no later than November 1, 2011.

26 h. (1) Occupancy, involuntary transfer, and
27 transfer criteria and procedures, which ensure a safe
28 and orderly transfer.

29 (2) Involuntary transfer and transfer criteria,
30 including criteria relating to third-party payments
31 and resources, shall be explicitly stated in the
32 occupancy agreement and shall also be included in a
33 separate cover letter to the occupancy agreement and
34 signed by the tenant or tenant's legal representative

35 at the time of initial tenancy. An assisted living
36 program shall amend any occupancy agreement entered
37 into prior to July 1, 2011, to reflect the requirements
38 of this subparagraph and shall obtain the signature
39 of the tenant or the tenant's legal representative
40 acknowledging the amendment to the occupancy agreement
41 no later than November 1, 2011.>
42 2. Title page, line 1, after <to> by inserting
43 <assisted living programs, including>
44 3. By renumbering as necessary.

ISENHART of Dubuque

H-1233

1 Amend House File 537 as follows:
2 1. Page 1, line 27, by striking <sole> and
3 inserting <dominant>
4 2. Page 1, line 30, after <corporation.> by
5 inserting <For the purposes of this paragraph,
6 "dominant provider" means an entity providing
7 assistance with instrumental activities of daily
8 living, personal care, or health-related care to
9 fifty percent or more of the tenants receiving such
10 assistance.>

ISENHART of Dubuque

H-1234

1 Amend House File 499 as follows:
2 1. Page 1, lines 5 and 6, by striking <or an
3 elected official>

IVERSON of Wright

H-1235

1 Amend House File 536 as follows:
2 1. Page 8, lines 23 and 24, by striking <
3 community mental health center, substance abuse
4 program, or community action agency>
5 2. By renumbering as necessary.

ROGERS of Black Hawk

H-1236

1 Amend House File 523 as follows:
2 1. Page 1, lines 10 and 11, by striking <
3 interest, or penalty benefits>
4 2. Page 1, lines 14 and 15, by striking <

5 interest, or penalty benefits>
 6 3. Page 1, after line 26 by inserting:
 7 <b. A credit shall not be taken pursuant to this
 8 subsection until fifteen days after the employee has
 9 been provided with written notice of the amount of
 10 the credit, the basis for the credit, and the manner
 11 in which the credit will be applied to future weekly
 12 benefit payments. The maximum amount that an employer
 13 may claim as a credit for any weekly benefit is fifty
 14 percent of the employee's workers' compensation benefit
 15 rate.>
 16 4. Page 1, line 27, by striking <b.> and inserting
 17 <c.>

HORBACH of Tama

H-1237

1 Amend Senate File 321, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking line 4 and inserting <that
 4 is derived from an agricultural animal or>
 5 2. Page 1, by striking lines 6 through 8 and
 6 inserting <human consumption in its raw or processed
 7 state.
 8 a. A food commodity in its raw state for processing
 9 includes but is not limited to milk, eggs, vegetables,
 10 fruits, nuts, syrup, and honey.
 11 b. A food commodity in its processed state includes
 12 but is not limited to dairy products, pastries, pies,
 13 and meat or poultry products.>
 14 3. Page 1, line 13, by striking <or cannery>
 15 and inserting <cannery, bakery, or meat or poultry
 16 processor>
 17 4. Page 1, line 15, by striking <or preserving> and
 18 inserting <preserving, baking, or cooking>

KLEIN of Keokuk

H-1238

1 Amend House File 454 as follows:
 2 1. Page 1, after line 18 by inserting:
 3 <Sec. ____ Section 384.84, subsection 4, paragraph
 4 d, Code 2011, is amended to read as follows:
 5 d. Residential rental property where a charge for
 6 water service is separately metered and paid directly
 7 to the city utility or enterprise by the tenant is
 8 exempt from a lien for delinquent rates or charges
 9 associated with such water service if the landlord
 10 gives written notice to the city utility or enterprise
 11 that the property is residential rental property and

12 that the tenant is liable for the rates or charges.
13 A city utility or enterprise may require a deposit
14 not exceeding the usual cost of ninety days of water
15 service to be paid to the utility or enterprise. Upon
16 receipt, the utility or enterprise shall acknowledge
17 the notice and deposit. A written notice shall contain
18 ~~the name of the tenant responsible for charges, address~~
19 of the residential rental property that the tenant is
20 to occupy, and the date that the occupancy begins. ~~A~~
21 ~~change in tenant shall require a new written notice~~
22 ~~to be given to the city utility or enterprise within~~
23 ~~thirty business days of the change in tenant.~~ When
24 the tenant moves from the rental property, the city
25 utility or enterprise shall return the deposit if the
26 water service charges are paid in full. A change in
27 the ownership of the residential rental property shall
28 require written notice of such change to be given to
29 the city utility or enterprise within ten business days
30 of the completion of the change of ownership. The lien
31 exemption for rental property does not apply to charges
32 for repairs to a water service if the repair charges
33 become delinquent.>

34 2. Page 1, after line 18 by inserting:

35 <Sec. ____ Section 384.84, subsection 4, Code 2011,
36 is amended by adding the following new paragraph:
37 NEW PARAGRAPH. e. Residential rental property
38 where a charge for any of the services of sewer
39 systems, storm water drainage systems, sewage
40 treatment, solid waste collection, and solid waste
41 disposal is paid directly to the city utility or
42 enterprise by the tenant is exempt from a lien for
43 delinquent rates or charges associated with such
44 services if the landlord gives written notice to
45 the city utility or enterprise that the property
46 is residential rental property and that the tenant
47 is liable for the rates or charges. A city utility
48 or enterprise may require a deposit not exceeding
49 the usual cost of ninety days of the services of
50 sewer systems, storm water drainage systems, sewage

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1 treatment, solid waste collection, and solid waste
2 disposal to be paid to the utility or enterprise. Upon
3 receipt, the utility or enterprise shall acknowledge
4 the notice and deposit. A written notice shall
5 contain the address of the residential rental property
6 that the tenant is to occupy and the date that the
7 occupancy begins. When the tenant moves from the
8 rental property, the city utility or enterprise shall
9 return the deposit if the charges for the services of
10 sewer systems, storm water drainage systems, sewage

11 treatment, solid waste collection, and solid waste
 12 disposal are paid in full. A change in the ownership
 13 of the residential rental property shall require
 14 written notice of such change to be given to the city
 15 utility or enterprise within ten business days of
 16 the completion of the change of ownership. The lien
 17 exemption for rental property does not apply to charges
 18 for repairs related to a service of sewer systems,
 19 storm water drainage systems, sewage treatment, solid
 20 waste collection, and solid waste disposal if the
 21 repair charges become delinquent.>
 22 3. Title page, line 1, before <permitting> by
 23 inserting <relating to certain city utilities, city
 24 enterprises, and cities regarding notice requirements
 25 and>
 26 4. By renumbering as necessary.

KAUFMANN of Cedar
 GASKILL of Wapello

H-1239

1 Amend House File 525 as follows:
 2 1. Page 3, line 14, after <applicable.> by
 3 inserting <In considering this comparison, for purposes
 4 of evaluating parity, the arbitrator shall include only
 5 employers providing the equivalent of a living wage
 6 with benefits for all employees. For the purposes
 7 of this section, "living wage with benefits" means
 8 compensation from an employer to an employee sufficient
 9 to allow a family of two adults and two children to
 10 pay housing costs equaling no more than thirty percent
 11 of the employee's wage, and to pay for the family's
 12 health care, public education for the children through
 13 four years of college, food, clothing, an annual
 14 family vacation, contributions to church and charity
 15 of ten percent of the employee's wages, and a pension
 16 benefit adequate for both adults to retire at the
 17 social security retirement age. If the employee cannot
 18 provide for the employee's family as provided in this
 19 paragraph without resorting to welfare or other public
 20 assistance programs, compensation to the employee shall
 21 not be considered a living wage plus benefits.>

ISENHART of Dubuque
 KRESSIG of Black Hawk

H-1240

1 Amend the amendment, H-1165, to House File 525 as
 2 follows:
 3 1. Page 1, after line 7 by inserting:

4 <Sec. ____ Section 20.10, subsection 3, Code 2011,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. j. Coerce, threaten, or otherwise
7 prevent an employee or potential employee from signing
8 a release to declare themselves a free agent employee.>
9 2. By renumbering as necessary.

JORGENSEN of Woodbury

H-1241

1 Amend House File 490 as follows:
2 <1. By striking everything after the enacting
3 clause and inserting:
4 <Section 1. NEW SECTION. 147.140 Expert
5 certificate of merit affidavit — health care providers
6 — requirements.
7 1. For purposes of this section, "health care
8 provider" means a physician or surgeon, osteopathic
9 physician or surgeon, dentist, podiatric physician,
10 optometrist, pharmacist, chiropractor, physician
11 assistant, or nurse licensed in this state, a hospital
12 licensed pursuant to chapter 135B, or a health care
13 facility licensed pursuant to chapter 135C.
14 2. a. In any action for personal injury or
15 wrongful death against any health care provider
16 based upon the alleged negligence of the licensee
17 in the practice of that profession or occupation,
18 or upon the alleged negligence of the hospital or
19 health care facility in patient care, which includes
20 a cause of action for which expert testimony is
21 necessary to establish a prima facie case, the
22 plaintiff shall, within one hundred eighty days of
23 the defendant's answer, serve upon the defendant an
24 expert's certificate of merit affidavit for each expert
25 listed pursuant to section 668.11 who will testify with
26 respect to the issues of breach of standard of care or
27 causation.
28 b. Each certificate of merit affidavit must be
29 signed by the expert. The affidavit must certify the
30 purpose for calling the expert by providing under the
31 oath of the expert all of the following:
32 (1) The expert's statement of familiarity with the
33 applicable standard of care.
34 (2) The expert's statement that the standard of
35 care was breached by the health care provider named in
36 the petition.
37 (3) The expert's statement of the actions that the
38 health care provider should have taken or failed to
39 take to have complied with the standard of care.
40 (4) The expert's statement of the manner by which
41 the breach of the standard of care was the cause of the

42 injury alleged in the petition.

43 c. A plaintiff shall serve a separate affidavit on
44 each defendant named in the petition.

45 d. Answers to interrogatories may serve as an
46 expert's certificate of merit affidavit in lieu of a
47 separately executed affidavit if the interrogatories
48 satisfy the requirements of this subsection and are
49 signed by the plaintiff's attorney and by each expert
50 listed in the answers to interrogatories and served

Page 2

1 upon the defendant within one hundred eighty days of
2 service of the defendant's answer.

3 3. The expert's certificate of merit affidavit does
4 not preclude either of the following:

5 a. Additional discovery or modification of the
6 affidavit based upon the newly discovered evidence.

7 b. The disclosure of additional witnesses pursuant
8 to section 668.11.

9 4. The parties by agreement may provide for
10 extensions of the time limits specified in subsection
11 2.

12 5. a. Failure to comply with subsection 2 shall,
13 upon motion, be the basis for mandatory dismissal with
14 prejudice of each cause of action as to which expert
15 testimony is necessary to establish a prima facie case.

16 b. Failure to comply with subsection 2 because
17 of deficiencies in the affidavit or answers to
18 interrogatories shall, upon motion, be the basis for
19 mandatory dismissal with prejudice of each cause of
20 action for which expert testimony is necessary to
21 establish a prima facie case.

22 c. The motion to dismiss shall state with
23 particularity each deficiency of the affidavit or
24 answers to interrogatories in order to allow the
25 plaintiff to cure the deficiency.

26 d. The plaintiff shall have twenty days to respond
27 to the motion and to cure the alleged deficiencies with
28 supplemental affidavits.

29 e. A party resisting a motion for mandatory
30 dismissal pursuant to this subsection shall have the
31 right to request a hearing on the motion.

32 6. A party required to provide a certificate of
33 merit affidavit may be granted additional time to
34 file the certificate for good cause shown and upon
35 application to the court. Good cause shall include all
36 of the following:

37 a. The inability to timely obtain plaintiff's
38 medical records from medical providers when the records
39 have been requested prior to filing the action and not
40 produced.

- 41 b. The failure of the plaintiff to receive full
42 and complete responses to discovery requests from
43 a defendant within one hundred eighty days of a
44 defendant's answer.
- 45 c. The inability to obtain a defendant's deposition
46 after good faith efforts have been made to schedule
47 the deposition within one hundred eighty days of the
48 defendant's answer.
- 49 d. Other good cause based upon the circumstances
50 beyond the control of the plaintiff.

Page 3

- 1 7. A defendant shall serve upon the plaintiff a
2 counter certificate of merit affidavit for any defense
3 raised by the defendant from each expert identified by
4 the defendant within ninety days of the plaintiff's
5 service of the certificate of merit affidavit or
6 service of answers to interrogatories stating the
7 opinion of the defendant's expert with the same degree
8 of particularity required of the plaintiff under oath
9 containing all of the following:
- 10 a. The expert's statement of familiarity with the
11 applicable standard of care.
- 12 b. The expert's statement of the standard of care
13 required of the defendant and that the standard of care
14 was not breached by the health care provider named in
15 the petition.
- 16 c. The expert's statement as to why the actions of
17 the health care provider complied with the standard of
18 care.
- 19 d. The expert's statement as to why the alleged
20 breach of the standard of care was not the cause of the
21 injury alleged in the petition.
- 22 8. The plaintiff shall have the right to file a
23 motion to strike defendant's expert identified by the
24 defendant pursuant to the same procedure provided for
25 in subsection 5, and the defendant shall be entitled to
26 the same process to respond to plaintiff's motion as
27 provided in subsection 5.
- 28 9. If the plaintiff is acting pro se, the plaintiff
29 shall sign the affidavit or answers to interrogatories
30 referred to in this section and shall be bound by those
31 provisions as if represented by an attorney.>
- 32 2. Title page, by striking line 1 and inserting
33 <An Act providing for certificate of merit affidavit
34 requirements in a medical>

SWAIM of Davis

H-1242

1 Amend Senate File 321, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 4 and inserting <that
4 is derived from an agricultural animal or>

5 2. Page 1, by striking lines 6 through 8 and
6 inserting <human consumption in its raw or processed
7 state.

8 a. A food commodity in its raw state for processing
9 includes but is not limited to milk, eggs, vegetables,
10 fruits, nuts, syrup, and honey.

11 b. A food commodity in its processed state includes
12 but is not limited to dairy products, pastries, pies,
13 and meat or poultry products.>

14 3. Page 1, by striking lines 9 through 15 and
15 inserting:

16 <NEW SUBSECTION. 14A. "On-farm processing
17 operation" means any place located on a farm where
18 the form or condition of a food commodity originating
19 from that farm or another farm is changed or packaged
20 for human consumption, including but not limited to a
21 dairy, creamery, winery, distillery, cannery, bakery,
22 or meat or poultry processor.>

23 4. By renumbering as necessary.

KLEIN of Keokuk

H-1243

1 Amend House File 540 as follows:

2 1. Page 1, line 8, after <148A,> by inserting
3 <148C,>

KAUFMANN of Cedar

H-1244

1 Amend House File 525 as follows:

2 1. Page 3, by striking lines 4 through 14 and
3 inserting:

4 <~~b. a.~~ Comparison of wages, hours and conditions
5 of employment of the involved public employees with
6 those of other public employees doing comparable work,
7 giving consideration to factors peculiar to the area
8 and the classifications involved.>

9 2. By renumbering as necessary.

HUNTER of Polk

H-1245

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on gender discrimination, the
5 public employee may submit the matter to the public
6 employment relations board for binding arbitration as
7 provided in the grievance procedures adopted pursuant
8 to section 20.18, subsection 3.>

9 2. Page 2, after line 19 by inserting:

10 <Sec. ____ Section 20.18, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 3. The public employment relations
13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>

17 3. By renumbering as necessary.

MASCHER of Johnson

H-1246

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on age discrimination, the public
5 employee may submit the matter to the public employment
6 relations board for binding arbitration as provided in
7 the grievance procedures adopted pursuant to section
8 20.18, subsection 3.>

9 2. Page 2, after line 19 by inserting:

10 <Sec. ____ Section 20.18, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 3. The public employment relations
13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>

17 3. By renumbering as necessary.

HANSON of Jefferson

H-1247

1 Amend House File 525 as follows:

2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on discrimination relating to
5 religion, the public employee may submit the matter
6 to the public employment relations board for binding

7 arbitration as provided in the grievance procedures
 8 adopted pursuant to section 20.18, subsection 3.>
 9 2. Page 2, after line 19 by inserting:
 10 <Sec. ____ Section 20.18, Code 2011, is amended by
 11 adding the following new subsection:
 12 NEW SUBSECTION. 3. The public employment relations
 13 board shall adopt grievance procedures providing for
 14 binding arbitration of complaints of discrimination
 15 in layoffs submitted to the board by public employees
 16 pursuant to section 20.9, subsection 3, paragraph "d".>
 17 3. By renumbering as necessary.

ABDUL-SAMAD of Polk

H-1248

1 Amend House File 525 as follows:
 2 1. Page 2, line 19, after <layoff> by inserting
 3 <However, if a public employee is laid off and believes
 4 the layoff was based on discrimination relating to a
 5 disability as defined in the federal Americans With
 6 Disabilities Act of 1990, the public employee may
 7 submit the matter to the public employment relations
 8 board for binding arbitration as provided in the
 9 grievance procedures adopted pursuant to section 20.18,
 10 subsection 3.>
 11 2. Page 2, after line 19 by inserting:
 12 <Sec. ____ Section 20.18, Code 2011, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 3. The public employment relations
 15 board shall adopt grievance procedures providing for
 16 binding arbitration of complaints of discrimination
 17 in layoffs submitted to the board by public employees
 18 pursuant to section 20.9, subsection 3, paragraph "d".>
 19 3. By renumbering as necessary.

GAINES of Polk

H-1249

1 Amend House File 525 as follows:
 2 1. Page 2, line 19, after <layoff> by inserting
 3 <However, if a public employee is laid off and believes
 4 the layoff was based on discrimination relating to race
 5 or creed, the public employee may submit the matter
 6 to the public employment relations board for binding
 7 arbitration as provided in the grievance procedures
 8 adopted pursuant to section 20.18, subsection 3.>
 9 2. Page 2, after line 19 by inserting:
 10 <Sec. ____ Section 20.18, Code 2011, is amended by
 11 adding the following new subsection:
 12 NEW SUBSECTION. 3. The public employment relations

13 board shall adopt grievance procedures providing for
14 binding arbitration of complaints of discrimination
15 in layoffs submitted to the board by public employees
16 pursuant to section 20.9, subsection 3, paragraph "d".>
17 3. By renumbering as necessary.

BERRY of Black Hawk

H-1250

1 Amend House File 525 as follows:
2 1. Page 2, line 19, after <layoff.> by inserting
3 <However, if a public employee is laid off and believes
4 the layoff was based on discrimination relating to
5 national origin, the public employee may submit the
6 matter to the public employment relations board for
7 binding arbitration as provided in the grievance
8 procedures adopted pursuant to section 20.18,
9 subsection 3.>
10 2. Page 2, after line 19 by inserting:
11 <Sec. ____ Section 20.18, Code 2011, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 3. The public employment relations
14 board shall adopt grievance procedures providing for
15 binding arbitration of complaints of discrimination
16 in layoffs submitted to the board by public employees
17 pursuant to section 20.9, subsection 3, paragraph "d".>
18 3. By renumbering as necessary.

KAJTAZOVIC of Black Hawk

H-1251

1 Amend House File 483 as follows:
2 1. Page 1, line 11, by striking <underground.> and
3 inserting <underground, but does not include any public
4 construction contracts relating to streets, roads, or
5 highways.>
6 2. By renumbering as necessary.

HORBACH of Tama

H-1252

1 Amend House File 584 as follows:
2 1. Page 1, by striking line 34 and inserting
3 <suspension or revocation of a driver's license under
4 the habitual violator or habitual offender>
5 2. By renumbering as necessary.

HANSON of Jefferson

H-1253

- 1 Amend the amendment, H-1115, to House File 525 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. By renumbering as necessary.

T. TAYLOR of Linn

H-1254

- 1 Amend the amendment, H-1118, to House File 525 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. By renumbering as necessary.

MURPHY of Dubuque

H-1255

- 1 Amend the amendment, H-1117, to House File 525 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. By renumbering as necessary.

MURPHY of Dubuque

H-1256

- 1 Amend the amendment, H-1211, to House File 525 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. By renumbering as necessary.

WILLEMS of Linn

H-1257

- 1 Amend the amendment, H-1120, to House File 525 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. By renumbering as necessary.

T. TAYLOR of Linn

H-1258

- 1 Amend the amendment, H-1150, to House File 525 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. By renumbering as necessary.

T. TAYLOR of Linn

H-1259

- 1 Amend the amendment, H-1151, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 and 3.
4 2. By renumbering as necessary.

HUNTER of Polk

H-1260

- 1 Amend the amendment, H-1116, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 and 3.
4 2. By renumbering as necessary.

KEARNS of Lee

H-1261

- 1 Amend the amendment, H-1119, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 and 3.
4 2. By renumbering as necessary.

KEARNS of Lee

H-1262

- 1 Amend the amendment, H-1220, to House File 525 as
2 follows:
3 1. Page 1, line 20, by striking <shall>

ISENHART of Dubuque

H-1263

- 1 Amend House File 589 as follows:
2 1. Page 10, after line 28 by inserting:
3 <Sec. ____ Section 717B.3A, subsection 3, paragraph
4 a, subparagraphs (1) and (2), Code 2011, are amended
5 to read as follows:
6 (1) For the first ~~or a subsequent~~ conviction, the
7 person is guilty of an ~~aggravated misdemeanor~~ a class
8 "D" felony. The sentencing order shall provide that
9 the person submit to psychological evaluation and
10 treatment according to terms required by the court.
11 The costs of the evaluation and treatment shall be
12 paid by the person. In addition, the sentencing order
13 shall provide that the person complete a community
14 work requirement, which may include a work requirement
15 performed at an animal shelter or pound, as defined

16 in section 162.2, according to terms required by the
 17 court.
 18 (2) For a second or subsequent conviction,
 19 ~~the person is guilty of a class "D" felony. The~~
 20 sentencing order shall provide that the person submit
 21 to psychological evaluation and treatment according
 22 to terms required by the court. The costs of the
 23 psychological evaluation and treatment shall be paid
 24 by the person.>
 25 2. Title page, line 1, after <involving> by
 26 inserting <the maintenance of animals and crops
 27 including those maintained at>
 28 3. By renumbering as necessary.

M. SMITH of Marshall

H-1264

1 Amend House File 392 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 105.2, subsection 7, Code 2011,
 4 is amended to read as follows:
 5 7. "HVAC" means heating, ventilation, air
 6 conditioning, ~~and~~ ducted systems, or any type of
 7 refrigeration used for food processing or preservation.
 8 "HVAC" includes all natural, propane, liquid propane,
 9 or other gas lines associated with any component of an
 10 HVAC system.>
 11 2. Page 1, line 27, after <length> by inserting <,
 12 plus one security page>
 13 3. Page 2, by striking lines 1 through 11 and
 14 inserting:
 15 <Sec. ____ Section 105.9, subsection 5, Code 2011,
 16 is amended by striking the subsection and inserting in
 17 lieu thereof the following:
 18 5. a. The board shall submit a report to the
 19 general assembly within sixty days following the end of
 20 each fiscal year. The reports shall include a balance
 21 sheet projection extending no less than three years.
 22 If the revenue projection exceeds expense projections
 23 by more than ten percent, the board shall adjust their
 24 fee schedules accordingly, so that projected revenues
 25 are no more than ten percent higher than projected
 26 expenses. The revised fees shall be implemented no
 27 later than January 1, 2013, and January 1 of each
 28 subsequent year.
 29 b. The fee for each license after the purchase of
 30 the initial master license is thirty percent of the
 31 cost of the initial master license.>
 32 4. Page 2, line 14, by striking <The> and inserting
 33 <For calendar years 2011 and 2012, the>
 34 5. Page 2, line 16, by striking <The> and inserting

35 <For calendar years 2011 and 2012, the>
36 6. Page 2, after line 17 by inserting:
37 <NEW SUBSECTION. 8. For any license issued in
38 2011, prior to July 1, 2011, the licensee shall be
39 refunded the difference between the fee paid and the
40 fees specified in subsections 6 and 7.
41 NEW SUBSECTION. 9. The board may charge a fee
42 for an application required by this chapter and
43 submitted on paper if an internet application process
44 is available.>
45 7. Page 2, by striking lines 18 through 21.
46 8. Page 2, line 22, by striking <subsections 3 and
47 7, Code 2011, are> and inserting <subsection 3, Code
48 2011, is>
49 9. By striking page 2, line 34, through page 3,
50 line 4.

Page 2

1 10. Page 3, by striking lines 11 through 29.
2 11. Page 3, before line 30 by inserting:
3 <Sec. ____. Section 105.18, subsection 3, Code 2011,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. d. An individual that holds either
6 a master or journeyperson HVAC license or a master
7 or journeyperson refrigeration license shall be
8 exempt from having to obtain a special electrician's
9 license pursuant to chapter 103 in order to perform
10 disconnect and reconnect of existing air conditioning
11 and refrigeration systems.
12 Sec. ____. Section 105.20, subsection 1, Code 2011,
13 is amended by striking the subsection and inserting in
14 lieu thereof the following:
15 1. All licenses issued under this chapter shall be
16 issued for a three-year period.>
17 12. Page 4, by striking lines 5 through 11 and
18 inserting:
19 <b. A licensee shall have a thirty-day grace period
20 after expiration of the licensing term to complete the
21 continuing education requirements.>
22 13. Page 4, by striking lines 12 through 23.
23 14. Page 4, by striking lines 31 and 32 and
24 inserting:
25 <b. A county shall not impose any fee or charge on
26 any individual or business licensed by the board for
27 the right to perform plumbing, HVAC, refrigeration, or
28 hydronic systems work within the scope of the license.
29 This paragraph does not prohibit a county from charging
30 fees for the issuance of permits for, and inspections
31 of, work performed in its jurisdiction.>
32 15. Page 5, by striking lines 5 and 6 and
33 inserting:

34 <b. A city shall not impose any fee or charge on
 35 any individual or business licensed by the board for
 36 the right to perform plumbing, HVAC, refrigeration, or
 37 hydronic systems work within the scope of the license.
 38 This paragraph does not prohibit a city from charging
 39 fees for the issuance of permits for, and inspections
 40 of, work performed in its jurisdiction.>

41 16. Page 5, before line 7 by inserting:

42 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 43 being deemed of immediate importance, takes effect upon
 44 enactment.>

45 17. Title page, by striking lines 3 and 4 and
 46 inserting <licensing Act and including effective date
 47 provisions.>

48 18. By renumbering as necessary.

PETTENGILL of Benton

H-1265

1 Amend the amendment, H-1218, to House File 525 as
 2 follows:

3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:

5 <____. Page 2, line 15, after <other insurance> by
 6 inserting <except for pediatric insurance>>

WILLEMS of Linn

H-1266

1 Amend the amendment, H-1218, to House File 525 as
 2 follows:

3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:

5 <____. Page 2, line 15, after <other insurance>
 6 by inserting <except for mandated coverage for dental
 7 care, anesthesia, and hospital charges>>

WILLEMS of Linn

H-1267

1 Amend the amendment, H-1218, to House File 525 as
 2 follows:

3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:

5 <____. Page 2, line 15, after <other insurance> by
 6 inserting <except for coverage for autism>>

KEARNS of Lee

H-1268

1 Amend the amendment, H-1159, to House File 525 as
2 follows:

3 1. Page 1, by striking lines 2 through 5 and
4 inserting:
5 <__. By striking page 1, line 22, through page
6 2, line 15, and inserting <vacations, insurance,
7 holidays, leaves of absence, shift differentials,
8 overtime compensation, supplemental pay, seniority,
9 transfer procedures, job classifications, health and
10 safety matters, evaluation procedures, ~~procedures for~~
11 ~~staff reduction~~, in-service training, and other matters
12 mutually agreed upon. Negotiations shall also include
13 terms authorizing dues checkoff for members of the
14 employee organization and grievance procedures for
15 resolving any questions arising under the agreement,
16 which shall be embodied in a written agreement and
17 signed by the parties. If an agreement provides for
18 dues checkoff, a member's dues may be checked off only
19 upon the member's written request and the member may
20 terminate the dues checkoff at any time by giving
21 thirty days' written notice. Such obligation to
22 negotiate in good faith does not compel either party to
23 agree to a proposal or make a concession. A collective
24 bargaining agreement entered into pursuant to this
25 chapter shall include a requirement that a public
26 employee who is covered by the collective bargaining
27 agreement and is a member of a group health insurance
28 plan for public employees established under chapter
29 509A pay at least one hundred dollars per month of the
30 total premium for such health plan.

31 2. Nothing in this section shall diminish the
32 authority and power of the department of administrative
33 services, board of regents' merit system, Iowa public
34 broadcasting board's merit system, or any civil service
35 commission established by constitutional provision,
36 statute, charter, or special act to recruit employees;
37 prepare, conduct, and grade examinations; or rate
38 candidates in order of their relative scores for
39 certification for appointment or promotion or for other
40 matters of classification, reclassification, or appeal
41 rights in the classified service of the public employer
42 served.

43 3. ~~All retirement systems~~ The following subjects
44 shall be excluded from the scope of negotiations:
45 a. All retirement systems.>>

46 2. By renumbering as necessary.

JORGENSEN of Woodbury

H-1269

1 Amend the amendment, H-1218, to House File 525 as
2 follows:

3 1. Page 1, by striking lines 4 through 11 and
4 inserting:
5 <___. By striking page 1, line 22, through page
6 2, line 15, and inserting <vacations, insurance,
7 holidays, leaves of absence, shift differentials,
8 overtime compensation, supplemental pay, seniority,
9 transfer procedures, job classifications, health and
10 safety matters, evaluation procedures, ~~procedures for~~
11 ~~staff reduction~~, in-service training, and other matters
12 mutually agreed upon. Negotiations shall also include
13 terms authorizing dues checkoff for members of the
14 employee organization and grievance procedures for
15 resolving any questions arising under the agreement,
16 which shall be embodied in a written agreement and
17 signed by the parties. If an agreement provides for
18 dues checkoff, a member's dues may be checked off only
19 upon the member's written request and the member may
20 terminate the dues checkoff at any time by giving
21 thirty days' written notice. Such obligation to
22 negotiate in good faith does not compel either party to
23 agree to a proposal or make a concession. A collective
24 bargaining agreement entered into pursuant to this
25 chapter shall include a requirement that a public
26 employee who is covered by the collective bargaining
27 agreement and is a member of a group health insurance
28 plan for public employees established under chapter
29 509A pay at least one hundred dollars per month of the
30 total premium for such health plan.

31 2. Nothing in this section shall diminish the
32 authority and power of the department of administrative
33 services, board of regents' merit system, Iowa public
34 broadcasting board's merit system, or any civil service
35 commission established by constitutional provision,
36 statute, charter, or special act to recruit employees;
37 prepare, conduct, and grade examinations; or rate
38 candidates in order of their relative scores for
39 certification for appointment or promotion or for other
40 matters of classification, reclassification, or appeal
41 rights in the classified service of the public employer
42 served.

43 ~~3. All retirement systems~~ The following subjects
44 shall be excluded from the scope of negotiations:
45 a. All retirement systems.>

46 ___. By renumbering as necessary.>

JORGENSEN of Woodbury

H-1270

1 Amend the amendment, H-1218, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 through 12 and
4 inserting:
5 <__. Page 2, line 15, after <other insurance> by
6 inserting <except for life insurance>>

HUNTER of Polk

H-1271

1 Amend the amendment, H-1218, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 through 12 and
4 inserting:
5 <__. Page 2, line 15, after <other insurance> by
6 inserting <except for coverage for prosthetic devices>>

KEARNS of Lee

H-1272

1 Amend the amendment, H-1218, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 through 12 and
4 inserting:
5 <__. Page 2, line 15, after <other insurance> by
6 inserting <except for coverage for clinical trials for
7 cancer patients>>

WILLEMS of Linn

H-1273

1 Amend the amendment, H-1218, to House File 525 as
2 follows:
3 1. Page 1, by striking lines 2 through 12 and
4 inserting:
5 <__. Page 2, line 15, after <insurance.> by
6 inserting <However, for each fiscal year, this
7 paragraph shall not apply to public employees
8 represented by a certified employee organization
9 who are teachers licensed under chapter 272 and who
10 are employed by a public employer which is a school
11 district or area education agency if the average salary
12 of teachers in the state was ranked below twenty-fifth
13 in the country in a nationally recognized study
14 comparing state average teacher salaries among all
15 fifty states released in the previous fiscal year.>>

KEARNS of Lee

H-1274

1 Amend the amendment, H-1218, to House File 525 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:
 5 <__. Page 2, line 15, after <other insurance>
 6 by inserting <except for coverage for emergency room
 7 services>>

WILLEMS of Linn

H-1275

1 Amend the amendment, H-1218, to House File 525 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:
 5 <__. Page 2, line 15, after <other insurance> by
 6 inserting <except for discussion of treatment options
 7 with a covered individual, notwithstanding any position
 8 taken by the carrier, organized delivery system, or
 9 plan on such treatment options>>

KEARNS of Lee

H-1276

1 Amend the amendment, H-1218, to House File 525 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 12 and
 4 inserting:
 5 <__. Page 2, line 15, after <other insurance> by
 6 inserting <except for coverage of continuing care for
 7 a terminal illness>>

KEARNS of Lee

H-1277

1 Amend House File 614 as follows:
 2 1. Page 1, by striking lines 4 through 10 and
 3 inserting:
 4 <1. a. An officer, employee, contractor, vendor,
 5 volunteer, or agent of the department of corrections,
 6 ~~or an officer, employee, or agent of a judicial~~
 7 ~~district department of correctional services,~~ who
 8 engages in a sex act with an individual committed to
 9 the custody of the department of corrections ~~or a~~
 10 ~~judicial district department of correctional services~~
 11 ~~commits an aggravated misdemeanor a class "D" felony.~~
 12 b. An officer, employee, or agent of a judicial

13 district department of correctional services,
14 who engages in a sex act with an individual under
15 supervision of a judicial district department of
16 correctional services, with the knowledge the person is
17 under such supervision, commits a class "D" felony.>

ALONS of Sioux
SHAW of Polk
R. OLSON of Polk
ABDUL-SAMAD of Polk

H-1278

1 Amend House File 589 as follows:
2 1. Page 5, line 25, by striking <it to be false>
3 and inserting <the statement to be false, and makes
4 the statement with an intent to commit an act not
5 authorized by the owner of the animal facility>
6 2. Page 9, line 29, by striking <it to be false>
7 and inserting <the statement to be false, and makes
8 the statement with an intent to commit an act not
9 authorized by the owner of the crop operation>

SWEENEY of Hardin

H-1279

1 Amend House File 573 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 704.1, Code 2011, is amended to
5 read as follows:
6 704.1 Reasonable force.
7 "Reasonable force" is that force and no more which
8 a reasonable person, in like circumstances, would
9 judge to be necessary to prevent an injury or loss
10 and can include deadly force if it is reasonable to
11 believe that such force is necessary to avoid injury
12 or risk to one's life or safety or the life or safety
13 of another, or it is reasonable to believe that such
14 force is necessary to resist a like force or threat.
15 Reasonable force, including deadly force, may be used
16 even if an alternative course of action is available if
17 the alternative entails a risk to life or safety, or
18 the life or safety of a third party, ~~or requires one~~
19 ~~to abandon or retreat from one's dwelling or place of~~
20 ~~business or employment. Reasonable force, including~~
21 ~~deadly force, may also be used and is presumed to be~~
22 justified even if an alternative course of action is
23 available if the alternative requires one to abandon
24 or retreat from one's dwelling or place of business or

25 ~~employment.~~>

26 2. Title page, lines 1 and 2, by striking <and
27 providing a remedy>

R. OLSON of Polk

H-1280

1 Amend House File 596 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 15E.25 Definitions.

5 As used in this division:

6 1. "Business company" means any of the following:

7 a. A limited liability company that is formed and
8 operates under chapter 489.

9 b. A business corporation that is formed and
10 operates under chapter 490.

11 2. "Local community" means a city having a
12 population of two thousand or less according to the
13 certified federal census and an area which is within
14 ten miles from the corporate limits of such city, so
15 long as the area is not located within another city.

16 3. "Local development corporation" means a nonprofit
17 corporation organized under chapter 504 or another
18 corporation which qualifies under 26 U.S.C. § 501(c)(3)
19 as an organization exempt from taxation, if all of the
20 following apply:

21 a. The exclusive purpose of the corporation is to
22 promote economic development initiatives in a local
23 community.

24 b. The principal office of the corporation is
25 located in the same local community as provided in
26 paragraph "a".

27 c. The corporation has a minimum of twenty-five
28 members with at least seventy-five percent of its
29 directors and officers residing or doing business in
30 the same local community as provided in paragraph "a".

31 Sec. 2. NEW SECTION. 15E.26 Qualified business
32 company.

33 A business company is a qualified business company
34 for purposes of this division as long as it complies
35 with the following requirements:

36 1. The business company must be formed pursuant to
37 a resolution adopted by the board of directors of the
38 local development corporation. The board must appoint
39 one or more individuals to serve as the following, as
40 applicable:

41 a. An organizer of the limited liability company if
42 the business company is a limited liability company.

43 b. An incorporator of the business corporation if
44 the business company is a business corporation.

45 2. The ownership of the business company is
46 restricted as follows:
47 a. For a limited liability company, all of the
48 following apply:
49 (1) At least eighty percent of all outstanding
50 membership interests in the limited liability company

Page 2

1 must be held by individuals who reside in the local
2 community.
3 (2) The limited liability company is not formed and
4 does not operate under chapter 489, article 12.
5 (3) (a) Seventy-five percent of all members must
6 reside in the local community if the limited liability
7 company is member-managed.
8 (b) Seventy-five percent of all managers must
9 reside in the local community if the limited liability
10 company is manager-managed.
11 b. For a business corporation, all of the following
12 apply:
13 (1) At least eighty percent of all outstanding
14 shares in the business corporation must be held by
15 individuals who reside in the local community.
16 (2) The business corporation only issues common
17 shares. The business corporation shall not issue
18 multiple classes of shares or multiple series of shares
19 within a class.
20 (3) Seventy-five percent of all directors and
21 seventy-five percent of all officers must reside in the
22 local community.
23 3. The business company does not receive more than
24 a total of two hundred fifty thousand dollars from any
25 of the following:
26 a. Contributions made by individuals when they
27 agree to become initial members of the limited
28 liability company.
29 b. Payments made by individuals for shares when the
30 business corporation initially issues shares.
31 4. The business company's principal place of
32 business is located in the local community.
33 5. The certificate of organization of a limited
34 liability company or the articles of incorporation of a
35 business corporation, as applicable, must include all
36 of the following restrictions:
37 a. For a limited liability company:
38 (1) A membership interest cannot be transferred to
39 another individual who does not reside in the local
40 community without the written consent of the members or
41 managers of the limited liability company.
42 (2) The limited liability company may purchase or
43 acquire a member's interest from an individual who no

44 longer resides in the local community.
 45 b. For a business corporation:
 46 (1) Shares cannot be transferred to another
 47 individual who does not reside in the local community
 48 without the written consent of the board of directors
 49 of the business corporation.
 50 (2) The business corporation may purchase or

Page 3

1 acquire shares from an individual who no longer resides
 2 in the local community.
 3 Sec. 3. NEW SECTION. 15E.27 Exemptions for certain
 4 security laws.
 5 The securities of a qualified business company,
 6 as provided in section 15E.26, are exempt from the
 7 requirements of chapter 502, to the extent provided in
 8 section 502.201.
 9 Sec. 4. Section 502.201, Code 2011, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 9F. Qualified business
 12 company. Any security issued by a qualified business
 13 company, as provided in section 15E.26, which meets the
 14 requirements of chapter 15E, division IV.>
 15 2. Title page, by striking lines 1 and 2 and
 16 inserting <An Act exempting business entities located
 17 in small cities or adjacent to small cities, and formed
 18 by local development corporations, from certain>

IVERSON of Wright

H-1281

1 Amend House File 537 as follows:
 2 1. Page 1, by striking lines 1 through 30.
 3 2. By renumbering as necessary.

ISENHART of Dubuque

H-1282

1 Amend House File 531 as follows:
 2 1. Page 1, line 14, after <education.> by inserting
 3 <However, telemedicine shall not be used to diagnose
 4 and prescribe a medical abortion. For the purposes
 5 of the state plan amendment, "medical abortion" means
 6 the use of a medication including but not limited to
 7 mifepristone or ulipristal acetate to terminate a
 8 pregnancy.>

ALONS of Sioux

H-1283

- 1 Amend House File 589 as follows:
- 2 1. Page 2, by striking lines 16 through 22.
- 3 2. Page 4, by striking lines 19 through 28.
- 4 3. Page 4, line 33, by striking <remain at> and
- 5 inserting <remain on or in>
- 6 4. Page 8, by striking lines 23 through 32.
- 7 5. By renumbering as necessary.

ISENHART of Dubuque

H-1284

- 1 Amend House File 645 as follows:
- 2 1. Page 2, after line 2 by inserting:
- 3 <___. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
- 4 For the teacher shortage loan forgiveness program
- 5 established in section 261.112:
- 6 \$ 250,000>
- 7 2. By renumbering as necessary.

DOLECHECK of Ringgold
WINCKLER of Scott

H-1285

- 1 Amend House File 585 as follows:
- 2 1. Page 6, by striking lines 9 and 10.
- 3 2. By renumbering as necessary.

WILLEMS of Linn

H-1286

- 1 Amend House File 589 as follows:
- 2 1. Page 6, after line 29 by inserting:
- 3 <___. An animal shelter as defined in section
- 4 162.2.
- 5 ___. A representative of a nonprofit organization
- 6 present for the purpose of informing the public of an
- 7 illegal activity observed at the animal facility.>
- 8 2. By renumbering as necessary.

LYKAM of Scott

H-1287

- 1 Amend House File 540 as follows:
- 2 1. Page 2, line 21, by striking <or> and inserting
- 3 <of>

KAUFMANN of Cedar

H-1288

- 1 Amend House File 589 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 717.1, Code 2011, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 01. "Egg-laying hen" means any
 6 domesticated chicken, turkey, duck, goose, or guinea
 7 fowl kept for purposes of egg production.
 8 Sec. 2. NEW SECTION. 717.3 Confinement of
 9 egg-laying hens — penalty.
 10 1. In addition, to other applicable provisions of
 11 this chapter, a person shall not tether or confine
 12 an egg-laying hen as part of an animal facility as
 13 provided in chapter 717A, for all or the majority of
 14 any day, in a manner that prevents such egg-laying
 15 hen from lying down, standing up, fully extending its
 16 wings, or turning around freely.
 17 2. A person who violates this section is guilty of
 18 a serious misdemeanor.>
 19 2. Page 10, after line 28 by inserting:
 20 <Sec. __. EFFECTIVE DATES.
 21 1. Except as provided in subsection 2, this Act
 22 takes effect on July 1, 2011.
 23 2. The sections of this Act amending section 717.1
 24 and enacting section 717.3 take effect January 1,
 25 2017.>
 26 3. Title page, line 2, by striking <and providing>
 27 and inserting <providing>
 28 4. Title page, line 2, after <remedies> by
 29 inserting <, and including effective date provisions>
 30 5. By renumbering as necessary.

MASCHER of Johnson

H-1289

- 1 Amend House File 467 as follows:
 2 1. By striking page 14, line 33, through page 15,
 3 line 11.
 4 2. By renumbering as necessary.

L. MILLER of Scott

H-1290

- 1 Amend House File 467 as follows:
 2 1. Page 16, after line 13 by inserting:
 3 <Sec. __. PILOT OR DEMONSTRATION RESEARCH PROJECTS
 4 — PRACTICE OF PHARMACY.
 5 1. Notwithstanding any provision of section
 6 147.107, subsection 2, to the contrary, the board of

7 pharmacy may approve a pilot or demonstration research
8 project of innovative applications in the practice of
9 pharmacy relating to the authority of prescription
10 verification and the ability of a pharmacist to provide
11 enhanced patient care.

12 2. The board of pharmacy shall adopt rules and
13 procedures pursuant to chapter 17A for application for
14 and approval of such projects. The rules may include
15 exceptions to any existing rules under the purview of
16 the board of pharmacy as necessary for completion of
17 the project, limited to the duration of the project.
18 The duration of any project approved by the board of
19 pharmacy shall not exceed eighteen months and shall
20 comply with the rules and procedures adopted for such
21 projects.

22 3. The board of pharmacy shall not approve any
23 project that expands the practice of pharmacy as
24 defined in section 155A.3.

25 4. The board of pharmacy shall submit a report
26 to the chairpersons and ranking members of the joint
27 appropriations subcommittee on health and human
28 services regarding the approval or denial of any
29 projects.>

30 2. By renumbering as necessary.

HEATON of Henry

H-1291

1 Amend House File 470 as follows:

2 1. Page 3, after line 14 by inserting:

3 <Sec. ____ Section 123.50, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 5. If an employee of a licensee
6 or permittee violates section 123.49, subsection 2,
7 paragraph "h", the licensee or permittee shall not
8 be assessed a penalty under subsection 3, and the
9 violation shall be deemed not to be a violation of
10 section 123.49, subsection 2, paragraph "h", for the
11 purpose of determining the number of violations for
12 which a penalty may be assessed pursuant to subsection
13 3, if the employee holds a valid certificate of
14 completion of the alcohol compliance employee training
15 program pursuant to section 123.50A at the time of
16 the violation. A licensee or permittee may assert
17 only once in a four-year period the bar under this
18 subsection against assessment of a penalty pursuant to
19 subsection 3, for a violation of subsection 123.49,
20 subsection 2, paragraph "h", that takes place at the
21 same place of business location.

22 Sec. ____ NEW SECTION. 123.50A Alcohol compliance
23 employee training program.

24 1. If sufficient funding is appropriated, the
25 division shall develop an alcohol compliance employee
26 training program, not to exceed two hours in length
27 for employees and prospective employees of licensees
28 and permittees, to inform the employees about state
29 and federal liquor laws and regulations regarding the
30 sale of alcoholic liquor, wine, or beer to persons
31 under legal age, and compliance with and the importance
32 of laws regarding the sale of alcoholic liquor, wine,
33 or beer to persons under legal age. In developing
34 the alcohol compliance employee training program,
35 the division may consult with stakeholders who have
36 expertise in the laws and regulations regarding the
37 sale of alcoholic liquor, wine, or beer to persons
38 under legal age.

39 2. The alcohol compliance employee training program
40 shall be made available to employees and prospective
41 employees of licensees and permittees at no cost to the
42 employee, the prospective employee, or the licensee or
43 permittee, and in a manner which is as convenient and
44 accessible to the extent practicable throughout the
45 state so as to encourage attendance. Contingent upon
46 the availability of specified funds for provision of
47 the program, the division shall schedule the program
48 on at least a monthly basis and the program shall be
49 available at a location in at least a majority of
50 counties.

Page 2

1 3. Upon completion of the alcohol compliance
2 employee training program, an employee or prospective
3 employee shall receive a certificate of completion,
4 which shall be valid for a period of two years, unless
5 the employee or prospective employee is convicted of a
6 violation of section 123.49, subsection 2, paragraph
7 "h", in which case the certificate shall be void.

8 4. The division shall also offer periodic
9 continuing employee training and recertification for
10 employees who have completed initial training and
11 received an initial certificate of completion as part
12 of the alcohol compliance employee training program.>

13 2. By renumbering as necessary.

IVERSON of Wright

H-1292

1 Amend House File 589 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 717A.1, Code 2011, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 1A. "Agricultural animal facility"
7 or "facility" means a location where an agricultural
8 animal is maintained, including but not limited to a
9 location dedicated to farming as defined in section
10 9H.1, a livestock market, or an exhibition.

11 Sec. 2. Section 717A.1, subsection 2, Code 2011, is
12 amended to read as follows:

13 2. "Agricultural production" means any activity
14 related to maintaining an agricultural animal at
15 an agricultural animal facility or a crop on crop
16 operation property.

17 Sec. 3. Section 717A.1, subsections 3 and 4, Code
18 2011, are amended by striking the subsections.

19 Sec. 4. Section 717A.1, subsection 7, Code 2011, is
20 amended to read as follows:

21 7. "Crop operation" means a ~~commercial enterprise~~
22 ~~where a crop is maintained on the property of the~~
23 ~~commercial enterprise location where a crop is~~
24 ~~maintained, including but not limited to a crop field,~~
25 ~~orchard, nursery, greenhouse, garden, elevator,~~
26 ~~seedhouse, barn, or warehouse.~~

27 Sec. 5. Section 717A.1, subsection 9, paragraph a,
28 Code 2011, is amended to read as follows:

29 a. For an agricultural animal maintained at an
30 agricultural animal facility or property ~~belonging~~
31 ~~to kept at an agricultural~~ animal facility, "deprive"
32 means to do any of the following:

33 (1) Withhold the agricultural animal or property
34 for a period of time sufficient to significantly reduce
35 the value or enjoyment of the agricultural animal or
36 property.

37 (2) Withhold the agricultural animal or
38 property for ransom or upon condition to restore
39 the agricultural animal or property in return for
40 compensation.

41 (3) Dispose of the agricultural animal or property
42 in a manner that makes recovery of the agricultural
43 animal or property by its owner unlikely.

44 Sec. 6. Section 717A.1, subsection 10, paragraph a,
45 Code 2011, is amended to read as follows:

46 a. Keep and provide for the care and feeding of any
47 agricultural animal, including any activity relating
48 to confining, handling, breeding, transporting, or
49 exhibiting the animal.

50 Sec. 7. Section 717A.1, subsection 11, paragraphs a

Page 2

1 and b, Code 2011, are amended to read as follows:

2 a. A person, including a public or private entity,
3 who has a legal interest in an agricultural animal

4 maintained at the agricultural animal facility or other
5 property belonging to kept at an agricultural animal
6 facility, or a person who is authorized by the holder
7 of the legal interest to act on the holder's behalf in
8 maintaining the animal or keeping the other property.

9 b. A person, including a public or private entity,
10 who has a legal interest in a crop maintained at the
11 crop operation or crop operation other property kept at
12 the crop operation, or a person who is authorized by
13 the holder of the legal interest to act on the holder's
14 behalf in maintaining the crop or keeping the other
15 property.

16 Sec. 8. Section 717A.1, Code 2011, is amended by
17 adding the following new subsection:

18 **NEW SUBSECTION.** 11A. "Record" means any printed,
19 inscribed, visual, or audio information that is
20 placed or stored on a tangible medium, and that may
21 be accessed in a perceivable form, including but not
22 limited to any paper or electronic format.

23 Sec. 9. Section 717A.2, Code 2011, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 717A.2 Agricultural animal facility tampering.

27 1. A person is guilty of agricultural animal
28 facility tampering if the person acts without the
29 consent of the owner of an agricultural animal facility
30 to willfully do any of the following:

31 a. Damage, destroy, or alter property kept at the
32 agricultural animal facility, including but not limited
33 to land, fixtures, structures, equipment, machinery,
34 vehicles, records, or computer software or data.

35 b. Kill or injure an agricultural animal maintained
36 at the agricultural animal facility, including by an act
37 of violence or the transmission of a disease including
38 but not limited to any infectious or contagious disease
39 designated by the department of agriculture and land
40 stewardship pursuant to section 163.2.

41 c. Take by theft an agricultural animal maintained
42 or other property kept at the agricultural animal
43 facility.

44 d. Disrupt operations conducted at the agricultural
45 animal facility, if the operations directly relate
46 to agricultural production, agricultural animal
47 maintenance, educational or scientific purposes, or
48 veterinary care.

49 2. A person who commits the offense of agricultural
50 animal facility tampering is guilty of the following:

Page 3

1 a. Agricultural animal facility tampering in the
2 first degree occurs when the result of the offense

3 is damages incurred by the owner of the agricultural
4 animal facility of more than one hundred thousand
5 dollars. A person convicted of agricultural animal
6 facility tampering in the first degree is guilty of a
7 class "C" felony.

8 b. Agricultural animal facility tampering in the
9 second degree occurs when the result of the offense
10 is damages incurred by the owner of the agricultural
11 animal facility of more than ten thousand dollars but
12 not more than one hundred thousand dollars. A person
13 convicted of agricultural animal facility tampering in
14 the second degree is guilty of a class "D" felony.

15 c. Agricultural animal facility tampering in the
16 third degree occurs when the result of the offense
17 is damages incurred by the owner of the agricultural
18 animal facility of more than one thousand dollars but
19 not more than ten thousand dollars. A person convicted
20 of agricultural animal facility tampering in the third
21 degree is guilty of an aggravated misdemeanor.

22 d. Agricultural animal facility tampering in the
23 fourth degree occurs when the result of the offense is
24 the damages incurred by the owner of the agricultural
25 animal facility of more than three hundred dollars but
26 not more than one thousand dollars. A person convicted
27 of agricultural animal facility tampering in the fourth
28 degree is guilty of a serious misdemeanor.

29 e. Agricultural animal facility tampering in the
30 fifth degree occurs when the result of the offense
31 is damages incurred by the owner of the agricultural
32 animal facility of three hundred dollars or less. A
33 person convicted of agricultural animal facility
34 tampering in the fifth degree is guilty of a simple
35 misdemeanor.

36 3. A person who participates in a conspiracy to
37 commit the offense of agricultural animal facility
38 tampering, and who acts in furtherance of that
39 commission, is guilty of the same offense as the
40 person convicted of committing the offense on or in the
41 agricultural animal facility.

42 4. A person convicted of agricultural animal
43 facility tampering is subject to an order of
44 restitution as provided in chapter 910.

45 5. In determining the value of damages incurred
46 by an owner of an agricultural animal facility under
47 this section, a court shall calculate the actual and
48 consequential pecuniary losses resulting from the
49 commission of the offense.

50 Sec. 10. NEW SECTION. 717A.2A Agricultural animal

Page 4

1 facility interference.

2 1. A person is guilty of agricultural animal
3 facility interference, if the person acts without the
4 consent of the owner of an agricultural animal facility
5 to willfully do any of the following:

6 a. Produce a record which reproduces an image or
7 sound occurring at the agricultural animal facility as
8 follows:

9 (1) The record must be created by the person while
10 at the agricultural animal facility.

11 (2) The record must be a reproduction of a visual
12 or audio experience occurring at the agricultural
13 animal facility, including but not limited to a
14 photographic or audio medium.

15 b. Possess or distribute a record which produces
16 an image or sound occurring at the agricultural animal
17 facility which was produced as provided in paragraph
18 "a".

19 c. Exercise control over the agricultural animal
20 facility including an agricultural animal maintained
21 at the agricultural animal facility or other property
22 kept at the agricultural animal facility, with intent
23 to deprive the agricultural animal facility of the
24 agricultural animal or property.

25 d. Enter onto the agricultural animal facility,
26 or remain at the agricultural animal facility, if the
27 person has notice that the facility is not open to
28 the public. A person has notice that an agricultural
29 animal facility is not open to the public if the person
30 is provided notice before entering onto the facility,
31 or the person refuses to immediately leave the facility
32 after being informed to leave. The notice may be in
33 the form of a written or verbal communication by the
34 owner, a fence or other enclosure designed to exclude
35 intruders or contain agricultural animals, or a sign
36 posted which is reasonably likely to come to the
37 attention of an intruder and which indicates that entry
38 is forbidden.

39 2. A person who commits the offense of agricultural
40 animal facility interference is guilty of the
41 following:

42 a. For the first conviction, the person is guilty
43 of an aggravated misdemeanor.

44 b. For a second or subsequent conviction, the
45 person is guilty of a class "D" felony.

46 3. A person convicted of agricultural animal
47 facility interference is subject to an order of
48 restitution as provided in chapter 910.

49 Sec. 11. NEW SECTION. 717A.2B Agricultural animal
50 facility fraud.

Page 5

- 1 1. A person is guilty of agricultural animal
2 facility fraud, if the person willfully does any of the
3 following:
- 4 a. Obtains access to an agricultural animal
5 facility by false pretenses for the purpose of
6 committing an act not authorized by the owner of the
7 agricultural animal facility.
- 8 b. Makes a false statement or representation
9 as part of an application to be employed at the
10 agricultural animal facility, if the person knows it
11 to be false.
- 12 2. A person who commits the offense of agricultural
13 animal facility fraud is guilty of the following:
- 14 a. For the first conviction, the person is guilty
15 of an aggravated misdemeanor.
- 16 b. For a second or subsequent conviction, the
17 person is guilty of a class "D" felony.
- 18 3. A person convicted of agricultural animal
19 facility fraud is subject to an order of restitution
20 as provided in chapter 910.
- 21 Sec. 12. NEW SECTION. 717A.2C Agricultural animal
22 facilities — civil actions.
- 23 1. A person suffering damages resulting from the
24 commission of agricultural animal facility tampering
25 as provided in section 717A.2 or agricultural animal
26 facility interference as provided in section 717A.2A
27 may bring an action in the district court against
28 the person causing the damages to recover all of the
29 following:
- 30 a. An amount equaling three times all actual and
31 consequential damages.
- 32 b. Court costs and reasonable attorney fees.
- 33 2. In addition to awarding damages as provided in
34 subsection 1, a court may grant any equitable relief
35 that the court determines is appropriate. Nothing in
36 this chapter shall prevent a party from petitioning a
37 court for equitable relief.
- 38 Sec. 13. NEW SECTION. 717A.2D Agricultural animal
39 facilities — exceptions.
- 40 1. Section 717A.2 or 717A.2A does not prohibit any
41 conduct of a person holding a legal interest in an
42 agricultural animal facility, an agricultural animal
43 maintained at the agricultural animal facility, or
44 other property kept at the agricultural animal facility
45 which legal interest is superior to the legal interest
46 held by a person incurring damages resulting from the
47 conduct.
- 48 2. Section 717A.2 or 717A.2A does not apply to any
49 of the following:
- 50 a. A governmental agency or officer who is taking

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1 lawful action involving an agricultural animal
2 facility, an agricultural animal maintained at the
3 agricultural animal facility, or other property kept at
4 the agricultural animal facility.

5 b. A licensed veterinarian practicing veterinary
6 medicine as provided in chapter 169 and according to
7 customary standards of care.

8 c. An animal shelter as defined in section 162.2.

9 d. A representative of a nonprofit organization
10 present for the purpose of informing the public of an
11 illegal activity observed at the agricultural animal
12 facility.

13 Sec. 14. Section 717A.3, Code 2011, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 717A.3 Crop operation tampering.

17 1. A person is guilty of crop operation tampering
18 if the person acts without the consent of the owner of
19 a crop operation to willfully do any of the following:

20 a. Damage, destroy, or alter property kept at the
21 crop operation, including but not limited to land,
22 fixtures, structures, equipment, machinery, vehicles,
23 records, or computer software or data.

24 b. Destroy or injure a crop maintained at a crop
25 operation, including by an act of violence or the
26 transmission of a disease including but not limited to
27 any disease or pests.

28 c. Take by theft a crop maintained or other
29 personal property kept at the crop operation.

30 d. Disrupt operations conducted at the crop
31 operation, if the operations directly relate to
32 agricultural production, crop maintenance, educational
33 or scientific purposes, or horticultural care.

34 2. A person who commits the offense of crop
35 operation tampering is guilty of the following:

36 a. Crop operation tampering in the first degree
37 occurs when the result of the offense is damages
38 incurred by the owner of more than one hundred
39 thousand dollars. A person convicted of crop operation
40 tampering in the first degree is guilty of a class "C"
41 felony.

42 b. Crop operation tampering in the second degree
43 occurs when the result of the offense is damages
44 incurred by the owner of the crop operation of more
45 than ten thousand dollars but not more than one hundred
46 thousand dollars. A person convicted of crop operation
47 tampering in the second degree is guilty of a class "D"
48 felony.

49 c. Crop operation tampering in the third degree
50 occurs when the result of the offense is damages

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1 incurred by the owner of the crop operation of more
2 than one thousand dollars but not more than ten
3 thousand dollars. A person convicted of crop operation
4 property tampering in the third degree is guilty of an
5 aggravated misdemeanor.

6 d. Crop operation tampering in the fourth degree
7 occurs when the result of the offense is damages
8 incurred by the owner of the crop operation of more
9 than three hundred dollars but not more than one
10 thousand dollars. A person convicted of crop operation
11 tampering in the fourth degree is guilty of a serious
12 misdemeanor.

13 e. Crop operation tampering in the fifth degree
14 occurs when the result of the offense is damages
15 incurred by the owner of the crop operation of three
16 hundred dollars or less. A person convicted of crop
17 operation tampering in the fifth degree is guilty of a
18 simple misdemeanor.

19 3. A person who participates in a conspiracy to
20 commit the offense of crop operation tampering, and who
21 acts in furtherance of that commission, is guilty of
22 the same offense as the person convicted of committing
23 the offense on or in the crop operation.

24 4. A person convicted of crop operation tampering
25 is subject to an order of restitution as provided in
26 chapter 910.

27 5. In determining the value of damages incurred
28 under this section, a court shall calculate the actual
29 and consequential pecuniary losses resulting from the
30 commission of the offense.

31 Sec. 15. NEW SECTION. 717A.3A Crop operation
32 interference.

33 1. A person is guilty of crop operation
34 interference, if the person acts without the consent
35 of the owner of a crop operation to willfully do any
36 of the following:

37 a. Produce a record which reproduces an image or
38 sound occurring at the crop operation as follows:

39 (1) The record must be created by the person while
40 at the crop operation.

41 (2) The record must be a reproduction of a visual
42 or audio experience occurring at the crop operation,
43 including but not limited to a photographic or audio
44 medium.

45 b. Possess or distribute a record which produces an
46 image or sound occurring at the crop operation which
47 was produced as provided in paragraph "a".

48 c. Exercise control over the crop operation,
49 including a crop maintained at the crop operation or
50 other property kept at the crop operation, with intent

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1 to deprive the crop operation of the crop or property.
2 d. Enter onto the crop operation, or remain on
3 or in the crop operation, if the person has notice
4 that the crop operation is not open to the public. A
5 person has notice that a crop operation is not open
6 to the public if the person is provided notice before
7 entering onto the crop operation, or the person refuses
8 to immediately leave the crop operation after being
9 informed to leave. The notice may be in the form of a
10 written or verbal communication by the owner, a fence
11 or other enclosure designed to exclude intruders or
12 contain crops, or a sign posted which is reasonably
13 likely to come to the attention of an intruder and
14 which indicates that entry is forbidden.

15 2. A person who commits the offense of crop
16 operation interference is guilty of the following:
17 a. For the first conviction, the person is guilty
18 of an aggravated misdemeanor.

19 b. For a second or subsequent conviction, the
20 person is guilty of a class "D" felony.

21 3. A person convicted of crop operation
22 interference is subject to an order of restitution as
23 provided in chapter 910.

24 Sec. 16. NEW SECTION. 717A.3B Crop operation
25 fraud.

26 1. A person is guilty of crop operation fraud, if
27 the person willfully does any of the following:

28 a. Obtains access to a crop operation by false
29 pretenses for the purpose of committing an act not
30 authorized by the owner of the crop operation.

31 b. Makes a false statement or representation
32 as part of an application to be employed at a crop
33 operation, if the person knows it to be false.

34 2. A person who commits the offense of crop
35 operation fraud is guilty of the following:

36 a. For the first conviction, the person is guilty
37 of an aggravated misdemeanor.

38 b. For a second or subsequent conviction, the
39 person is guilty of a class "D" felony.

40 3. A person convicted of crop operation fraud
41 is subject to an order of restitution as provided in
42 chapter 910.

43 Sec. 17. NEW SECTION. 717A.3C Crop operations —
44 civil actions.

45 1. A person suffering damages resulting from the
46 commission of crop operation tampering as provided
47 in section 717A.3 or crop operation interference as
48 provided in section 717A.3A may bring an action in the
49 district court against the person causing the damage to
50 recover all of the following:

Page 9

- 1 a. An amount equaling three times all actual and
2 consequential damages.
- 3 b. Court costs and reasonable attorney fees.
- 4 2. In addition to awarding damages as provided in
5 subsection 1, a court may grant any equitable relief
6 that the court determines is appropriate. Nothing in
7 this chapter shall prevent a party from petitioning a
8 court for equitable relief.
- 9 Sec. 18. NEW SECTION. 717A.3D Crop operations —
10 exceptions.
- 11 1. Section 717A.3 or 717A.3A does not prohibit any
12 conduct of a person holding a legal interest in a crop
13 operation, a crop maintained at the crop operation, or
14 other property kept at the crop operation which legal
15 interest is superior to the legal interest held by a
16 person incurring damages resulting from the conduct.
- 17 2. Section 717A.3 or 717A.3A does not apply to a
18 governmental agency or officer who is taking lawful
19 action involving a crop operation, a crop maintained
20 at the crop operation, or other property kept at the
21 crop operation.
- 22 Sec. 19. Section 717A.4, subsection 1, Code 2011,
23 is amended to read as follows:
- 24 1. Except as provided in subsection 2, a person
25 shall not willfully possess, transport, or transfer a
26 pathogen with an intent to threaten the health of an
27 agricultural animal or crop.
- 28 a. For agricultural animals, a pathogen restricted
29 under this section shall be limited to a biological
30 agent or toxin listed in 9 C.F.R. § 121.2(b), as that
31 list exists on January 1, 2004.
- 32 b. For crops, a pathogen restricted under this
33 section shall be limited to a biological agent or toxin
34 listed in 7 C.F.R. § 331.3, as that list exists on
35 January 1, 2004.>
- 36 2. By renumbering as necessary.

LYKAM of Scott

H-1293

- 1 Amend House File 617 as follows:
- 2 1. Page 4, after line 19 by inserting:
- 3 <Sec. ____ Section 123.56, Code 2011, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 6A. A manufacturer may use the
- 6 space and equipment of another manufacturer for the
- 7 purpose of manufacturing native wine, provided that
- 8 such an alternating proprietorship arrangement is
- 9 approved by the alcohol and tobacco tax and trade

10 bureau of the United States department of the treasury.
 11 A separate class "A" wine permit shall be issued to
 12 each manufacturer, and each manufacturer shall be
 13 subject to the provisions of this chapter and the rules
 14 of the division. Notwithstanding subsection 5, not
 15 more than one class "C" native wine permit shall be
 16 issued to a premises with alternating proprietorships.>
 17 2. By renumbering as necessary.

WENTHE of Fayette

H-1294

1 Amend the amendment, H-1109, to House File 470 as
 2 follows:
 3 1. Page 1, after line 3 by inserting:
 4 <__. Page 4, after line 13 by inserting:
 5 <Sec. __. Section 123.56, Code 2011, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 6A. A manufacturer may use the
 8 space and equipment of another manufacturer for the
 9 purpose of manufacturing native wine, provided that
 10 such an alternating proprietorship arrangement is
 11 approved by the alcohol and tobacco tax and trade
 12 bureau of the United States department of the treasury.
 13 A separate class "A" wine permit shall be issued to
 14 each manufacturer, and each manufacturer shall be
 15 subject to the provisions of this chapter and the
 16 rules of the division. Not withstanding subsection
 17 5, not more than one class "C" native wine permit
 18 shall be issued to a premises with alternating
 19 proprietorships. >>
 20 2. By renumbering as necessary.

WENTHE of Fayette

H-1295

1 Amend House File 462 as follows:
 2 1. Page 1, by striking lines 6 through 11 and
 3 inserting <in size under the custody of the department.
 4 However, a motorboat with a power unit exceeding ten
 5 horsepower shall not be operated on lake Macbride, a
 6 motorboat with a power unit exceeding ten horsepower
 7 may be operated only when permitted by rule and the
 8 rule shall not authorize such use during the period
 9 beginning on the Friday before Memorial Day and ending
 10 on Labor Day inclusively. This paragraph does not
 11 limit motorboat>
 12 2. Title page, line 1, by striking <allowing> and
 13 inserting <prohibiting>

MASCHER of Johnson

H-1296

1 Amend House File 617 as follows:
2 1. Page 2, after line 10 by inserting:
3 <Sec. ____ Section 123.6, Code 2011, is amended to
4 read as follows:
5 123.6 Appointment — term — expenses —
6 compensation.
7 Appointments shall be for five-year staggered
8 terms beginning and ending as provided by section
9 69.19 and shall be made by the governor, subject to
10 confirmation by the senate. Members of the commission
11 shall be chosen on the basis of managerial ability and
12 experience as business executives. ~~One member~~ Not
13 more than two members of the commission may be the
14 holder of or have an interest in a permit or license
15 to manufacture alcoholic liquor, wine, or beer or to
16 sell alcoholic liquor, wine, or beer at wholesale or
17 retail. A member may be reappointed for one additional
18 term. Each member appointed is entitled to receive
19 reimbursement of actual expenses incurred while
20 attending meetings. Each member of the commission may
21 also be eligible to receive compensation as provided
22 in section 7E.6.>
23 2. By renumbering as necessary.

IVERSON of Wright

H-1297

1 Amend House File 462 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 462A.12, Code 2011, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 16. A person shall not operate
6 a motorboat on the waters of this state on which
7 the horsepower rating label as determined by the
8 manufacturer has been altered or concealed.>
9 2. Page 1, after line 14 by inserting:
10 <Sec. ____ Section 805.8B, subsection 1, Code 2011,
11 is amended by adding the following new paragraph:
12 NEW PARAGRAPH. f. For violations of provisions
13 requiring display of horsepower rating labels of
14 motorboats under section 462A.12, subsection 16, the
15 scheduled fine is one hundred dollars.>
16 3. Title page, line 1, after <Act> by inserting
17 <relating to the operation of motorboats including
18 prohibiting the operation of motorboats without proper
19 horsepower rating labels,>

- 20 4. Title page, line 2, after <time> by inserting <,
 21 and providing penalties>
 22 5. By renumbering as necessary.

MASCHER of Johnson

H-1298

- 1 Amend House File 470 as follows:
 2 1. Page 2, lines 26 and 27, by striking <Monday
 3 through Saturday.>

ALONS of Sioux

H-1299

- 1 Amend House File 617 as follows:
 2 1. Page 4, after line 19 by inserting:
 3 <Sec. ____ Section 123.56, Code 2011, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 6A. Notwithstanding any other
 6 provision of this chapter, a class "A" native wine
 7 permittee may obtain a class "C" liquor license if
 8 the class "A" native wine permittee has a restaurant
 9 located on the same premises as the native winery.>
 10 2. By renumbering as necessary.

IVERSON of Wright

H-1300

- 1 Amend the amendment, H-1298, to House File 470 as
 2 follows:
 3 1. Page 1, by striking lines 2 and 3 and inserting:
 4 <1. Page 2, by striking lines 26 and 27 and
 5 inserting <Monday through Saturday.>>

ALONS of Sioux

H-1301

- 1 Amend House File 185, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 7 through 9 and
 4 inserting <budget year beginning July 1, 2011, is two
 5 percent. The state percent of growth for each>
 6 2. Page 1, by striking lines 20 and 21 and
 7 inserting <year beginning July 1, 2011.>

SENATE AMENDMENT

H-1302

- 1 Amend House File 184, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 6 through 8 and
4 inserting <growth for the budget year beginning July 1,
5 2011, is two percent. The>
6 2. Page 1, by striking lines 23 and 24 and
7 inserting <year beginning July 1, 2011.>

SENATE AMENDMENT

H-1303

- 1 Amend the amendment, H-1291, to House File 470 as
2 follows:
3 1. Page 1, line 35, by striking <may> and inserting
4 <shall>

MASCHER of Johnson

H-1304

- 1 Amend House File 589 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 717.1, subsection 2, Code 2011,
4 is amended to read as follows:
5 2. "Livestock" means an animal belonging to the
6 bovine, caprine, ~~equine~~, ovine, or porcine species,
7 ostriches, rheas, emus; farm deer as defined in section
8 170.1; or poultry.>
9 2. By renumbering as necessary.

PETERSEN of Polk

H-1305

- 1 Amend House File 560 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. PREPAID METERING STUDY. The utilities
5 board of the utilities division of the department of
6 commerce shall conduct a study regarding the merits of
7 making the installation of a prepaid metering system
8 available to utility customers. The prepaid metering
9 system subject to the study would involve equipment
10 configured to terminate electric service immediately
11 and automatically when a utility customer has incurred
12 charges for electric service equal to the customer's
13 prepayments for such service. The board shall identify
14 and involve interested stakeholders in conducting
15 the study, which shall include but not be limited to

16 electric utility representatives, one or more consumer
 17 advocacy agencies or organizations, and utility
 18 customers. Aspects of the study shall include but not
 19 be limited to whether automatic termination of service
 20 should be considered a voluntary termination not
 21 subject to disconnection requirements and restrictions,
 22 customer education regarding the installation and use
 23 of a prepaid metering system, and the potential for
 24 inadvertent or unintentional termination based upon
 25 an oversight on the part of a customer or a utility.
 26 The board shall submit a report regarding the results
 27 of the study to the general assembly by December 15,
 28 2011.>

29 2. Title page, line 1, by striking <providing for>
 30 and inserting <directing the Iowa utilities board to
 31 conduct a study regarding>

PAUSTIAN of Scott

H-1306

1 Amend House File 585 as follows:

- 2 1. By striking page 3, line 29, through page 4,
 3 line 3, and inserting:
 4 <7. ~~An application submitted to the state board~~
 5 ~~pursuant to subsection 2, paragraph "b", or subsection~~
 6 ~~6 shall set forth the manner in which the charter~~
 7 ~~school or innovation zone school will provide special~~
 8 ~~instruction, in accordance with section 280.4, to~~
 9 ~~students who are limited English proficient. The~~
 10 ~~application shall set forth the manner in which the~~
 11 ~~charter school or innovation zone school will comply~~
 12 ~~with federal and state laws and regulations relating to~~
 13 ~~the federal National School Lunch Act and the federal~~
 14 ~~Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and~~
 15 ~~chapter 283A. The state board shall>~~
- 16 2. Page 4, line 4, after <those> by inserting
 17 <innovation zone school>
- 18 3. Page 4, by striking lines 11 through 19.
- 19 4. Page 4, line 31, by striking <district,> and
 20 inserting <district.>
- 21 5. Page 4, by striking lines 32 through 34.
- 22 6. Page 5, line 1, after <school.> by inserting
 23 <A charter school may establish academic preparation
 24 prerequisites designed to protect and promote the
 25 quality and integrity of the charter school educational
 26 program if the academic preparation prerequisites do
 27 not impose an unlawful barrier to the admission of any
 28 student.>
- 29 7. Page 5, after line 15 by inserting:
 30 <Sec. __. Section 256F.5, Code 2011, is amended by
 31 adding the following new subsection:

32 NEW SUBSECTION. 12A. The manner in which special
33 instruction, in accordance with section 280.4, will
34 be provided to students who are limited English
35 proficient, and the manner in which the charter school
36 or innovation zone school will comply with federal and
37 state laws and regulations relating to the federal
38 National School Lunch Act and the federal Child
39 Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and
40 chapter 283A.>
41 8. Page 6, line 7, after <board> by inserting <
42 advisory council>
43 9. Page 6, by striking lines 9 and 10.
44 10. By renumbering as necessary.

DOLECHECK of Ringgold

H-1307

1 Amend House File 599 as follows:
2 1. Page 1, line 29, by striking <or> and inserting
3 <, an accredited private institution as defined in
4 section 261.9, or an>
5 2. Page 1, line 31, after <college> by inserting <,
6 accredited private institution as defined in section
7 261.9,>
8 3. Page 2, line 5, by striking <college and each>
9 and inserting <college, accredited private institution
10 as defined in section 261.9, and>
11 4. Page 2, line 22, after <college> by inserting <,
12 accredited private institution as defined in section
13 261.9,>
14 5. Title page, line 3, after <colleges> by
15 inserting <, accredited private institutions,>

JORGENSEN of Woodbury

H-1308

1 Amend House File 584 as follows:
2 1. Page 1, line 28, by striking <year;> and
3 inserting <two years;>
4 2. By renumbering as necessary.

HANSON of Jefferson

H-1309

1 Amend House File 584 as follows:
2 1. Page 1, after line 19 by inserting:
3 0b. <"Clear driving record" means the individual
4 has not been identified as a candidate for suspension
5 or revocation of a driver's license under the habitual

6 violator or habitual offender provisions of the
 7 department's regulations; is not subject to driver's
 8 license suspension, revocation, denial, cancellation,
 9 disqualification, or bar; and has no record of a
 10 conviction for a moving traffic violation determined to
 11 be the cause of a motor vehicle accident.>

12 2. By striking page 1, line 32, through page 2,
 13 line 4, and inserting <years.>

14 3. Page 2, by striking lines 9 through 11 and
 15 inserting:

16 <(2) Twenty hours of street or highway driving,
 17 including four hours of driving after sunset and
 18 before sunrise, while accompanied by the teaching
 19 parent, and an additional twenty hours of street or
 20 highway driving while accompanied by another person
 21 at least twenty-five years of age who has a valid
 22 driver's license, other than a motorized bicycle
 23 license or a temporary restricted license, that permits
 24 unaccompanied driving, who has maintained a clear
 25 driving record for the previous two years, and who has
 26 written permission from the teaching parent.>

27 4. Page 3, by striking line 14 and inserting
 28 <student's name and initials and the name and initials
 29 of the teaching parent or other person who accompanied
 30 the student in accordance with subsection 3, paragraph
 31 "a", subparagraph (2), noted>

32 5. By renumbering as necessary.

HANSON of Jefferson

H-1310

1 Amend House File 607 as follows:

2 1. Page 1, line 16, by striking <a class "A"
 3 felony, and who was a child> and inserting <kidnapping
 4 in the first degree in violation of section 710.2
 5 or sexual abuse in the first degree in violation of
 6 section 709.2, and who was>

7 2. Page 1, after line 29 by inserting:

8 <d. A person convicted of murder in the second
 9 degree in violation of section 707.3 and who was also
 10 convicted of either kidnapping in the first degree
 11 in violation of section 710.2 or sexual abuse in the
 12 first degree in violation of section 709.2, which
 13 conviction arose out of the same set of facts as the
 14 murder-in-the-second-degree conviction, shall not be
 15 eligible for parole pursuant to this subsection.>

GARRETT of Warren

H-1311

1 Amend House File 608 as follows:

- 2 1. Page 1, by striking lines 20 through 22 and
3 inserting:
4 <department shall act appropriately to initiate
5 the action. The county attorney shall assist the
6 department ~~as provided under section 232.90, subsection~~
7 ~~2.~~>
8 2. Page 3, line 6, by striking <or> and inserting
9 <to>

GARRETT of Warren

H-1312

1 Amend House File 607 as follows:

- 2 1. Page 1, by striking lines 19 through 22 and
3 inserting <of twenty-five years.>

WOLFE of Clinton

H-1313

1 Amend House File 526 as follows:

- 2 1. By striking page 1, line 10, through page 2,
3 line 4, and inserting:
4 <"Possess" or "possession" means having knowledge of
5 the presence and the nature of an object or substance
6 and exercising dominion and control over the object
7 or substance. "Possess" or "possession" may be either
8 actual or constructive.
9 1. A person has "actual possession" when an object
10 or substance is found on the person.
11 2. A person has "constructive possession" when the
12 person has knowledge of the presence of an object or
13 substance and has the authority or right to maintain
14 control over the object or substance.>

WOLFE of Clinton
SWAIM of Davis
R. OLSON of Polk

H-1314

1 Amend House File 584 as follows:

- 2 1. Page 2, line 32, after <by> by inserting
3 <notarized>
4 2. By renumbering as necessary.

ABDUL-SAMAD of Polk

H-1315

- 1 Amend House File 588 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 256.9, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 62. Provide that a background
6 investigation be conducted by the division of criminal
7 investigation of the department of public safety on
8 a person responsible for or providing independent
9 private instruction in accordance with section 299A.1,
10 subsection 2. The director shall require such persons
11 to submit a completed fingerprint packet and shall
12 use the packet to facilitate a national criminal
13 history background check. If the results of the
14 background investigation determine that the subject
15 of the investigation has been convicted of a felony
16 offense, instruction provided by or instruction for
17 which the person is responsible shall not be considered
18 independent private instruction for purposes of chapter
19 299 or chapter 299A.>
20 2. Page 2, line 32, by striking <2> and inserting
21 <3>
22 3. Page 4, by striking line 4 and inserting:
23 <2. The authority responsible for providing
24 independent private instruction and any primary
25 instruction providing independent private instruction
26 in accordance with this chapter shall submit a
27 completed fingerprint packet to the department of
28 education in accordance with section 256.9, subsection
29 62.
30 3. For purposes of this chapter, "competent and
31 chapter 299:>
32 4. Page 5, line 23, by striking <2> and inserting
33 <3>
34 5. By renumbering as necessary.

WILLEMS of Linn

H-1316

- 1 Amend House File 588 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 256.9, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 62. Provide that a background
6 investigation be conducted by the division of criminal
7 investigation of the department of public safety on
8 a person responsible for or providing independent
9 private instruction in accordance with section 299A.1,
10 subsection 2. The director shall require such persons
11 to submit a completed fingerprint packet and shall use

- 12 the packet to facilitate a national criminal history
13 background check.>
14 2. Page 2, line 32, by striking <2> and inserting
15 <3>
16 3. Page 4, by striking line 4 and inserting:
17 <2. The authority responsible for providing
18 independent private instruction and any primary
19 instruction providing independent private instruction
20 in accordance with this chapter shall submit a
21 completed fingerprint packet to the department of
22 education in accordance with section 256.9, subsection
23 62.
24 3. For purposes of this chapter, "~~competent and~~
25 chapter 299:>
26 4. Page 5, line 23, by striking <2> and inserting
27 <3>
28 5. By renumbering as necessary.

MASCHER of Johnson

H-1317

- 1 Amend House File 584 as follows:
2 1. Page 3, line 18, by striking <Any student> and
3 inserting <A student who possesses an instruction
4 permit issued under section 321.180B, subsection 1, or
5 a comparable instruction permit issued by another state
6 for a minimum of twelve months immediately preceding
7 application for an intermediate license and>
8 2. By renumbering as necessary.

MASCHER of Johnson

H-1318

- 1 Amend the amendment, H-1278, to House File 589 as
2 follows:
3 1. Page 1, after line 1 by inserting:
4 <__. Page 4, after line 25 by inserting:
5 <() The record must be produced by a person who
6 is not part of the press which publishes news in a
7 print or electronic medium. >>
8 2. Page 1, after line 5 by inserting:
9 <__. Page 8, after line 29 by inserting:
10 <() The record must be produced by a person who
11 is not part of the press which publishes news in a
12 print or electronic medium. >>
13 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1319

- 1 Amend the amendment, H-1278, to House File 589 as
2 follows:
- 3 1. Page 1, after line 1 by inserting:
4 <__. Page 4, after line 25 by inserting:
5 <() The record must be produced with an intent to
6 disrupt operations conducted at the animal facility. >>
 - 7 2. Page 1, after line 5 by inserting:
8 <__. Page 8, after line 29 by inserting:
9 <() The record must be produced with an intent to
10 disrupt operations conducted at the crop operation. >>
 - 11 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1320

- 1 Amend the amendment, H-1292, to House File 589 as
2 follows:
- 3 1. Page 4, after line 14 by inserting:
4 <() The record must be produced by a person who
5 is not part of the press which publishes news in a
6 print or electronic medium.>
 - 7 2. Page 7, after line 44 by inserting:
8 <() The record must be produced by a person who
9 is not part of the press which publishes news in a
10 print or electronic medium.>
 - 11 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1321

- 1 Amend the amendment, H-1292, to House File 589 as
2 follows:
- 3 1. Page 4, after line 14 by inserting:
4 <() The record must be produced with an intent to
5 disrupt operations conducted at the animal facility.>
 - 6 2. Page 7, after line 44 by inserting:
7 <() The record must be produced with an intent to
8 disrupt operations conducted at the crop operation.>
 - 9 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1322

- 1 Amend House File 588 as follows:
- 2 1. Page 4, line 23, by striking <and social> and
3 inserting <social>
 - 4 2. Page 4, line 24, after <studies> by inserting

- 5 <, and twenty-first century learning skills which
6 include but are not limited to civic literacy, health
7 literacy, technology literacy, financial literacy, and
8 employability skills>
9 3. By renumbering as necessary.

WINCKLER of Scott

H-1323

- 1 Amend House File 563 as follows:
2 1. Page 2, by striking lines 32 and 33 and
3 inserting <basis, unless the attorney general
4 determines that the procurement process is not feasible
5 under the circumstances and sets>
6 2. Page 2, by striking line 35 and inserting:
7 <3. a. Except as provided in paragraph "c", the
8 state shall not enter into a contingency fee>
9 3. Page 3, by striking lines 23 and 24 and
10 inserting <executive council of the aggregate
11 contingency fee limits in paragraphs "a" and "b" if the
12 attorney general provides a thirty-day>
13 4. Page 4, line 11, by striking <attend> and
14 inserting <participate in>
15 5. By renumbering as necessary.

HAGENOW of Polk

H-1324

- 1 Amend House File 574 as follows:
2 1. Page 1, after line 35 by inserting:
3 <Sec. ____ Section 29A.43, subsection 3, Code 2011,
4 is amended to read as follows:
5 3. A person violating a provision of this section
6 is guilty of a simple misdemeanor. Violations of
7 this section shall be prosecuted by the attorney
8 general or the county attorney of the county in which
9 the violation occurs. A person claiming a violation
10 of this section shall provide written notice within
11 sixty days of any such violation to the office of the
12 attorney general or the office of the county attorney
13 of the county in which the violation occurs.>
14 2. By renumbering as necessary.

HANUSA of Pottawattamie

H-1325

- 1 Amend the amendment, H-1232, to House File 537 as
2 follows:
3 1. Page 1, by striking lines 5 through 25 and

4 inserting:

5 <b. (1) A statement regarding the impact of the
6 fee structure on third-party payments, and whether
7 third-party payments and resources are accepted by the
8 assisted living program.

9 (2) The occupancy agreement shall specifically
10 include a statement regarding each of the following:

11 (a) Whether the program requires disclosure of a
12 tenant's personal financial information for occupancy
13 or continued occupancy.

14 (b) The program's policy regarding the continued
15 tenancy of a tenant following exhaustion of private
16 resources.

17 (c) Contact information for the department of human
18 services and the senior health insurance information
19 program to assist tenants in accessing third-party
20 payment sources.

21 (3) An assisted living program shall amend any
22 occupancy agreement entered into by a tenant prior
23 to July 1, 2011, or shall execute a memorandum
24 of understanding with such tenant as an addendum
25 to such agreement, to reflect the requirements of
26 this paragraph "b" and shall obtain the signature
27 of the tenant or the tenant's legal representative
28 acknowledging the amendment or memorandum of
29 understanding addendum to the occupancy agreement no
30 later than August 31, 2011.>

ISENHART of Dubuque

H-1326

1 Amend the amendment, H-1292, to House File 589 as
2 follows:

- 3 1. Page 2, by striking lines 16 through 22.
- 4 2. Page 4, by striking lines 6 through 18.
- 5 3. Page 4, line 26, by striking <remain at> and
6 inserting <remain on or in>
- 7 4. Page 7, by striking lines 37 through 47.
- 8 5. By renumbering as necessary.

ISENHART of Dubuque

H-1327

1 Amend House File 588 as follows:

- 2 1. Page 4, line 23, after <science.> by inserting
3 <cultural and ethnic studies.>

ABDUL-SAMAD of Polk

H-1328

- 1 Amend House File 588 as follows:
2 1. Page 4, by striking line 17.
3 2. By renumbering as necessary.

WILLEMS of Linn

H-1329

- 1 Amend House File 583 as follows:
2 1. Page 1, by striking lines 17 and 18 and
3 inserting <the evangelical lutheran education
4 association of the evangelical lutheran church in
5 America.>

WILLEMS of Linn

H-1330

- 1 Amend House File 588 as follows:
2 1. Page 2, line 32, by striking <2> and inserting
3 <3>
4 2. Page 4, by striking line 4 and inserting:
5 <2. The parent or guardian of a student receiving
6 independent private instruction shall sign a statement
7 acknowledging that independent private instruction is
8 not accredited by any recognized state or national
9 accrediting agency, and the authority responsible for
10 the independent private instruction shall include the
11 signed statement in the student's cumulative records.
12 3. For purposes of this chapter, "competent and
13 chapter 299:>
14 3. Page 5, line 23, by striking <2> and inserting
15 <3>
16 4. By renumbering as necessary.

MASCHER of Johnson

H-1331

- 1 Amend House File 583 as follows:
2 1. Page 1, by striking lines 5 and 6 and inserting
3 <approved independent accrediting agency instead of
4 by the department, as provided in this section. The
5 department shall>
6 2. Page 1, line 25, by striking <state board> and
7 inserting <department>
8 3. Page 1, line 26, by striking <the department's>
9 and inserting <its>
10 4. Page 1, line 31, by striking <state board's> and
11 inserting <department's>

12 5. Page 2, line 2, by striking <state board> and
 13 inserting <department>

MASCHER of Johnson

H-1332

1 Amend House File 561 as follows:
 2 1. Page 8, after line 33 by inserting:
 3 <3A. Prior to filing an application pursuant to
 4 section 476A.3 to build a nuclear generating facility
 5 including but not limited to small modular reactor
 6 technology, or seeking authority pursuant to a combined
 7 construction and operating license or an early site
 8 permit from the United States nuclear regulatory
 9 commission, a utility shall conduct an assessment for
 10 the twenty-year period subsequent to its anticipated
 11 filing date relating to the following:
 12 a. Projected energy demand.
 13 b. Energy efficiency and conservation trends,
 14 practices, and requirements.
 15 c. Industrial cogeneration of electricity.
 16 d. Renewable energy trends, practices, and
 17 requirements.
 18 e. Transmission improvements.
 19 f. Options for meeting the projected demand through
 20 means other than energy efficiency.
 21 g. Projected environmental impacts including
 22 greenhouse gas emissions.
 23 h. Projected grid reliability.
 24 i. Projected energy costs.
 25 j. Projected energy supply payments to citizens of
 26 this state.
 27 k. Projected energy-related employment outlook and
 28 impact.>

LENSING of Johnson

H-1333

1 Amend Senate File 468, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 9, by striking <grounds> and
 4 inserting <property>
 5 2. Page 1, line 13, by striking <grounds> and
 6 inserting <property>
 7 3. Title page, line 2, by striking <grounds> and
 8 inserting <property>

ABDUL-SAMAD of Polk

H-1334

- 1 Amend House File 585 as follows:
- 2 1. Page 1, by striking lines 7 through 31.
- 3 2. Page 2, line 35, by striking <through> and
- 4 inserting <, 6, 7, and>
- 5 3. Page 3, by striking lines 14 through 21.
- 6 4. Page 4, by striking line 5 and inserting
- 7 <specified in section 256F.1, subsection 3, and
- 8 sections 256F.4>
- 9 5. Page 5, lines 8 and 9, by striking <subsections
- 10 2 and 12, Code 2011, are> and inserting <subsection 2,
- 11 Code 2011, is>
- 12 6. Page 5, by striking lines 12 through 15.
- 13 7. By renumbering as necessary.

WILLEMS of Linn
WINCKLER of Scott

H-1335

- 1 Amend House File 392 as follows:
- 2 1. Page 1, before line 22 by inserting:
- 3 <Sec. ____ Section 105.2, Code 2011, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 14A. "Permit worker" means a
- 6 person who is a nonresident of Iowa working in Iowa for
- 7 an Iowa-based employer and who is allowed to work in
- 8 the discipline for which the worker permit is issued
- 9 for a period of six months.>
- 10 2. Page 3, before line 30 by inserting:
- 11 <Sec. ____ Section 105.18, Code 2011, is amended by
- 12 adding the following new subsection:
- 13 NEW SUBSECTION. 5. Worker permit. Permit
- 14 workers must be able to demonstrate at least four
- 15 years' experience in the appropriate discipline as
- 16 a prerequisite for obtaining a permit. Completion
- 17 of a United States department of labor approved
- 18 apprenticeship program is required to obtain a permit.
- 19 Permit workers must work under the direct supervision
- 20 of an Iowa journeyman or master license holder, not
- 21 to exceed three permit workers for each Iowa licensed
- 22 journeyman or master license holder. Upon expiration
- 23 of the six-month permit, a six-month waiting period
- 24 must be completed before application for another
- 25 permit may occur. Permit fees are fifty dollars for
- 26 each discipline. Application for permits of separate
- 27 disciplines must be made at the same time and may not
- 28 be staggered in such a manner as to allow the permit
- 29 holder to work under a single or combined discipline
- 30 permit for longer than six months. The board shall
- 31 establish an expedited process enabling permit

32 applicants to begin work immediately upon submittal of
33 the work permit application and fees. The board has
34 the authority to retroactively revoke permits issued
35 under this subsection upon discovery of inadequate
36 experience.>
37 3. By renumbering, redesignating, and correcting
38 internal references as necessary.

T. TAYLOR of Linn

H-1336

1 Amend House File 584 as follows:
2 1. Page 2, line 23, by striking <materials,> and
3 inserting <materials and>
4 2. Page 2, lines 24 and 25, by striking
5 <requirements, and extra vehicle safety equipment> and
6 inserting <requirements>
7 3. Page 2, after line 27 by inserting:
8 <c. The street or highway driving instruction
9 required under paragraph "a", subparagraph (2), shall
10 be conducted in a motor vehicle equipped with an
11 inside rearview mirror and an outside rearview mirror
12 mounted on each side of the vehicle for the use of the
13 driver, as well as an instructor's rearview mirror
14 which allows the driving instructor to see what is
15 happening behind the vehicle and an instructor's eye
16 check mirror which allows the driving instructor to
17 see at a glance where the student's eyes are focused.
18 The motor vehicle shall also be equipped with a dual
19 control, passenger-side brake pedal for use by the
20 driving instructor.>
21 4. By renumbering as necessary.

STECKMAN of Cerro Gordo

H-1337

1 Amend House File 549 as follows:
2 1. Page 2, by striking line 35 and inserting <the
3 amount of the fine established in section 805.8A for an
4 equivalent violation charged as a scheduled violation.>
5 2. By renumbering as necessary.

WINDSCHITL of Harrison

H-1338

1 Amend House File 583 as follows:
2 1. Page 1, line 24, after <facilities.> by
3 inserting <A nonpublic school that is accredited solely
4 by an independent accrediting agency in accordance

5 with this subsection, and the parents or guardians
6 of students enrolled in the nonpublic school who are
7 not enrolled in a school district for dual enrollment
8 purposes, are ineligible for state moneys or services
9 provided for under statute, including but not limited
10 to state moneys or services provided for under chapters
11 273, 285, and 301; however, students enrolled in
12 such a nonpublic school are eligible for services
13 in accordance with chapter 256B and section 256.12,
14 subsection 2. A nonpublic school accredited solely by
15 an independent accrediting agency in accordance with
16 this subsection is not a school tuition organization
17 for purposes of section 422.11S or 422.33.>

STECKMAN of Cerro Gordo

H-1339

1 Amend House File 588 as follows:
2 1. Page 4, line 19, after <instruction.> by
3 inserting <However, the parent of a child receiving
4 independent private instruction shall be responsible
5 for the curriculum, instructional support, and
6 educational materials costs necessary to provide
7 independent private instruction to the child.>
8 2. By renumbering as necessary.

GAINES of Polk

H-1340

1 Amend House File 584 as follows:
2 1. Page 2, line 20, by striking <bicycles and
3 motorcycles.> and inserting <bicycles, motorcycles,
4 implements of husbandry, horse-drawn vehicles, and
5 other slow moving vehicles.>
6 2. By renumbering as necessary.

GAINES of Polk

H-1341

1 Amend House File 583 as follows:
2 1. Page 1, line 6, after <shall> by inserting
3 <adopt by rule the criteria for inclusion on a list
4 of approved independent accrediting agencies. The
5 department shall>

GAINES of Polk

H-1342

- 1 Amend House File 583 as follows:
2 1. Page 1, line 16, by striking <and>
3 2. Page 1, line 18, after <synod> by inserting <,
4 and any other religious and independent accreditation
5 entity>

ABDUL-SAMAD of Polk

H-1343

- 1 Amend House File 569 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 39.3, subsection 7, Code 2011,
4 is amended to read as follows:
5 7. "General election" means the biennial election
6 for national or state officers, members of Congress and
7 of the general assembly, county and township officers,
8 and for the choice of other officers or the decision
9 of questions as provided by law and, where applicable,
10 includes the regular city election described in section
11 376.1.>
12 2. Page 1, by striking line 10 and inserting
13 <forty days after the vacancy occurs general election
14 of a city, described in section 376.1 as the regular
15 city election.>
16 3. By renumbering as necessary.

J. SMITH of Dickinson

H-1344

- 1 Amend House File 569 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 43.24, subsection 1, paragraph
4 b, Code 2011, is amended by adding the following new
5 subparagraph:
6 NEW SUBPARAGRAPH. (2A) Objections to nominations
7 to fill vacancies in the office of representative in
8 Congress at a special election held under section 69.14
9 shall be filed with the state commissioner not less
10 than sixty days prior to the date set for the special
11 election.
12 Sec. ____ Section 43.24, subsection 1, paragraph
13 b, subparagraph (3), Code 2011, is amended to read as
14 follows:
15 (3) Objections to nominations to fill vacancies in
16 the general assembly at a special election held under
17 section 69.14, under which the forty-day notice of
18 election provision applies, shall be filed with the
19 state commissioner not less than fifteen days prior

20 to the date set for the special election. If the
21 forty-day notice provision does not apply, objections
22 to nominations to fill vacancies at a special election
23 held under section 69.14 may be filed any time prior to
24 the date set for the special election.

25 Sec. ____ Section 43.24, subsection 2, paragraph b,
26 Code 2011, is amended to read as follows:

27 b. If an objection is filed to a nomination to fill
28 a vacancy in the general assembly at a special election
29 held under section 69.14, under which the forty-day
30 notice of election provision of section 69.14 does
31 not apply, notice of the objection shall be made to
32 the candidate by the state commissioner as soon as
33 practicable. Under this paragraph, failure to notify a
34 candidate of an objection to the candidate's nomination
35 prior to the date set for the special election does not
36 invalidate the hearing conducted under subsection 3.
37 The hearing to an objection shall proceed as quickly as
38 possible to expedite the special election.

39 Sec. ____ Section 43.88, Code 2011, is amended to
40 read as follows:

41 43.88 Certification of nominations.

42 1. Nominations made by state, district, and county
43 conventions, shall, under the name, place of residence,
44 and post office address of the nominee, and the office
45 to which nominated, and the name of the political party
46 making the nomination, be forthwith certified to the
47 proper officer by the chairperson and secretary of
48 the convention, or by the committee, as the case may
49 be, and if such certificate is received in time, the
50 names of such nominees shall be printed on the official

Page 2

1 ballot the same as if the nomination had been made in
2 the primary election.

3 2. Nominations made to fill vacancies in the office
4 of representative in Congress at a special election
5 shall be certified to the state commissioner not less
6 than sixty-two days prior to the date set for the
7 special election. Nominations made to fill vacancies
8 in other offices to which this chapter applies at a
9 special election shall be certified to the proper
10 official not less than twenty-five days prior to the
11 date set for the special election. In the event the
12 special election is to fill a vacancy in the general
13 assembly while it is in session or within forty-five
14 days of the convening of any session, the nomination
15 shall be certified not less than fourteen days before
16 the date of the special election.

17 3. Nominations certified to the proper official
18 under this section shall be accompanied by an affidavit

19 executed by the nominee in substantially the form
20 required by section 43.67.
21 Sec. ____ Section 44.4, subsection 1, Code 2011, is
22 amended to read as follows:
23 1. Nominations made pursuant to this chapter and
24 chapter 45 which are required to be filed in the office
25 of the state commissioner shall be filed in that office
26 not more than ninety-nine days nor later than 5:00 p.m.
27 on the eighty-first day before the date of the general
28 election to be held in November. Nominations made for
29 a special election called pursuant to section 69.14 to
30 fill vacancies in the general assembly shall be filed
31 by 5:00 p.m. not less than twenty-five days before
32 the date of an election called upon at least forty
33 days' notice and not less than fourteen days before
34 the date of an election called upon at least eighteen
35 days' notice. Nominations made to fill vacancies in
36 the office of representative in Congress at a special
37 election shall be certified to the state commissioner
38 not less than sixty-two days prior to the date set
39 for the special election. Nominations made for a
40 special election called pursuant to section 69.14A
41 shall be filed by 5:00 p.m. not less than twenty-five
42 days before the date of the election. Nominations
43 made pursuant to this chapter and chapter 45 which are
44 required to be filed in the office of the commissioner
45 shall be filed in that office not more than ninety-two
46 days nor later than 5:00 p.m. on the sixty-ninth day
47 before the date of the general election. Nominations
48 made pursuant to this chapter or chapter 45 for city
49 office shall be filed not more than seventy-two days
50 nor later than 5:00 p.m. on the forty-seventh day

Page 3

1 before the city election with the city clerk, who shall
2 process them as provided by law.
3 Sec. ____ Section 44.4, subsection 2, paragraph
4 a, Code 2011, is amended by adding the following new
5 subparagraphs:
6 NEW SUBPARAGRAPH. (2A) Objections to nominations
7 to fill vacancies in the office of representative in
8 Congress at a special election held under section 69.14
9 shall be filed with the state commissioner not less
10 than sixty days prior to the date set for the special
11 election.
12 NEW SUBPARAGRAPH. (2B) Objections to nominations
13 to fill vacancies in the general assembly at a special
14 election held under section 69.14, under which the
15 forty-day notice of election provision applies, shall
16 be filed with the state commissioner not less than
17 fifteen days prior to the date set for the special

18 election. If the forty-day notice provision does not
 19 apply, objections to nominations to fill vacancies at
 20 a special election held under section 69.14 may be
 21 filed any time prior to the date set for the special
 22 election.

23 Sec. ____ Section 69.14, Code 2011, is amended to
 24 read as follows:

25 69.14 Special election to fill vacancies.

26 A special election to fill a vacancy shall be
 27 held for a representative in Congress, or senator or
 28 representative in the general assembly, when the body
 29 in which such vacancy exists is in session, or will
 30 convene prior to the next general election, ~~and the~~
 31 The governor shall order, not later than five days from
 32 the date the vacancy exists, a special election, giving
 33 not less than seventy-six days' notice of such election
 34 to fill a vacancy in the office of representative in
 35 Congress or forty days' notice of such election to fill
 36 a vacancy in the office of senator or representative
 37 in the general assembly. In the event the special
 38 election is to fill a vacancy in the general assembly
 39 while it is in session or within forty-five days of
 40 the convening of any session, the time limit provided
 41 in this section shall not apply and the governor shall
 42 order such special election at the earliest practical
 43 time, giving at least eighteen days' notice of the
 44 special election. Any special election called under
 45 this section must be held on a Tuesday and shall not be
 46 held on the same day as a school election within the
 47 district.>

48 2. Title page, line 1, after <vacancies> by
 49 inserting <in the office of representative in Congress
 50 and>

Page 4

1 3. By renumbering as necessary.

J. SMITH of Dickinson

H-1345

1 Amend House File 561 as follows:

2 1. Page 2, line 11, after <permit> by inserting
 3 <and public health and safety>

MASCHER of Johnson

H-1346

- 1 Amend House File 561 as follows:
2 1. Page 2, line 4, by striking ~~<safe, reliable, and~~
3 ~~secure>~~

MASCHER of Johnson

H-1347

- 1 Amend House File 583 as follows:
2 1. Page 1, by striking line 22 and inserting ~~<meet~~
3 ~~the education standards of this section, and shall~~
4 ~~employ as a practitioner only a person licensed under~~
5 ~~chapter 272 with an endorsement for the type of service~~
6 ~~for which the person is employed.>~~
7 2. Page 1, line 23, by striking ~~<However, such>~~ and
8 inserting ~~<Such>~~
9 3. Page 1, line 24, after ~~<facilities>~~ by inserting
10 ~~<, including but not limited to the standards adopted~~
11 ~~by the state fire marshal for school buildings~~
12 ~~under chapter 100, safety device requirements under~~
13 ~~sections 280.10 and 280.11, and school transportation~~
14 ~~requirements under chapter 285>~~

WINCKLER of Scott

H-1348

- 1 Amend House File 588 as follows:
2 1. Page 4, after line 32 by inserting:
3 ~~<() Is provided in a building that meets all~~
4 ~~applicable federal, state, and local health and safety~~
5 ~~requirements as if the building in which instruction~~
6 ~~is provided is a school building, including but not~~
7 ~~limited to the standards adopted by the state fire~~
8 ~~marshal for school buildings under chapter 100.>~~
9 2. By renumbering as necessary.

WINCKLER of Scott

H-1349

- 1 Amend House File 561 as follows:
2 1. Page 2, line 2, after ~~<the>~~ by inserting ~~<safe~~
3 ~~and>~~

WINCKLER of Scott

H-1350

- 1 Amend House File 584 as follows:
2 1. Page 2, after line 27 by inserting:
3 <c. Every motor vehicle used to conduct street
4 or highway driving required under paragraph "a",
5 subparagraph (2), shall be equipped with signs
6 reading "student driver", visible from all sides of
7 the vehicle, to notify other drivers that there is a
8 student driver operating the vehicle.>
9 2. By renumbering as necessary.

KELLEY of Jasper

H-1351

- 1 Amend House File 584 as follows:
2 1. Page 1, by striking lines 10 through 19 and
3 inserting <identified by the curriculum committee as
4 provided in subsection 3, paragraph "c", to be taught
5 by a teaching parent.>
6 2. Page 1, line 30, by striking <and>
7 3. Page 1, line 32, by striking <years.> and
8 inserting <years; and who has successfully completed a
9 training course for parents approved by the curriculum
10 committee pursuant to subsection 3, paragraph "c".>
11 4. Page 2, after line 27 by inserting:
12 <c. (1) A curriculum committee is created
13 consisting of the director of transportation or the
14 director's designee, the director of the department of
15 education or the director's designee, and the president
16 of the Iowa association of safety education or the
17 president's designee. The committee shall elect a
18 chair from among its members and shall adopt rules of
19 procedure. A majority of the members constitutes a
20 quorum. The committee shall meet at the call of the
21 chairperson, but no less frequently than every five
22 years. Meetings of the committee shall be subject to
23 the provisions for open meetings under chapter 21.
24 (2) The committee shall identify one or more
25 recommended curricula comprising an approved course to
26 be administered by a teaching parent. In addition,
27 the committee shall identify curricula for a training
28 course for parents. The committee may annually approve
29 changes to the curricula. The committee shall approve
30 a standard curriculum list for each course at least
31 once every five years.
32 (3) An approved course shall, at a minimum,
33 meet the requirements of paragraphs "a" and "b" and
34 be appropriate for teaching-parent-directed driver
35 education and related street or highway instruction.
36 The list of approved courses to be administered by a
37 teaching parent and the list of training courses for

38 parents shall be posted on the department's internet
39 site.>
40 5. By renumbering as necessary.

HANSON of Jefferson

H-1352

1 Amend House File 561 as follows:
2 1. Page 2, lines 6 and 7, by striking <
3 substantial economic development benefits>

WESSEL-KROESCHELL of Story

H-1353

1 Amend House File 561 as follows:
2 1. Page 2, line 8, by striking <significantly>

WESSEL-KROESCHELL of Story

H-1354

1 Amend House File 561 as follows:
2 1. Page 2, line 20, after <licensing> by inserting
3 <operation that has not endangered the public or
4 environment>

LENSING of Johnson

H-1355

1 Amend House File 561 as follows:
2 1. Page 2, line 5, after <States> by inserting <and
3 worldwide>

LENSING of Johnson

H-1356

1 Amend House File 561 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 6A.1, Code 2011, is amended to
4 read as follows:
5 6A.1 Exercise of power by state.
6 1. Proceedings may be instituted and maintained by
7 the state of Iowa, or for the use and benefit thereof,
8 for the condemnation of such private property as may be
9 necessary for any public improvement which the general
10 assembly has authorized to be undertaken by the state,
11 and for which an available appropriation has been made.
12 The executive council shall institute and maintain such

13 proceedings in case authority to so do be not otherwise
14 delegated.

15 2. Notwithstanding any other provision of law to
16 the contrary, the condemnation authority granted in
17 this section shall not extend to the construction of
18 a nuclear power generation facility and appurtenant
19 structures or a small modular reactor generation
20 facility and appurtenant structures.>

21 2. By renumbering as necessary.

HUNTER of Polk

H-1357

1 Amend House File 561 as follows:

2 1. Page 1, by striking lines 30 through 35 and
3 inserting:

4 <b. The general assembly's intent with regard to
5 the reliability of electric service to Iowa consumers,
6 as provided in this subsection 1, shall be implemented
7 by considering the diversity of the types of fuel used
8 or with potential to be used to generate electricity,
9 the availability and reliability of fuel supplies,
10 the sufficiency of demand-reduction strategies and
11 programs, and the impact of the volatility of fuel
12 costs.>

13 2. Page 8, line 2, after <facility.> by inserting
14 <Such a case shall demonstrate that the need for
15 additional baseload generating capacity justifying the
16 application cannot be achieved in whole or in part
17 through any combination of demand reduction strategies,
18 or any combination of demand reduction strategies and
19 alternative generating options.>

ISENHART of Dubuque

H-1358

1 Amend House File 561 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NUCLEAR POWER EXPANSION INTERIM STUDY
5 COMMITTEE.

6 1. The legislative council is requested to
7 establish an interim study committee to review the
8 results of any analyses undertaken by a rate-regulated
9 public utility that was subject to a revenue-sharing
10 settlement agreement with regard to its electric base
11 rates as of January 1, 2010, regarding the possible
12 construction of nuclear generating facilities in this
13 state as provided in section 476.6, subsection 2.

14 2. The study committee shall be composed of ten

15 members of the general assembly. Five members shall be
16 members of the senate, three of whom shall be appointed
17 by the majority leader of the senate, and two of
18 whom shall be appointed by the minority leader of the
19 senate. Five members shall be members of the house of
20 representatives, three of whom shall be appointed by
21 the speaker of the house of representatives, and two of
22 whom shall be appointed by the minority leader of the
23 house of representatives.

24 3. The study committee shall issue a report to
25 the general assembly containing its findings and
26 recommendations by January 15, 2012.>

27 2. Title page, by striking lines 1 and 2 and
28 inserting <An Act requesting the formation of an
29 interim study committee to review the results of
30 specified analyses regarding the possible construction
31 of nuclear generating facilities in this state.>

32 3. By renumbering as necessary.

ISENHART of Dubuque

H-1359

1 Amend House File 561 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 476.6, subsection 16, paragraph
4 g, Code 2011, is amended to read as follows:

5 g. A gas or electric utility required to be
6 rate-regulated under this chapter may recover, through
7 an automatic adjustment mechanism filed pursuant to
8 subsection 8, over a period not to exceed the term of
9 the plan, a return on and return of the costs of an
10 energy efficiency plan approved by the board, including
11 amounts for a plan approved prior to July 1, 1996,
12 in a contested case proceeding conducted pursuant
13 to paragraph "e". A return on such costs shall be
14 allowed only to the extent that such costs can be
15 documented to have resulted in energy demand reduction
16 by specific customers. The board shall periodically
17 conduct a contested case proceeding to evaluate
18 the reasonableness and prudence of the utility's
19 implementation of an approved energy efficiency plan
20 and budget. If a utility is not taking all reasonable
21 actions to cost-effectively implement an approved
22 energy efficiency plan, the board shall not allow the
23 utility to recover from customers costs in excess of
24 those costs that would be incurred under reasonable and
25 prudent implementation and shall not allow the utility
26 to recover future costs at a level other than what the
27 board determines to be reasonable and prudent. If the
28 result of a contested case proceeding is a judgment
29 against a utility, that utility's future level of

30 cost recovery shall be reduced by the amount by which
31 the programs were found to be imprudently conducted.
32 The utility shall not represent energy efficiency in
33 customer billings as a separate cost or expense unless
34 the board otherwise approves.>
35 2. By renumbering as necessary.

ISENHART of Dubuque

H-1360

1 Amend House File 583 as follows:
2 1. Page 1, after line 24 by inserting:
3 <__. The parent or guardian of a student
4 enrolled in a nonpublic school that participates in
5 the accreditation process offered by an independent
6 accrediting agency on the approved list published
7 pursuant to paragraph "a" shall sign a statement
8 acknowledging that the nonpublic school is not
9 accredited by the department, and the nonpublic school
10 shall include the signed statement in the student's
11 cumulative records.>
12 2. By renumbering as necessary.

MASCHER of Johnson

H-1361

1 Amend House File 561 as follows:
2 1. Page 8, by striking lines 24 through 33.

HUNTER of Polk

H-1362

1 Amend House File 583 as follows:
2 1. Page 1, after line 24 by inserting:
3 <__. A student or the parent or guardian of
4 a student enrolled in a nonpublic school that
5 participates in the accreditation process offered by
6 an independent accrediting agency on the approved list
7 published pursuant to paragraph "a" who is aggrieved by
8 a decision or order of the authorities in charge of the
9 nonpublic school may file a complaint with the state
10 board in the manner provided for in chapter 290 as if
11 the nonpublic school is a school corporation.>
12 2. By renumbering as necessary.

WILLEMS of Linn

H-1363

1 Amend House File 583 as follows:

2 1. Page 1, after line 24 by inserting:

3 <__. A student or the parent or guardian of
4 a student enrolled in a nonpublic school that
5 participates in the accreditation process offered by
6 an independent accrediting agency on the approved list
7 published pursuant to paragraph "a" who is aggrieved by
8 a decision or order of the authorities in charge of the
9 nonpublic school may file a complaint with the state
10 board in the manner provided for in chapter 290 as if
11 the nonpublic school is a school corporation. The
12 nonpublic school shall not take adverse action against
13 the student or the parent or guardian of a student who
14 files a complaint with the state board pursuant to this
15 lettered paragraph.>

16 2. By renumbering as necessary.

WILLEMS of Linn

H-1364

1 Amend House File 549 as follows:

2 1. Page 3, after line 17 by inserting:

3 <Sec. ____. Section 364.3, subsection 2, Code 2011,
4 is amended to read as follows:

5 2. For a violation of an ordinance a city shall
6 not provide a penalty in excess of the maximum fine
7 and term of imprisonment for a simple misdemeanor
8 under section 903.1, subsection 1, paragraph "a". ~~An~~
9 Except as otherwise provided in this subsection, an
10 amount equal to ten percent of all fines collected by
11 cities shall be deposited in the account established in
12 section 602.8108. ~~However, one~~

13 a. One hundred percent of all fines collected by a
14 city pursuant to section 321.236, subsection 1, shall
15 be retained by the city.

16 b. One hundred percent of the fines collected from
17 the use of an automated traffic enforcement system
18 shall be deposited in the city's automated traffic
19 enforcement program account established pursuant to
20 section 384.3B.

21 c. The criminal penalty surcharge required by
22 section 911.1 shall be added to a city fine and is not
23 a part of the city's penalty.

24 Sec. ____. NEW SECTION. 384.3B Automated traffic
25 enforcement program account.

26 1. A city that uses an automated traffic
27 enforcement system shall establish an automated traffic
28 enforcement program account within the city's general
29 fund. Interest earned on revenues deposited in the

30 account pursuant to section 364.3, subsection 2, shall
31 remain in the account and be used for the purposes
32 specified in this section. Moneys in the account are
33 not subject to transfer to any other accounts in the
34 city's general fund or to any other funds established
35 by a city unless such transfer is for a purpose
36 specified in this section.

37 2. Moneys in the account shall be used first to pay
38 the costs of operating the city's automated traffic
39 enforcement program.

40 3. Moneys in the account in excess of the amount
41 necessary for the purpose specified in subsection 2
42 shall be deposited in the city's street construction
43 fund.>

44 2. By renumbering as necessary.

WINDSCHITL of Harrison

H-1365

1 Amend the amendment, H-1264, to House File 392 as
2 follows:

3 1. Page 1, by striking lines 29 through 31 and
4 inserting:

5 <b. A license fee for a combined license shall be
6 the sum total of each of the separate license fees
7 reduced by thirty percent.>

8 2. Page 1, by striking lines 32 through 40 and
9 inserting:

10 <__. Page 2, by striking lines 14 through 17 and
11 inserting:

12 <NEW SUBSECTION. 6. For calendar years 2011 and
13 2012 the fee for an initial apprentice and an initial
14 journeyman license is fifty dollars.

15 NEW SUBSECTION. 7. For calendar years 2011 and
16 2012 the fee for an initial master license is one
17 hundred twenty-five dollars.

18 NEW SUBSECTION. 8. The renewal fee shall be waived
19 for all licenses renewed from January 1, 2011, through
20 December 31, 2012. For any initial license issued
21 in 2011 prior to the effective date of this Act, the
22 licensee shall be refunded the difference between
23 the fee paid for such initial license and the fees
24 specified in subsections 6 and 7. For any licenses
25 renewed in 2011 prior to the effective date of this
26 Act, the licensee shall be refunded the entire license
27 renewal fee paid.>>

28 3. Page 1, after line 44 by inserting:

29 <NEW SUBSECTION. 10. The board shall waive all
30 renewal fees for all licenses that have an expiration
31 date from January 1, 2011, through December 31, 2012.>

32 4. Page 2, by striking lines 20 and 21 and

33 inserting <after expiration of the licensing term to
34 complete all requirements necessary for license renewal
35 without penalty.>
36 5. By renumbering as necessary.

PETTENGILL of Benton
QUIRK of Chickasaw
KAUFMANN of Cedar

H-1366

1 Amend House File 586 as follows:
2 1. Page 3, after line 30 by inserting:
3 <Sec. ____ Section 260C.14, Code 2011, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 23. Adopt rules to waive tuition
6 and mandatory fee charges for any student in good
7 standing who is a resident of Iowa; is under the age of
8 twenty-six, or under the age of thirty if the student
9 is a qualified veteran as defined in subsection 14; is
10 not a convicted felon as defined in section 910.15; and
11 meets the following criteria:
12 a. Is the child of a peace officer, as defined in
13 section 97A.1, who receives benefits under section
14 97A.6, subsection 5, or was killed in the line of duty
15 as determined by the board of trustees of the Iowa
16 department of public safety peace officers' retirement,
17 accident, and disability system in accordance with
18 section 97A.6, subsection 16.
19 b. Is the child of a police officer or a fire
20 fighter, as defined in section 411.1, who receives
21 benefits under section 411.6, subsection 5, or
22 was killed in the line of duty as determined by
23 the statewide fire and police retirement system in
24 accordance with section 411.6, subsection 15.>
25 2. Page 5, after line 22 by inserting:
26 <Sec. ____ Section 262.9, Code 2011, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 36. Adopt rules that require the
29 institutions of higher education under its control
30 to waive tuition and mandatory fee charges for any
31 undergraduate student in good standing who is a
32 resident of Iowa; is under the age of twenty-six, or
33 under the age of thirty if the student is a qualified
34 veteran as defined in subsection 17; is not a convicted
35 felon as defined in section 910.15; and meets the
36 following criteria:
37 a. Is the child of a peace officer, as defined in
38 section 97A.1, who receives benefits under section
39 97A.6, subsection 5, or was killed in the line of duty
40 as determined by the board of trustees of the Iowa
41 department of public safety peace officers' retirement,

42 accident, and disability system in accordance with
43 section 97A.6, subsection 16.

44 b. Is the child of a police officer or a fire
45 fighter, as defined in section 411.1, who receives
46 benefits under section 411.6, subsection 5, or
47 was killed in the line of duty as determined by
48 the statewide fire and police retirement system in
49 accordance with section 411.6, subsection 15.>

50 3. Page 6, after line 30 by inserting:

Page 2

1 <Sec. ____ EFFECTIVE UPON ENACTMENT AND
2 APPLICABILITY. The sections of this Act enacting
3 section 260C.14, subsection 23, and section 262.9,
4 subsection 36, being deemed of immediate importance,
5 take effect upon enactment and apply to tuition and
6 mandatory fees in effect on or after that date.>

7 4. Title page, line 2, after <colleges> by
8 inserting <and the state board of regents and including
9 effective and applicability date provisions>

10 5. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1367

1 Amend Senate File 291, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 228.6, subsection 4, Code 2011,
6 is amended to read as follows:

7 4. a. Mental health information may be disclosed
8 in a civil or administrative proceeding in which
9 an individual eighteen years of age or older or an
10 individual's legal representative or, in the case of
11 a deceased individual, a party claiming or defending
12 through a beneficiary of the individual, offers the
13 individual's mental or emotional condition as an
14 element of a claim or a defense.

15 b. An alleged victim's mental health information
16 may be disclosed in a criminal proceeding pursuant to
17 section 622.10, subsection 3A.

18 Sec. 2. Section 622.10, Code 2011, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 3A. a. Except as otherwise
21 provided in this subsection, the confidentiality
22 privilege under this section shall be absolute with
23 regard to a criminal action and this subsection shall
24 not be construed to authorize or require the disclosure
25 of any privileged records to a defendant in a criminal

26 action unless either of the following occur:

27 (1) The privilege holder voluntarily waives the
28 confidentiality privilege.

29 (2) (a) The defendant seeking access to an alleged
30 victim's privileged records under this subsection
31 files a motion with the court demonstrating a good
32 faith factual basis that the records sought contain
33 evidence relevant to the defendant's innocence. The
34 motion shall set forth specific facts establishing
35 a reasonable probability the records sought contain
36 exculpatory evidence tending to create a reasonable
37 doubt as to the defendant's guilt. The motion shall
38 also request the court to issue a subpoena requiring
39 the custodian of the records to produce the records
40 sought by the defendant under seal of the court. Such
41 a motion shall be filed not later than forty days after
42 arraignment. Failure of the defendant to timely file
43 such a motion constitutes a waiver of the right to seek
44 access to records under this subsection, except that
45 the court, for good cause shown, may grant relief from
46 such waiver.

47 (b) Within three working days of the filing of
48 the motion pursuant to subparagraph division (a),
49 the county attorney shall notify the alleged victim
50 that the defendant has made a request for the alleged

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1 victim's privileged records and shall, after conferring
2 with the alleged victim, provide the court with an
3 affidavit signed by the alleged victim stating that
4 the alleged victim either consents to or opposes the
5 disclosure of the records. If the alleged victim
6 consents to the disclosure, the court shall issue a
7 subpoena for the records to be produced under seal
8 of the court. If the alleged victim opposes the
9 disclosure, the court shall hold a hearing within ten
10 days of the filing of defendant's motion pursuant to
11 subparagraph division (a) to determine if a reasonable
12 probability exists that the records contain exculpatory
13 evidence tending to create a reasonable doubt as to the
14 defendant's guilt.

15 (c) If, after the hearing, the court determines
16 a reasonable probability exists that the privileged
17 records sought by the defendant contain exculpatory
18 evidence tending to create a reasonable doubt as to the
19 defendant's guilt, the court shall immediately issue
20 a subpoena for the records to be produced under seal
21 of the court.

22 (d) The defendant's attorney shall have the right
23 to inspect any privileged records produced pursuant to
24 the subpoena at the courthouse. However, prior to any

25 such inspection, the court shall issue a protective
26 order containing stringent nondisclosure provisions
27 prohibiting any attorney or county attorney who is
28 allowed to inspect or review the records under this
29 subsection from copying, disclosing, or disseminating
30 the information contained in the records to any person,
31 including the defendant, unless otherwise authorized in
32 this subsection or by the court.

33 (e) After the defendant's attorney has had the
34 opportunity to review and identify the specific
35 privileged records the defendant's attorney believes
36 contain exculpatory evidence, the defendant's attorney
37 shall file a motion under seal of the court designating
38 the specific records requested, summarizing the alleged
39 exculpatory evidence contained therein, and requesting
40 that the matter be set for hearing. Prior to the
41 hearing, the county attorney may review the designated
42 records at the courthouse, subject to the protective
43 order entered by the court pursuant to subparagraph
44 division (d).

45 (f) Within seven days of the filing of the
46 defendant's motion under subparagraph division (e),
47 the court shall hold a hearing to determine if the
48 designated privileged records contain exculpatory
49 evidence. The court shall give notice of the hearing
50 to the defendant's attorney and the county attorney.

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1 If the court determines the designated records contain
2 exculpatory evidence, the court shall provide a copy of
3 any such records to the defendant's attorney and to the
4 county attorney. Prior to providing these records to
5 the defendant's attorney and the county attorney, the
6 court shall order that all nonexculpatory matters in
7 the records provided be redacted prior to the records
8 being removed from the courthouse and, unless otherwise
9 provided by the court, the records shall continue to be
10 subject to the protective order entered by the court
11 pursuant to subparagraph division (d).

12 (g) Before the defendant's attorney or the county
13 attorney may disclose the privileged records to a
14 third party, including potential expert witnesses, the
15 defendant's attorney or the county attorney shall first
16 obtain an order from the court allowing such disclosure
17 and requiring the person to whom the records are to be
18 disclosed be bound to the same nondisclosure provisions
19 imposed on the attorneys. A copy of the protective
20 order shall be given to the third party when the party
21 receives copies of the records.

22 b. The determination of whether either information
23 contained in the privileged records released pursuant

24 to this subsection or the privileged records themselves
25 meet the requirements for admission at trial under the
26 rules of evidence is a separate determination that the
27 court shall make at trial or in a ruling on a motion in
28 limine. If the court ultimately determines the records
29 are admissible, the court shall consider alternatives
30 to the introduction of the records as proffered,
31 which may include stipulations by the parties or the
32 introduction of redacted portions of the records.

33 c. Information derived from privileged records
34 obtained by any means other than as provided in
35 paragraph "a" shall not be admissible in any criminal
36 action.

37 d. All privileged records produced under seal
38 of the court pursuant to this subsection shall be
39 preserved for purposes of appeal. Upon completion of
40 the appeal, all persons who have copies of the records
41 shall destroy such copies and certify to the court that
42 the records in their possession have been destroyed.

43 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
44 deemed of immediate importance, takes effect upon
45 enactment.>

WOLFE of Clinton

H-1368

1 Amend House File 517 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 561.13, Code 2011, is amended
5 to read as follows:

6 561.13 Conveyance or encumbrance.

7 1. A conveyance or encumbrance of, or contract
8 to convey or encumber the homestead, if the owner is
9 married, is not valid, unless and until the spouse of
10 the owner executes the same or a like instrument, or a
11 power of attorney for the execution of the same or a
12 like instrument, except as provided in subsection 3.
13 However, when the homestead is conveyed or encumbered
14 along with or in addition to other real estate, it is
15 not necessary to particularly describe or set aside the
16 tract of land constituting the homestead, whether the
17 homestead is exclusively the subject of the contract or
18 not, but the contract may be enforced as to real estate
19 other than the homestead at the option of the purchaser
20 or encumbrancer.

21 2. If a spouse who holds only homestead rights and
22 surviving spouse's statutory share in the homestead
23 specifically relinquishes homestead rights in an
24 instrument, including a power of attorney constituting
25 the other spouse as the husband's or wife's attorney in

26 fact, as provided in section 597.5, it is not necessary
 27 for the spouse to join in the granting clause of the
 28 same or a like instrument.
 29 3. A conveyance or encumbrance or a contract to
 30 convey or encumber the homestead is not invalid under
 31 subsection 1 if any of the following apply:
 32 a. The nonsigning spouse's interest is terminated
 33 by a decree of dissolution of marriage or other order
 34 of the court.
 35 b. The nonsigning spouse's right of recovery is
 36 barred by section 614.15.
 37 c. The encumbrance is a purchase money mortgage as
 38 defined in section 654.12B.
 39 d. A court sitting in equity enters a decree
 40 holding that invalidating the conveyance or encumbrance
 41 or a contract to convey or encumber the homestead
 42 would, directly or indirectly, unjustly enrich the
 43 nonsigning spouse.
 44 4. For the purposes of this section, "nonsigning
 45 spouse" means a spouse who has not executed a
 46 conveyance or encumbrance or a contract to convey or
 47 encumber the homestead, the same or a like instrument,
 48 or a power of attorney for the execution of the same or
 49 a like instrument.>

BALTIMORE of Boone

H-1369

1 Amend House File 516 as follows:
 2 1. Page 1, by striking lines 30 through 35 and
 3 inserting:
 4 3. As used>
 5 2. By renumbering as necessary.

WAGNER of Linn
 WITTNEBEN of Emmet

H-1370

1 Amend House File 645 as follows:
 2 1. Page 16, after line 8 by inserting:
 3 <Sec. ____ Section 260C.14, Code 2011, is amended
 4 by adding the following new subsection:
 5 NEW SUBSECTION. 23. Adopt rules to waive tuition
 6 and mandatory fee charges for any student in good
 7 standing who is a resident of Iowa; is under the age of
 8 twenty-six, or under the age of thirty if the student
 9 is a qualified veteran as defined in subsection 14; is
 10 not a convicted felon as defined in section 910.15; and
 11 meets the following criteria:
 12 a. Is the child of a peace officer, as defined in

13 section 97A.1, who receives benefits under section
 14 97A.6, subsection 5, or was killed in the line of duty
 15 as determined by the board of trustees of the Iowa
 16 department of public safety peace officers' retirement,
 17 accident, and disability system in accordance with
 18 section 97A.6, subsection 16.

19 b. Is the child of a police officer or a fire
 20 fighter, as defined in section 411.1, who receives
 21 benefits under section 411.6, subsection 5, or
 22 was killed in the line of duty as determined by
 23 the statewide fire and police retirement system in
 24 accordance with section 411.6, subsection 15.>

25 2. Page 19, after line 16 by inserting:

26 <Sec. ____ Section 262.9, Code 2011, is amended by
 27 adding the following new subsection:

28 NEW SUBSECTION. 36. Adopt rules that require the
 29 institutions of higher education under its control
 30 to waive tuition and mandatory fee charges for any
 31 undergraduate student in good standing who is a
 32 resident of Iowa; is under the age of twenty-six, or
 33 under the age of thirty if the student is a qualified
 34 veteran as defined in subsection 17; is not a convicted
 35 felon as defined in section 910.15; and meets the
 36 following criteria:

37 a. Is the child of a peace officer, as defined in
 38 section 97A.1, who receives benefits under section
 39 97A.6, subsection 5, or was killed in the line of duty
 40 as determined by the board of trustees of the Iowa
 41 department of public safety peace officers' retirement,
 42 accident, and disability system in accordance with
 43 section 97A.6, subsection 16.

44 b. Is the child of a police officer or a fire
 45 fighter, as defined in section 411.1, who receives
 46 benefits under section 411.6, subsection 5, or
 47 was killed in the line of duty as determined by
 48 the statewide fire and police retirement system in
 49 accordance with section 411.6, subsection 15.>

50 3. Page 20, after line 30 by inserting:

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1 <Sec. ____ EFFECTIVE UPON ENACTMENT AND
 2 APPLICABILITY. The sections of this Act enacting
 3 section 260C.14, subsection 23, and section 262.9,
 4 subsection 36, being deemed of immediate importance,
 5 take effect upon enactment and apply to tuition and
 6 mandatory fees in effect on or after that date.>

7 4. Title page, line 5, after <atters> by inserting
 8 <and effective and applicability date provisions>

9 5. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1371

1 Amend House File 618 as follows:

2 1. Page 1, after line 15 by inserting:

3 <Sec. ____ Section 100C.4, Code 2011, is amended to
4 read as follows:

5 100C.4 Insurance and surety bond requirements.

6 1. A fire extinguishing system contractor
7 shall maintain general and complete operations
8 liability insurance and a surety bond for the
9 layout, installation, repair, alteration, addition,
10 maintenance, and inspection of automatic fire
11 extinguishing systems in an amount determined by the
12 state fire marshal by rule.

13 2. An alarm system contractor shall maintain
14 general and complete operations liability insurance and
15 a surety bond for the layout, installation, repair,
16 alteration, addition, maintenance, and inspection of
17 alarm systems in an amount determined by the state fire
18 marshal by rule.

19 3. The insurance policy and surety bond shall be
20 written by an entity licensed to do business in this
21 state and each licensee shall maintain on file with
22 the department a certificate evidencing the insurance
23 providing that the insurance or surety bond shall not
24 be canceled without the entity first giving fifteen
25 days written notice to the fire marshal.

26 Sec. ____ Section 100D.4, Code 2011, is amended to
27 read as follows:

28 100D.4 Insurance and surety bond requirements.

29 1. An applicant for a fire protection system
30 installer and maintenance worker license or renewal of
31 an active license shall provide evidence of a public
32 liability insurance policy and surety bond in an amount
33 determined sufficient by the fire marshal by rule.

34 2. If the applicant is engaged in fire protection
35 system installer and maintenance worker work
36 individually through a business conducted as a sole
37 proprietorship, the applicant shall personally obtain
38 the insurance and surety bond required by this section.
39 If the applicant is engaged in the fire protection
40 system installer and maintenance worker business
41 as an employee or owner of a legal entity, then the
42 insurance and surety bond required by this section
43 shall be obtained by the entity and shall cover all
44 fire protection system installer and maintenance worker
45 work performed by the entity.

46 3. The insurance and surety bond policy shall be
47 written by an entity licensed to do business in this
48 state and each licensee shall maintain on file with
49 the department a certificate evidencing the insurance
50 providing that the insurance or surety bond policy

Page 2

1 shall not be canceled without the entity first giving
 2 fifteen days written notice to the fire marshal.>
 3 2. Title page, line 2, after <installers,> by
 4 inserting <fire protection system installers and
 5 maintenance workers,>

PETTENGILL of Benton

H-1372

1 Amend House File 467 as follows:
 2 1. Page 1, by striking lines 1 through 26.
 3 2. By renumbering as necessary.

L. MILLER of Scott

H-1373

1 Amend House File 500 as follows:
 2 1. Page 1, line 19, after <chapter 17A.> by
 3 inserting <The director shall ensure that all policies
 4 and guidelines of the department for the administration
 5 of the chapters listed in this paragraph shall be
 6 adopted by rule.>
 7 2. Page 1, line 29, after <director> by inserting
 8 <, in consultation with the natural resource
 9 commission,>
 10 3. Page 2, after line 10 by inserting:
 11 <d. The impact of the considerations included in
 12 paragraphs "a" through "c" on the private sector.>
 13 4. Page 3, line 8, after <implemented.> by
 14 inserting <The director shall not propose a rule
 15 related to a federal regulation until the federal
 16 regulation has received final approval by the
 17 applicable federal agency.>
 18 5. Page 3, line 22, after <director> by inserting
 19 <, in consultation with the environmental protection
 20 commission,>
 21 6. Page 3, line 26, after <director> by inserting
 22 <, in consultation with the environmental protection
 23 commission,>
 24 7. Page 4, after line 8 by inserting:
 25 <d. The impact of the considerations included in
 26 paragraphs "a" through "c" on the private sector.>
 27 8. By renumbering as necessary.

SANDS of Louisa

H-1374

1 Amend House File 222 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.405, subsection 1,
4 paragraph b, Code 2011, is amended to read as follows:

5 b. (1) Except as set out in subsection 2,

6 published material, or automated telephone calls

7 designed to expressly advocate the nomination,
8 election, or defeat of a candidate for public office or
9 the passage or defeat of a ballot issue shall include
10 on the published material an attribution statement
11 disclosing who is responsible for the published
12 material.

13 (2) Automated telephone calls made by a person or
14 organization for the purpose of gathering information
15 about or to influence an election for a public office
16 shall include a disclaimer clearly identifying the name
17 of the caller, the name of the person or organization
18 funding the communication, and the name and telephone
19 number of an authorized person responsible for the
20 communication.

21 ~~(2)~~ (3) The person who is responsible for the
22 published material has the sole responsibility and
23 liability for the attribution statement required by
24 this section.>

25 2. Title page, line 1, after <to> by inserting:

26 <require attribution statements for certain campaign
27 communications, and to>

28 3. By renumbering as necessary.

ISENHART of Dubuque

H-1375

1 Amend House File 589 as follows:

2 1. Page 4, line 19, by striking <a.> and inserting

3 <a. (1)>

4 2. Page 4, line 21, by striking <(1)> and inserting

5 <(a)>

6 3. Page 4, line 23, by striking <(2)> and inserting

7 <(b)>

8 4. Page 4, line 26, by striking <b.> and inserting

9 <(2)>

10 5. Page 4, line 28, by striking <paragraph "a"> and
11 inserting <subparagraph (1)>

12 6. Page 4, after line 28 by inserting:

13 <(3) Subparagraphs (1) and (2) do not apply to an
14 animal shelter, a boarding kennel, a commercial kennel,
15 a pet shop, or a pound, all as defined in section
16 162.2.>

17 7. Page 5, after line 33 by inserting:

18 <___. This section does not apply to an animal
 19 shelter, a boarding kennel, a commercial kennel, a pet
 20 shop, or a pound, all as defined in section 162.2.>
 21 8. By renumbering, redesignating, and correcting
 22 internal references as necessary.

S. OLSON of Clinton

H-1376

1 Amend House File 607 as follows:
 2 1. Page 1, line 16, by striking <a child>
 3 2. Page 1, after line 29 by inserting:
 4 <d. A person convicted of murder in the second
 5 degree in violation of section 707.3 and who was also
 6 convicted of either kidnapping in the first degree
 7 in violation of section 710.2 or sexual abuse in the
 8 first degree in violation of section 709.2, which
 9 conviction arose out of the same set of facts as the
 10 murder-in-the-second-degree conviction, shall not be
 11 eligible for parole pursuant to this subsection.>

GARRETT of Warren

H-1377

1 Amend House File 590 as follows:
 2 1. Page 1, line 2, by striking <IOWA PARTNERSHIP
 3 FOR ECONOMIC PROGRESS AND>
 4 2. Page 1, by striking lines 14 through 16 and
 5 inserting:
 6 <2. The collaboration shall involve the economic
 7 development authority and the economic development
 8 corporation which shall work>
 9 3. Page 1, by striking lines 32 and 33.
 10 4. By striking page 2, line 10, through page 4,
 11 line 9.
 12 5. Page 10, by striking lines 30 through 32.
 13 6. Page 19, by striking lines 5 through 7.
 14 7. By renumbering as necessary.

THOMAS of Clayton

H-1378

1 Amend House File 590 as follows:
 2 1. By striking page 4, line 18, through page 5,
 3 line 35, and inserting:
 4 <a. The powers of the authority are vested in and
 5 shall be exercised by a board consisting of fifteen
 6 voting members appointed by the governor and seven ex
 7 officio, nonvoting members.

8 b. (1) The ex officio, nonvoting members are four
9 legislative members; one president, or the president's
10 designee, of the university of northern Iowa, the
11 university of Iowa, or Iowa state university of
12 science and technology designated by the state board
13 of regents on a rotating basis; and one president,
14 or the president's designee, of a private college
15 or university appointed by the Iowa association
16 of independent colleges and universities; and one
17 president, or the president's designee, of a community
18 college, appointed by the Iowa association of community
19 college presidents.

20 (2) The legislative members are two state senators,
21 one appointed by the president of the senate after
22 consultation with the majority leader of the senate
23 and one appointed by the minority leader of the
24 senate from their respective parties; and two state
25 representatives, one appointed by the speaker and
26 one appointed by the minority leader of the house of
27 representatives from their respective parties.

28 c. Not more than eight of the voting members shall
29 be from the same political party. At least one voting
30 member shall have been less than thirty years of age
31 at the time of appointment.

32 d. The governor shall appoint the voting members of
33 the board to staggered terms of four years beginning
34 and ending as provided by section 69.19, subject
35 to confirmation by the senate, and the governor's
36 appointments shall include persons knowledgeable of the
37 various elements of the department's responsibilities.

38 e. Each of the following areas of expertise shall
39 be represented by at least one voting member of the
40 board who has professional experience in that area of
41 expertise:

42 (1) Finance, insurance, or investment banking.

43 (2) Advanced manufacturing.

44 (3) Statewide agriculture.

45 (4) Life sciences.

46 (5) Small business development.

47 (6) Information technology.

48 (7) Economics or alternative and renewable energy
49 including the alternative and renewable energy sectors
50 listed in section 476.42, subsection 1, paragraph "a".

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1 (8) Labor.

2 (9) Marketing.

3 (10) Entrepreneurship.

4 f. At least nine of the voting members of the board
5 shall be actively employed in the private, for-profit
6 sector of the economy.

7 2. A vacancy on the authority board shall be filled
8 in the same manner as regular appointments are made for
9 the unexpired portion of the regular term.

10 3. a. The authority board shall meet in May of
11 each year for the purpose of electing one of its voting
12 members as chairperson and one of its voting members
13 as vice chairperson. However, the chairperson and the
14 vice chairperson shall not be from the same political
15 party.

16 b. The authority board shall meet at the call of
17 the chairperson or when any eight voting members of the
18 board file a written request with the chairperson for a
19 meeting. Written notice of the time and place of each
20 meeting shall be given to each member of the authority
21 board.

22 c. A majority of the voting members constitutes a
23 quorum.

24 4. Members of the authority board, the director,
25 and other employees of the authority shall be allowed
26 their actual and necessary expenses incurred in the
27 performance of their duties. All expenses shall be
28 paid from appropriations for those purposes and the
29 department is subject to the budget requirements of
30 chapter 8. Each member of the authority board may
31 also be eligible to receive compensation as provided
32 in section 7E.6.

33 5. If a member of the authority board has an
34 interest, either direct or indirect, in a contract
35 to which the authority is or is to be a party, the
36 interest shall be disclosed to the board in writing and
37 shall be set forth in the minutes of a meeting of the
38 authority board. The member having the interest shall
39 not participate in action by the authority board with
40 respect to the contract.

41 6. As part of the organizational structure of the
42 authority, the authority board shall establish a due
43 diligence committee and a loan and credit guarantee
44 committee composed of members of the board. The
45 committees shall serve in an advisory capacity to
46 the authority board and shall carry out any duties
47 assigned by the authority board in relation to programs
48 administered by the authority. The loan and credit
49 guarantee committee shall advise the authority board on
50 the winding up of loan guarantees made under the loan

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1 and credit guarantee program established pursuant to
2 section 15E.224, Code 2009, and on the proper amount of
3 the allocation described in section 15G.111, subsection
4 4, paragraph "g".>

5 2. Page 24, after line 10 by inserting:

6 <Sec. ____ REPEAL. Section 15.103, Code 2011, is
7 repealed.>

8 3. By renumbering as necessary.

H. MILLER of Webster

H-1379

1 Amend House File 590 as follows:

2 1. Page 19, before line 18 by inserting:

3 <e. That the corporation annually completes and
4 files an information return as described in section
5 422.15 and that the information return is submitted to
6 the general assembly.>

7 2. By renumbering as necessary.

HEDDENS of Story

H-1380

1 Amend House File 590 as follows:

2 1. Page 35, line 17, by striking <260E.7,>

3 2. Page 36, before line 25 by inserting:

4 <DIVISION _____

5 INDUSTRIAL NEW JOBS TRAINING

6 Section 1. Section 260E.7, Code 2011, is amended to
7 read as follows:

8 260E.7 ~~Department of economic development Program~~
9 review by economic development authority.

10 1. The Iowa department of economic development
11 authority, in consultation with the department
12 of education, the department of revenue, and the
13 department of workforce development, shall coordinate
14 and review the new jobs training program. The Iowa
15 department of economic development authority shall
16 adopt, amend, and repeal rules under chapter 17A that
17 the community college will use in developing projects
18 with new and expanding industrial new jobs training
19 proposals and that the economic development authority
20 shall use to review and report on the new jobs training
21 program as required in this section.

22 2. a. The authority, in consultation with the
23 community colleges participating in the new jobs
24 training program pursuant to this chapter, shall
25 identify the information necessary to effectively
26 coordinate and review the program, and the community
27 colleges shall provide such information to the
28 authority. Using the information provided, the
29 authority, in consultation with the community colleges,
30 shall issue a report on the effectiveness of the
31 program.

32 b. In coordinating and reviewing the program,

33 due regard shall be given to the confidentiality of
 34 certain information provided by the community colleges,
 35 and the authority shall comply with the provisions of
 36 section 15.118 to the extent that such provisions are
 37 applicable to the new jobs training program.
 38 3. The ~~department~~ authority is authorized
 39 to make any rule that is adopted, amended, or
 40 repealed effective immediately upon filing with the
 41 administrative rules coordinator or at a subsequent
 42 stated date prior to indexing and publication, or at a
 43 stated date less than thirty-five days after filing,
 44 indexing, and publication.>
 45 3. By renumbering as necessary.

LUKAN of Dubuque

H-1381

1 Amend House File 590 as follows:
 2 1. Page 17, before line 9 by inserting:
 3 <Sec. ____ NEW SECTION. 15.106E Review and
 4 suspension of operations.
 5 1. On June 30, 2015, the authority shall cease
 6 all operations related to program administration,
 7 contracting, bond issuance, and all other activities
 8 contemplated by the powers and duties of the authority
 9 as described in this chapter and other chapters of the
 10 Code.
 11 2. Commencing July 1, 2014, through the suspension
 12 of operations pursuant to subsection 1, the general
 13 assembly shall conduct a review of the authority and
 14 its activities.
 15 3. In conducting its operations, the authority
 16 shall not enter into a contract that contains a term of
 17 performance extending beyond June 30, 2020.>

RUNNING-MARQUARDT of Linn

H-1382

1 Amend House File 590 as follows:
 2 1. Page 10, before line 24 by inserting:
 3 <5. The authority may only accept moneys or other
 4 financial assistance from the corporation for the
 5 following purposes:
 6 a. To facilitate travel by employees of the
 7 authority.
 8 b. To further the department's presence at trade
 9 shows and other industry events that further economic
 10 development in the state.>

RUNNING-MARQUARDT of Linn

H-1383

1 Amend Senate File 402, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 3, after <d.> by inserting <(1)>
4 2. Page 1, after line 8 by inserting:
5 <(2) Grants for veterans suffering subsequent,
6 unrelated injuries after September 11, 2001, but
7 prior to the effective date of this Act, shall be
8 payable, upon a showing that the veteran would have
9 been eligible for payment had the subsequent, unrelated
10 injury occurred on or after the effective date of this
11 Act.
12 Sec. ____ Section 35A.14, Code 2011, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 6. The department may appear
15 before the executive council and request funds to meet
16 the funding needs of the grant program under this
17 section if funds are made available to the executive
18 council for this purpose.>
19 3. Page 1, after line 8 by inserting:
20 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
21 APPLICABILITY. This Act, being deemed of immediate
22 importance, takes effect upon enactment and applies
23 retroactively to September 11, 2001, for veterans
24 suffering a subsequent, unrelated injury after that
25 date.>
26 4. Title page, line 1, after <program> by inserting
27 <and including effective date and retroactive
28 applicability provisions>
29 5. By renumbering as necessary.

SHAW of Pocahontas

H-1384

1 Amend House File 590 as follows:
2 1. Page 25, by striking lines 24 through 31 and
3 inserting:
4 <2. The mission of the commission is to advise
5 and assist in the development and implementation of a
6 comprehensive, statewide plan for promoting volunteer
7 involvement and citizen participation in Iowa, as well
8 as to serve as the state's liaison to national and
9 state organizations which support the commission's
10 mission. The commission shall also carry out any
11 duties and responsibilities described in the National
12 Community Service Trust Act of 1993 or any related
13 state or federal legislation.>
14 2. Page 31, before line 18 by inserting:
15 <Sec. ____ Section 15E.120, Code 2011, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 6. On the effective date of this
18 Act, the economic development authority shall assume
19 responsibility for the administration of this section.>

20 3. Page 31, by striking lines 18 through 21.

21 4. Page 31, line 26, before <means> by inserting
22 <or "authority">

23 5. Page 32, before line 18 by inserting:

24 <Sec. ____ Section 15E.208, subsection 3, paragraph
25 b, subparagraph (2), subparagraph division (d), Code
26 2011, is amended to read as follows:

27 (d) Notwithstanding any provision of this division
28 to the contrary, the corporation shall repay the
29 department of economic development, or its successor
30 entity, the principal balance of the Iowa agricultural
31 industry finance loan beginning on October 1, 2007.
32 The principal balance of the loan equals twenty-one
33 million five hundred seventeen thousand two hundred
34 thirty-nine dollars. The corporation shall repay the
35 department of economic development, or its successor
36 entity, five hundred seventeen thousand two hundred
37 thirty-nine dollars by October 1, 2007, and for
38 each subsequent year the corporation shall repay the
39 department, or its successor entity, at least one
40 million dollars by October 1 until the total principal
41 balance of the loan is repaid. This subparagraph
42 ~~division~~ shall not be construed to limit the
43 ~~department's~~ authority of the department of economic
44 development, or its successor entity, to negotiate the
45 payment of interest accruing on the principal balance
46 which shall be paid to the department as provided by
47 an agreement executed by the department of economic
48 development and the corporation.>

49 6. Page 34, before line 25 by inserting:

50 <Sec. ____ Section 403.19A, subsection 2, Code

Page 2

1 2011, is amended to read as follows:

2 2. a. An eligible city may apply to the department
3 of economic development to be designated for
4 designation as a pilot project city pursuant to this
5 subsection. An eligible city is a city that contains
6 three or more census tracts and is located in a county
7 meeting one of the following requirements:

8 (1) A county that borders Nebraska.

9 (2) A county that borders South Dakota.

10 (3) A county that borders a state other than
11 Nebraska or South Dakota.

12 b. (1) The department of economic development
13 shall approve four eligible cities as pilot project
14 cities, one pursuant to paragraph "a", subparagraph
15 (1), one pursuant to paragraph "a", subparagraph (2),

16 and two pursuant to paragraph "a", subparagraph (3).
17 If two eligible cities are approved which are located
18 in the same county and the county has a population
19 of less than forty-five thousand, the two approved
20 eligible cities shall be considered one pilot project
21 city. If more than two cities meeting the requirements
22 of paragraph "a", subparagraph (3), apply to be
23 designated as a pilot project city, the department of
24 economic development shall determine which two cities
25 hold the most potential to create new jobs or generate
26 the greatest capital within their areas. Applications
27 from eligible cities filed on or after October 1, 2006,
28 shall not be considered.

29 (2) If a pilot project city does not enter into a
30 withholding agreement within one year of its approval
31 as a pilot project city, the city shall lose its
32 status as a pilot project city. If two pilot project
33 cities are located in the same county, the loss of
34 status by one pilot project city shall not cause the
35 second pilot project city in the county to lose its
36 status as a pilot project city. Upon such occurrence,
37 the department of economic development shall take
38 applications from other eligible cities to replace that
39 city. Another city shall be designated within six
40 months.

41 (3) On the effective date of this Act, the economic
42 development authority shall assume responsibility for
43 the administration of this subsection.>

44 7. Page 34, line 33, before <15.294> by inserting
45 <15.293A,>

46 8. Page 34, line 33, by striking <15E.202,>

47 9. Page 34, line 33, by striking <15E.208,>

48 10. Page 34, line 34, by striking <260G.6,>

49 11. Page 35, line 8, after <15.109> by inserting
50 <15.115, 15.117A, 15.247, 15.273,>

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1 12. Page 35, line 9, after <15.294,> by inserting
2 <15.295, 15.313,>

3 13. Page 35, line 9, after <15.333,> by inserting
4 <15.335A,>

5 14. Page 35, line 10, by striking <15E.120,>

6 15. Page 35, line 12, after <15F.102,> by inserting
7 <15G.101,>

8 16. Page 35, line 19, by striking <262B.23,>

9 17. Page 35, line 22, by striking <465B.2,>

10 18. Page 35, line 35, by striking <15G.101,>

11 19. Page 35, line 35, by striking <15G.112,>
12 20. By renumbering, redesignating, and correcting
13 internal references as necessary.

LUKAN of Dubuque

H-1385

1 Amend House File 549 as follows:
2 1. Page 2, line 35, by striking <fifty> and
3 inserting <sixty-five>
4 2. By renumbering as necessary.

ROGERS of Black Hawk

H-1386

1 Amend House File 590 as follows:
2 1. Page 4, before line 10 by inserting:
3 <4. To set annual numerical goals for the authority
4 pertaining to the creation of jobs in the state. If
5 such goals are not met an explanation of the reasons
6 shall be provided to the general assembly.>
7 2. By renumbering as necessary.

THOMAS of Clayton

H-1387

1 Amend House File 590 as follows:
2 1. By striking page 8, line 35, through page 9,
3 line 3, and inserting:
4 <j. Invest or deposit moneys of the authority
5 that derive from or are subject to an agreement
6 with bondholders or noteholders. Such moneys shall
7 be invested or deposited in a manner determined
8 by the authority, notwithstanding chapter 12B or
9 12C. However, the investment or deposit of moneys
10 by the authority shall be subject to the terms and
11 requirements of the agreement with the bondholders or
12 noteholders.>
13 2. Page 11, before line 28 by inserting:
14 <(4) Notwithstanding section 8A.311 and any
15 rules promulgated thereunder by the department of
16 administrative services, the authority may enter into
17 contracts with the corporation for the sole source
18 procurement of services. In entering into such sole
19 source contracts, the authority shall negotiate a
20 fair and reasonable price for the services and shall
21 thoroughly document the circumstances of such sole
22 source procurements.>
23 3. Page 12, line 7, after <office.> by inserting

24 <The director shall ensure that the authority is
 25 operated free from political influence.>
 26 4. Page 19, by striking lines 18 through 20.
 27 5. Page 21, line 34, after <15.107A> by inserting
 28 <or when engaged in activities that utilize public
 29 funding>
 30 6. Page 22, line 11, after <corporation> by
 31 inserting <performed by a certified public accountant>
 32 7. Page 22, line 12, after <state> by inserting
 33 <and made available to the public>
 34 8. Page 22, line 15, after <functions> by inserting
 35 <or activities that utilize public funding>
 36 9. Page 22, line 20, after <functions> by inserting
 37 <or activities that utilize public funding>
 38 10. Page 22, before line 21 by inserting:
 39 <5. Notwithstanding other provisions of this
 40 section to the contrary, if the corporation receives
 41 confidential information from the authority under the
 42 process described in section 15.118, the corporation
 43 shall comply with the provisions of section 15.118 in
 44 the same manner as the authority.>
 45 11. By renumbering, redesignating, and correcting
 46 internal references as necessary.

LUKAN of Dubuque

H-1388

1 Amend House File 534 as follows:
 2 1. Page 1, line 34, after <279.10,> by inserting
 3 <subsection 1,>
 4 2. Page 2, by striking lines 1 and 2.
 5 3. Page 2, line 3, by striking <1-> and inserting
 6 <1.>
 7 4. Page 2, by striking lines 5 through 10 and
 8 inserting <each regularly established elementary and
 9 secondary school shall begin no sooner than a day
 10 during the calendar week in which the first day of
 11 September falls but no later than the first Monday
 12 in December. However, if the first day of September
 13 falls on a Sunday, school may begin on a day during the
 14 calendar week which immediately precedes the first day
 15 of>
 16 5. Page 2, line 11, by striking <September-> and
 17 inserting <September.>
 18 6. Page 2, by striking line 13 and inserting
 19 <~~maintained~~ The school calendar shall>
 20 7. By striking page 2, line 31, through page 3,
 21 line 30, and inserting <purposes before the date to
 22 begin elementary and secondary school.
 23 Sec. ____ Section 279.10, subsections 2 and 3, Code
 24 2011, are amended by striking the subsections.>

- 25 8. Page 4, by striking lines 22 and 23.
26 9. Page 4, line 24, by striking <257.17> and
27 inserting <256.22>
28 10. By renumbering as necessary.

J. TAYLOR of Woodbury

H-1389

- 1 Amend House File 590 as follows:
2 1. Page 24, before line 27 by inserting:
3 <Sec. ____ Section 15.301, subsection 1, paragraphs
4 a and c, Code 2011, are amended to read as follows:
5 a. A save our small businesses fund is created in
6 the state treasury under the control of the ~~department~~
7 authority and consisting of any moneys appropriated to
8 the fund by the general assembly and any other moneys
9 available and obtained or accepted by the ~~department~~
10 authority for placement in the fund.
11 c. (1) If, on March 31, ~~2014~~ 2012, there are
12 unobligated moneys in the fund, such unobligated moneys
13 shall revert to the general fund of the state.
14 (2) For each quarter, beginning with the first
15 quarter after the reversion of moneys pursuant to
16 subparagraph (1) and ending with the last quarter prior
17 to the reversion of moneys pursuant to subparagraph
18 (3), the ~~department~~ authority shall, on the last day of
19 the quarter, transfer to the general fund of the state
20 the balance of unencumbered moneys in the fund.
21 (3) On March 31, ~~2016~~ 2017, all moneys in the fund
22 shall revert to the general fund of the state.
23 Sec. ____ Section 15.301, subsection 2, paragraphs
24 a, b, and e, Code 2011, are amended to read as follows:
25 a. The ~~department~~ authority shall establish
26 and administer a program for purposes of providing
27 financial assistance to eligible small businesses.
28 For purposes of this section, "financial assistance"
29 means loans at an interest rate not to exceed three
30 and nine-tenths percent per annum and "eligible
31 small business" means a small business meeting the
32 requirements of subsection 3. In administering the
33 program, the authority may negotiate the terms on
34 which the financial assistance is provided and may
35 include such terms in the loan agreements as are best
36 designed to effectuate the program's goals. Such terms
37 may provide for up to six months of interest-free
38 financing.
39 b. (1) The ~~department~~ authority may designate
40 an organization to administer the provisions of this
41 section on the ~~department's~~ authority's behalf.
42 (2) In order to be designated, an organization must
43 be a nonprofit organization exempt from taxation under

44 section 501(c)(3) of the Internal Revenue Code and
45 must be designated by the United States small business
46 administration as a statewide microloan program
47 provider.

48 (3) If the ~~department~~ authority elects to designate
49 an organization pursuant to subparagraph (1), the
50 ~~department~~ authority shall enter into an agreement with

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1 the organization for purposes of ensuring that the
2 program is administered pursuant to the requirements
3 of this section.

4 (4) An organization designated pursuant to
5 subparagraph (1) may accept, evaluate, and approve
6 applications for financial assistance from eligible
7 small businesses pursuant to the requirements of this
8 section and may monitor the compliance of eligible
9 businesses with the terms of an agreement entered into
10 with the ~~department~~ authority.

11 (5) All disbursements of moneys to recipients
12 of financial assistance approved by an organization
13 designated pursuant to subparagraph (1) shall be made
14 by the ~~department~~ authority.

15 (6) All repayments of principal and interest on
16 financial assistance provided under the program shall
17 be remitted to the ~~department~~ authority and deposited
18 in the fund.

19 (7) The ~~department~~ authority, with the assistance
20 of an organization designated pursuant to subparagraph
21 (1), may seek the recapture of financial assistance
22 provided pursuant to this section as provided in
23 subsection 4.

24 e. The ~~department~~ authority, under the terms of an
25 agreement with ~~the~~ an organization designated pursuant
26 to paragraph "b", shall begin to provide financial
27 assistance from the fund not later than August 1,
28 2010, and shall to the extent practicable obligate all
29 available moneys in the fund prior to March 31, ~~2011~~
30 2012.

31 Sec. ____ Section 15.301, subsection 3, paragraph
32 d, Code 2011, is amended to read as follows:

33 d. The business has a business plan and has
34 received assistance in the development stage or the
35 expansion stage from ~~a~~ one of the following:

36 (1) A small business development center ~~or from a~~ .

37 (2) A qualified public or nonprofit small business
38 consultant as defined by the ~~department~~ authority.

39 (3) A bank, credit union, or extension office
40 deemed capable of administering the provisions of this
41 section by the authority.

42 Sec. ____ Section 15.301, subsection 4, unnumbered

43 paragraph 1, Code 2011, is amended to read as follows:
44 Upon approval of the application for financial
45 assistance by the ~~department authority~~ or an
46 organization designated pursuant to subsection 2,
47 paragraph "b", the eligible business shall enter into
48 an agreement with the ~~department authority~~ which shall
49 include but not be limited to all of the following
50 provisions:

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1 Sec. ____ Section 15.301, subsection 5, paragraph
2 b, Code 2011, is amended to read as follows:
3 b. An eligible business that receives financial
4 assistance under this section may subsequently
5 apply for financial assistance under other programs
6 administered by the ~~department authority~~.
7 Sec. ____ Section 15.301, subsections 6 and 7, Code
8 2011, are amended to read as follows:
9 6. a. The small business development centers shall
10 track the number of referrals for assistance made to
11 the ~~department authority~~ for assistance under this
12 section and shall include that number in the small
13 business development center's annual report to the
14 general assembly.
15 b. The ~~department authority~~ in conjunction with
16 an organization designated pursuant to subsection
17 2, paragraph "b", shall by January 15 of each year
18 submit a report on the program administered pursuant
19 to this section to the general assembly. The report
20 shall include information on the number of businesses
21 that receive loans under the program and any other
22 information the ~~department authority~~ deems relevant to
23 assessing the success of the program.
24 7. The ~~department authority~~ shall adopt rules
25 pursuant to chapter 17A as necessary to administer the
26 program. The ~~department authority~~ may adopt emergency
27 rules under section 17A.4, subsection 3, and section
28 17A.5, subsection 2, paragraph "b", as necessary for
29 the administration of this section.>
30 2. Page 26, before line 30 by inserting:
31 <Sec. ____ 2010 Iowa Acts, chapter 1184, section
32 43, is amended to read as follows:
33 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
34 APPROPRIATION. There is appropriated from the school
35 infrastructure fund created in section 12.82 to the
36 department of economic development or a successor
37 entity for deposit in the save our small businesses
38 fund for the fiscal year beginning July 1, 2010, and
39 ending June 30, 2011, the following amount, or so much
40 thereof as is necessary, to be used for the purposes
41 designated:

42 For purposes of providing financial assistance under
 43 the save our small businesses program under section
 44 15.301:
 45 \$ 5,000,000
 46 Of the moneys appropriated pursuant to this section,
 47 the department or a successor entity may allocate an
 48 amount not to exceed ~~two~~ three percent of the moneys
 49 appropriated for purposes of retaining the services of
 50 an organization designated pursuant to section 15.301,

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1 subsection 2, paragraph "b", and for administrative
 2 expenses incurred by the department or a successor
 3 entity.
 4 Notwithstanding section 8.33, moneys appropriated to
 5 the department or a successor entity in this section
 6 that remain unencumbered or unobligated at the close
 7 of the fiscal year shall not revert but shall remain
 8 available for expenditure for the purposes designated.
 9 Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 10 of this division of this Act amending section 15.301,
 11 being deemed of immediate importance, takes effect upon
 12 enactment.>
 13 3. By renumbering as necessary.

THOMAS of Clayton

H-1390

1 Amend Senate File 470, as passed by the Senate, as
 2 follows:
 3 1. Page 3, after line 30 by inserting:
 4 <Sec. ____ Section 260C.14, Code 2011, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 23. Adopt rules to waive tuition
 7 and mandatory fee charges for any student in good
 8 standing who is a resident of Iowa; is under the age of
 9 twenty-six, or under the age of thirty if the student
 10 is a qualified veteran as defined in subsection 14; is
 11 not a convicted felon as defined in section 910.15; and
 12 meets the following criteria:
 13 a. Is the child of a peace officer, as defined in
 14 section 97A.1, who receives benefits under section
 15 97A.6, subsection 5, or was killed in the line of duty
 16 as determined by the board of trustees of the Iowa
 17 department of public safety peace officers' retirement,
 18 accident, and disability system in accordance with
 19 section 97A.6, subsection 16.
 20 b. Is the child of a police officer or a fire
 21 fighter, as defined in section 411.1, who receives
 22 benefits under section 411.6, subsection 5, or

23 was killed in the line of duty as determined by
 24 the statewide fire and police retirement system in
 25 accordance with section 411.6, subsection 15.>
 26 2. Page 5, after line 22 by inserting:
 27 <Sec. ____ Section 262.9, Code 2011, is amended by
 28 adding the following new subsection:
 29 NEW SUBSECTION. 36. Adopt rules that require the
 30 institutions of higher education under its control
 31 to waive tuition and mandatory fee charges for any
 32 undergraduate student in good standing who is a
 33 resident of Iowa; is under the age of twenty-six, or
 34 under the age of thirty if the student is a qualified
 35 veteran as defined in subsection 17; is not a convicted
 36 felon as defined in section 910.15; and meets the
 37 following criteria:
 38 a. Is the child of a peace officer, as defined in
 39 section 97A.1, who receives benefits under section
 40 97A.6, subsection 5, or was killed in the line of duty
 41 as determined by the board of trustees of the Iowa
 42 department of public safety peace officers' retirement,
 43 accident, and disability system in accordance with
 44 section 97A.6, subsection 16.
 45 b. Is the child of a police officer or a fire
 46 fighter, as defined in section 411.1, who receives
 47 benefits under section 411.6, subsection 5, or
 48 was killed in the line of duty as determined by
 49 the statewide fire and police retirement system in
 50 accordance with section 411.6, subsection 15.>

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1 3. Page 6, after line 30 by inserting:
 2 <Sec. ____ EFFECTIVE UPON ENACTMENT AND
 3 APPLICABILITY. The sections of this Act enacting
 4 section 260C.14, subsection 23, and section 262.9,
 5 subsection 36, being deemed of immediate importance,
 6 take effect upon enactment and apply to tuition and
 7 mandatory fees in effect on or after that date.>
 8 4. Title page, line 2, after <colleges> by
 9 inserting <and the state board of regents and including
 10 effective and applicability date provisions>
 11 5. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1391

1 Amend House File 643 as follows:
 2 1. Page 1, after line 28 by inserting:
 3 <Sec. ____ Section 466B.3, subsection 6, paragraph
 4 b, Code 2011, is amended by adding the following new
 5 subparagraph:

6 NEW SUBPARAGRAPH. (07) Review and assess the water
7 monitoring plan of the department of natural resources
8 and develop a protocol to prioritize the use of the
9 state's water quality monitoring resources.>
10 2. Page 5, line 24, before <administering> by
11 inserting <implementing and>
12 3. Page 5, after line 30 by inserting:
13 <Sec. ____ Section 455B.171, subsection 4, Code
14 2011, is amended to read as follows:
15 4. "Credible data" means scientifically valid
16 chemical, physical, or biological monitoring data
17 collected under a scientifically accepted sampling and
18 analysis plan, including quality control and quality
19 assurance procedures. Data dated more than five
20 years before the department's date of listing or other
21 determination under section 455B.194, subsection 1, by
22 the department of natural resources or the department
23 of agriculture and land stewardship, shall be presumed
24 not to be credible data unless the that department
25 identifies compelling reasons as to why the data is
26 credible.>
27 4. Page 6, by striking lines 31 and 32 and
28 inserting:
29 <5. The department of natural resources agriculture
30 and land stewardship shall develop a methodology>
31 5. Page 7, line 16, by striking <the either
32 department,> and inserting <the department of
33 agriculture and land stewardship.>
34 6. Page 7, by striking lines 21 and 22 and
35 inserting <of agriculture and land stewardship shall
36 develop and maintain three>
37 7. By striking page 7, line 31, through page 8,
38 line 16, and inserting <list. When developing a
39 section 303(d) list, the department of agriculture
40 and land stewardship is not required to use all data,
41 but the department it shall assemble and evaluate all
42 existing and readily available water quality-related
43 data and information. The department of agriculture
44 and land stewardship shall provide documentation to the
45 regional administrator of the federal environmental
46 protection agency to support the state's determination
47 to list or not to list its waters.
48 g. The department of agriculture and land
49 stewardship shall take into consideration any naturally
50 occurring condition when placing or removing any

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1 water of the state on any section 303(d) list, and
2 establishing or allocating responsibility for a total
3 maximum daily load.
4 h. Numerical standards shall have a preference

5 over narrative standards when determining whether
6 a water of the state is supporting its designated
7 use or other classification. A narrative standard
8 shall not constitute the basis for determining an
9 impairment unless the department of agriculture and
10 land stewardship identifies specific factors as to why
11 a numeric standard is not sufficient to assure adequate
12 water quality.>

13 8. By striking page 8, line 32, through page 9,
14 line 15, and inserting:

15 <NEW SUBSECTION. 3. The division of soil
16 conservation of the department of agriculture and land
17 stewardship shall administer, coordinate, and promote
18 voluntary programs to address the total maximum daily
19 loads assigned to nonpoint sources and agricultural
20 sources. The department of natural resources shall
21 implement the waste load allocations assigned to
22 point sources in the total maximum daily load through
23 effluent limits if such sources are required to obtain
24 a national pollutant discharge elimination system
25 permit by section 402 of the federal Clean Water Act as
26 defined in section 455B.291.

27 NEW SUBSECTION. 4. The division of soil
28 conservation of the department of agriculture and land
29 stewardship shall prepare the water quality management
30 plan required by 33 U.S.C. § 1329, and provide the
31 plan, after notice and comment, to the governor for
32 submission to the regional administrator of the United
33 States environmental protection agency.>

34 9. Page 9, by striking lines 16 through 25.

35 10. Page 10, by striking lines 10 through 16 and
36 inserting:

37 <Sec. ____ EFFECTIVE DATE. This division of this
38 Act takes effect July 1, 2012.>

39 11. Title page, line 3, by striking <providing an
40 appropriation.>

41 12. By renumbering as necessary.

MOORE of Jackson

H-1392

1 Amend House File 561 as follows:

2 1. Page 2, line 20, after <licensing,> by inserting
3 <operation that does not endanger the public or
4 environment.>

LENSING of Johnson

H-1393

- 1 Amend House File 244 as follows:
2 1. Page 2, line 16, after <L> by inserting <and
3 upon court order.>
4 2. By renumbering as necessary.

PEARSON of Polk

H-1394

- 1 Amend House File 594 as follows:
2 1. Page 1, by striking lines 31 and 32 and
3 inserting:
4 <3. The bylaws shall not prohibit or restrict a
5 member from displaying the flag of the United States
6 on residential>
7 2. By striking page 1, line 35, through page 2,
8 line 1.
9 3. Page 3, by striking lines 5 and 6 and inserting:
10 <2. The bylaws shall not prohibit or restrict an
11 owner from displaying the flag of the United States on
12 residential>
13 4. Page 3, by striking lines 9 and 10.

WATTS of Dallas

H-1395

- 1 Amend House File 497 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 249A.15A, Code 2011, is amended
5 to read as follows:
6 249A.15A Licensed marital and family therapists ~~and,~~
7 licensed master social workers, and licensed mental
8 health counselors.
9 1. The department shall adopt rules pursuant to
10 chapter 17A entitling marital and family therapists
11 who are licensed pursuant to chapter 154D to payment
12 for behavioral health services provided to recipients
13 of medical assistance, subject to limitations and
14 exclusions the department finds necessary on the basis
15 of federal laws and regulations.
16 2. The department shall adopt rules pursuant to
17 chapter 17A entitling master social workers who hold
18 a master's degree approved by the board of social
19 work, are licensed as a master social worker pursuant
20 to section 154C.3, subsection 1, paragraph "b", and
21 provide treatment services under the supervision of an
22 independent social worker licensed pursuant to section
23 154C.3, subsection 1, paragraph "c", to payment for

24 behavioral health services provided to recipients
 25 of medical assistance, subject to limitations and
 26 exclusions the department finds necessary on the basis
 27 of federal laws and regulations.

28 3. The department shall adopt rules pursuant to
 29 chapter 17A entitling mental health counselors who
 30 are licensed pursuant to chapter 154D to payment for
 31 behavioral health services provided to recipients
 32 of medical assistance, subject to limitations and
 33 exclusions the department finds necessary on the basis
 34 of federal laws and regulations.

35 Sec. 2. MEDICAL ASSISTANCE STATE PLAN — MENTAL
 36 HEALTH COUNSELORS. The department of human services
 37 shall amend the medical assistance state plan to allow
 38 mental health counselors licensed in the state to be
 39 participating behavioral health providers under the
 40 medical assistance program.>

41 2. Title page, by striking lines 1 through 3 and
 42 inserting <An Act relating to entitling mental health
 43 counselors to payment for behavioral health services
 44 provided under the Medicaid program.>

SCHULTE of Linn

H-1396

1 Amend Senate File 233, as passed by the Senate, as
 2 follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. Section 249A.15A, Code 2011, is amended
 6 to read as follows:

7 249A.15A Licensed marital and family therapists ~~and~~
 8 licensed master social workers, licensed mental health
 9 counselors, and certified alcohol and drug counselors.

10 1. The department shall adopt rules pursuant to
 11 chapter 17A entitling marital and family therapists
 12 who are licensed pursuant to chapter 154D to payment
 13 for behavioral health services provided to recipients
 14 of medical assistance, subject to limitations and
 15 exclusions the department finds necessary on the basis
 16 of federal laws and regulations.

17 2. The department shall adopt rules pursuant to
 18 chapter 17A entitling master social workers who hold
 19 a master's degree approved by the board of social
 20 work, are licensed as a master social worker pursuant
 21 to section 154C.3, subsection 1, paragraph "b", and
 22 provide treatment services under the supervision of an
 23 independent social worker licensed pursuant to section
 24 154C.3, subsection 1, paragraph "c", to payment for
 25 behavioral health services provided to recipients
 26 of medical assistance, subject to limitations and

27 exclusions the department finds necessary on the basis
28 of federal laws and regulations.

29 3. The department shall adopt rules pursuant to
30 chapter 17A entitling mental health counselors who
31 are licensed pursuant to chapter 154D to payment for
32 behavioral health services provided to recipients
33 of medical assistance, subject to limitations and
34 exclusions the department finds necessary on the basis
35 of federal laws and regulations.

36 4. The department shall adopt rules pursuant to
37 chapter 17A entitling alcohol and drug counselors who
38 are certified by the nongovernmental Iowa board of
39 substance abuse certification to payment for behavioral
40 health services provided to recipients of medical
41 assistance, subject to limitations and exclusions the
42 department finds necessary on the basis of federal laws
43 and regulations.

44 Sec. 2. MEDICAL ASSISTANCE STATE PLAN — MENTAL
45 HEALTH COUNSELORS. The department of human services
46 shall amend the medical assistance state plan to allow
47 mental health counselors licensed in the state and
48 alcohol and drug counselors certified in the state to
49 be participating behavioral health providers under the
50 medical assistance program.>

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1 2. Title page, by striking lines 1 through 3 and
2 inserting <An Act relating to payment for behavioral
3 health services provided by licensed mental health
4 counselors and certified alcohol and drug counselors
5 under the Medicaid program.>

SCHULTE of Linn

H-1397

1 Amend Senate File 427, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 99B.5A, subsection 1, paragraph
5 a, Code 2011, is amended to read as follows:
6 a. "Community festival" means a festival of no more
7 than ~~four~~ six consecutive days in length held by a
8 community group.>

9 2. Page 1, after line 13 by inserting:
10 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
11 provision of this Act, being deemed of immediate
12 importance, takes effect upon enactment:

13 1. The section of this Act amending section
14 99B.5A.>

15 3. Title page, line 1, after <Act> by inserting

16 <relating to games of skill or chance, including>

17 4. Title page, line 3, after <participants> by

18 inserting <, and including effective date provisions>

19 5. By renumbering as necessary.

IVERSON of Wright

H-1398

1 Amend House File 619 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 99B.7, subsection 8, Code 2011,
5 is amended to read as follows:

6 8. a. A qualified organization licensed under this
7 section shall purchase bingo equipment and supplies
8 only from a manufacturer or a distributor licensed by
9 the department.

10 b. A qualified organization may also lease
11 electronic bingo equipment from a manufacturer or
12 distributor licensed by the department for the purposes
13 of aiding disabled individuals during a bingo occasion.
14 "Electronic bingo equipment" for the purposes of this
15 paragraph means an electronic device that aids in
16 the use of a bingo card during a bingo game. Such
17 electronic bingo equipment shall only be permitted for
18 use by disabled individuals.>

19 2. Title page, by striking lines 1 through 4 and
20 inserting <An Act allowing qualified organizations to
21 lease certain electronic bingo equipment in order to
22 assist disabled participants.>

IVERSON of Wright

H-1399

1 Amend House File 549 as follows:

2 1. By striking page 1, line 16, through page 3,
3 line 25, and inserting:

4 <d. Any official traffic-control device, if failure
5 to comply with the official traffic-control device
6 constitutes a violation under this chapter.

7 Sec. ____ NEW SECTION. 321.5A Automated traffic
8 enforcement systems prohibited.

9 The department or a local authority shall not place
10 or cause to be placed on or adjacent to a highway, or
11 maintain or employ the use of, an automated traffic
12 enforcement system for the enforcement of any provision
13 of this chapter or any local ordinance relating to
14 motor vehicles.

15 Sec. ____ REMOVAL OF AUTOMATED TRAFFIC ENFORCEMENT
16 SYSTEMS — VALIDITY OF PRIOR NOTICES AND CITATIONS. A

17 local authority using an automated traffic enforcement
 18 system on the effective date of this section of this
 19 Act shall discontinue using the system and remove the
 20 system equipment by July 1, 2011. Effective July 1,
 21 2011, all local ordinances authorizing the use of
 22 an automated traffic enforcement system are void.
 23 However, notices of violations mailed or citations
 24 issued pursuant to such an ordinance prior to July 1,
 25 2011, shall not be invalidated by the enactment of this
 26 Act and shall be processed according to the provisions
 27 of the law under which they were authorized.
 28 Sec. ____ EFFECTIVE UPON ENACTMENT. The section of
 29 this Act relating to the removal of automated traffic
 30 enforcement systems and the validity of prior notices
 31 and citations, being deemed of immediate importance,
 32 takes effect upon enactment.>
 33 2. Title page, line 1, by striking <relating to>
 34 and inserting <prohibiting>
 35 3. Title page, line 2, after <systems> by inserting
 36 <and requiring the removal of existing systems, and
 37 including effective date provisions>
 38 4. By renumbering as necessary.

ROGERS of Black Hawk

H-1400

1 Amend House File 603 as follows:
 2 1. Page 10, after line 1 by inserting:
 3 <Sec. ____ Section 476.27, subsection 1, paragraph
 4 g, Code 2011, is amended to read as follows:
 5 g. "Railroad right-of-way" means one or more of the
 6 following:
 7 (1) A right-of-way or other interest in real estate
 8 that is owned or operated by a railroad corporation,
 9 ~~or the trustees of a railroad corporation, or the~~
 10 ~~successor in interest of a railroad corporation.~~
 11 (2) A right-of-way or other interest in real
 12 estate that is occupied or managed by or on behalf
 13 of a railroad corporation, ~~or the trustees of a~~
 14 ~~railroad corporation, or the successor in interest of a~~
 15 ~~railroad corporation, including an abandoned railroad~~
 16 ~~right-of-way that has not otherwise reverted pursuant~~
 17 ~~to chapter 327G.~~
 18 ~~(3) Another interest in a former railroad~~
 19 ~~right-of-way that has been acquired or is operated by a~~
 20 ~~land management company or similar entity.>~~
 21 2. Title page, line 1, after <procedures> by
 22 inserting <, certain rights-of-way,>
 23 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1401

1 Amend Senate File 470, as passed by the Senate, as
2 follows:
3 1. Page 2, line 16, by striking <47> and inserting
4 <48>

BYRNES of Mitchell

H-1402

1 Amend House File 514 as follows:
2 1. Page 1, after line 27 by inserting:
3 <Sec. ____ Section 455B.105, subsection 11, Code
4 2011, is amended by adding the following new paragraph:
5 NEW PARAGRAPH. d. Any fee schedule adopted by the
6 commission regarding the regulation of division IV,
7 part 1 of this chapter shall not include fees that
8 exceed the actual, identifiable amount necessary for
9 such regulatory activities.
10 Sec. ____ Section 455B.304, Code 2011, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. 20. The commission shall adopt
13 rules prohibiting a planning area from imposing a fee
14 on the disposal of solid waste, including construction
15 and demolition waste, at a sanitary landfill outside
16 the planning area when the solid waste is being hauled
17 by the person who generated the solid waste inside the
18 planning area and the solid waste does not exceed one
19 ton at the time of disposal.>
20 2. By renumbering as necessary.

WATTS of Dallas

H-1403

1 Amend House File 594 as follows:
2 1. Page 1, after line 7 by inserting:
3 <Sec. ____ NEW SECTION. 414.27 Display of American
4 flag or campaign signs.
5 A regulation or restriction pertaining to the use of
6 residential property that prohibits the display of the
7 American flag or the display of a political sign within
8 six weeks of the day of an election, is void as against
9 the public policy of this state and shall not be given
10 legal or equitable effect.>
11 2. Page 1, by striking lines 31 and 32 and
12 inserting:
13 <3. The bylaws shall not prohibit or restrict a
14 member from displaying the flag of the United States
15 on residential>
16 3. By striking page 1, line 35, through page 2,

- 17 line 1.
 18 4. Page 3, by striking lines 5 and 6 and inserting:
 19 <2. The bylaws shall not prohibit or restrict an
 20 owner from displaying the flag of the United States on
 21 residential>
 22 5. Page 3, by striking lines 9 and 10.
 23 6. By renumbering as necessary.

WATTS of Dallas

H-1404

- 1 Amend Senate File 7, as passed by the Senate, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 462A.2, subsection 24, Code
 5 2011, is amended to read as follows:
 6 24. "Operate" means to navigate or otherwise use
 7 a vessel or motorboat. For the purposes of section
 8 462A.12, subsection 2, sections 462A.14, 462A.14A,
 9 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section
 10 462A.23, subsection 2, paragraph "b", "operate", when
 11 used in reference to a motorboat, means the motorboat
 12 is powered by an outboard motor of ten horsepower or
 13 more, and is under way, and when used in reference to a
 14 sailboat, means the sailboat is either powered by an
 15 outboard motor of ten horsepower or more or has sails
 16 hoisted and is not propelled by an engine, and is under
 17 way.>
 18 2. Page 1, after line 3 by inserting:
 19 <Sec. ____ Section 462A.14, Code 2011, is amended
 20 by adding the following new subsection:
 21 NEW SUBSECTION. 14. Notwithstanding any provision
 22 of the law to the contrary, a peace officer shall not
 23 stop a motorboat or sailboat without a particularized
 24 and objective basis for suspecting that a violation
 25 of the law has occurred which may include but is
 26 not limited to an operating violation under section
 27 462A.12.>
 28 3. Title page, line 1, by striking <providing for>
 29 and inserting <relating to>
 30 4. By renumbering as necessary.

R. OLSON of Polk
 HORBACH of Tama

H-1405

- 1 Amend House File 458 as follows:
 2 1. Page 2, after line 3 by inserting:
 3 <____. A person, firm, or corporation performing
 4 labor for or furnishing materials to a subcontractor

5 who notifies the principal contractor in writing as
6 provided in subsection 1, paragraph "a", more than
7 forty-five calendar days after first performing the
8 labor or furnishing the materials for the public
9 improvement shall be entitled to a claim against the
10 retainage or bond under this chapter only for labor
11 performed or materials furnished after the date on
12 which the written notice was provided.>
13 2. By renumbering as necessary.

BALTIMORE of Boone

H-1406

1 Amend House File 603 as follows:
2 1. Page 1, by striking lines 1 through 24.
3 2. Page 1, line 31, after <condemnation> by
4 inserting <, unless such condemnation is undertaken by
5 the department of transportation>
6 3. Page 2, line 3, after <governor.> by inserting
7 <The approval requirements of this subsection shall not
8 apply to condemnation undertaken by the department of
9 transportation.>
10 4. Page 2, before line 4 by inserting:
11 <Sec. __. Section 6A.19, Code 2011, is amended to
12 read as follows:
13 6A.19 Interpretative clause.
14 A grant in this chapter of right to take private
15 property for a public use shall not be construed as
16 limiting a like grant elsewhere in the Code for another
17 and different use. Unless specifically provided by
18 law, this chapter shall not be construed to limit or
19 otherwise affect the application of chapters 478 and
20 479 to the eminent domain authority of the utilities
21 division of the department of commerce.>
22 5. Page 2, by striking lines 10 through 16 and
23 inserting <In addition, the acquiring agency shall
24 conduct a review of prudent and feasible alternatives
25 to provision of a drinking water source prior to making
26 a determination that such lake development or creation
27 is reasonable and necessary.>
28 6. By striking page 2, line 34, through page 3,
29 line 8, and inserting <by one or more registered
30 professional engineers. The registered professional
31 engineers may employ standards or guidelines other
32 than those recommended by the acquiring agency when
33 determining the number of acres justified as reasonable
34 and necessary for a surface drinking water source. The
35 data and information used by the professional engineers
36 to determine the drinking water capacity needs shall
37 include data and information relating to population
38 and commercial enterprise activity for the area from

39 the two most recent federal decennial censuses unless
 40 the district court of the county in which the property
 41 is situated has determined by a preponderance of the
 42 evidence that such data would not accurately predict
 43 the population and commercial enterprise activity of
 44 the area in the future.>

45 7. Page 3, by striking lines 10 through 13 and
 46 inserting <capacity needs shall be performed upon
 47 receipt by the acquiring agency of a petition signed
 48 by not less than twenty-five percent of the affected
 49 property owners. The engineer to perform the second
 50 review or analysis shall be selected by a committee

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1 appointed by the affected property owners and comprised
 2 of at least fifty percent property owners affected by
 3 the proposed condemnation action. The>

4 8. Page 3, by striking lines 21 through 28.

5 9. Page 3, by striking line 31 and inserting:

6 <3. a. (1) For Except as provided in subparagraph
 7 (2), for any action brought under this section, the
 8 burden>

9 10. Page 3, by striking line 35 and inserting

10 <meets the definition of those terms.

11 a. For any action brought under this section
 12 relating to condemnation undertaken by the department
 13 of transportation, the burden of proof shall be on the
 14 department to prove by a preponderance of the evidence
 15 that the finding of public use, public purpose, or
 16 public improvement meets the definition of those terms.

17 b. If a property owner or a>

18 11. Page 4, by striking line 9 and inserting:

19 <1. The authority of an acquiring agency that is
 20 not the department of transportation to condemn is not
 21 conferred, and the>

22 12. Page 4, after line 18 by inserting:

23 <2. The authority of the department of
 24 transportation to condemn is not conferred, and the
 25 condemnation proceedings shall not commence, unless
 26 the department approves the use of condemnation and
 27 there is a reasonable expectation the department will
 28 be able to achieve its public purpose, comply with
 29 all applicable standards, and obtain the necessary
 30 permits.>

31 13. By striking page 4, line 19, through page 5,
 32 line 35.

33 14. Page 6, line 17, by striking <begun> and
 34 inserting <progressed substantially from the date the

35 property was condemned>
 36 15. Page 7, by striking lines 5 through 24.
 37 16. By renumbering as necessary.

KAUFMANN of Cedar

H-1407

1 Amend House File 597 as follows:
 2 1. Page 8, line 19, by striking <and> and inserting
 3 <the covered person may file a request for external
 4 review pursuant to section 514J.109. In addition, if>
 5 2. Page 8, line 26, after <review> by inserting
 6 <pursuant to section 514J.109, subsection 18>

PETTENGILL of Benton

H-1408

1 Amend House File 482 as follows:
 2 1. Page 2, by striking lines 12 through 16 and
 3 inserting:
 4 <NEW SUBSECTION. 19. The commissioner may propose
 5 and promulgate administrative rules to effectuate the
 6 insurance provisions of the federal Patient Protection
 7 and Affordable Care Act, Pub. L. No. 111-148, as
 8 amended by the federal Health Care and Education
 9 Reconciliation Act of 2010, Pub. L. No. 111-152, and
 10 any amendments thereto, or other applicable federal
 11 law.>
 12 2. Page 2, line 33, by striking <subsection 3, Code
 13 2011, is> and inserting <subsections 3 and 4, Code
 14 2011, are>
 15 3. Page 3, line 6, by striking <or disapproval> and
 16 inserting <~~or~~ disapproval, or modification>
 17 4. Page 3, after line 7 by inserting:
 18 <4. The consumer advocate shall present the public
 19 testimony, if any, and public comments received for
 20 consideration by the commissioner in determining
 21 whether to approve, ~~or disapprove~~, or modify such
 22 health insurance rate increase proposals.>
 23 5. Page 15, line 31, by striking <transactions,>
 24 and inserting <transactions>
 25 6. Page 15, line 33, by striking <transactions,>
 26 and inserting <transactions>
 27 7. Page 15, line 35, by striking <instruments
 28 or securities> and inserting <instruments used or
 29 securities pledged>
 30 8. Page 16, line 2, by striking <of the applicable
 31 collateral agreement> and inserting <the applicable
 32 collateral>
 33 9. Page 17, after line 3 by inserting:

34 <Sec. ____ Section 513B.2, subsection 18, Code
35 2011, is amended to read as follows:
36 18. "Small employer" means a person actively
37 engaged in business who, on at least fifty percent of
38 the employer's working days during the preceding year,
39 employed ~~not less than two~~ at least one and not more
40 than fifty full-time equivalent eligible employees. In
41 determining the number of eligible employees, companies
42 which are affiliated companies or which are eligible
43 to file a combined tax return for purposes of state
44 taxation are considered one employer.
45 Sec. ____ Section 514C.13, subsection 1, paragraph
46 j, Code 2011, is amended to read as follows:
47 j. "Small employer" means a person actively engaged
48 in business who, during at least fifty percent of the
49 employer's working days during the preceding calendar
50 year, employed ~~not less than two~~ at least one and not

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1 more than fifty full-time equivalent employees.>
2 10. Page 18, after line 19 by inserting:
3 <Sec. ____ Section 515.129A, subsection 1, Code
4 2011, is amended to read as follows:
5 1. ~~A~~ After a personal lines policy or contract
6 of insurance ~~which~~ has been in effect for ~~more than~~
7 sixty days or more, the policy or contract shall not be
8 canceled except by notice to the insured as provided
9 in this chapter.>
10 11. Page 18, by striking lines 22 and 23 and
11 inserting:
12 <1. a. Notwithstanding the provisions of ~~sections~~
13 ~~515.125 through 515.127~~ section 515.129A, a notice of>
14 12. Page 18, by striking lines 28 and 29 and
15 inserting <notwithstanding the provisions of ~~sections~~
16 ~~515.125 and 515.127~~ section 515.129A, at least ten days
17 prior to the date of cancellation.>
18 13. Page 19, line 14, by striking <~~515.128~~> and
19 inserting < 515.128>
20 14. Page 19, line 29, by striking <and> and
21 inserting <or>
22 15. Page 21, line 6, by striking <a> and inserting
23 <a no>
24 16. Page 21, line 6, by striking <not> and
25 inserting <not>
26 17. Page 24, after line 14 by inserting:
27 <Sec. ____ REPEAL. Section 515.135, Code 2011, is
28 repealed.
29 Sec. ____ EFFECTIVE DATE. The following provision
30 or provisions of this Act take effect January 1, 2014:
31 1. The section of this Act amending section 513B.2,
32 subsection 18.

33 2. The section of this Act amending section
34 514C.13, subsection 1, paragraph "j".>
35 18. Title page, line 2, after <commerce> by
36 inserting <and including effective date provisions>
37 19. By renumbering as necessary.

PETTENGILL of Benton

H-1409

1 Amend House File 590 as follows:
2 1. By striking page 4, line 18, through page 5,
3 line 35, and inserting:
4 <a. The powers of the authority are vested in and
5 shall be exercised by a board consisting of fifteen
6 voting members appointed by the governor and seven ex
7 officio, nonvoting members.
8 b. (1) The ex officio, nonvoting members are four
9 legislative members; one president, or the president's
10 designee, of the university of northern Iowa, the
11 university of Iowa, or Iowa state university of
12 science and technology designated by the state board
13 of regents on a rotating basis; and one president,
14 or the president's designee, of a private college
15 or university appointed by the Iowa association
16 of independent colleges and universities; and one
17 president, or the president's designee, of a community
18 college, appointed by the Iowa association of community
19 college presidents.
20 (2) The legislative members are two state senators,
21 one appointed by the president of the senate after
22 consultation with the majority leader of the senate
23 and one appointed by the minority leader of the
24 senate from their respective parties; and two state
25 representatives, one appointed by the speaker and
26 one appointed by the minority leader of the house of
27 representatives from their respective parties.
28 c. Not more than eight of the voting members shall
29 be from the same political party. At least one voting
30 member shall have been less than thirty years of age
31 at the time of appointment.
32 d. The governor shall appoint the voting members of
33 the board to staggered terms of four years beginning
34 and ending as provided by section 69.19, subject
35 to confirmation by the senate, and the governor's
36 appointments shall include persons knowledgeable of the
37 various elements of the department's responsibilities.
38 e. Each of the following areas of expertise shall
39 be represented by at least one voting member of the
40 board who has professional experience in that area of
41 expertise:
42 (1) Finance, insurance, or investment banking.

43 (2) Advanced manufacturing.
44 (3) Statewide agriculture.
45 (4) Life sciences.
46 (5) Small business development.
47 (6) Information technology.
48 (7) Economics or alternative and renewable energy
49 including the alternative and renewable energy sectors
50 listed in section 476.42, subsection 1, paragraph "a".

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1 (8) Labor.
2 (9) Marketing.
3 (10) Entrepreneurship.
4 f. At least nine of the voting members of the board
5 shall be actively employed in the private, for-profit
6 sector of the economy.
7 2. A vacancy on the authority board shall be filled
8 in the same manner as regular appointments are made for
9 the unexpired portion of the regular term.
10 3. a. The authority board shall meet in May of
11 each year for the purpose of electing one of its voting
12 members as chairperson and one of its voting members
13 as vice chairperson. However, the chairperson and the
14 vice chairperson shall not be from the same political
15 party.
16 b. The authority board shall meet at the call of
17 the chairperson or when any eight voting members of the
18 board file a written request with the chairperson for a
19 meeting. Written notice of the time and place of each
20 meeting shall be given to each member of the authority
21 board.
22 c. A majority of the voting members constitutes a
23 quorum.
24 4. Members of the authority board, the director,
25 and other employees of the authority shall be allowed
26 their actual and necessary expenses incurred in the
27 performance of their duties. All expenses shall be
28 paid from appropriations for those purposes and the
29 department is subject to the budget requirements of
30 chapter 8. Each member of the authority board may
31 also be eligible to receive compensation as provided
32 in section 7E.6.
33 5. If a member of the authority board has an
34 interest, either direct or indirect, in a contract
35 to which the authority is or is to be a party, the
36 interest shall be disclosed to the board in writing and
37 shall be set forth in the minutes of a meeting of the
38 authority board. The member having the interest shall
39 not participate in action by the authority board with
40 respect to the contract.
41 6. As part of the organizational structure of the

42 authority, the authority board shall establish a due
43 diligence committee and a loan and credit guarantee
44 committee composed of members of the board. The
45 committees shall serve in an advisory capacity to
46 the authority board and shall carry out any duties
47 assigned by the authority board in relation to programs
48 administered by the authority. The loan and credit
49 guarantee committee shall advise the authority board on
50 the winding up of loan guarantees made under the loan

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1 and credit guarantee program established pursuant to
2 section 15E.224, Code 2009, and on the proper amount of
3 the allocation described in section 15G.111, subsection
4 4, paragraph "g".>
5 2. By renumbering as necessary.

H. MILLER of Webster

H-1410

1 Amend House File 623 as follows:
2 1. Page 1, by striking lines 22 through 24 and
3 inserting:
4 <b. The department shall terminate an individual's
5 eligibility following a twelve-month period of
6 suspension of the individual's eligibility under
7 paragraph "a".>
8 2. Page 2, by striking lines 2 through 25 and
9 inserting:
10 <Sec. ____ IMPLEMENTATION. The department of human
11 services shall do all of the following:
12 1. Request any waiver or approval necessary from
13 the centers for Medicare and Medicaid services of the
14 United States department of health and human services
15 to provide for the delay in suspension of eligibility
16 as provided in this Act beginning January 1, 2012. The
17 department shall implement the delay period to the
18 maximum extent of the federal approval.
19 2. Develop a process for suspension of medical
20 assistance eligibility for individuals as specified in
21 this Act beginning January 1, 2012.
22 3. Incorporate provisions for suspension and
23 termination of medical assistance eligibility for
24 inmates of public institutions within any future
25 redesign of the medical assistance program eligibility
26 information management system.>
27 3. By renumbering as necessary.

HEDDENS of Story

H-1411

- 1 Amend Senate File 361, as passed by the Senate, as
2 follows:
3 1. Page 3, after line 35 by inserting:
4 <__. The Iowa state fair board shall submit the
5 annual audit report, prepared pursuant to subsection
6 2, to the legislative services agency and the general
7 assembly's standing committees on government oversight
8 as required by committees. The board shall redact any
9 information which identifies a donor.>
10 2. By renumbering as necessary.

COWNIE of Polk

H-1412

- 1 Amend House File 590 as follows:
2 1. Page 1, line 13, after <sector> by inserting
3 <that focuses on small businesses>
4 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1413

- 1 Amend the amendment, H-1406, to House File 603 as
2 follows:
3 1. Page 1, by striking lines 31 through 36 and
4 inserting <engineers may, if appropriate, employ
5 standards or guidelines other than the guidelines
6 of the United States natural resource conservation
7 service when determining the number of acres justified
8 as reasonable and necessary for a surface drinking
9 water source. The data and information used by the
10 registered professional engineers shall>
11 2. Page 1, line 49, before <engineer> by inserting
12 <registered professional>
13 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1414

- 1 Amend House File 590 as follows:
2 1. Page 21, lines 33 and 34, by striking
3 <performing delegated functions pursuant to section
4 15.107A> and inserting <all of its operations>
5 2. Page 22, by striking lines 4 through 7 and
6 inserting <activities during the prior fiscal year.>
7 3. Page 22, lines 14 and 15, by striking <that
8 pertain to the performance of delegated functions>

- 9 4. Page 22, lines 19 and 20, by striking <the
10 performance by the corporation of delegated functions>
11 and inserting <the operations and activities of the
12 corporation>
13 5. By renumbering as necessary.

WILLEMS of Linn

H-1415

- 1 Amend House File 590 as follows:
2 1. Page 1, line 2, by striking <IOWA PARTNERSHIP
3 FOR ECONOMIC PROGRESS AND>
4 2. Page 1, by striking lines 14 through 16 and
5 inserting:
6 <2. The collaboration shall involve the economic
7 development authority and the economic development
8 corporation which shall work>
9 3. Page 1, by striking lines 32 and 33.
10 4. By striking page 2, line 10, through page 4,
11 line 9.
12 5. Page 10, by striking lines 30 through 32.
13 6. Page 19, by striking lines 5 through 7.
14 7. Page 22, before line 30 by inserting:
15 <Sec. ____ REPEAL. Sections 15.103 and 15.104,
16 Code 2011, are repealed.>
17 8. By renumbering as necessary.

THOMAS of Clayton

H-1416

- 1 Amend House File 590 as follows:
2 1. Page 17, before line 9 by inserting:
3 <Sec. ____ NEW SECTION. 15.106E Corporation
4 restricted by rules.
5 The authority shall adopt rules that prevent
6 the corporation from engaging in favoritism and
7 pay-to-play tactics for companies doing business with
8 the corporation.>
9 2. By renumbering as necessary.

THOMAS of Clayton

H-1417

- 1 Amend House File 649 as follows:
2 1. Page 13, line 26, by striking <8,952,151> and
3 inserting <10,208,700>
4 2. Page 72, by striking lines 20 through 32.
5 3. By renumbering as necessary.

M. SMITH of Marshall

H-1418

1 Amend House File 500 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68B.32A, subsections 6, 9, 12,
4 and 19, Code 2011, are amended to read as follows:

5 6. Prepare and publish a manual setting forth
6 examples of approved uniform systems of accounts and
7 approved methods of disclosure for use by persons
8 required to file statements and reports under this
9 chapter, chapter 68A, and section 8.7. The board shall
10 also prepare and publish other educational materials,
11 and any other reports or materials deemed appropriate
12 by the board. The board shall annually provide all
13 officials and state employees with notification of the
14 contents of this chapter, chapter 68A, ~~and~~ section
15 8.7, ~~and~~ section 455B.103, subsection 1, paragraph
16 "d", by distributing copies of educational materials
17 to each agency of state government under the board's
18 jurisdiction.

19 9. Establish and impose penalties, and
20 recommendations for punishment of persons who are
21 subject to penalties of or punishment by the board or
22 by other bodies, for the failure to comply with the
23 requirements of this chapter, chapter 68A, ~~or~~ section
24 8.7, ~~or~~ section 455B.103, subsection 1, paragraph "d".

25 12. Establish a procedure for requesting and
26 issuing board advisory opinions to persons subject
27 to the authority of the board under this chapter,
28 chapter 68A, ~~or~~ section 8.7, ~~or~~ section 455B.103,
29 subsection 1, paragraph "d". Local officials and local
30 employees may also seek an advisory opinion concerning
31 the application of the applicable provisions of this
32 chapter. Advice contained in board advisory opinions
33 shall, if followed, constitute a defense to a complaint
34 alleging a violation of this chapter, chapter 68A,
35 section 8.7, section 455B.103, subsection 1, paragraph
36 "d", or rules of the board that is based on the same
37 facts and circumstances.

38 19. Impose penalties upon, or refer matters
39 relating to, persons who provide false information to
40 the board during a board investigation of a potential
41 violation of this chapter, chapter 68A, section 8.7,
42 section 455B.103, subsection 1, paragraph "d", or
43 rules of the board. The board shall adopt rules to
44 administer this subsection.

45 Sec. ____ Section 68B.32B, subsection 1, Code 2011,
46 is amended to read as follows:

47 1. Any person may file a complaint alleging that
48 a candidate, committee, person holding a state office
49 in the executive branch of state government, employee
50 of the executive branch of state government, or other

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1 person has committed a violation of chapter 68A or
2 rules adopted by the board. Any person may file
3 a complaint alleging that a person holding a state
4 office in the executive branch of state government, an
5 employee of the executive branch of state government,
6 or a lobbyist or a client of a lobbyist of the
7 executive branch of state government has committed
8 a violation of this chapter or rules adopted by the
9 board. Any person may file a complaint alleging a
10 violation of section 8.7 or rules adopted by the board.

11 Any person may file a complaint alleging a violation
12 of section 455B.103, subsection 1, paragraph "d". The
13 board shall prescribe and provide forms for purposes
14 of this subsection. A complaint must include the
15 name and address of the complainant, a statement of
16 the facts believed to be true that form the basis of
17 the complaint, including the sources of information
18 and approximate dates of the acts alleged, and a
19 certification by the complainant under penalty of
20 perjury that the facts stated to be true are true to
21 the best of the complainant's knowledge.

22 Sec. ____ Section 68B.32B, subsection 4, paragraph
23 a, Code 2011, is amended to read as follows:

24 a. Facts that would establish a violation of a
25 provision of this chapter, chapter 68A, section 8.7,
26 section 455B.103, subsection 1, paragraph "d", or rules
27 adopted by the board.

28 Sec. ____ Section 68B.32B, subsections 8 and 9,
29 Code 2011, are amended to read as follows:

30 8. The purpose of an investigation by the board's
31 staff is to determine whether there is probable cause
32 to believe that there has been a violation of this
33 chapter, chapter 68A, section 8.7, section 455B.103,
34 subsection 1, paragraph "d", or of rules adopted by the
35 board. To facilitate the conduct of investigations,
36 the board may issue and seek enforcement of subpoenas
37 requiring the attendance and testimony of witnesses and
38 subpoenas requiring the production of books, papers,
39 records, and other real evidence relating to the
40 matter under investigation. Upon the request of the
41 board, an appropriate county attorney or the attorney
42 general shall assist the staff of the board in its
43 investigation.

44 9. If the board determines on the basis of an
45 investigation by board staff that there is probable
46 cause to believe the existence of facts that would
47 establish a violation of this chapter, chapter 68A,
48 section 8.7, section 455B.103, subsection 1, paragraph
49 "d", or of rules adopted by the board, the board
50 may issue a statement of charges and notice of a

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1 contested case proceeding to the complainant and to
2 the person who is the subject of the complaint, in
3 the manner provided for the issuance of statements of
4 charges under chapter 17A. If the board determines
5 on the basis of an investigation by staff that there
6 is no probable cause to believe that a violation has
7 occurred, the board shall close the investigation,
8 dismiss any related complaint, and the subject of the
9 complaint shall be notified of the dismissal. If the
10 investigation originated from a complaint filed by a
11 person other than the board, the person making the
12 complaint shall also be notified of the dismissal.

13 Sec. ____ Section 68B.32C, subsections 1 and 3,
14 Code 2011, are amended to read as follows:

15 1. Contested case proceedings initiated as a result
16 of the issuance of a statement of charges pursuant to
17 section 68B.32B, subsection 9, shall be conducted in
18 accordance with the requirements of chapter 17A. Clear
19 and convincing evidence shall be required to support
20 a finding that a person has violated this chapter,
21 section 8.7, section 455B.103, subsection 1, paragraph
22 "d", or any rules adopted by the board pursuant to
23 this chapter. A preponderance of the evidence shall
24 be required to support a finding that a person has
25 violated chapter 68A or any rules adopted by the board
26 pursuant to chapter 68A. The case in support of the
27 statement of charges shall be presented at the hearing
28 by one of the board's attorneys or staff unless, upon
29 the request of the board, the charges are prosecuted
30 by another legal counsel designated by the attorney
31 general. A person making a complaint under section
32 68B.32B, subsection 1, is not a party to contested case
33 proceedings conducted relating to allegations contained
34 in the complaint.

35 3. Upon a finding by the board that the party
36 charged has violated this chapter, chapter 68A, section
37 8.7, section 455B.103, subsection 1, paragraph "d",
38 or rules adopted by the board, the board may impose
39 any penalty provided for by section 68B.32D. Upon a
40 final decision of the board finding that the party
41 charged has not violated this chapter, chapter 68A,
42 section 8.7, section 455B.103, subsection 1, paragraph
43 "d", or the rules of the board, the complaint shall
44 be dismissed and the party charged and the original
45 complainant, if any, shall be notified.

46 Sec. ____ Section 68B.32D, subsection 1, unnumbered
47 paragraph 1, Code 2011, is amended to read as follows:
48 The board, after a hearing and upon a finding that a
49 violation of this chapter, chapter 68A, section 8.7,
50 section 455B.103, subsection 1, paragraph "d", or rules

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1 adopted by the board has occurred, may do one or more
2 of the following:

3 Sec. ____ Section 68B.32D, subsection 1, paragraphs
4 c, d, and h, Code 2011, are amended to read as follows:

5 c. Issue an order requiring the violator to file
6 any report, statement, or other information as required
7 by this chapter, chapter 68A, section 8.7, section
8 455B.103, subsection 1, paragraph "d", or rules adopted
9 by the board.

10 d. Publicly reprimand the violator for violations
11 of this chapter, chapter 68A, section 8.7, section
12 455B.103, subsection 1, paragraph "d", or rules adopted
13 by the board in writing and provide a copy of the
14 reprimand to the violator's appointing authority.

15 h. Issue an order requiring the violator to pay a
16 civil penalty of not more than two thousand dollars for
17 each violation of this chapter, chapter 68A, section
18 8.7, section 455B.103, subsection 1, paragraph "d", or
19 rules adopted by the board.>

20 2. Page 3, after line 16 by inserting:

21 <d. Any oral, telephonic, or other undocumented
22 communication relating to the director's rulemaking
23 authority or the director's authority to establish
24 fees that includes the director, a person accountable
25 to the director, or a person to whom the director
26 is accountable shall be electronically recorded or
27 otherwise documented and made available to both the
28 commission and the public at no cost in a format easily
29 accessible to the general public. Such recordings and
30 all written communications or documentation relating
31 to these authorities are subject to chapter 22. A
32 person may file a complaint pursuant to section 68B.32B
33 alleging a violation of this paragraph.>

34 3. By renumbering as necessary.

ISENHART of Dubuque

H-1419

1 Amend House File 482 as follows:

2 1. Page 23, line 19, by striking <apart from
3 commissions paid by an insurer>

PETTENGILL of Benton

H-1420

1 Amend the amendment, H-1406, to House File 603 as
2 follows:

3 1. Page 2, by striking lines 18 through 30.

- 4 2. Page 2, line 31, by striking <19> and inserting
5 <6>
6 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1421

- 1 Amend the amendment, H-1404, to Senate File 7, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 12 through 16 and
4 inserting <is powered by a motor of ten horsepower or
5 more which is running, and when used in reference to
6 a sailboat, means the sailboat is either powered by a
7 motor of ten horsepower or more which is running, or
8 has sails hoisted and is not propelled by a motor, and
9 is under>
10 2. Page 1, by striking lines 21 and 22 and
11 inserting:
12 <NEW SUBSECTION. 14. A peace officer shall not>
13 3. By renumbering as necessary.

R. OLSON of Polk
HORBACH of Tama

H-1422

- 1 Amend House File 561 as follows:
2 1. Page 9, after line 23 by inserting:
3 <Sec. ____ Section 476A.6, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 4. a. In the case of an
6 application to construct a nuclear generating facility,
7 the county electorate in the county within which
8 the facility is proposed to be located has approved
9 construction of the facility as provided in this
10 subsection. The board of supervisors, upon receipt of
11 a valid petition meeting the requirements of section
12 331.306, shall direct the commissioner of elections
13 to submit to the registered voters of the county a
14 proposition to approve or disapprove the construction
15 of a nuclear generating facility in the county. The
16 proposition shall be submitted at an election held on a
17 date specified in section 39.2, subsection 4, paragraph
18 "a". To be submitted at a general election, the
19 petition must be received by the board of supervisors
20 at least five working days before the last day for
21 candidates for county offices to file nomination
22 papers for the general election pursuant to section
23 44.4. If a majority of the county voters voting on
24 the proposition favor construction of such a facility,
25 and all other applicable requirements are met, a

26 certificate shall be issued. If a majority of the
 27 county voters voting on the proposition do not favor
 28 construction, a certificate shall not be issued.
 29 b. After a referendum has been held which defeated
 30 a proposal to construct a nuclear generating facility
 31 as provided in this subsection, another referendum on a
 32 proposal to construct such a facility shall not be held
 33 for at least eight years.>
 34 2. By renumbering as necessary.

KELLEY of Jasper
 WESSEL-KROESCHELL of Story
 WINCKLER of Scott
 STECKMAN of Cerro Gordo

THEDE of Scott
 GAINES of Polk
 LENSING of Johnson
 ISENHART of Dubuque

H-1423

1 Amend House File 613 as follows:
 2 1. Page 1, line 3, before <A> by inserting <a.>
 3 2. Page 1, after line 9 by inserting:
 4 <b. Notwithstanding paragraph "a", a county may
 5 adopt or enforce any ordinance that:
 6 (1) Requires the registration of rental properties
 7 for inspection and licensing based upon general life
 8 safety, mechanical, or electrical requirements. The
 9 costs of such registration or inspection shall not
 10 exceed the actual cost to the county. Registration or
 11 inspection may only occur when:
 12 (a) A rental property has never been previously
 13 rented.
 14 (b) The rental license for a rental property has
 15 expired.
 16 (c) There is a transfer of ownership of the rental
 17 property.
 18 (d) There is a need to inspect and certify a cure
 19 of a defect related to a prior inspection.
 20 (2) Regulates zoning related to new construction.
 21 (3) Relates to the density of rental properties
 22 that are vacant at the time that such an ordinance is
 23 adopted or enforced.
 24 (4) Requires the registration of rental properties
 25 in instances where the rental property owner receives
 26 moneys pursuant to or related to any federal, state, or
 27 local program.>
 28 3. Page 1, line 12, before <A> by inserting <a.>
 29 4. Page 1, after line 18 by inserting:
 30 <b. Notwithstanding paragraph "a", a city may
 31 adopt or enforce any ordinance that:
 32 (1) Requires the registration of rental properties
 33 for inspection and licensing based upon general life
 34 safety, mechanical, or electrical requirements. The
 35 costs of such registration or inspection shall not

36 exceed the actual cost to the city. Registration or
 37 inspection may only occur when:
 38 (a) A rental property has never been previously
 39 rented.
 40 (b) The rental license for a rental property has
 41 expired.
 42 (c) There is a transfer of ownership of the rental
 43 property.
 44 (d) There is a need to inspect and certify a cure
 45 of a defect related to a prior inspection.
 46 (2) Regulates zoning related to new construction.
 47 (3) Relates to the density of rental properties
 48 that are vacant at the time that such an ordinance is
 49 adopted or enforced.
 50 (4) Requires the registration of rental properties

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1 in instances where the rental property owner receives
 2 moneys pursuant to or related to any federal, state, or
 3 local program.>
 4 5. By renumbering as necessary.

WAGNER of Linn

H-1424

1 Amend House File 646 as follows:
 2 1. Page 2, after line 28 by inserting:
 3 <3. For the fiscal year beginning July 1, 2011,
 4 and ending June 30, 2012, there is appropriated from
 5 the lowAccess revolving fund, to the office of the
 6 secretary of state \$75,000 for costs associated with
 7 decennial redistricting.>
 8 2. Page 14, by striking lines 9 and 10.
 9 3. By renumbering, redesignating, and correcting
 10 internal references as necessary.

GASKILL of Wapello

H-1425

1 Amend House File 646 as follows:
 2 1. Page 15, after line 23 by inserting:
 3 <Sec. ____ FINANCIAL PROCESSES — REVIEW.
 4 1. The department of administrative services, in
 5 consultation with the department of management, shall
 6 implement and administer a procedure for reviewing
 7 the financial processes of each state agency. The
 8 financial processes to be reviewed include accounting
 9 and servicing claims, timely payments of vendors,
 10 settlement of payment disputes, and reduction of errors

11 in the claims process. The reviews shall be completed
 12 in an expedited manner. At the completion of the
 13 review of each agency, the department of administrative
 14 services shall submit a report to the general assembly
 15 regarding the findings and recommendations of the
 16 department.

17 2. The department of human services shall be
 18 the first department reviewed by the department of
 19 administrative services. The review of the department
 20 of human services shall be completed by September 1,
 21 2011.>

22 2. By renumbering as necessary.

GASKILL of Wapello

H-1426

1 Amend House File 646 as follows:

2 1. Page 22, after line 25 by inserting:
 3 <Sec. ___. Section 137F.3, subsection 5, Code 2011,
 4 is amended to read as follows:

5 5. The director shall monitor municipal
 6 corporations which have entered into an agreement
 7 pursuant to this section to determine if they are
 8 enforcing this chapter within their respective
 9 jurisdictions. ~~If the director determines that this~~
 10 ~~chapter is not enforced by a municipal corporation, the~~
 11 ~~director may rescind the agreement after reasonable~~
 12 ~~notice and an opportunity for a hearing. An agreement~~
 13 may be rescinded by the director only if the director
 14 determines and documents that this chapter is not being
 15 enforced by the municipal corporation or the municipal
 16 corporation is not in compliance with the terms of
 17 the agreement. Financial savings to the department
 18 or any reason other than the failure on the part of a
 19 municipal corporation to enforce this chapter or comply
 20 with the terms of the agreement shall not constitute
 21 sufficient cause for rescision. If the agreement is
 22 rescinded for failure to enforce or failure to comply
 23 pursuant to this subsection, the director shall assume
 24 responsibility for enforcement in the jurisdiction
 25 involved.>

26 2. By renumbering as necessary.

HEDDENS of Story
 WESSEL-KROESCHELL of Story

H-1427

1 Amend House File 646 as follows:

2 1. Page 22, after line 25 by inserting:
 3 <Sec. ___. Section 137F.3, subsection 5, Code 2011,

4 is amended to read as follows:

5 5. a. The director shall monitor municipal
6 corporations which have entered into an agreement
7 pursuant to this section to determine if they are
8 enforcing this chapter within their respective
9 jurisdictions. If the director determines that this
10 chapter is not enforced by a municipal corporation, the
11 director may rescind the agreement after reasonable
12 notice and an opportunity for a hearing. If the
13 agreement is rescinded, the director shall assume
14 responsibility for enforcement in the jurisdiction
15 involved.

16 b. With respect to a municipal corporation
17 consisting of a city with a population of not less than
18 58,900 or more than 59,000 as of the 2010 decennial
19 federal census, financial savings to the department or
20 any reason other than the failure on the part of the
21 municipal corporation to enforce this chapter or comply
22 with the terms of the agreement shall not constitute
23 sufficient cause for rescision.>

HEDDENS of Story
WESSEL-KROESCHELL of Story

H-1428

1 Amend the amendment, H-1387, to House File 590 as
2 follows:

3 1. Page 1, line 4, after <j.> by inserting <(1)>

4 2. Page 1, after line 12 by inserting:

5 <(2) The authority shall not invest or deposit
6 moneys with any person or entity if the person, entity,
7 or any principal executive, director, or person with
8 more than a de minimis financial interest in the
9 entity has made contributions exceeding seven hundred
10 fifty dollars to a political or candidate's committee
11 as defined in section 68A.102 in any year during
12 the previous five full calendar years, or has made
13 an independent expenditure or contributed more than
14 seven hundred fifty dollars to a person who made an
15 independent expenditure as defined in section 68A.404,
16 subsection 1, in any year during the previous five
17 calendar years.

18 (3) For purposes of this paragraph:

19 (a) "Candidate's committee" means a committee for a
20 candidate for the Iowa general assembly or candidate
21 for a statewide office in Iowa.

22 (b) "Financial interest" does not include
23 nonexecutive employment by a person or entity.>

24 3. Page 1, line 14, after <(4)> by inserting <(a)>

25 4. Page 1, after line 22 by inserting:

26 <(b) The authority shall not enter into a

27 sole source procurement contract with a person or
 28 an entity if the person, entity, or a principal
 29 executive, director, or person with more than a de
 30 minimis financial interest in the entity, has made
 31 contributions exceeding seven hundred fifty dollars
 32 to a political or candidate's committee as defined
 33 in section 68A.102 in any year during the previous
 34 five full calendar years, or has made an independent
 35 expenditure or contributed more than seven hundred
 36 fifty dollars to a person who made an independent
 37 expenditure as defined in section 68A.404, subsection
 38 1, in any year during the previous five calendar years.
 39 (c) For purposes of this subparagraph:
 40 (i) "Candidate's committee" means a committee for a
 41 candidate for the Iowa general assembly or candidate
 42 for a statewide office in Iowa.
 43 (ii) "Financial interest" does not include
 44 nonexecutive employment by a person or entity.>
 45 5. By renumbering as necessary.

ISENHART of Dubuque

H-1429

1 Amend House File 590 as follows:
 2 1. Page 9, line 28, after <duties.> by inserting
 3 <Committees or panels formed pursuant to this paragraph
 4 shall be subject to the provisions of chapters 21 and
 5 22.>
 6 2. Page 27, line 21, after <independence> by
 7 inserting <and the department of public safety>
 8 3. By renumbering as necessary.

ISENHART of Dubuque

H-1430

1 Amend House File 590 as follows:
 2 1. Page 8, line 15, after <f.> by inserting <(1)>
 3 2. Page 8, after line 27 by inserting:
 4 <(2) If the authority enters into a contract
 5 without competitive bidding, such a contract shall not
 6 be entered into with a person or entity if that person
 7 or entity, or any principal executive, director, or
 8 person with more than a de minimis financial interest
 9 in the entity, has made contributions exceeding seven
 10 hundred fifty dollars to a political or candidate's
 11 committee as defined in section 68A.102 in any year
 12 during the previous five calendar years, or if the
 13 person or entity has made an independent expenditure or
 14 contributed more than seven hundred fifty dollars to a
 15 person who made an independent expenditure as defined

16 in section 68A.404, subsection 1, in any year during
 17 the previous five calendar years.
 18 (3) For purposes of this paragraph:
 19 (a) "Candidate's committee" means a committee for a
 20 candidate for the Iowa general assembly or candidate
 21 for a statewide office in Iowa.
 22 (b) "Financial interest" does not include
 23 non-executive employment by a person or entity.>
 24 3. Page 8, line 28, after <g.> by inserting <(1)>
 25 4. Page 8, after line 31 by inserting:
 26 <(2) The authority shall not sell property without
 27 public bidding to a person or entity if that person
 28 or entity, or any principal executive, director, or
 29 person with more than a de minimis financial interest
 30 in the entity, has made contributions exceeding seven
 31 hundred fifty dollars to a political or candidate's
 32 committee as defined in section 68A.102 in any year
 33 over the previous five full calendar years, or has made
 34 an independent expenditure or contributed more than
 35 seven hundred fifty dollars to a person who made an
 36 independent expenditure as defined in section 68A.404,
 37 subsection 1, in any year during the previous five
 38 calendar years.
 39 (3) For purposes of this paragraph, "candidate's
 40 committee" and "financial interest" have the same
 41 meaning as in paragraph "f".>
 42 5. By renumbering as necessary.

ISENHART of Dubuque

H-1431

1 Amend the amendment, H-1404, to Senate File 7, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 12 through 27 and
 4 inserting <is powered by a motor which is running,
 5 and when used in reference to a sailboat, means the
 6 sailboat is either powered by a motor which is running,
 7 or has sails hoisted and is not propelled by a motor,
 8 and is under way.>
 9 2. By renumbering as necessary.

R. OLSON of Polk
 HORBACH of Tama

H-1432

1 Amend House File 590 as follows:
 2 1. Page 6, by striking line 2 and inserting <to>
 3 2. Page 8, by striking lines 1 and 2.
 4 3. By striking page 8, line 35, through page 9,
 5 line 3.

- 6 4. By striking page 12, line 30, through page 17,
7 line 8.
8 5. By renumbering, redesignating, and correcting
9 internal references as necessary.

LUKAN of Dubuque

H-1433

- 1 Amend House File 590 as follows:
2 1. Page 12, after line 7 by inserting:
3 <2A. a. The director shall propose and the
4 authority shall adopt rules for the implementation of
5 this subsection.
6 b. The authority and the corporation shall not
7 provide financial assistance, enter into contracts,
8 or otherwise provide benefits to a person or entity
9 that has made an independent expenditure in a campaign
10 or that has contributed more than seven hundred fifty
11 dollars to a person who made an independent expenditure
12 as defined in section 68A.404, subsection 1, in any
13 year during the previous five calendar years.
14 c. The authority and the corporation shall not
15 provide financial assistance, enter into contracts,
16 or otherwise provide benefits to a person or entity
17 if that person or a principal executive, director, or
18 person with a direct financial interest in the entity,
19 has made contributions to a political candidate or
20 candidate's committee exceeding thresholds established
21 by rule.
22 d. For purposes of this subsection:
23 (1) "Campaign" means a campaign for the Iowa
24 general assembly or a candidate for statewide office
25 in Iowa.
26 (2) "Candidate's committee" means a committee for a
27 candidate for the Iowa general assembly or candidate
28 for a statewide office in Iowa.
29 (3) "Financial interest" does not include
30 nonexecutive employment by a person or entity.>
31 2. By renumbering as necessary.

ISENHART of Dubuque

H-1434

- 1 Amend the amendment, H-1408, to House File 482 as
2 follows:
3 1. Page 2, after line 25 by inserting:
4 <___. Page 21, line 12, by striking <reasonable>

5 and inserting <reasonable>
6 _____. Page 21, line 13, after <any> by inserting
7 <reasonable>>

PETTENGILL of Benton

H-1435

1 Amend Senate File 130, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 481A.48, subsection 1, Code
6 2011, is amended to read as follows:
7 1. No A person, except as otherwise provided by
8 law, shall not willfully disturb, pursue, shoot, kill,
9 take or attempt to take or have in possession any of
10 the following game birds or animals except within the
11 open season established by the commission: Gray or fox
12 squirrel, bobwhite quail, cottontail or jackrabbit,
13 duck, snipe, pheasant, goose, woodcock, partridge,
14 mourning dove, coot, rail, ruffed grouse, wild
15 turkey, pigeons, or deer. The seasons, bag limits,
16 possession limits, and locality shall be established
17 by the department or commission under the authority of
18 sections 456A.24, 481A.38, and 481A.39.>
19 2. Title page, line 1, by striking <raccoon> and
20 inserting <mourning dove>

ARNOLD of Lucas

H-1436

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 19 and 20 and
4 inserting:
5 <2. Title page, line 1, by striking <relating
6 to raccoon hunting> and inserting <allowing the
7 establishment of an open season for hunting mourning
8 doves>>

ARNOLD of Lucas

H-1437

1 Amend House File 473 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 8A.311, subsection 15, Code
4 2011, is amended to read as follows:
5 15. a. A bidder awarded, to be considered for an
6 award of a state construction contract, shall disclose

7 ~~to the state agency awarding the contract the names of~~
 8 ~~all subcontractors and suppliers, who will work on the~~
 9 ~~project being bid, within forty-eight hours after the~~
 10 ~~award of the contract published date and time by which~~
 11 ~~bids must be submitted.~~

12 ~~b. A bidder shall not replace a subcontractor or~~
 13 ~~supplier disclosed under paragraph "a" without the~~
 14 ~~written approval of the state agency awarding the~~
 15 ~~contract.~~

16 ~~c. A bidder, prior to award or who is awarded a~~
 17 ~~state construction contract, shall disclose all of the~~
 18 ~~following, as applicable:~~

19 ~~(1) If a subcontractor named or supplier disclosed~~
 20 ~~under paragraph "a" by a bidder awarded a state~~
 21 ~~construction contract is replaced, or if the reason for~~
 22 ~~the replacement and the name of the new subcontractor~~
 23 ~~or supplier.~~

24 ~~(2) If the cost of work to be done by a~~
 25 ~~subcontractor or supplier is reduced, the bidder shall~~
 26 ~~disclose the name of the new subcontractor or changed~~
 27 ~~or if the replacement of a subcontractor or supplier~~
 28 ~~results in a change in the cost, the amount of the~~
 29 ~~reduced change in cost.>~~

30 2. By renumbering as necessary.

THOMAS of Clayton

H-1438

1 Amend the amendment, H-1391, to House File 643 as
 2 follows:

3 1. Page 2, after line 34 by inserting:

4 <__. Page 10, after line 9 by inserting:

5 <Sec. __. QUARTERLY REPORT. The department of
 6 agriculture and land stewardship and the department
 7 of natural resources shall prepare and submit a joint
 8 report to the governor and general assembly on a
 9 quarterly basis regarding the progress of the transfer
 10 of employees, powers, and duties to the department
 11 of agriculture and land stewardship as provided in
 12 sections 455B.193 through 455B.195, as amended by this
 13 Act. The departments shall also publish each report
 14 on their internet websites. The report shall identify
 15 and itemize all savings achieved as well as all costs
 16 incurred by the departments in this process. >>

17 2. By renumbering as necessary.

LENSING of Johnson

State of Iowa

JOURNAL OF THE HOUSE

2011
REGULAR SESSION
EIGHTY-FOURTH
GENERAL ASSEMBLY

Convened – January 10, 2011
Adjourned – June 30, 2011

Volume II

TERRY E. BRANSTAD, Governor
KRAIG PAULSEN, Speaker of the House
JOHN P. KIBBIE, President of the Senate

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AMENDMENTS FILED – CONTINUED

H-1439

- 1 Amend the amendment, H-1391, to House File 643 as
 2 follows:
 3 1. Page 2, after line 34 by inserting:
 4 <__. Page 10, after line 9 by inserting:
 5 <Sec. __. ASSURANCE. The department of natural
 6 resources and the department of agriculture and land
 7 stewardship shall assure that during the transition
 8 period no break shall occur in data collection or
 9 monitoring or contracts related to programs transferred
 10 by this Act.>>
 11 2. By renumbering as necessary.

LENSING of Johnson

H-1440

- 1 Amend the amendment, H-1380, to House File 590 as
 2 follows:
 3 1. Page 1, line 31, after <program.> by inserting
 4 <The information provided pursuant to this paragraph
 5 shall include but not be limited to the number of
 6 workers trained or educated; the median hourly wage
 7 of workers trained or educated and the percentage of
 8 workers for whom employer-paid health benefits are
 9 provided; the number of workers continuing to work for
 10 the employer for which they were trained twelve months
 11 following the completion of the training; the number
 12 of disadvantaged workers trained or educated as part
 13 of each agreement; and identification of the portable
 14 skills developed as part of each agreement.
 15 (1) For purposes of this paragraph, "disadvantaged
 16 worker" means a resident of Iowa who is a member of an
 17 underserved population, including any of the following:
 18 (a) Persons with an adjusted gross income of twenty
 19 thousand dollars or less in the preceding tax year.
 20 (b) Women, persons with disabilities, and minority
 21 persons.
 22 (c) Persons who are fifty years of age or older.
 23 (d) Persons convicted of a crime who are reentering
 24 society after being released from incarceration or who
 25 have not been employed with an adjusted gross income of
 26 twenty thousand dollars or more since being released
 27 from incarceration.
 28 (2) For purposes of this paragraph a portable
 29 skill is a skill not unique to the employer for which
 30 training was provided and which has been identified by
 31 the department of workforce development as a worker
 32 skill needed by employers in more than one industry.>
 33 2. By renumbering as necessary.

ISENHART of Dubuque

H-1441

1 Amend the amendment, H-1391, to House File 643 as
2 follows:
3 1. Page 2, after line 34 by inserting:
4 <__. Page 10, after line 9 by inserting:
5 <Sec. __. EMPLOYEE RETENTION. The department
6 of agriculture and land stewardship shall assure in
7 the transfer of employees, powers, and duties to the
8 department as provided in sections 455B.193 through
9 455B.195, as amended by this Act, that no affected
10 employee shall be terminated or have work hours
11 reduced.>>
12 2. By renumbering as necessary.

WESSEL-KROESCHELL of Story

H-1442

1 Amend House File 590 as follows:
2 1. Page 17, before line 9 by inserting:
3 <Sec. __. NEW SECTION. 15.106E Review of
4 authority operations.
5 Commencing July 1, 2014, the general assembly
6 shall conduct a review of the authority and its
7 activities and shall issue a report with findings and
8 recommendations by January 1, 2015.>

RUNNING-MARQUARDT of Linn

H-1443

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 20 and
4 inserting:
5 <1. By striking everything after the enacting
6 clause and inserting:
7 <Section 1. NEW SECTION. 1E.1 State birds.
8 1. The Eastern goldfinch and the mourning dove are
9 designated and shall be officially known as the state
10 birds of Iowa.
11 2. The director of the department of cultural
12 affairs shall obtain appropriate pictures and other
13 representations of the Eastern goldfinch and the
14 mourning dove and shall display the pictures and
15 representations in an appropriate place in the state
16 historical museum.
17 3. The editor of the Iowa official register shall
18 include appropriate pictures of and commentary on the
19 Eastern goldfinch and the mourning dove in the Iowa
20 official register, along with pictures of the state

21 rock, state flower, and state tree. >>
22 2. Title page, line 1, by striking <relating to
23 raccoon hunting> and inserting <designating the Eastern
24 goldfinch and the mourning dove as the state birds>

BERRY of Black Hawk

H-1444

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves
5 is established by the commission pursuant to this
6 subsection, the commission shall specify that mourning
7 doves shall only be taken by a person with a firearm
8 using nontoxic shot.>

WOLFE of Clinton

H-1445

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, the open season shall
6 be effective in a county only if the open season has
7 been approved by the county board of supervisors, upon
8 recommendation of the county conservation board.>

ISENHART of Dubuque

H-1446

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, the commission shall
6 prohibit the hunting of mourning doves within one mile
7 of any residence.>

MASCHER of Johnson

H-1447

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, the commission shall

6 prohibit the hunting of mourning doves within one
7 hundred yards of any land upon which crops have been
8 grown within the previous ninety days.>

MASCHER of Johnson

H-1448

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <The commission shall undertake a five-year
5 study of the population of mourning doves in the state
6 prior to establishing a season for mourning doves.>

MASCHER of Johnson

H-1449

1 Amend House File 267, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 303.2, subsection 2, paragraph
6 c, Code 2011, is amended to read as follows:
7 c. Develop standards and criteria for the
8 acquisition of historic properties and for the
9 preservation, restoration, maintenance, operation, and
10 interpretation of properties under the jurisdiction
11 of the division. The administrator of the division
12 shall serve as the state historic preservation
13 officer, certified by the governor, pursuant to federal
14 requirements. The recommendations and decisions of the
15 state historic preservation officer shall be subject to
16 the review and approval of the director.
17 Sec. 2. NEW SECTION. 303.19A Effort required of
18 rural electric cooperatives receiving federal funding to
19 identify historic properties.
20 1. The state historic preservation officer shall
21 only recommend that a rural electric cooperative
22 constructing electric distribution and transmission
23 facilities for which it is receiving federal funding
24 conduct an archeological site survey of its proposed
25 route when, based upon a review of existing information
26 on historic properties within the area of potential
27 effects of the construction, the state historic
28 preservation officer has determined that a historic
29 property, as defined by the federal National Historic
30 Preservation Act of 1966, as amended, is likely to
31 exist within the proposed route.
32 2. The state historic preservation officer shall
33 not require a level of archeological identification

34 effort which is greater than the reasonable and good
 35 faith effort required by the federal agency. Such
 36 effort shall reflect the public interest and shall take
 37 into account the likelihood and magnitude of potential
 38 impacts to historic properties and project costs.
 39 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 40 deemed of immediate importance, takes effect upon
 41 enactment.>
 42 2. Title page, line 1, after <to> by inserting
 43 <the historical division of the department of cultural
 44 affairs, including>
 45 3. Title page, line 2, after <cooperatives> by
 46 inserting <and including effective date provisions>

SENATE AMENDMENT

H-1450

1 Amend the amendment, H-1435, to Senate File 130, as
 2 passed by the Senate, as follows:
 3 1. Page 1, line 18, after <and 481A.39.> by
 4 inserting <If an open season on mourning doves is
 5 established by the commission, a person hunting
 6 mourning doves shall pay the migratory game bird fee as
 7 provided in section 483A.1.>
 8 2. Page 1, after line 18 by inserting:
 9 <Sec. ____ Section 484A.1, subsection 2, Code 2011,
 10 is amended to read as follows:
 11 2. "Migratory game bird" means any wild goose,
 12 brant, wild duck, snipe, rail, woodcock, mourning dove,
 13 or coot.>
 14 3. Page 1, after line 20 by inserting:
 15 <____ Title page, line 1, after <hunting> by
 16 inserting <and providing fees>>
 17 4. By renumbering as necessary.

HALL of Woodbury

H-1451

1 Amend House File 649 as follows:
 2 1. Page 75, after line 23 by inserting:
 3 <Sec. ____ DECATORIZATION PROJECT FUNDING. For
 4 the period beginning June 1, 2010, and ending June
 5 30, 2012, a child welfare and juvenile justice
 6 funding decategorization initiative project that is
 7 incorporated and owns real property may utilize project
 8 funding to purchase liability insurance.>
 9 2. Page 75, after line 26 by inserting:
 10 <Sec. ____ RETROACTIVE APPLICABILITY. The
 11 section of this division of this Act addressing child
 12 welfare and juvenile justice funding decategorization

13 initiative project funding for the period beginning
 14 June 1, 2010, and ending June 30, 2012, applies
 15 retroactively to June 1, 2010.>
 16 3. By renumbering as necessary.

PETTENGILL of Benton
 DE BOEF of Keokuk

H-1452

1 Amend Senate File 406, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, line 13, by striking <apart from
 4 commissions paid by an insurer>

PETTENGILL of Benton

H-1453

1 Amend Senate File 406, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, after line 34 by inserting:
 4 <Sec. ____ Section 505.19, subsection 2, Code 2011,
 5 is amended to read as follows:
 6 2. The commissioner shall hold a public hearing at
 7 the time a carrier files for proposed health insurance
 8 rate increases exceeding the average annual health
 9 spending growth rate as provided in subsection 1,
 10 in each congressional district in which the carrier
 11 has policyholders that are affected by the proposed
 12 rate increases, prior to approval or disapproval of
 13 the proposed rate increases for that carrier by the
 14 commissioner.>
 15 2. By renumbering as necessary.

PETERSEN of Polk
 KAJTAZOVIC of Black Hawk

H-1454

1 Amend Senate File 205, as passed by the Senate, as
 2 follows:
 3 1. Page 16, after line 22 by inserting:
 4 <DIVISION III
 5 RAILROAD CLEARANCES AND SAFE SPACES
 6 Sec. ____ NEW SECTION. 327F.10 Minimum clear space
 7 requirements for bridges, structures, poles, and other
 8 obstructions.
 9 1. Overhead clearances.
 10 a. The minimum overhead clearance above a railroad
 11 track that is used or proposed to be used for
 12 transporting freight cars shall be twenty-two feet,

13 except as otherwise provided in this subsection.

14 b. The overhead clearance above the top rail of
15 tracks located at the entrance to or inside a building
16 may be less than twenty-two feet but not less than
17 eighteen feet. However, if an overhead clearance of
18 less than twenty-two feet exists above tracks inside a
19 building, the movement of railway equipment shall be
20 brought to a stop before entering the building. In
21 switching movements requiring a number of entries,
22 stopping is required only upon initial entry.

23 c. This subsection does not apply to electric wires
24 or equipment required above tracks for the operation
25 of trains by electric energy, provided that a carrier
26 that conducts such an operation adopts and enforces
27 rules which prohibit an employee from being on top of a
28 rail car while the car is being operated under lower
29 clearances than those provided in this subsection.

30 d. The overhead clearances provided in this
31 subsection do not apply to engine houses, engine house
32 facilities, tipples, or facilities used for servicing
33 rail cars or for loading or unloading bulk commodities
34 if compliance is not reasonably practicable.

35 e. The department of transportation may waive
36 the requirements of this subsection for structures
37 constructed before January 1, 2012, if the waiver
38 will not adversely affect the safety of the public or
39 employees of the railroad.

40 2. Side clearances.

41 a. The minimum side clearance from the center line
42 of tangent railroad tracks that are used or proposed
43 to be used for transporting freight cars shall conform
44 with the requirements of this subsection, except that
45 structures, including platforms and tracks, constructed
46 or under construction prior to January 1, 2012, may be
47 maintained at clearances existing prior to that date,
48 and may be extended at existing clearances unless such
49 an extension is in connection with reconstruction of
50 the original platform.

Page 2

1 b. The minimum side clearance between the center
2 line of the track and any structure or obstruction
3 above the top of the rail, except structures or
4 obstructions specifically exempted under this
5 subsection, shall be twelve feet.

6 c. (1) A platform that is four feet or less above
7 the top of the rail, except a platform adjacent to main
8 or passing tracks, may be less than eight feet six
9 inches from the center line of the track on one side
10 of such track if a full clearance of at least eight
11 feet six inches is maintained on the opposite side of

12 the track or the distance from the center of the track
13 to the center of the adjacent track is not less than
14 fourteen feet.

15 (2) A platform that is four feet six inches or less
16 above the top of the rail, if used principally for
17 loading or unloading refrigerator cars, shall not be
18 less than eight feet from the center line of the track.

19 (3) A low passenger platform that is eight inches
20 or less above the top rail shall not be less than five
21 feet one inch from the center line of the track. A
22 high passenger platform that is four feet or less above
23 the top rail shall not be less than five feet seven
24 inches from the center line of the track.

25 (4) Platforms constructed before January 1,
26 2012, with less than the clearances prescribed in
27 this paragraph "c" may be extended at such lesser
28 clearances unless the extension is in connection with
29 reconstruction of the original platform.

30 d. The side clearance, other than for platforms, on
31 sidings only, at an entrance to a building or inside
32 a building shall not be less than eight feet from the
33 center line of the track.

34 e. Switchboxes, switch-operating mechanisms, and
35 accessories necessary for the control or operation of
36 signals or interlockers projecting four inches or less
37 above the top rail shall not be less than three feet
38 from the center line of the track.

39 f. The center spindle of signal and switch stands
40 three feet or less above the top of the rail and
41 located between tracks, if not practicable to provide
42 the clearances otherwise prescribed in this subsection,
43 shall not be less than six feet from the center line
44 of the track.

45 g. Through bridges supporting affected track,
46 tunnels, water columns, or oil columns shall not be
47 less than eight feet from the center line of the track,
48 except where special protection is required for unusual
49 commodities.

50 h. (1) The clearance for through bridges

Page 3

1 supporting affected track, water barrel platforms or
2 refuge platforms on bridges or trestles not provided
3 with walkways, handrails, water barrels, water columns,
4 block signals, cattle guards, and stock chutes, if all
5 or portions thereof are four feet or less above the top
6 of the rail, may be decreased to the extent defined
7 by a line extending diagonally upward from a point
8 level with the top of the rail and five feet distant
9 laterally from the center line of the track to a point
10 four feet above the top of the rail and eight feet

11 distant laterally from the center line of the track.
12 However, the minimum clearance for handrails or water
13 barrels on bridges with walkways shall be seven feet
14 nine inches, and the minimum clearance for fences for
15 cattle guards shall be six feet nine inches.
16 (2) The lesser clearances authorized in
17 subparagraph (1) for handrails and water barrels do not
18 apply to through bridges if the work of train workers
19 or yard workers requires the workers to be on the
20 decks of such bridges for the purpose of coupling or
21 uncoupling cars in the performance of switching service
22 on a switching lead.
23 i. The side clearances specified in this subsection
24 do not apply to mail cranes when the arms of the mail
25 cranes are supporting mail sacks for delivery, if the
26 top arm is not higher than ten feet eight inches above
27 the top of the rail and neither arm extends within six
28 feet five inches from the center line of the track.
29 j. Icing platforms and supports shall have a
30 minimum side clearance of eight feet. Except in
31 emergencies, operations over portions of track adjacent
32 to icing platforms constructed before January 1, 2012,
33 with a side clearance of less than eight feet shall
34 be restricted to the movement or switching of trains
35 containing refrigerator cars to be iced and to the
36 necessary use of such tracks for the unloading of
37 supplies required for the operation of an icing dock.
38 k. The side clearances specified in this section do
39 not apply to the following:
40 (1) Intertrack fences located on the center line
41 between tracks.
42 (2) Engine houses, engine house facilities,
43 tipples, or facilities used for servicing rail cars or
44 for loading or unloading bulk commodities if compliance
45 is not reasonably practicable.
46 (3) Car retarders, derails, switch point
47 protectors, guardrails, and similar appurtenances
48 projecting three inches or less above the top of the
49 rail.
50 l. The minimum side clearances prescribed in this

Page 4

1 subsection are for tangent tracks. Structures adjacent
2 to curve tracks shall have additional minimum side
3 clearances compensating for curvature.
4 3. Overhead and side clearances.
5 a. The overhead and side clearances prescribed in
6 subsections 1 and 2 may be decreased to the extent of a
7 line extending diagonally downward from a point four
8 feet from the center line of the track and twenty-two
9 feet above the top of the rail to a point eight feet

10 from the center line of the track and sixteen feet
11 above the top of the rail.

12 b. For tracks located at an entrance to or inside a
13 building with an overhead clearance of eighteen feet
14 and a side clearance of eight feet, as prescribed in
15 this section, the overhead and side clearances may be
16 decreased to the extent of a line extending diagonally
17 downward from a point four feet from the center line of
18 the track and eighteen feet above the top of the rail
19 to a point eight feet from the center line of the track
20 and fourteen feet above the top of the rail.

21 c. A canopy at one side of the track at a freight
22 platform may not be less than four feet from the center
23 line of the track if the height of the canopy is at
24 least seventeen feet six inches above the top of the
25 rail and if the full clearance of eight feet six inches
26 is maintained on the opposite side of the track or the
27 distance from the center of the track to the center of
28 the adjacent track is not less than fourteen feet.

29 d. A shelter over a platform used for passenger car
30 operation may not be less than four feet six inches
31 from the center line of the track if the height is
32 not less than fifteen feet above the top of the rail,
33 provided that a carrier that conducts such an operation
34 adopts and enforces rules which prohibit an employee
35 from riding on the side of equipment if standing above
36 car floor height.

37 4. Clearances between parallel tracks.

38 a. The minimum distance between the center lines
39 of parallel tracks shall be thirteen feet six inches
40 for main tracks and thirteen feet six inches for yard
41 and side tracks, except as otherwise provided in this
42 subsection.

43 b. The center line of any track except a main track
44 or a passing track, which is parallel and adjacent to a
45 main track or a passing track, shall be fifteen feet
46 from the center line of such main track or passing
47 track, except that if a passing track is adjacent to
48 and at least fifteen feet from the main track, such
49 other track may be constructed adjacent to the passing
50 track with a clearance of not less than thirteen feet

Page 5

1 six inches.

2 c. The center line of any ladder track which
3 is parallel to another adjacent track shall have a
4 clearance of not less than eighteen feet from the
5 center line of such other track, except that parallel
6 ladder tracks shall have a clearance of not less than
7 nineteen feet from center line to center line.

8 d. The minimum distance between the center line of

9 parallel team and house tracks shall be thirteen feet
10 six inches.

11 e. Tracks constructed or under construction prior
12 to January 1, 2012, may be extended without increasing
13 the distances between tracks.

14 5. Other conditions and obstructions adjacent to
15 tracks.

16 a. A railroad shall not knowingly permit
17 merchandise, material, or other articles to remain
18 piled or assembled on ground or platforms adjacent to
19 any track at a distance of less than eight feet six
20 inches from the center line of the track. A suitable
21 line or other marker may be maintained at a distance
22 of eight feet six inches from the center line of the
23 track on all platforms, excluding passenger platforms,
24 to indicate the space along the edge of the platform
25 which must be kept clear of merchandise, material, or
26 other articles.

27 b. The space between tracks ordinarily used by
28 train workers, yard workers, and other employees as a
29 walkway in the discharge of their duties, and the space
30 beside such tracks within eight feet six inches of the
31 center line of the tracks, shall be kept in reasonably
32 suitable condition for such purpose.

33 6. Preexisting clearances. Except as otherwise
34 provided in this section, if an overhead or side
35 clearance between a track and any building, structure,
36 or facility is less than the minimum prescribed in
37 this section but existed prior to January 1, 2012, the
38 minimum clearances prescribed by this section shall be
39 required when the building, structure, or facility is
40 relocated or reconstructed. However, the department
41 may grant specific requests for the continuance
42 of prior clearances at reconstructed buildings,
43 structures, or facilities as provided in subsection 7.

44 7. Waivers.

45 a. Nothing in this section shall be construed to
46 restrict the temporary distribution of materials or the
47 performance of work on, over, or adjacent to tracks if
48 the distribution or performance is necessary in the
49 construction or maintenance of facilities or equipment,
50 provided that the distribution or performance is

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1 carried out within a reasonable time under conditions
2 reasonably necessary to provide for the safety of all
3 concerned, including proper notice by train order,
4 message, or bulletin.

5 b. If, in any particular case, a waiver from any of
6 the requirements of this section is deemed necessary by
7 a carrier, the department, upon good cause shown, may

8 grant an application by the carrier for a waiver. The
9 request for the waiver shall be accompanied by a full
10 statement of conditions existing and the reason why the
11 waiver is necessary.

12 8. Application of terms. Wherever the terms
13 "railroad", "railroad track", "track", "building",
14 "entrance to or inside a building", "structure",
15 "facility", "platform", or other similar terms are used
16 in this section, the terms apply only to property owned
17 by or leased to a common carrier railroad.

18 9. Application of section. This section shall not
19 be construed as limiting the authority or jurisdiction
20 of the department of transportation.

21 Sec. ____ NEW SECTION. 327F.11 Safe space along
22 railroad rights-of-way.

23 1. For purposes of this section, "safe space" means
24 the area encompassed within the following distances:

25 a. From the actual grade level to a distance of
26 twenty-two feet six inches above the top of the rail
27 head.

28 b. A distance of eight feet six inches on both
29 sides of a perpendicular from the center line of a
30 railroad track with a radius of not less than four
31 hundred feet lateral curvature.

32 c. A distance of nine feet on both sides of a
33 perpendicular from the center line of a railroad track
34 with a radius of less than four hundred feet curvature.

35 2. A person shall not permit scrap iron, lumber,
36 debris, vegetation exceeding a height of four inches,
37 marked unevenness of terrain, or any other material or
38 condition which endangers a railroad employee to remain
39 or continue in the safe space over which the person has
40 control.

41 Sec. ____ NEW SECTION. 327F.12 Close clearance
42 warnings.

43 1. The owner of a railroad track shall place a
44 warning device at a location where the close clearance
45 between the track and a building, machinery, trees,
46 brush, or other object is such that the building,
47 machinery, trees, brush, or other object physically
48 impedes a person who is lawfully riding the side of a
49 train in the course of the person's duties in service
50 to a railroad company from clearing the building,

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1 machinery, trees, brush, or other object.

2 2. The warning device shall be placed in a location
3 which provides adequate notice to a person riding the
4 side of a train so that the person may prepare for
5 the close clearance. Any signs posted shall not be a
6 danger to other persons working on the property.

7 3. Placement of a warning device pursuant to this
8 section does not relieve the owner of a railroad track
9 from any duties required under chapter 317 or section
10 327F.27.

11 Sec. _____. Section 327F.13, Code 2011, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 327F.13 Close clearances and safe spaces —
15 enforcement.

16 1. Applicability of provisions. The provisions
17 of sections 327F.10, 327F.11, and 327F.12 apply to
18 matters under the purview of the state and enforceable
19 by the department of transportation. Sections 327F.10,
20 327F.11, and 327F.12 do not apply to the exercise of
21 authority which a federal agency has delegated to state
22 enforcement personnel under section 206 of the federal
23 Railroad Safety Act of 1970, 49 U.S.C. § 20106, or any
24 other regulation or requirement preempted by federal
25 law.

26 2. Emergency orders. If an inspector authorized by
27 the department determines through testing, inspection,
28 investigation, or research that a locomotive, car,
29 or other facility or equipment of a railroad is in a
30 condition that violates a law, regulation, or order
31 which the department is authorized to enforce, and the
32 condition is so hazardous as to present an imminent
33 danger or potential danger likely to result in injury
34 to a person, damage to property, or a breakdown of
35 equipment, the inspector shall declare such locomotive,
36 car, or other facility "out of service".

37 3. Action by inspector. When an inspector
38 authorized by the department declares a locomotive,
39 car, or other facility to be "out of service", the
40 inspector shall affix an "out of service" notice in
41 a prominent place on the locomotive, car, or other
42 facility. The affixing of an "out of service" notice
43 shall constitute legal notice that the locomotive,
44 car, or facility shall not be used or operated until
45 all defects noted on the "out of service" notice have
46 been repaired. Such notice shall not be removed until
47 the defects noted by the inspector have been corrected
48 by the railroad company and the locomotive, car, or
49 other facility is in full compliance with applicable
50 regulations. In the case of a track or other facility

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1 for which it is not practical to affix an "out of
2 service" notice, the inspector shall furnish immediate
3 telephone or telegraphic notification to the owner of
4 the track or facility in lieu of affixing an "out of
5 service" notice, describing the specific location of

6 the affected track or other facility, the nature of
7 the defect, and related conditions. When an "out of
8 service" notice has been affixed or the owner of the
9 track has been notified, the inspector shall furnish
10 notice by the most expeditious manner to the railroad
11 immediately responsible for the operation of the
12 defective locomotive, car, track, or other facility.

13 The notice shall indicate the nature of the defects
14 involved which caused the equipment or other facility
15 to be placed "out of service". The inspector shall
16 retain one copy of the notice and immediately forward
17 one copy of the notice to the department.

18 4. Reduction in maximum speed of track. When an
19 inspector authorized by the department determines
20 the existence of a hazardous local track condition,
21 the inspector shall furnish immediate telephone or
22 telegraphic notification to the owner of the track
23 that movements within defined limits of the track must
24 be made at a reduced maximum speed, which shall be
25 the speed applicable to the highest federal railroad
26 administration class designation that the inspector
27 determines is appropriate. Within forty-eight hours
28 following the notification, the inspector shall furnish
29 notice in duplicate to the owner of the track or to
30 the owner's agent immediately responsible for the
31 affected track. The notice shall indicate the full
32 particulars of the conditions and the violations which
33 create the local safety hazard. Such conditions or
34 violations shall be fully repaired or otherwise brought
35 into compliance with the highest federal railroad
36 administration designation applicable to the speed at
37 which trains will operate on the track in question.

38 5. Action by railroad. When a locomotive, car, or
39 other facility of a railroad has been declared "out of
40 service", the locomotive, car, or facility shall be
41 removed from service until the defect or defects are
42 corrected. In the case of track which is reduced in
43 class as provided in subsection 4, the railroad shall
44 take the steps necessary to insure compliance with the
45 findings of the inspector. For the purpose of making
46 necessary corrections, defective locomotive units,
47 freight cars, cabin cars, or passenger carrying cars
48 may be moved to the nearest available point where the
49 unit can be repaired, provided that other similar units
50 in suitable operating condition are also a part of the

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1 consist. When the defects noted on the notice have
2 been corrected, the railroad shall notify the inspector
3 issuing the notice and the inspector shall inspect the
4 locomotive, car, or other facility. If the repairs or

5 corrections have been satisfactorily completed, the
6 inspector shall remove the "out of service" notice.

7 6. Reinspection — review by department.

8 a. Upon issuance of an "out of service" notice,
9 the railroad involved may request a second inspection
10 of the locomotive, car, or other facility. An
11 engineer designated by the department shall arrange
12 for an immediate reinspection by a second authorized
13 inspector. If, on reinspection, the decision of
14 the original inspector is affirmed or modified by an
15 engineer designated by the department, the engineer
16 shall notify the railroad in writing that the original
17 finding is affirmed or modified. If the decision of
18 the original inspector is not affirmed or modified, the
19 inspector shall immediately remove the "out of service"
20 notice and enter an appropriate notation on the related
21 notice to the railroad, and the restrictions of the
22 notice shall cease to be effective.

23 b. If, upon reinspection, an engineer designated by
24 the department affirms or modifies the findings of the
25 original inspection, the railroad may, within thirty
26 days of the affirmation or modification, request the
27 department to conduct a hearing at which interested
28 parties may be present and testify for the purpose of
29 reviewing the inspections. As a result of the hearing,
30 the department may modify in whole or in part the
31 findings of the inspections and the actions taken by
32 the inspectors. Actions on review may be undertaken
33 on an expedited basis in relation to other business of
34 the department.

35 c. The requirements of an "out of service" notice
36 shall be effective pending action by the department.

37 d. Upon petition of a carrier based upon good
38 cause, the department may grant a request for an
39 extension of time for compliance with an "out of
40 service" notice issued or modified as provided under
41 this subsection.

42 7. Penalties.

43 a. A violation of section 327F.10, 327F.11, or
44 327F.12 is punishable as a schedule "one" penalty under
45 section 327C.5.

46 b. A violation of this section shall subject the
47 violator to such civil or criminal penalties as may be
48 provided by law.

49 c. Each day of noncompliance constitutes a separate
50 violation. If a locomotive or car which was properly

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1 equipped by a carrier subsequently becomes defective
2 or insecure while in use by the carrier, the car or
3 locomotive may be hauled as necessary from the place

4 where it is in use to the nearest available point
 5 where the equipment can be repaired, and the penalties
 6 imposed under this subsection shall not apply.
 7 Sec. ____ RULES. The department of transportation
 8 shall adopt rules it deems necessary to implement this
 9 division of this Act.
 10 Sec. ____ EFFECTIVE DATE. This division of this
 11 Act takes effect January 1, 2012.>
 12 2. Title page, lines 3 and 4, by striking
 13 <operations and provisions relating to> and inserting
 14 <operations,>
 15 3. Title page, line 5, after <programs,> by
 16 inserting <railroad clearances and safe spaces,>
 17 4. Title page, line 5, after <applicable> by
 18 inserting <and including effective date provisions>
 19 5. By renumbering as necessary.

MURPHY of Dubuque

H-1455

1 Amend House File 580 as follows:
 2 1. Page 2, after line 16 by inserting:
 3 <Sec. ____ Section 299A.12, subsection 1, Code
 4 2011, is amended to read as follows:
 5 1. The board of directors of a school district ~~may~~
 6 shall expend moneys received pursuant to section 257.6,
 7 subsection 1, paragraph "a", subparagraph (5), for
 8 purposes of providing a home school assistance program.
 9 Sec. ____ Section 299A.12, subsection 2, paragraphs
 10 a and b, Code 2011, are amended to read as follows:
 11 a. ~~Assisting Instruction~~ Instruction for students and assisting
 12 parents with instruction.
 13 b. ~~Student Support services for students and~~
 14 ~~teaching parent support services~~ teaching parents and
 15 staff support services.
 16 Sec. ____ Section 299A.12, subsection 2, paragraph
 17 g, unnumbered paragraph 1, Code 2011, is amended to
 18 read as follows:
 19 Resources, materials, computer software and
 20 hardware, ~~and~~ supplies, and purchased services that
 21 meet the following criteria:
 22 Sec. ____ Section 299A.12, subsection 3, paragraphs
 23 b, c, e, and f, Code 2011, are amended to read as
 24 follows:
 25 b. Operational or maintenance costs ~~in addition~~
 26 ~~to the cost of maintaining school district facilities~~
 27 other than those necessary to operate and maintain the
 28 program.
 29 c. Capital expenditures other than equipment or
 30 facility acquisition, including the lease or rental of
 31 space to supplement existing schoolhouse facilities.

- 32 e. Administrative costs other than the costs
- 33 necessary to administer the program.
- 34 f. Concurrent and dual enrollment ~~program~~ costs and
- 35 postsecondary enrollment options program costs.
- 36 Sec. ____ RETROACTIVE APPLICABILITY. The sections
- 37 of this Act amending sections 299A.2 and 299A.8 apply
- 38 retroactively to the base year beginning July 1, 2009.>
- 39 2. Title page, line 2, after <children> by
- 40 inserting <and including retroactive applicability
- 41 provisions>
- 42 3. By renumbering as necessary.

FORRISTALL of Pottawattamie

H-1456

- 1 Amend House File 645 as follows:
- 2 1. Page 9, after line 34 by inserting:
- 3 <Sec. ____ DEPARTMENT OF EDUCATION
- 4 TRANSFERS. There is transferred between the following
- 5 designated appropriations made to the department of
- 6 education for the fiscal year beginning July 1, 2010,
- 7 and ending June 30, 2011, not more than the following
- 8 amounts:
- 9 From the appropriation made for purposes of the
- 10 student achievement and teacher quality program in 2010
- 11 Iowa Acts, chapter 1183, section 6, subsection 18, as
- 12 follows:
- 13 1. To the appropriation made for purposes of
- 14 vocational education administration in 2010 Iowa Acts,
- 15 chapter 1183, section 6, subsection 2:
- 16 \$ 110,521
- 17 2. To the appropriation made for purposes of
- 18 vocational education to secondary schools in 2010 Iowa
- 19 Acts, chapter 1183, section 6, subsection 8:
- 20 \$ 39,458
- 21 3. To the appropriation made for purposes of school
- 22 food service in 2010 Iowa Acts, chapter 1183, section
- 23 6, subsection 9:
- 24 \$ 55,739>
- 25 2. Page 20, after line 30 by inserting:
- 26 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
- 27 of this Act transferring moneys appropriated pursuant
- 28 to 2010 Iowa Acts, chapter 1183, section 6, subsection
- 29 18, being deemed of immediate importance, takes effect
- 30 upon enactment.>
- 31 3. Title page, line 5, after <matters> by inserting
- 32 <and effective date provisions>
- 33 4. By renumbering as necessary.

DOLECHECK of Ringgold
WINCKLER of Scott

H-1457

1 Amend Senate File 509, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
7 GENERAL APPROPRIATIONS

8 Section 1. GENERAL FUND — DEPARTMENT.

9 1. There is appropriated from the general fund of
10 the state to the department of agriculture and land
11 stewardship for the fiscal year beginning July 1, 2011,
12 and ending June 30, 2012, the following amount, or
13 so much thereof as is necessary, to be used for the
14 purposes designated:

15 For purposes of supporting the department, including
16 its divisions, for administration, regulation, and
17 programs; for salaries, support, maintenance, and
18 miscellaneous purposes; and for not more than the
19 following full-time equivalent positions:

20 \$ 16,497,308
21 FTEs 365.00

22 2. The department shall submit a report each
23 quarter of the fiscal year to the legislative services
24 agency, the department of management, the members of
25 the joint appropriations subcommittee on agriculture
26 and natural resources, and the chairpersons and
27 ranking members of the senate and house committees on
28 appropriations. The report shall describe in detail
29 the expenditure of moneys appropriated in this section
30 to support the department's administration, regulation,
31 and programs.

32 3. Of the amount appropriated in this section,
33 \$238,000 is transferred to Iowa state university of
34 science and technology, to be used for the university's
35 midwest grape and wine industry institute.

36 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

37 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
38 HORSE AND DOG RACING. There is appropriated from the
39 moneys available under section 99D.13 to the department
40 of agriculture and land stewardship for the fiscal year
41 beginning July 1, 2011, and ending June 30, 2012, the
42 following amount, or so much thereof as is necessary,
43 to be used for the purposes designated:

44 For purposes of supporting the department's
45 administration and enforcement of horse and dog racing
46 law pursuant to section 99D.22, including for salaries,
47 support, maintenance, and miscellaneous purposes:

48 \$ 305,516

49 DESIGNATED APPROPRIATIONS — MOTOR FUEL

50 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND —

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1 MOTOR FUEL INSPECTION. There is appropriated from
2 the renewable fuel infrastructure fund created in
3 section 15G.205 to the department of agriculture and
4 land stewardship for the fiscal year beginning July 1,
5 2011, and ending June 30, 2012, the following amount,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For purposes of the inspection of motor fuel,
9 including salaries, support, maintenance, and
10 miscellaneous purposes:

11 \$ 500,000

12 The department shall establish and administer
13 programs for the auditing of motor fuel including
14 biofuel processing and production plants, for screening
15 and testing motor fuel, including renewable fuel,
16 and for the inspection of motor fuel sold by dealers
17 including retail dealers who sell and dispense motor
18 fuel from motor fuel pumps.

19 DIVISION II

20 DEPARTMENT OF NATURAL RESOURCES

21 GENERAL APPROPRIATIONS

22 Sec. 4. GENERAL FUND — DEPARTMENT.

23 1. There is appropriated from the general fund of
24 the state to the department of natural resources for
25 the fiscal year beginning July 1, 2011, and ending June
26 30, 2012, the following amount, or so much thereof as
27 is necessary, to be used for the purposes designated:

28 For purposes of supporting the department, including
29 its divisions, for administration, regulation, and
30 programs; for salaries, support, maintenance, and
31 miscellaneous purposes; and for not more than the
32 following full-time equivalent positions:

33 \$ 12,266,688

34 FTEs 1,145.95

35 2. The department shall submit a report each
36 quarter of the fiscal year to the legislative services
37 agency, the department of management, the members of
38 the joint appropriations subcommittee on agriculture
39 and natural resources, and the chairpersons and
40 ranking members of the senate and house committees on
41 appropriations. The report shall describe in detail
42 the expenditure of moneys appropriated under this
43 section to support the department's administration,
44 regulation, and programs.

45 Sec. 5. STATE FISH AND GAME PROTECTION FUND —

46 DIVISION ___ OF FISH AND WILDLIFE.

47 1. There is appropriated from the state fish and
48 game protection fund to the department of natural
49 resources for the fiscal year beginning July 1, 2011,
50 and ending June 30, 2012, the following amount, or

1 so much thereof as is necessary, to be used for the
2 purposes designated:

3 For purposes of supporting the division of fish and
4 wildlife, including for administration, regulation,
5 and programs; and for salaries, support, maintenance,
6 equipment, and miscellaneous purposes:

7 \$ 38,793,154

8 2. Notwithstanding section 455A.10, the department
9 may use the unappropriated balance remaining in the
10 state fish and game protection fund to provide for the
11 funding of health and life insurance premium payments
12 from unused sick leave balances of conservation peace
13 officers employed in a protection occupation who
14 retire, pursuant to section 97B.49B.

15 Sec. 6. GROUNDWATER PROTECTION FUND — WATER
16 QUALITY. There is appropriated from the groundwater
17 protection fund created in section 455E.11 to the
18 department of natural resources for the fiscal year
19 beginning July 1, 2011, and ending June 30, 2012, from
20 those moneys which are not allocated pursuant to that
21 section, the following amount, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For purposes of supporting the department's
24 protection of the state's groundwater, including
25 for administration, regulation, and programs, and
26 for salaries, support, maintenance, equipment, and
27 miscellaneous purposes:

28 \$ 3,455,832

29 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

30 Sec. 7. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
31 PROGRAM. There is appropriated from the special
32 snowmobile fund created under section 321G.7 to the
33 department of natural resources for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the
35 following amount, or so much thereof as is necessary,
36 to be used for the purpose designated:

37 For purposes of administering and enforcing the
38 state snowmobile programs:

39 \$ 100,000

40 Sec. 8. UNASSIGNED REVENUE FUND — UNDERGROUND
41 STORAGE TANK SECTION EXPENSES. There is appropriated
42 from the unassigned revenue fund administered by the
43 Iowa comprehensive underground storage tank fund
44 board to the department of natural resources for the
45 fiscal year beginning July 1, 2011, and ending June 30,
46 2012, the following amount, or so much thereof as is
47 necessary, to be used for the purpose designated:

48 For purposes of paying for administration expenses
49 of the department's underground storage tank section:
50 \$ 200,000

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1 Sec. 9. STORM WATER DISCHARGE PERMIT FEES —
 2 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any
 3 contrary provision of state law, for the fiscal year
 4 beginning July 1, 2011, and ending June 30, 2012, the
 5 department of natural resources may use additional
 6 moneys available to the department collected from
 7 storm water discharge permit fees as provided in
 8 sections 455B.103A and 455B.197 for the staffing of the
 9 following additional full-time equivalent positions for
 10 the purposes designated:

11 1. For purposes of reducing the department's
 12 floodplain permit backlog:

13 FTEs 2.00

14 2. For purposes of implementing the federal total
 15 maximum daily load program:

16 FTEs 2.00

17 DIVISION III
 18 IOWA STATE UNIVERSITY

19 Sec. 10. GENERAL FUND — VETERINARY DIAGNOSTIC
 20 LABORATORY.

21 1. There is appropriated from the general fund
 22 of the state to Iowa state university of science and
 23 technology for the fiscal year beginning July 1, 2011,
 24 and ending June 30, 2012, the following amount, or
 25 so much thereof as is necessary, to be used for the
 26 purposes designated:

27 For purposes of supporting the college of veterinary
 28 medicine for the operation of the veterinary diagnostic
 29 laboratory and for not more than the following
 30 full-time equivalent positions:

31 \$ 3,237,636

32 FTEs 44.00

33 2. a. Iowa state university of science and
 34 technology shall not reduce the amount that it
 35 allocates to support the college of veterinary medicine
 36 from any other source due to the appropriation made in
 37 this section.

38 b. Paragraph "a" does not apply to a reduction made
 39 to support the college of veterinary medicine, if the
 40 same percentage of reduction imposed on the college
 41 of veterinary medicine is also imposed on all of Iowa
 42 state university's budget units.

43 3. If by June 30, 2012, Iowa state university
 44 of science and technology fails to allocate the
 45 moneys appropriated in this section to the college of
 46 veterinary medicine in accordance with this section,
 47 the moneys appropriated in this section for that fiscal
 48 year shall revert to the general fund of the state.

49 DIVISION IV

50 ENVIRONMENT FIRST FUND — GENERAL APPROPRIATIONS

1 Sec. 11. DEPARTMENT OF AGRICULTURE AND LAND
 2 STEWARDSHIP. There is appropriated from the
 3 environment first fund created in section 8.57A to the
 4 department of agriculture and land stewardship for the
 5 fiscal year beginning July 1, 2011, and ending June 30,
 6 2012, the following amounts, or so much thereof as is
 7 necessary, to be used for the purposes designated:

8 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

9 a. For the conservation reserve enhancement program
 10 to restore and construct wetlands for the purposes of
 11 intercepting tile line runoff, reducing nutrient loss,
 12 improving water quality, and enhancing agricultural
 13 production practices:

14 \$ 1,000,000

15 b. Not more than 10 percent of the moneys
 16 appropriated in paragraph "a" may be used for costs of
 17 administration and implementation of soil and water
 18 conservation practices.

19 c. Notwithstanding any other provision in law,
 20 the department may provide state resources from this
 21 appropriation, in combination with other appropriate
 22 environment first fund appropriations, for cost sharing
 23 to match United States department of agriculture,
 24 natural resources conservation service, wetlands
 25 reserve enhancement program (WREP) funding available
 26 to Iowa.

27 2. WATERSHED PROTECTION

28 a. For continuation of a program that provides
 29 multiobjective resource protections for flood control,
 30 water quality, erosion control, and natural resource
 31 conservation:

32 \$ 900,000

33 b. Not more than 10 percent of the moneys
 34 appropriated in paragraph "a" may be used for costs of
 35 administration and implementation of soil and water
 36 conservation practices.

37 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

38 a. For continuation of a statewide voluntary farm
 39 management demonstration program to demonstrate the
 40 effectiveness and adaptability of emerging practices in
 41 agronomy that protect water resources and provide other
 42 environmental benefits:

43 \$ 725,000

44 b. Not more than 10 percent of the moneys
 45 appropriated in paragraph "a" may be used for costs of
 46 administration and implementation of soil and water
 47 conservation practices.

48 c. Of the amount appropriated in paragraph "a",
 49 \$400,000 shall be allocated to an organization
 50 representing soybean growers to provide for an

1 agriculture and environment performance program in
2 order to carry out the purposes of this subsection as
3 specified in paragraph "a".

4 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
5 ASSISTANCE FUND

6 a. For deposit in the agricultural drainage well
7 water quality assistance fund created in section
8 460.303 to be used for purposes of supporting the
9 agricultural drainage well water quality assistance
10 program as provided in section 460.304:

11 \$ 875,000

12 b. Not more than 10 percent of the moneys
13 appropriated in paragraph "a" may be used for costs of
14 administration and implementation of soil and water
15 conservation practices.

16 5. SOIL AND WATER CONSERVATION — ADMINISTRATION

17 For use by the department for costs of
18 administration and implementation of soil and water
19 conservation practices:

20 \$ 2,000,000

21 6. CONSERVATION RESERVE PROGRAM (CRP)

22 a. To encourage and assist farmers in enrolling
23 in and the implementation of the federal conservation
24 reserve program and to work with them to enhance their
25 revegetation efforts to improve water quality and
26 habitat:

27 \$ 1,000,000

28 b. Not more than 10 percent of the moneys
29 appropriated in paragraph "a" may be used for costs of
30 administration and implementation of soil and water
31 conservation practices.

32 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

33 a. For deposit in the loess hills development and
34 conservation fund created in section 161D.2:

35 \$ 475,000

36 b. (1) Of the amount appropriated in paragraph
37 "a", \$316,667 shall be allocated to the fund's hungry
38 canyons account.

39 (2) Not more than 10 percent of the moneys
40 allocated to the hungry canyons account as provided in
41 subparagraph (1) may be used for administrative costs.

42 c. (1) Of the amount appropriated in paragraph
43 "a", \$158,333 shall be allocated to the fund's loess
44 hills alliance account.

45 (2) Not more than 10 percent of the moneys
46 allocated to the loess hills alliance account
47 as provided in subparagraph (1) may be used for
48 administrative costs.

49 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

50 a. For deposit in the southern Iowa development and

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1 conservation fund created in section 161D.12:
2 \$ 225,000
3 b. Not more than 10 percent of the moneys
4 appropriated in paragraph "a" may be used for
5 administrative costs.

6 9. SOIL AND WATER CONSERVATION
7 a. For use by the department in providing for soil
8 and water conservation administration, the conservation
9 of soil and water resources, or the support of soil and
10 water conservation district commissioners:
11 \$ 6,300,000
12 b. The department may deposit any amount of the
13 moneys into the Mississippi river basin healthy
14 watersheds initiative fund created in section 161G.2.

15 Sec. 12. DEPARTMENT OF NATURAL RESOURCES. There is
16 appropriated from the environment first fund created in
17 section 8.57A to the department of natural resources
18 for the fiscal year beginning July 1, 2011, and ending
19 June 30, 2012, the following amounts, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 1. KEEPERS OF THE LAND
23 For statewide coordination of volunteer efforts
24 under the water quality and keepers of the land
25 programs:
26 \$ 100,000

27 2. STATE PARKS MAINTENANCE AND OPERATIONS
28 For regular maintenance of state parks and staff
29 time associated with these activities:
30 \$ 2,910,000

31 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
32 To provide local watershed managers with geographic
33 information system data for their use in developing,
34 monitoring, and displaying results of their watershed
35 work:
36 \$ 195,000

37 4. WATER QUALITY MONITORING
38 For continuing the establishment and operation of
39 water quality monitoring stations:
40 \$ 2,955,000

41 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
42 For deposit in the public water supply system
43 account of the water quality protection fund created
44 in section 455B.183A:
45 \$ 500,000

46 6. REGULATION OF ANIMAL FEEDING OPERATIONS
47 For the regulation of animal feeding operations,
48 including as provided for in chapters 459 and 459A:
49 \$ 420,000

50 7. AMBIENT AIR QUALITY

Page 8

1 For the abatement, control, and prevention of
 2 ambient air pollution in this state, including measures
 3 as necessary to assure attainment and maintenance of
 4 ambient air quality standards from particulate matter:
 5 \$ 425,000

6 8. WATER QUANTITY REGULATION

7 For regulating water quantity from surface and
 8 subsurface sources by providing for the allocation and
 9 use of water resources, the protection and management
 10 of water resources, and the preclusion of conflicts
 11 among users of water resources, including as provided
 12 in chapter 455B, division III, part 4:
 13 \$ 495,000

14 Sec. 13. REVERSION. Notwithstanding section 8.33,
 15 moneys appropriated for the fiscal year beginning
 16 July 1, 2011, in this division of this Act that remain
 17 unencumbered or unobligated at the close of the fiscal
 18 year shall not revert but shall remain available to
 19 be used for the purposes designated until the close
 20 of the fiscal year beginning July 1, 2012, or until
 21 the project for which the appropriation was made is
 22 completed, whichever is earlier.

23 DIVISION V

24 RESOURCES ENHANCEMENT
25 AND PROTECTION (REAP) FUND

26 Sec. 14. ENVIRONMENT FIRST FUND. Notwithstanding
 27 the amount of the standing appropriation from the
 28 general fund of the state to the Iowa resources
 29 enhancement and protection fund as provided in section
 30 455A.18, there is appropriated from the environment
 31 first fund created in section 8.57A to the Iowa
 32 resources enhancement and protection fund, in lieu of
 33 the appropriation made in section 455A.18, for the
 34 fiscal year beginning July 1, 2011, and ending June 30,
 35 2012, the following amount, to be allocated as provided
 36 in section 455A.19:
 37 \$ 11,500,000

38 Sec. 15. OPEN SPACES ACCOUNT —
 39 TRANSFERS. Notwithstanding section 455A.19, for the
 40 fiscal year beginning July 1, 2011, and ending June 30,
 41 2012, there is transferred from the open spaces account
 42 of the Iowa resources enhancement and protection fund
 43 created pursuant to sections 455A.18 and 455A.19,
 44 subsection 1, paragraph "a", the following amounts to
 45 be used for the purposes designated:

46 a. To the department of natural resources for
 47 expenses related to the maintenance and operation of
 48 state parks:
 49 \$ 375,000

50 b. To the soil conservation division of the

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1 department of agriculture and land stewardship for the
2 administration and implementation of soil and water
3 conservation practices as provided in chapter 161A:

4 \$ 375,000

5 c. To the loess hills development and conservation
6 authority created in section 161D.2 for deposit in the
7 hungry canyons account as provided in that section:

8 \$ 25,000

9 Sec. 16. OPEN SPACES ACCOUNT — LIMITATIONS ON

10 USE. Notwithstanding section 455A.19, subsection
11 1, paragraph "a", for the fiscal year beginning July
12 1, 2011, and ending June 30, 2012, moneys deposited
13 into the open spaces account of the Iowa resources
14 enhancement and protection fund created pursuant to
15 sections 455A.18 and 455A.19, subsection 1, paragraph
16 "a", shall not be used for any purpose related to
17 the acquisition of land, including but not limited to
18 acquisition by purchase, lease, or lease-purchase, if
19 the department would be the titleholder or a lessee or
20 lessor of the land.

21 DIVISION VI

22 RELATED STATUTORY CHANGES

23 Sec. 17. Section 455G.3, subsection 8, Code 2011,
24 is amended by adding the following new unnumbered
25 paragraph:

26 NEW UNNUMBERED PARAGRAPH Notwithstanding section
27 8.33, moneys appropriated in this subsection that
28 remain unencumbered or unobligated at the close of the
29 fiscal year shall not revert but shall remain available
30 for expenditure for the purposes designated until the
31 close of the succeeding fiscal year.

32 Sec. 18. EFFECTIVE UPON ENACTMENT. This division
33 of this Act, being deemed of immediate importance,
34 takes effect upon enactment.>

COMMITTEE ON APPROPRIATIONS

H-1458

1 Amend House File 561 as follows:

2 1. Page 9, before line 24 by inserting:

3 <Sec. ____ NEW SECTION. 476A.7A Purchase offers.

4 1. If the site designated in a certificate for the
5 construction of a nuclear generation facility issued by
6 the board is not located at or contiguous to a location
7 where a nuclear generation facility is in operation
8 within this state as of July 1, 2011, the utility shall
9 agree to purchase any property offered for sale to the
10 utility by a property owner located within five miles
11 of the facility.

12 2. An offer shall be made by a property owner
13 pursuant to subsection 1 within one year following the
14 date the certificate is issued, and the utility shall
15 complete the purchase of property within three years
16 from the date the facility begins operation.

17 3. Property purchased by a utility pursuant to
18 this section shall be valued at the average of the
19 appraised value of the property prior to the filing
20 of an application for construction of the facility or
21 any announcement of such an intent, as determined by
22 one appraiser selected by the property owner and one
23 appraiser selected by the utility.>

24 2. By renumbering as necessary.

MASCHER of Johnson

H-1459

1 Amend House File 561 as follows:

2 1. Page 9, after line 23 by inserting:

3 <Sec. ____ Section 476A.6, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 4. In the case of an application
6 to construct a nuclear generation facility, the
7 applicant has submitted detailed plans for the
8 development and implementation of a public emergency
9 preparedness and response strategy in the event of an
10 accident, natural disaster, or other circumstance,
11 condition, or occurrence compromising the safety and
12 security of the facility and posing a potential threat
13 to public health, safety, and welfare. The plans shall
14 be developed in coordination with and with the approval
15 of the homeland security and emergency management
16 division of the department of public defense, and shall
17 incorporate annual public safety drills and emergency
18 response testing in response to a simulated nuclear
19 disaster.>

20 2. By renumbering as necessary.

ISENHART of Dubuque

H-1460

1 Amend the amendment, H-1381, to House File 590 as
2 follows:

3 1. Page 1, by striking lines 3 through 17 and
4 inserting:

5 <Sec. ____ NEW SECTION. 15.106E Review of
6 authority operations.

7 Commencing July 1, 2014, the general assembly
8 shall conduct a review of the authority and its
9 activities and shall issue a report with findings and

10 recommendations by January 1, 2015.>

11 2. By renumbering as necessary.

LUKAN of Dubuque

H-1461

1 Amend the amendment, H-1412, to House File 590 as
2 follows:

3 1. Page 1, line 3, by striking <small> and
4 inserting <growing>

LUKAN of Dubuque

H-1462

1 Amend Senate File 407, as passed by the Senate, as
2 follows:

3 1. Page 2, after line 23 by inserting:
4 <Sec. ____ Section 455B.191, Code 2011, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. Any civil penalty collected by
7 the state or a county relating to the construction of
8 semipublic sewage disposal systems shall be deposited
9 in the unsewered community revolving loan fund created
10 pursuant to section 16.141.>

11 2. Page 2, before line 24 by inserting:
12 <Sec. ____ Section 455B.199B, subsection 2, Code
13 2011, is amended to read as follows:

14 2. The department shall find that a regulated
15 entity and the affected community are a disadvantaged
16 community by ~~using~~ evaluating all of the following
17 criteria:

18 a. The ability of the regulated entity and the
19 affected community to pay for a project based on the
20 ratio of the total annual project costs per household
21 to median household income.

22 b. Median household income in the community as
23 a percentage of statewide household income and the
24 unemployment rate of the county in which the community
25 is located.

26 b. Annual water and sewer rates as a percentage of
27 median household income.

28 c. Families below the poverty level in the
29 community as a percentage of the statewide number of
30 families below the poverty level.

31 d. Per capita ~~The~~ outstanding debt of the system as
32 a percentage of median household income and the bond
33 rating of the community.

34 e. Cost effectiveness calculated by determining
35 construction costs per user.

36 Sec. ____ Section 455B.199B, Code 2011, is amended

37 by adding the following new subsections:
 38 NEW SUBSECTION. 2A. The department shall find that
 39 an unsewered community is a disadvantaged community by
 40 evaluating all of the following:
 41 a. The ability of the community to pay for a
 42 project based on the ratio of the total annual project
 43 costs per household to median household income.
 44 b. The unemployment rate in the county where the
 45 community is located.
 46 c. The median household income of the community.
 47 NEW SUBSECTION. 2B. The department shall not
 48 consider a regulated entity, affected community, or
 49 unsewered community a disadvantaged community if the
 50 ratio of compliance costs to median household income

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1 is below one percent.
 2 NEW SUBSECTION. 3A. The department shall not
 3 require installation of a wastewater treatment system
 4 by an unsewered community if the department determines
 5 that such installation would create substantial and
 6 widespread economic and social impact.>
 7 3. Title page, line 1, by striking <delegating to
 8 counties> and inserting <relating to counties and other
 9 regulated entities and>
 10 4. Title page, by striking line 3 and inserting
 11 <the inspection and construction of certain sewage
 12 disposal systems and>
 13 5. By renumbering as necessary.

COMMITTEE ON ENVIRONMENTAL PROTECTION

H-1463

1 Amend Senate File 240, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 26 and 27 and
 4 inserting <Monday through Saturday.>

ALONS of Sioux

H-1464

1 Amend Senate File 240, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 14, by striking <may> and inserting
 4 <shall>

MASCHER of Johnson

H-1465

1 Amend House File 648 as follows:

2 1. Page 4, after line 31 by inserting:

3 <Of the amount appropriated in this paragraph
4 "a", \$112,000 shall be allocated for the planning and
5 development of the Iowa portion of the Mississippi
6 river trail located in a county with a population
7 between 42,000 and 43,000 in the latest preceding
8 certified federal census and a county with a population
9 between 160,000 and 175,000 in the latest preceding
10 certified federal census.>

LYKAM of Scott

H-1466

1 Amend House File 320 as follows:

2 1. Page 2, after line 10 by inserting:

3 <Sec. ____ Section 724.28, Code 2011, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 724.28 State preemption — prohibition of firearms,
7 firearm accessories, and ammunition regulation by
8 political subdivisions.

9 1. The purpose of this section is to establish
10 complete state control over firearms, firearm
11 accessories, and ammunition regulation and policy
12 in order to ensure that such regulation and policy
13 is applied uniformly throughout this state to each
14 person subject to the state's jurisdiction and to
15 ensure protection of the right to keep and bear arms
16 recognized by the Constitution of the United States.
17 This section is to be liberally construed to effectuate
18 its purpose.

19 2. As used in this section:

20 a. "Ammunition" means fixed cartridge ammunition,
21 shotgun shells, the individual components of fixed
22 cartridge ammunition and shotgun shells, projectiles
23 for muzzleloading firearms, and any propellant used in
24 firearms or in firearms ammunition.

25 b. "Firearm accessory" means a device specifically
26 adapted to enable the wearing or carrying about
27 one's person, or the storage or mounting in or on a
28 conveyance, of a firearm, or an attachment or device
29 specifically adapted to be inserted into or affixed
30 onto a firearm to enable, alter, or improve the
31 functioning or capabilities of the firearm.

32 c. "Firearms" means a pistol, revolver, rifle,
33 shotgun, machine gun, submachine gun, or black powder
34 weapon which is designed to, capable of, or may be
35 readily converted to expel a projectile by the action

36 of an explosive.

37 d. "Person adversely affected" means a person who
38 meets all of the following criteria:

39 (1) Lawfully resides within the United States.

40 (2) Can legally possess a firearm under the laws of
41 this state.

42 (3) Either of the following:

43 (a) Would be subject to the ordinance, measure,
44 enactment, rule, resolution, motion, or policy at issue
45 if the person were present within the jurisdictional
46 boundaries of the enacting political subdivision,
47 regardless of whether such person works or resides in
48 such political subdivision.

49 (b) Is a membership organization that includes as
50 a member a person described in subparagraphs (1) and

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1 (2) and subparagraph division (a) of this subparagraph
2 and that is dedicated in whole or in part to protecting
3 the rights of those persons who possess, own, or use
4 firearms for competitive, sporting, defensive, or other
5 lawful purposes.

6 e. "Political subdivision" means a county, city,
7 township, school district, or any other subunit of this
8 state.

9 3. Except as otherwise provided in this section,
10 the regulation of all of the following is hereby
11 declared to be the exclusive domain of the state:

12 a. Firearms, firearm accessories, and ammunition.

13 b. The ownership, possession, use, discharge,
14 carrying, transportation, registration, transfer,
15 and storage of firearms, firearm accessories, and
16 ammunition.

17 c. Commerce in and taxation of firearms, firearm
18 accessories, and ammunition.

19 d. Any other matter pertaining to firearms, firearm
20 accessories, and ammunition.

21 4. An ordinance, measure, enactment, rule,
22 resolution, motion, or policy adopted by a political
23 subdivision of this state, or an official action
24 including in any legislative, police power, or
25 proprietary capacity, taken by an employee or agent of
26 such political subdivision in violation of this section
27 is void.

28 5. This section shall not be construed to prevent
29 any of the following:

30 a. A duly organized law enforcement agency of a
31 political subdivision from promulgating and enforcing
32 rules pertaining to firearms, firearm accessories, or
33 ammunition issued to or used by peace officers in the
34 course of their official duties.

35 b. An employer from regulating or prohibiting an
36 employee from carrying firearms, firearm accessories,
37 or ammunition during and in the course of the
38 employee's official duties.

39 c. A court or administrative law judge from hearing
40 and resolving a case or controversy or issuing an
41 opinion or order on a matter within its jurisdiction.

42 d. The enactment or enforcement of a generally
43 applicable zoning or business ordinance that includes
44 firearms businesses along with other businesses,
45 provided that an ordinance designed or enforced to
46 effectively restrict or prohibit the sale, purchase,
47 transfer, manufacture, or display of firearms, firearm
48 accessories, or ammunition otherwise lawful under the
49 laws of this state, which is in conflict with this
50 section, is void.

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1 6. a. A person adversely affected by an ordinance,
2 measure, enactment, rule, resolution, motion, or policy
3 promulgated or enforced in violation of this section
4 may file suit in the appropriate court for declarative
5 and injunctive relief and for all actual and
6 consequential damages attributable to the violation. A
7 court shall award the prevailing plaintiff in any such
8 suit all of the following:

9 (1) Reasonable attorney fees.

10 (2) Liquidated damages equal to the amount of three
11 times the attorney fees awarded in subparagraph (1).

12 (3) Litigation costs.

13 (4) Interest on the amounts awarded pursuant to
14 this subsection shall accrue at fifteen percent from
15 the date suit is filed.

16 b. Payment of such fees, damages, costs, and
17 interest may be secured by seizure of any vehicles
18 used or operated for the benefit of any elected office
19 holder in the political subdivision if not paid within
20 seventy-two hours of the court's order.

21 Sec. ____ APPLICABILITY DATE. The section of this
22 Act amending section 724.28 applies to ordinances,
23 measures, enactments, rules, or policies adopted by
24 a political subdivision of this state and official
25 actions including in any legislative, police power, or
26 proprietary capacity, taken by an employee or agent of
27 such political subdivision, prior to or on or after the
28 effective date of this Act.>

29 2. Title page, by striking lines 1 and 2 and
30 inserting <An Act relating to the regulation of

31 firearms and ammunition, providing a remedy, and
32 including applicability provisions.>
33 3. By renumbering as necessary.

WINDSCHITL of Harrison

H-1467

1 Amend the amendment, H-1432, to House File 590 as
2 follows:

3 1. Page 1, by striking lines 2 through 7 and
4 inserting:

5 <__. Page 6, by striking line 2 and inserting <to>

6 __. Page 7, before line 31 by inserting:

7 <3. Not more than one principal executive,
8 employee, or other representative from a business or
9 its affiliates may serve concurrently on the authority
10 board, the board of directors of the corporation,
11 or any combination thereof. For purposes of this
12 subsection, "affiliate" means the same as defined in
13 section 423.1.>

14 __. Page 8, by striking lines 1 and 2.

15 __. By striking page 8, line 34, through page 9,
16 line 3.

17 __. Page 9, line 35, after <fund.> by inserting
18 <The nonreversion of moneys allowed under this
19 paragraph does not apply to moneys appropriated to the
20 authority by the general assembly.>

21 __. Page 11, before line 28 by inserting:

22 <(4) Notwithstanding section 8A.311 and any
23 rules promulgated thereunder by the department of
24 administrative services, the authority may enter into
25 contracts with the corporation for the sole source
26 procurement of services. In entering into such sole
27 source contracts, the authority shall negotiate a
28 fair and reasonable price for the services and shall
29 thoroughly document the circumstances of such sole
30 source procurements.>

31 __. Page 12, line 7, after <office.> by inserting

32 <The director shall ensure that the authority is
33 operated free from political influence.>

34 __. By striking page 12, line 30, through page 17,
35 line 8.

36 __. Page 19, by striking lines 18 through 20.

37 __. Page 21, line 34, after <15.107A> by inserting
38 <or when engaged in activities that utilize public
39 funding>

40 __. Page 22, line 11, after <corporation> by
41 inserting <performed by a certified public accountant>

42 __. Page 22, line 12, after <state> by inserting
43 <and made available to the public>

44 __. Page 22, line 15, after <functions> by

45 inserting <or activities that utilize public funding>
 46 _____. Page 22, line 20, after <functions> by
 47 inserting <or activities that utilize public funding>
 48 _____. Page 22, before line 21 by inserting:
 49 <5. Notwithstanding other provisions of this
 50 section to the contrary, if the corporation receives

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1 confidential information from the authority under the
 2 process described in section 15.118, the corporation
 3 shall comply with the provisions of section 15.118 in
 4 the same manner as the authority.>
 5 _____. Page 26, before line 20 by inserting:
 6 <Sec. _____. Section 16.6, Code 2011, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 5. Notwithstanding subsections
 9 1 through 4, for purposes of the Iowa economic
 10 development bond bank program described in sections
 11 16.102 through 16.106, the water pollution control
 12 works and drinking water facilities financing program
 13 described in sections 16.131 through 16.135, and the
 14 unsewered community revolving loan program described
 15 in section 16.141, the executive director shall be the
 16 director of the economic development authority created
 17 in section 15.105. >>

LUKAN of Dubuque

H-1468

1 Amend the amendment, H-1416, to House File 590 as
 2 follows:
 3 1. Page 1, line 6, by striking <the corporation
 4 from engaging in>

THOMAS of Clayton

H-1469

1 Amend House File 470 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 22.7, subsection 24, Code 2011,
 5 is amended by striking the subsection.
 6 Sec. 2. Section 123.3, Code 2011, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 014A. "Grape brandy" means brandy
 9 produced by the distillation of fermented grapes or
 10 grape juice.
 11 Sec. 3. Section 123.41, Code 2011, is amended to
 12 read as follows:

13 123.41 Manufacturer's license.

14 1. Upon application in the prescribed form and
15 accompanied by a fee of three hundred fifty dollars,
16 the administrator may in accordance with this chapter
17 grant and issue a license, valid for a one-year
18 period after date of issuance, to a manufacturer which
19 shall allow the manufacture, storage, and wholesale
20 disposition and sale of alcoholic liquors to the
21 division and to customers outside of the state.

22 2. As a condition precedent to the approval and
23 granting of a manufacturer's license, an applicant
24 shall file a statement under oath with the division
25 that the applicant is a bona fide manufacturer
26 of alcoholic liquors, and that the applicant will
27 faithfully observe and comply with all laws, rules,
28 and regulations governing the manufacture and sale of
29 alcoholic liquor.

30 ~~2. 3.~~ A person who holds an experimental distilled
31 spirits plant permit or its equivalent issued by the
32 ~~federal bureau of alcohol, tobacco and firearms alcohol~~
33 ~~and tobacco tax and trade bureau of the United States~~
34 ~~department of the treasury~~ may produce alcohol for use
35 as fuel without obtaining a manufacturer's license from
36 the division.

37 4. A violation of the requirements of this section
38 shall subject the licensee to the general penalties
39 provided in this chapter and shall constitute grounds
40 for imposition of a civil penalty or suspension or
41 revocation of the license after notice and opportunity
42 for a hearing pursuant to section 123.39 and chapter
43 17A.

44 Sec. 4. Section 123.43A, subsection 8, Code 2011,
45 is amended to read as follows:

46 8. Micro-distilled spirits purchased at a
47 micro-distillery shall not be consumed ~~within three~~
48 ~~hundred feet of a micro-distillery~~ or on any property
49 owned, operated, or controlled by a micro-distillery.

50 Sec. 5. NEW SECTION. 123.46A Delivery of alcoholic

Page 2

1 beverages by retailers.

2 1. Licensees and permittees authorized to sell
3 alcoholic liquor, wine, or beer in original unopened
4 containers for consumption off the licensed premises
5 may deliver alcoholic liquor, wine, or beer to a home
6 or other designated location in this state. Deliveries
7 shall be limited to alcoholic beverages authorized by
8 the licensee's or permittee's license or permit.

9 2. All deliveries of alcoholic liquor, wine, or
10 beer shall be subject to the following requirements and
11 restrictions:

12 a. Payment for the alcoholic liquor, wine, or beer
13 shall be received on the licensed premises at the time
14 of order.

15 b. Alcoholic liquor, wine, or beer delivered to a
16 person shall be for personal use and not for resale.

17 c. Deliveries shall only be made to persons in this
18 state who are twenty-one years of age or older.

19 d. Deliveries shall not be made to a person who is
20 intoxicated or is simulating intoxication.

21 e. Deliveries shall occur between 6:00 a.m. and
22 10:00 p.m. Monday through Saturday, and between 8:00
23 a.m. and 10:00 p.m. Sunday.

24 f. Delivery of alcoholic liquor, wine, or beer
25 shall be made by the licensee or permittee, or the
26 licensee's or permittee's employee, and not by a third
27 party.

28 g. Delivery personnel shall be twenty-one years of
29 age or older.

30 h. Deliveries shall be made in a vehicle owned,
31 leased, or under the control of the licensee or
32 permittee.

33 i. Valid proof of the recipient's identity and age
34 shall be obtained at the time of delivery, and the
35 signature of a person twenty-one years of age or older
36 shall be obtained as a condition of delivery.

37 j. Licensees and permittees shall maintain records
38 of deliveries which include the quantity delivered, the
39 recipient's name and address, and the signature of the
40 recipient of the alcoholic liquor, wine, or beer. The
41 records shall be maintained on the licensed premises
42 for a period of three years.

43 3. A violation of this section or any other
44 provision of this chapter shall subject the licensee or
45 permittee to the penalty provisions of section 123.39.

46 4. Nothing in this section shall impact the direct
47 shipment of wine as regulated by section 123.187.

48 Sec. 6. Section 123.50, Code 2011, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 5. If an employee of a licensee

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1 or permittee violates section 123.49, subsection 2,
2 paragraph "h", the licensee or permittee shall not
3 be assessed a penalty under subsection 3, and the
4 violation shall be deemed not to be a violation of
5 section 123.49, subsection 2, paragraph "h", for the
6 purpose of determining the number of violations for
7 which a penalty may be assessed pursuant to subsection
8 3, if the employee holds a valid certificate of
9 completion of the alcohol compliance employee training
10 program pursuant to section 123.50A at the time of

11 the violation, and if the violation involves selling,
12 giving, or otherwise supplying any alcoholic beverage,
13 wine, or beer to a person between the ages of eighteen
14 and twenty years of age. A violation involving a
15 person under the age of eighteen years of age shall not
16 qualify for the bar against assessment of a penalty
17 pursuant to subsection 3, for a violation of subsection
18 123.49, subsection 2, paragraph "h". A licensee or
19 permittee may assert only once in a four-year period
20 the bar under this subsection against assessment of a
21 penalty pursuant to subsection 3, for a violation of
22 subsection 123.49, subsection 2, paragraph "h", that
23 takes place at the same place of business location.
24 Sec. 7. NEW SECTION. 123.50A Alcohol compliance
25 employee training program.
26 1. If sufficient funding is appropriated, the
27 division shall develop an alcohol compliance employee
28 training program, not to exceed two hours in length
29 for employees and prospective employees of licensees
30 and permittees, to inform the employees about state
31 and federal liquor laws and regulations regarding the
32 sale of alcoholic liquor, wine, or beer to persons
33 under legal age, and compliance with and the importance
34 of laws regarding the sale of alcoholic liquor, wine,
35 or beer to persons under legal age. In developing
36 the alcohol compliance employee training program,
37 the division may consult with stakeholders who have
38 expertise in the laws and regulations regarding the
39 sale of alcoholic liquor, wine, or beer to persons
40 under legal age.
41 2. The alcohol compliance employee training program
42 shall be made available to employees and prospective
43 employees of licensees and permittees at no cost to the
44 employee, the prospective employee, or the licensee or
45 permittee, and in a manner which is as convenient and
46 accessible to the extent practicable throughout the
47 state so as to encourage attendance. Contingent upon
48 the availability of specified funds for provision of
49 the program, the division shall schedule the program
50 on at least a monthly basis and the program shall be

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1 available at a location in at least a majority of
2 counties.
3 3. Upon completion of the alcohol compliance
4 employee training program, an employee or prospective
5 employee shall receive a certificate of completion,
6 which shall be valid for a period of two years, unless
7 the employee or prospective employee is convicted of a
8 violation of section 123.49, subsection 2, paragraph
9 "h", in which case the certificate shall be void.

10 4. The division shall also offer periodic
11 continuing employee training and recertification for
12 employees who have completed initial training and
13 received an initial certificate of completion as part
14 of the alcohol compliance employee training program.

15 Sec. 8. Section 123.56, subsections 1, 2, and 3,
16 Code 2011, are amended to read as follows:

17 1. Subject to rules of the division, manufacturers
18 of native wines from grapes, cherries, other fruits
19 or other fruit juices, vegetables, vegetable juices,
20 dandelions, clover, honey, or any combination of
21 these ingredients, holding a class "A" wine permit as
22 required by this chapter, may sell, keep, or offer for
23 sale and deliver the wine. ~~Sales may be made at retail~~
24 ~~for off-premises consumption when sold on the premises~~
25 ~~of the manufacturer, or in a retail establishment~~
26 ~~operated by the manufacturer. Sales may also be~~
27 ~~made to class "A" or retail wine permittees or liquor~~
28 ~~control licensees as authorized by the class "A" wine~~
29 ~~permit. Notwithstanding any other provision of this~~
30 ~~chapter, manufacturers of native wine may purchase and~~
31 ~~possess grape brandy from the division for the sole~~
32 ~~purpose of manufacturing wine.~~

33 2. Native wine may be sold at retail for
34 off-premises consumption when sold on the premises of
35 the manufacturer, or in a retail establishment operated
36 by the manufacturer. Sales may also be made to
37 class "A" or retail wine permittees or liquor control
38 licensees as authorized by the class "A" wine permit.

39 A manufacturer of native wines shall not sell the wines
40 other than as permitted in this chapter and shall not
41 allow wine sold to be consumed upon the premises of the
42 manufacturer. However, prior to sale native wines may
43 be sampled on the premises where made, when no charge
44 is made for the sampling. A person may manufacture
45 native wine for consumption on the manufacturer's
46 premises, when the wine or any part of it is not
47 manufactured for sale.

48 3. A manufacturer of native wines may ship wine in
49 closed containers to individual purchasers inside ~~and~~
50 ~~outside~~ this state by obtaining a wine direct shipper

Page 5

1 license pursuant to section 123.187. The manufacturer
2 shall label the package containing the wine with the
3 words "deliver to adults only".

4 Sec. 9. Section 123.57, Code 2011, is amended to
5 read as follows:

6 123.57 Examination of accounts.

7 The financial condition and transactions of all
8 offices, departments, warehouses, and depots of

9 the division shall be examined at least once each
 10 year by the state auditor and at shorter periods if
 11 requested by the administrator, governor, commission,
 12 or executive council the general assembly's standing
 13 committees on government oversight.
 14 Sec. 10. REPEAL. Section 123.43, Code 2011, is
 15 repealed.>

IVERSON of Wright

H-1470

1 Amend House File 537, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 231C.2, Code 2011, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 2A. "Assisted living program"
 7 or "program" means an entity that provides assisted
 8 living.
 9 Sec. ____ Section 231C.5, subsection 2, paragraph
 10 b, Code 2011, is amended to read as follows:
 11 b. (1) A statement regarding the impact of the
 12 fee structure on third-party payments, and whether
 13 third-party payments and resources are accepted by the
 14 assisted living program.
 15 (2) The occupancy agreement shall specifically
 16 include a statement regarding each of the following:
 17 (a) Whether the program requires disclosure of a
 18 tenant's personal financial information for occupancy
 19 or continued occupancy.
 20 (b) The program's policy regarding the continued
 21 tenancy of a tenant following exhaustion of private
 22 resources.
 23 (c) Contact information for the department of human
 24 services and the senior health insurance information
 25 program to assist tenants in accessing third-party
 26 payment sources.>
 27 2. Title page, line 1, after <to> by inserting
 28 <assisted living programs, including>
 29 3. By renumbering as necessary.

SENATE AMENDMENT

H-1471

1 Amend Senate File 453, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 13, by striking <an eighth grade>
 4 and inserting <any>
 5 2. Page 1, line 16, by striking <one year> and
 6 inserting <a unit>

7 3. Page 1, by striking lines 17 through 20 and
8 inserting ~~<requirements for that area and shall be~~
9 issued high school credit for the unit.>

COMMITTEE ON EDUCATION

H-1472

1 Amend House File 483 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 537A.5 Indemnity
5 agreements — construction contracts.

6 1. As used in this section, "construction contract"
7 means an agreement relating to the construction,
8 alteration, improvement, development, demolition,
9 excavation, rehabilitation, maintenance, or repair
10 of buildings, highways, roads, streets, bridges,
11 tunnels, transportation facilities, airports, water or
12 sewage treatment plants, power plants, or any other
13 improvements to real property in this state, including
14 shafts, wells, and structures, whether on ground, above
15 ground, or underground, and includes agreements for
16 architectural services, design services, engineering
17 services, construction services, construction
18 management services, development services, maintenance
19 services, material purchases, equipment rental, and
20 labor. "Construction contract" includes all public,
21 private, foreign, or domestic agreements as described
22 in this subsection other than such public agreements
23 relating to highways, roads, and streets.

24 2. Except as excluded under subsection 3, a
25 provision in a construction contract that requires one
26 party to the construction contract to indemnify, hold
27 harmless, or defend any other party to the construction
28 contract, including the indemnitee's employees,
29 consultants, agents, or others for whom the indemnitee
30 is responsible, against liability, claims, damages,
31 losses, or expenses, including attorney fees, to the
32 extent caused by or resulting from the negligent act
33 or omission of the indemnitee or of the indemnitee's
34 employees, consultants, agents, or others for whom the
35 indemnitee is responsible, is void and unenforceable as
36 contrary to public policy.

37 3. This section does not apply to the
38 indemnification of a surety by a principal on any
39 surety bond, an insurer's obligation to its insureds
40 under any insurance policy or agreement, a borrower's
41 obligations to its lender, or any obligation of strict

42 liability otherwise imposed by law.>
43 2. Title page, line 1, after <to> by inserting <the
44 regulation of>

HORBACH of Tama

H-1473

1 Amend Senate File 406, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, line 13, by striking <apart from
4 commissions paid by an insurer>

OLDSON of Polk
T. OLSON of Linn
SWAIM of Davis

H-1474

1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 26 through 33 and
4 inserting <to section 123.50A at the time of the
5 violation. A licensee or permittee may assert>

IVERSON of Wright

H-1475

1 Amend Senate File 326, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 46.12, Code 2011, is amended to
5 read as follows:
6 46.12 Notification of vacancy and resignation.
7 1. When a vacancy occurs or will occur within one
8 hundred twenty days in the supreme court, the court of
9 appeals, or district court, the state commissioner of
10 elections shall forthwith so notify the chairperson
11 of the proper judicial nominating commission. The
12 chairperson shall call a meeting of the commission
13 within ten days after such notice; if the chairperson
14 fails to do so, the chief justice shall call such
15 meeting.
16 2. When a vacancy occurs or will occur within one
17 hundred twenty days in the court of appeals, the state
18 commissioner of elections shall notify the governor of
19 the vacancy. The governor shall make the appointment
20 to fill the vacancy pursuant to section 46.14A.
21 3. When a judge of the supreme court, court
22 of appeals, or district court resigns, the judge
23 shall submit a copy of the resignation to the state

24 commissioner of elections at the time the judge submits
25 the resignation to the governor; and when a judge of
26 the supreme court, court of appeals, or district court
27 dies, the clerk of district court of the county of the
28 judge's residence shall in writing forthwith notify the
29 state commissioner of elections of such fact.

30 Sec. ____ Section 46.14A, Code 2011, is amended to
31 read as follows:

32 46.14A Court of appeals — ~~nominees appointment.~~
33 Vacancies in the court of appeals shall be filled
34 by appointment by the governor ~~from a list of nominees~~
35 ~~submitted by the state judicial nominating commission.~~
36 ~~Three nominees shall be submitted for each vacancy~~
37 subject to confirmation by the senate. Nominees A
38 person appointed to the court of appeals shall have the
39 qualifications prescribed for nominees to the supreme
40 court. The governor shall make the appointment to fill
41 a vacancy on the court of appeals within one hundred
42 twenty days of receiving notice that such a vacancy
43 has occurred. The senate shall vote on confirmation
44 during the regular session of the general assembly, if
45 the governor appoints the person during the regular
46 session of the general assembly. If the appointment is
47 made after the regular session of the general assembly,
48 the senate shall vote on confirmation during the next
49 regular session of the general assembly. If the senate
50 fails to confirm an appointment to fill the vacancy,

Page 2

1 the governor shall make another appointment to the
2 court of appeals subject to confirmation by the senate
3 until the vacancy is filled.

4 Sec. ____ Section 46.15, subsection 1, Code 2011,
5 is amended to read as follows:

6 1. All appointments to the supreme court ~~and court~~
7 ~~of appeals~~ shall be made from the nominees of the state
8 judicial nominating commission, and all appointments to
9 the district court shall be made from the nominees of
10 the district judicial nominating commission.

11 Sec. ____ Section 46.16, subsection 1, paragraph a,
12 Code 2011, is amended to read as follows:

13 a. The initial term of office of judges of the
14 supreme court, ~~court of appeals,~~ and district court
15 shall be for one year after appointment and until
16 January 1 following the next judicial election after
17 expiration of such year; ~~and,~~

18 Sec. ____ Section 46.16, subsection 1, Code 2011,
19 is amended by adding the following new paragraph:
20 NEW PARAGRAPH. 0b. The initial term of office of
21 judges of the court of appeals shall be for one year
22 after confirmation and until January 1 following the

23 next judicial election after expiration of such year.>
 24 2. Page 1, line 7, by striking <, court of
 25 appeals,>
 26 3. Page 1, after line 8 by inserting:
 27 <1A. Notwithstanding section 46.12, the chief
 28 justice may order the state commissioner of elections
 29 to delay for budgetary reasons, the sending of the
 30 notification to the governor that a vacancy in the
 31 court of appeals has occurred or will occur.>
 32 4. Page 1, after line 25 by inserting:
 33 <Sec. ____ Section 602.5102, subsection 2, Code
 34 2011, is amended to read as follows:
 35 2. Judges of the court of appeals shall be
 36 ~~nominated and~~ appointed and shall stand for retention
 37 in office as provided in chapter 46. Judges of the
 38 court of appeals shall qualify for office as provided
 39 in chapter 63.>
 40 5. Page 3, after line 25 by inserting:
 41 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 42 being deemed of immediate importance, takes effect upon
 43 enactment.>
 44 6. Title page, line 2, after <judges> by inserting
 45 <and including effective date provisions>
 46 7. By renumbering as necessary.

ALONS of Sioux
 SHAW of Pocahontas
 DE BOEF of Keokuk

PEARSON of Polk
 CHAMBERS of O'Brien
 MASSIE of Warren

H-1476

1 Amend House File 661 as follows:
 2 1. Page 3, by striking lines 14 through 17 and
 3 inserting <the federal program being implemented.>

ISENHART of Dubuque

H-1477

1 Amend House File 642 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. ROAD USE TAX FUND. There is
 5 appropriated from the road use tax fund created in
 6 section 312.1 to the department of transportation for
 7 the following fiscal years, the following amounts, or
 8 so much thereof as is necessary, to be used for the
 9 purposes designated:
 10 1. For the payment of costs associated with the
 11 production of driver's licenses, as defined in section
 12 321.1, subsection 20A:
 13 FY 2011-2012..... \$ 3,876,000

14 FY 2012-2013..... \$ 3,876,000
 15 Notwithstanding section 8.33, moneys appropriated in
 16 this subsection that remain unencumbered or unobligated
 17 at the close of the fiscal year shall not revert but
 18 shall remain available for expenditure for the purposes
 19 specified in this subsection until the close of the
 20 succeeding fiscal year.
 21 2. For salaries, support, maintenance, and
 22 miscellaneous purposes:
 23 a. Operations:
 24 FY 2011-2012..... \$ 6,570,000
 25 FY 2012-2013..... \$ 6,570,000
 26 b. Planning:
 27 FY 2011-2012..... \$ 458,000
 28 FY 2012-2013..... \$ 458,000
 29 c. Motor vehicles:
 30 FY 2011-2012..... \$ 33,921,000
 31 FY 2012-2013..... \$ 33,921,000
 32 3. For payments to the department of administrative
 33 services for utility services:
 34 FY 2011-2012..... \$ 225,000
 35 FY 2012-2013..... \$ 225,000
 36 4. Unemployment compensation:
 37 FY 2011-2012..... \$ 7,000
 38 FY 2012-2013..... \$ 7,000
 39 5. For payments to the department of administrative
 40 services for paying workers' compensation claims under
 41 chapter 85 on behalf of employees of the department of
 42 transportation:
 43 FY 2011-2012..... \$ 119,000
 44 FY 2012-2013..... \$ 119,000
 45 6. For payment to the general fund of the state for
 46 indirect cost recoveries:
 47 FY 2011-2012..... \$ 78,000
 48 FY 2012-2013..... \$ 78,000
 49 7. For reimbursement to the auditor of state for
 50 audit expenses as provided in section 11.5B:

Page 2

1 FY 2011-2012..... \$ 67,319
 2 FY 2012-2013..... \$ 67,319
 3 8. For automation, telecommunications, and related
 4 costs associated with the county issuance of driver's
 5 licenses and vehicle registrations and titles:
 6 FY 2011-2012..... \$ 1,406,000
 7 FY 2012-2013..... \$ 1,406,000
 8 9. For transfer to the department of public safety
 9 for operating a system providing toll-free telephone
 10 road and weather conditions information:
 11 FY 2011-2012..... \$ 100,000
 12 FY 2012-2013..... \$ 100,000

13 10. For costs associated with the participation in
14 the Mississippi river parkway commission:
15 FY 2011-2012..... \$ 40,000
16 FY 2012-2013..... \$ 40,000
17 11. For motor vehicle division field facility
18 maintenance projects at various locations:
19 FY 2011-2012..... \$ 200,000
20 FY 2012-2013..... \$ 200,000
21 12. For scale replacement projects at various
22 locations:
23 FY 2011-2012..... \$ 550,000
24 FY 2012-2013..... \$ 550,000
25 For purposes of section 8.33, unless specifically
26 provided otherwise, moneys appropriated in subsections
27 11 and 12 that remain unencumbered or unobligated shall
28 not revert but shall remain available for expenditure
29 for the purposes designated until the close of the
30 fiscal year that ends three years after the end of
31 the fiscal year for which the appropriation was made.
32 However, if the projects for which the appropriation
33 was made are completed in an earlier fiscal year,
34 unencumbered or unobligated moneys shall revert at the
35 close of that same fiscal year.
36 Sec. 2. PRIMARY ROAD FUND. There is appropriated
37 from the primary road fund created in section 313.3
38 to the department of transportation for the following
39 fiscal years, the following amounts, or so much
40 thereof as is necessary, to be used for the purposes
41 designated:
42 1. For salaries, support, maintenance,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:
45 a. Operations:
46 FY 2011-2012..... \$ 40,356,529
47 FTEs 296.00
48 FY 2012-2013..... \$ 40,356,529
49 FTEs 296.00
50 b. Planning:

Page 3

1 FY 2011-2012..... \$ 8,697,095
2 FTEs 121.00
3 FY 2012-2013..... \$ 8,697,095
4 FTEs 121.00
5 c. Highways:
6 FY 2011-2012..... \$230,913,992
7 FTEs 2,247.00
8 FY 2012-2013..... \$233,026,992
9 FTEs 2,247.00
10 d. Motor vehicles:
11 FY 2011-2012..... \$ 1,413,540

12 FTEs	445.00
13	FY 2012-2013.....	\$ 1,413,540
14 FTEs	445.00
15	2. For payments to the department of administrative	
16	services for utility services:	
17	FY 2011-2012.....	\$ 1,388,000
18	FY 2012-2013.....	\$ 1,388,000
19	3. Unemployment compensation:	
20	FY 2011-2012.....	\$ 138,000
21	FY 2012-2013.....	\$ 138,000
22	4. For payments to the department of administrative	
23	services for paying workers' compensation claims under	
24	chapter 85 on behalf of the employees of the department	
25	of transportation:	
26	FY 2011-2012.....	\$ 2,846,000
27	FY 2012-2013.....	\$ 2,846,000
28	5. For disposal of hazardous wastes from field	
29	locations and the central complex:	
30	FY 2011-2012.....	\$ 800,000
31	FY 2012-2013.....	\$ 800,000
32	6. For payment to the general fund of the state for	
33	indirect cost recoveries:	
34	FY 2011-2012.....	\$ 572,000
35	FY 2012-2013.....	\$ 572,000
36	7. For reimbursement to the auditor of state for	
37	audit expenses as provided in section 11.5B:	
38	FY 2011-2012.....	\$ 415,181
39	FY 2012-2013.....	\$ 415,181
40	8. For costs associated with producing	
41	transportation maps:	
42	FY 2011-2012.....	\$ 242,000
43	FY 2012-2013.....	\$ 242,000
44	9. For inventory and equipment replacement:	
45	FY 2011-2012.....	\$ 5,366,000
46	FY 2012-2013.....	\$ 5,366,000
47	10. For utility improvements at various locations:	
48	FY 2011-2012.....	\$ 400,000
49	FY 2012-2013.....	\$ 400,000
50	11. For roofing projects at various locations:	

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1	FY 2011-2012.....	\$ 200,000
2	FY 2012-2013.....	\$ 200,000
3	12. For heating, cooling, and exhaust system	
4	improvements at various locations:	
5	FY 2011-2012.....	\$ 400,000
6	FY 2012-2013.....	\$ 200,000
7	13. For deferred maintenance projects at field	
8	facilities throughout the state:	
9	FY 2011-2012.....	\$ 1,000,000
10	FY 2012-2013.....	\$ 1,000,000

11 14. For elevator upgrades at the Ames complex:
 12 FY 2011-2012..... \$ 100,000
 13 FY 2012-2013..... \$ 0
 14 15. For wastewater treatment improvements at
 15 various locations:
 16 FY 2011-2012..... \$ 1,000,000
 17 FY 2012-2013..... \$ 1,000,000
 18 16. For replacement of the Swea City garage:
 19 FY 2011-2012..... \$ 2,100,000
 20 FY 2012-2013..... \$ 0
 21 17. For replacement of the New Hampton combined
 22 facility:
 23 FY 2011-2012..... \$ 0
 24 FY 2012-2013..... \$ 5,200,000
 25 For purposes of section 8.33, unless specifically
 26 provided otherwise, moneys appropriated in subsections
 27 10 through 17 that remain unencumbered or unobligated
 28 shall not revert but shall remain available for
 29 expenditure for the purposes designated until the close
 30 of the fiscal year that ends three years after the end
 31 of the fiscal year for which the appropriation was
 32 made. However, if the project or projects for which
 33 such appropriation was made are completed in an earlier
 34 fiscal year, unencumbered or unobligated moneys shall
 35 revert at the close of that same fiscal year.>
 36 2. By renumbering as necessary.

HUSEMAN of Cherokee

H-1478

1 Amend House File 581 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. NEW SECTION. 280.13C Brain injury
 5 policies.
 6 1. a. The Iowa high school athletic association
 7 and the Iowa girls high school athletic union shall
 8 work together to distribute the guidelines of the
 9 centers for disease control and prevention of the
 10 United States department of health and human services
 11 and other pertinent information to inform and educate
 12 coaches, students, and the parents and guardians
 13 of students of the risks, signs, symptoms, and
 14 behaviors consistent with a concussion or brain injury,
 15 including the danger of continuing to participate
 16 in extracurricular interscholastic activities after
 17 suffering a concussion or brain injury and their
 18 responsibility to report such signs, symptoms, and
 19 behaviors if they occur.
 20 b. Annually, each school district and nonpublic
 21 school shall provide to the parent or guardian of each

22 student a concussion and brain injury information
 23 sheet, as provided by the Iowa high school athletic
 24 association and the Iowa girls high school athletic
 25 union. The student and the student's parent or
 26 guardian shall sign and return the concussion and brain
 27 injury information sheet to the student's school prior
 28 to the student's participation in any extracurricular
 29 interscholastic activity for grades seven through
 30 twelve.

31 2. If a student's coach or contest official
 32 observes signs, symptoms, or behaviors consistent with
 33 a concussion or brain injury in an extracurricular
 34 interscholastic activity, the student shall be
 35 immediately removed from participation.

36 3. a. A student who has been removed from
 37 participation shall not recommence such participation
 38 until the student has been evaluated by a licensed
 39 health care provider trained in the evaluation and
 40 management of concussions and other brain injuries and
 41 the student has received written clearance to return to
 42 participation from the health care provider.

43 b. For the purposes of this section, a "licensed
 44 health care provider" means a physician, physician
 45 assistant, chiropractor, advanced registered nurse
 46 practitioner, nurse, physical therapist, or athletic
 47 trainer licensed by a board designated under section
 48 147.13.

49 c. For the purposes of this section, an
 50 "extracurricular interscholastic activity" means any

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1 extracurricular interscholastic activity, contest, or
 2 practice, including sports, dance, or cheerleading.>

LOFGREN of Muscatine

H-1479

1 Amend Senate File 495, as passed by the Senate, as
 2 follows:

3 1. By striking page 5, line 35, through page 6,
 4 line 28, and inserting:

5 <p. Consider the views of area agencies on aging,
 6 older individuals, long-term care consumers, and
 7 providers of long-term care in planning and operating
 8 the programs under this subchapter.>

9 2. By striking page 7, line 33, through page 8,
 10 line 14.

11 3. Page 8, line 15, by striking <4. 5> and
 12 inserting <4.>

13 4. Page 9, line 3, by striking <5. 6> and

- 14 inserting <5.>
 15 5. Page 9, by striking lines 16 through 18 and
 16 inserting:
 17 <e. ~~b. Communicate~~ Seek consent from and
 18 communicate privately and without restriction with,
 19 any resident, ~~tenant~~, legal representative, or other
 20 representative who consents to communication.>
 21 6. Page 9, line 24, by striking <6. 7.> and
 22 inserting <6.>
 23 7. Page 10, line 33, by striking <7. 8.> and
 24 inserting <7.>
 25 8. Page 11, line 21, by striking <8. 9.> and
 26 inserting <8.>
 27 9. Page 11, line 29, by striking <9. 10.> and
 28 inserting <9.>
 29 10. Page 12, line 6, by striking <10. 11.> and
 30 inserting <10.>
 31 11. Page 12, line 12, by striking <11. 12.> and
 32 inserting <11.>
 33 12. Page 12, line 31, after <consent> by inserting
 34 <and the resident does not have a guardian or legal
 35 representative>
 36 13. Page 12, line 33, by striking <12. 13.> and
 37 inserting <12.>
 38 14. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES

H-1480

- 1 Amend Senate File 511, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. JUDICIAL BRANCH.
 6 1. There is appropriated from the general fund of
 7 the state to the judicial branch for the fiscal year
 8 beginning July 1, 2011, and ending June 30, 2012, the
 9 following amount, or so much thereof as is necessary,
 10 to be used for the purposes designated:
 11 a. For salaries of supreme court justices,
 12 appellate court judges, district court judges, district
 13 associate judges, judicial magistrates and staff,
 14 state court administrator, clerk of the supreme
 15 court, district court administrators, clerks of the
 16 district court, juvenile court officers, board of law
 17 examiners and board of examiners of shorthand reporters
 18 and judicial qualifications commission; receipt and
 19 disbursement of child support payments; reimbursement
 20 of the auditor of state for expenses incurred in
 21 completing audits of the offices of the clerks of the
 22 district court during the fiscal year beginning July

23 1, 2011; and maintenance, equipment, and miscellaneous
 24 purposes:
 25 \$154,111,822
 26 b. For deposit in the revolving fund created
 27 pursuant to section 602.1302, subsection 3, for jury
 28 and witness fees, mileage, costs related to summoning
 29 jurors, fees for interpreters, and reimbursement of
 30 attorney fees paid by the state public defender:
 31 \$ 2,300,000
 32 2. The judicial branch, except for purposes of
 33 internal processing, shall use the current state budget
 34 system, the state payroll system, and the Iowa finance
 35 and accounting system in administration of programs
 36 and payments for services, and shall not duplicate the
 37 state payroll, accounting, and budgeting systems.
 38 3. The judicial branch shall submit monthly
 39 financial statements to the legislative services
 40 agency and the department of management containing
 41 all appropriated accounts in the same manner as
 42 provided in the monthly financial status reports and
 43 personal services usage reports of the department
 44 of administrative services. The monthly financial
 45 statements shall include a comparison of the dollars
 46 and percentage spent of budgeted versus actual revenues
 47 and expenditures on a cumulative basis for full-time
 48 equivalent positions and dollars.
 49 4. The judicial branch shall focus efforts upon the
 50 collection of delinquent fines, penalties, court costs,

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1 fees, surcharges, or similar amounts.
 2 5. The judicial branch shall open the offices of
 3 the clerk of the district court in all 99 counties
 4 from 8:00 a.m. until 4:30 p.m. during each business
 5 day the judicial branch is open for business in order
 6 to address the relative needs of the citizens of each
 7 county.
 8 6. In addition to the requirements for transfers
 9 under section 8.39, the judicial branch shall not
 10 change the appropriations from the amounts appropriated
 11 to the judicial branch in this Act, unless notice of
 12 the revisions is given prior to their effective date
 13 to the legislative services agency. The notice shall
 14 include information on the branch's rationale for
 15 making the changes and details concerning the workload
 16 and performance measures upon which the changes are
 17 based.
 18 7. The judicial branch shall submit a semiannual
 19 update to the legislative services agency specifying
 20 the amounts of fines, surcharges, and court costs
 21 collected using the Iowa court information system since

22 the last report. The judicial branch shall continue
23 to facilitate the sharing of vital sentencing and
24 other information with other state departments and
25 governmental agencies involved in the criminal justice
26 system through the Iowa court information system.

27 8. The judicial branch shall provide a report to
28 the general assembly by January 1, 2012, concerning
29 the amounts received and expended from the enhanced
30 court collections fund created in section 602.1304 and
31 the court technology and modernization fund created in
32 section 602.8108, subsection 7, during the fiscal year
33 beginning July 1, 2010, and ending June 30, 2011, and
34 the plans for expenditures from each fund during the
35 fiscal year beginning July 1, 2011, and ending June 30,
36 2012. A copy of the report shall be provided to the
37 legislative services agency.

38 9. The judicial branch is encouraged to purchase
39 products from Iowa state industries, as defined in
40 section 904.802, when purchases are required and the
41 products are available from Iowa state industries.
42 The judicial branch shall obtain bids from Iowa state
43 industries for purchases of office furniture during the
44 fiscal year beginning July 1, 2011, exceeding \$5,000.

45 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding
46 any provision to the contrary, for the fiscal year
47 beginning July 1, 2011, and ending June 30, 2012, if
48 all parties in a case agree, a civil trial including a
49 jury trial may take place in a county contiguous to the
50 county with proper jurisdiction, even if the contiguous

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1 county is located in an adjacent judicial district or
2 judicial election district. If the trial is moved
3 pursuant to this section, court personnel shall treat
4 the case as if a change of venue occurred. However,
5 if a trial is moved to an adjacent judicial district
6 or judicial election district, the judicial officers
7 serving in the judicial district or judicial election
8 district receiving the case shall preside over the
9 case.

10 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding
11 section 602.1509, for the fiscal year beginning July 1,
12 2011, a judicial officer may waive travel reimbursement
13 for any travel outside the judicial officer's county of
14 residence to conduct official judicial business.

15 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
16 LEGISLATIVE SERVICES AGENCY. All reports or copies of
17 reports required to be provided by the judicial branch
18 for fiscal year 2011-2012 to the legislative services
19 agency shall be provided in an electronic format. The
20 legislative services agency shall post the reports on

21 its internet website and shall notify by electronic
 22 means all the members of the joint appropriations
 23 subcommittee on the justice system when a report
 24 is posted. Upon request, copies of the reports may
 25 be mailed to members of the joint appropriations
 26 subcommittee on the justice system.
 27 Sec. 5. JUDICIAL OFFICER — UNPAID
 28 LEAVE. Notwithstanding the annual salary rates
 29 for judicial officers established by 2008 Iowa Acts,
 30 chapter 1191, section 11, for the fiscal year beginning
 31 July 1, 2011, and ending June 30, 2012, the supreme
 32 court may by order place all judicial officers on
 33 unpaid leave status on any day employees of the
 34 judicial branch are placed on temporary layoff status.
 35 The biweekly pay of the judicial officers shall be
 36 reduced accordingly for the pay period in which the
 37 unpaid leave date occurred in the same manner as for
 38 noncontract employees of the judicial branch. Through
 39 the course of the fiscal year, the judicial branch may
 40 use an amount equal to the aggregate amount of salary
 41 reductions due to the judicial officer unpaid leave
 42 days for any purpose other than for judicial salaries.
 43 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the
 44 intent of the general assembly that the judicial branch
 45 utilize the Iowa communications network or other secure
 46 electronic communications in lieu of traveling for the
 47 fiscal year beginning July 1, 2011.>
 48 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

H-1481

1 Amend Senate File 510, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. DEPARTMENT OF JUSTICE.
 6 1. There is appropriated from the general fund
 7 of the state to the department of justice for the
 8 fiscal year beginning July 1, 2011, and ending June 30,
 9 2012, the following amounts, or so much thereof as is
 10 necessary, to be used for the purposes designated:
 11 a. For the general office of attorney general for
 12 salaries, support, maintenance, and miscellaneous
 13 purposes, including the prosecuting attorneys training
 14 program, matching funds for federal violence against
 15 women grant programs, victim assistance grants, office
 16 of drug control policy prosecuting attorney program,
 17 and odometer fraud enforcement, and for not more than
 18 the following full-time equivalent positions:
 19 \$ 7,292,930

20 FTEs 212.00
 21 It is the intent of the general assembly that as
 22 a condition of receiving the appropriation provided
 23 in this lettered paragraph, the department of justice
 24 shall maintain a record of the estimated time incurred
 25 representing each agency or department.
 26 b. For victim assistance grants:
 27 \$ 2,876,400
 28 The funds appropriated in this lettered paragraph
 29 shall be used to provide grants to care providers
 30 providing services to crime victims of domestic abuse
 31 or to crime victims of rape and sexual assault.
 32 The balance of the victim compensation fund
 33 established in section 915.94 may be used to provide
 34 salary and support of not more than 24 FTEs and
 35 to provide maintenance for the victim compensation
 36 functions of the department of justice.
 37 The department of justice may transfer moneys from
 38 the victim compensation fund established in section
 39 915.94 to the victim assistance grant program.
 40 c. For legal services for persons in poverty grants
 41 as provided in section 13.34:
 42 \$ 1,000,000
 43 2. a. The department of justice, in submitting
 44 budget estimates for the fiscal year commencing July
 45 1, 2012, pursuant to section 8.23, shall include a
 46 report of funding from sources other than amounts
 47 appropriated directly from the general fund of the
 48 state to the department of justice or to the office of
 49 consumer advocate. These funding sources shall include
 50 but are not limited to reimbursements from other state

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1 agencies, commissions, boards, or similar entities, and
 2 reimbursements from special funds or internal accounts
 3 within the department of justice. The department of
 4 justice shall also report actual reimbursements for the
 5 fiscal year commencing July 1, 2010, and actual and
 6 expected reimbursements for the fiscal year commencing
 7 July 1, 2011.
 8 b. The department of justice shall include the
 9 report required under paragraph "a", as well as
 10 information regarding any revisions occurring as a
 11 result of reimbursements actually received or expected
 12 at a later date, in a report to the co-chairpersons
 13 and ranking members of the joint appropriations
 14 subcommittee on the justice system and the legislative
 15 services agency. The department of justice shall
 16 submit the report on or before January 15, 2012.
 17 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 18 appropriated from the department of commerce revolving

19 fund created in section 546.12 to the office of
 20 consumer advocate of the department of justice for the
 21 fiscal year beginning July 1, 2011, and ending June 30,
 22 2012, the following amount, or so much thereof as is
 23 necessary, to be used for the purposes designated:

24 For salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-time
 26 equivalent positions:

27 \$ 3,136,163
 28 FTEs 22.00

29 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

30 1. There is appropriated from the general fund of
 31 the state to the department of corrections for the
 32 fiscal year beginning July 1, 2011, and ending June
 33 30, 2012, the following amounts, or so much thereof as
 34 is necessary, to be used for the operation of adult
 35 correctional institutions, reimbursement of counties
 36 for certain confinement costs, and federal prison
 37 reimbursement, to be allocated as follows:

38 a. For the operation of the Fort Madison
 39 correctional facility, including salaries, support,
 40 maintenance, and miscellaneous purposes:
 41 \$ 41,031,283

42 b. For the operation of the Anamosa correctional
 43 facility, including salaries, support, maintenance, and
 44 miscellaneous purposes:
 45 \$ 31,985,974

46 c. For the operation of the Oakdale correctional
 47 facility, including salaries, support, maintenance, and
 48 miscellaneous purposes:
 49 \$ 54,374,426

50 d. For the operation of the Newton correctional

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1 facility, including salaries, support, maintenance, and
 2 miscellaneous purposes:

3 \$ 25,958,757

4 e. For the operation of the Mt. Pleasant
 5 correctional facility, including salaries, support,
 6 maintenance, and miscellaneous purposes:
 7 \$ 25,917,815

8 f. For the operation of the Rockwell City
 9 correctional facility, including salaries, support,
 10 maintenance, and miscellaneous purposes:
 11 \$ 9,316,466

12 g. For the operation of the Clarinda correctional
 13 facility, including salaries, support, maintenance, and
 14 miscellaneous purposes:
 15 \$ 24,639,518

16 Moneys received by the department of corrections as
 17 reimbursement for services provided to the Clarinda

18 youth corporation are appropriated to the department
19 and shall be used for the purpose of operating the
20 Clarinda correctional facility.

21 h. For the operation of the Mitchellville
22 correctional facility, including salaries, support,
23 maintenance, and miscellaneous purposes:
24 \$ 15,615,374

25 i. For the operation of the Fort Dodge correctional
26 facility, including salaries, support, maintenance, and
27 miscellaneous purposes:
28 \$ 29,062,235

29 j. For reimbursement of counties for temporary
30 confinement of work release and parole violators, as
31 provided in sections 901.7, 904.908, and 906.17, and
32 for offenders confined pursuant to section 904.513:
33 \$ 775,092

34 k. For federal prison reimbursement, reimbursements
35 for out-of-state placements, and miscellaneous
36 contracts:
37 \$ 239,411

38 2. The department of corrections shall use moneys
39 appropriated in subsection 1 to continue to contract
40 for the services of a Muslim imam and a Native American
41 spiritual leader.

42 Sec. 4. DEPARTMENT OF CORRECTIONS —
43 ADMINISTRATION. There is appropriated from the general
44 fund of the state to the department of corrections for
45 the fiscal year beginning July 1, 2011, and ending June
46 30, 2012, the following amounts, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 1. For general administration, including salaries,
49 support, maintenance, employment of an education
50 director to administer a centralized education

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1 program for the correctional system, and miscellaneous
2 purposes:

3 \$ 4,835,542

4 a. It is the intent of the general assembly
5 that as a condition of receiving the appropriation
6 provided in this lettered paragraph the department of
7 corrections shall not, except as otherwise provided
8 in paragraph "c", enter into a new contract, unless
9 the contract is a renewal of an existing contract,
10 for the expenditure of moneys in excess of \$100,000
11 during the fiscal year beginning July 1, 2011, for the
12 privatization of services performed by the department
13 using state employees as of July 1, 2011, or for the
14 privatization of new services by the department without
15 prior consultation with any applicable state employee
16 organization affected by the proposed new contract and

17 prior notification of the co-chairpersons and ranking
18 members of the joint appropriations subcommittee on the
19 justice system.

20 b. It is the intent of the general assembly
21 that each lease negotiated by the department of
22 corrections with a private corporation for the purpose
23 of providing private industry employment of inmates in
24 a correctional institution shall prohibit the private
25 corporation from utilizing inmate labor for partisan
26 political purposes for any person seeking election to
27 public office in this state and that a violation of
28 this requirement shall result in a termination of the
29 lease agreement.

30 c. It is the intent of the general assembly that as
31 a condition of receiving the appropriation provided in
32 this subsection the department of corrections shall not
33 enter into a lease or contractual agreement pursuant to
34 section 904.809 with a private corporation for the use
35 of building space for the purpose of providing inmate
36 employment without providing that the terms of the
37 lease or contract establish safeguards to restrict, to
38 the greatest extent feasible, access by inmates working
39 for the private corporation to personal identifying
40 information of citizens.

41 2. For educational programs for inmates at state
42 penal institutions:

43 § 2,308,109

44 a. As a condition of receiving the appropriation in
45 this subsection, the department of corrections shall
46 transfer at least \$300,000 from the canteen operating
47 funds established pursuant to section 904.310 to be
48 used for correctional educational programs funded in
49 this subsection.

50 b. It is the intent of the general assembly that

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1 moneys appropriated in this subsection shall be used
2 solely for the purpose indicated and that the moneys
3 shall not be transferred for any other purpose. In
4 addition, it is the intent of the general assembly
5 that the department shall consult with the community
6 colleges in the areas in which the institutions
7 are located to utilize moneys appropriated in this
8 subsection to fund the high school completion, high
9 school equivalency diploma, adult literacy, and adult
10 basic education programs in a manner so as to maintain
11 these programs at the institutions.

12 c. To maximize the funding for educational
13 programs, the department shall establish guidelines
14 and procedures to prioritize the availability of
15 educational and vocational training for inmates based

16 upon the goal of facilitating an inmate's successful
17 release from the correctional institution.

18 d. The director of the department of corrections
19 may transfer moneys from Iowa prison industries for use
20 in educational programs for inmates.

21 e. Notwithstanding section 8.33, moneys
22 appropriated in this subsection that remain unobligated
23 or unexpended at the close of the fiscal year shall not
24 revert but shall remain available to be used only for
25 the purposes designated in this subsection until the
26 close of the succeeding fiscal year.

27 3. For the development of the Iowa corrections
28 offender network (ICON) data system:
29 \$ 424,364

30 4. For offender mental health and substance abuse
31 treatment:
32 \$ 22,319

33 5. For viral hepatitis prevention and treatment:
34 \$ 167,881

35 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
36 CORRECTIONAL SERVICES.

37 1. There is appropriated from the general fund of
38 the state to the department of corrections for the
39 fiscal year beginning July 1, 2011, and ending June
40 30, 2012, for salaries, support, maintenance, and
41 miscellaneous purposes, the following amounts, or
42 so much thereof as is necessary, to be allocated as
43 follows:

44 a. For the first judicial district department of
45 correctional services:
46 \$ 12,020,098

47 b. For the second judicial district department of
48 correctional services:
49 \$ 10,336,948

50 c. For the third judicial district department of

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1 correctional services:
2 \$ 5,599,765

3 d. For the fourth judicial district department of
4 correctional services:
5 \$ 5,391,355

6 e. For the fifth judicial district department of
7 correctional services, including funding for electronic
8 monitoring devices for use on a statewide basis:
9 \$ 18,742,129

10 f. For the sixth judicial district department of
11 correctional services:
12 \$ 13,112,563

13 g. For the seventh judicial district department of
14 correctional services:

15 \$ 6,492,814
 16 h. For the eighth judicial district department of
 17 correctional services:
 18 \$ 6,731,055
 19 2. Each judicial district department of
 20 correctional services, within the funding available,
 21 shall continue programs and plans established within
 22 that district to provide for intensive supervision, sex
 23 offender treatment, diversion of low-risk offenders
 24 to the least restrictive sanction available, job
 25 development, and expanded use of intermediate criminal
 26 sanctions.
 27 3. Each judicial district department of
 28 correctional services shall provide alternatives to
 29 prison consistent with chapter 901B. The alternatives
 30 to prison shall ensure public safety while providing
 31 maximum rehabilitation to the offender. A judicial
 32 district department of correctional services may also
 33 establish a day program.
 34 4. The governor's office of drug control policy
 35 shall consider federal grants made to the department
 36 of corrections for the benefit of each of the eight
 37 judicial district departments of correctional services
 38 as local government grants, as defined pursuant to
 39 federal regulations.
 40 5. The department of corrections shall continue
 41 to contract with a judicial district department
 42 of correctional services to provide for the rental
 43 of electronic monitoring equipment which shall be
 44 available statewide.
 45 6. A judicial district department of correctional
 46 services shall accept into the facilities of the
 47 district department, offenders assigned from other
 48 judicial district departments of correctional services.
 49 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
 50 OF APPROPRIATIONS. Notwithstanding section 8.39,

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1 within the moneys appropriated in this Act to the
 2 department of corrections, the department may
 3 reallocate the moneys appropriated and allocated as
 4 necessary to best fulfill the needs of the correctional
 5 institutions, administration of the department, and the
 6 judicial district departments of correctional services.
 7 However, in addition to complying with the requirements
 8 of sections 904.116 and 905.8 and providing notice
 9 to the legislative services agency, the department
 10 of corrections shall also provide notice to the
 11 department of management, prior to the effective date
 12 of the revision or reallocation of an appropriation
 13 made pursuant to this section. The department of

14 corrections shall not reallocate an appropriation or
15 allocation for the purpose of eliminating any program.

16 Sec. 7. INTENT — REPORTS.

17 1. The department of corrections in cooperation
18 with townships, the Iowa cemetery associations, and
19 other nonprofit or governmental entities may use inmate
20 labor during the fiscal year beginning July 1, 2011,
21 to restore or preserve rural cemeteries and historical
22 landmarks. The department in cooperation with the
23 counties may also use inmate labor to clean up roads,
24 major water sources, and other water sources around the
25 state.

26 2. On a quarterly basis the department shall
27 provide a status report regarding private-sector
28 employment to the legislative services agency beginning
29 on July 1, 2011. The report shall include the number
30 of offenders employed in the private sector, the
31 combined number of hours worked by the offenders, the
32 total amount of allowances, and the distribution of
33 allowances pursuant to section 904.702, including any
34 moneys deposited in the general fund of the state.

35 Sec. 8. ELECTRONIC MONITORING REPORT. The
36 department of corrections shall submit a report on
37 electronic monitoring to the general assembly, to the
38 co-chairpersons and the ranking members of the joint
39 appropriations subcommittee on the justice system, and
40 to the legislative services agency by January 15, 2012.
41 The report shall specifically address the number of
42 persons being electronically monitored and break down
43 the number of persons being electronically monitored
44 by offense committed. The report shall also include a
45 comparison of any data from the prior fiscal year with
46 the current year.

47 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
48 INDUSTRIES.

49 1. As used in this section, unless the context
50 otherwise requires, "state agency" means the government

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1 of the state of Iowa, including but not limited to
2 all executive branch departments, agencies, boards,
3 bureaus, and commissions, the judicial branch,
4 the general assembly and all legislative agencies,
5 institutions within the purview of the state board of
6 regents, and any corporation whose primary function is
7 to act as an instrumentality of the state.

8 2. State agencies are hereby encouraged to purchase
9 products from Iowa state industries, as defined in
10 section 904.802, when purchases are required and the
11 products are available from Iowa state industries.
12 State agencies shall obtain bids from Iowa state

13 industries for purchases of office furniture during the
14 fiscal year beginning July 1, 2011, exceeding \$5,000
15 or in accordance with applicable administrative rules
16 related to purchases for the agency.

17 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

18 1. There is appropriated from the general fund of
19 the state to the Iowa law enforcement academy for the
20 fiscal year beginning July 1, 2011, and ending June 30,
21 2012, the following amount, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous
24 purposes, including jailer training and technical
25 assistance, and for not more than the following
26 full-time equivalent positions:

27	\$	448,500
28	FTEs	24.55

29 It is the intent of the general assembly that the
30 Iowa law enforcement academy may provide training of
31 state and local law enforcement personnel concerning
32 the recognition of and response to persons with
33 Alzheimer's disease.

34 The Iowa law enforcement academy may temporarily
35 exceed and draw more than the amount appropriated in
36 this subsection and incur a negative cash balance as
37 long as there are receivables equal to or greater than
38 the negative balance and the amount appropriated in
39 this subsection is not exceeded at the close of the
40 fiscal year.

41 2. The Iowa law enforcement academy may select
42 at least five automobiles of the department of public
43 safety, division of state patrol, prior to turning over
44 the automobiles to the department of administrative
45 services to be disposed of by public auction, and
46 the Iowa law enforcement academy may exchange any
47 automobile owned by the academy for each automobile
48 selected if the selected automobile is used in training
49 law enforcement officers at the academy. However,
50 any automobile exchanged by the academy shall be

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1 substituted for the selected vehicle of the department
2 of public safety and sold by public auction with the
3 receipts being deposited in the depreciation fund to
4 the credit of the department of public safety, division
5 of state patrol.

6 Sec. 11. STATE PUBLIC DEFENDER. There is
7 appropriated from the general fund of the state to the
8 office of the state public defender of the department
9 of inspections and appeals for the fiscal year
10 beginning July 1, 2011, and ending June 30, 2012, the
11 following amounts, or so much thereof as is necessary,

12 to be allocated as follows for the purposes designated:

13 1. For salaries, support, maintenance,
14 miscellaneous purposes, and for not more than the
15 following full-time equivalent positions:

16 \$ 24,083,182
17 FTEs 219.00

18 2. For the fees of court-appointed attorneys for
19 indigent adults and juveniles, in accordance with
20 section 232.141 and chapter 815:

21 \$ 29,680,929

22 Sec. 12. BOARD OF PAROLE. There is appropriated
23 from the general fund of the state to the board of
24 parole for the fiscal year beginning July 1, 2011, and
25 ending June 30, 2012, the following amount, or so much
26 thereof as is necessary, to be used for the purposes
27 designated:

28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31 \$ 1,053,835
32 FTEs 12.50

33 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
34 appropriated from the general fund of the state to
35 the department of public defense for the fiscal year
36 beginning July 1, 2011, and ending June 30, 2012, the
37 following amounts, or so much thereof as is necessary,
38 to be used for the purposes designated:

39 1. MILITARY DIVISION

40 For salaries, support, maintenance, miscellaneous
41 purposes, and for not more than the following full-time
42 equivalent positions:

43 \$ 5,527,042
44 FTEs 313.00

45 The military division may temporarily exceed
46 and draw more than the amount appropriated in this
47 subsection and incur a negative cash balance as long
48 as there are receivables of federal funds equal to
49 or greater than the negative balance and the amount
50 appropriated in this subsection is not exceeded at the

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1 close of the fiscal year.

2 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
3 DIVISION

4 For salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:

7 \$ 1,836,877
8 FTEs 40.00

9 a. The homeland security and emergency management
10 division may temporarily exceed and draw more than the

11 amount appropriated in this subsection and incur a
12 negative cash balance as long as there are receivables
13 of federal funds equal to or greater than the negative
14 balance and the amount appropriated in this subsection
15 is not exceeded at the close of the fiscal year.

16 b. It is the intent of the general assembly that
17 the homeland security and emergency management division
18 work in conjunction with the department of public
19 safety, to the extent possible, when gathering and
20 analyzing information related to potential domestic
21 or foreign security threats, and when monitoring such
22 threats.

23 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
24 appropriated from the general fund of the state to
25 the department of public safety for the fiscal year
26 beginning July 1, 2011, and ending June 30, 2012, the
27 following amounts, or so much thereof as is necessary,
28 to be used for the purposes designated:

29 1. For the department's administrative functions,
30 including the criminal justice information system, and
31 for not more than the following full-time equivalent
32 positions:

33 \$ 4,007,075
34 FTEs 36.00

35 2. For the division of criminal investigation,
36 including the state's contribution to the peace
37 officers' retirement, accident, and disability system
38 provided in chapter 97A in the amount of the state's
39 normal contribution rate, as defined in section
40 97A.8, multiplied by the salaries for which the
41 funds are appropriated, to meet federal fund matching
42 requirements, and for not more than the following
43 full-time equivalent positions:

44 \$ 12,533,931
45 FTEs 159.10

46 The department shall employ one additional special
47 agent and one additional criminalist for the purpose
48 of investigating cold cases. Prior to employing the
49 additional special agent and criminalist authorized
50 in this paragraph, the department shall provide a

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1 written statement to prospective employees that states
2 to the effect that the positions are being funded by
3 a temporary federal grant and there are no assurances
4 that funds from other sources will be available after
5 the federal funding expires. If the federal funding
6 for the additional positions expires during the fiscal
7 year, the number of full-time equivalent positions
8 authorized in this subsection is reduced by 2.00 FTEs.

9 3. For the criminalistics laboratory fund created

10 in section 691.9:
11 \$ 302,345
12 4. a. For the division of narcotics enforcement,
13 including the state's contribution to the peace
14 officers' retirement, accident, and disability system
15 provided in chapter 97A in the amount of the state's
16 normal contribution rate, as defined in section
17 97A.8, multiplied by the salaries for which the
18 funds are appropriated, to meet federal fund matching
19 requirements, and for not more than the following
20 full-time equivalent positions:
21 \$ 6,429,884
22 FTEs 74.00
23 b. For the division of narcotics enforcement for
24 undercover purchases:
25 \$ 109,042
26 5. For the division of state fire marshal, for fire
27 protection services as provided through the state fire
28 service and emergency response council as created in
29 the department, and for the state's contribution to the
30 peace officers' retirement, accident, and disability
31 system provided in chapter 97A in the amount of the
32 state's normal contribution rate, as defined in section
33 97A.8, multiplied by the salaries for which the funds
34 are appropriated, and for not more than the following
35 full-time equivalent positions:
36 \$ 4,298,707
37 FTEs 55.00
38 6. For the division of state patrol, for salaries,
39 support, maintenance, workers' compensation costs,
40 and miscellaneous purposes, including the state's
41 contribution to the peace officers' retirement,
42 accident, and disability system provided in chapter 97A
43 in the amount of the state's normal contribution rate,
44 as defined in section 97A.8, multiplied by the salaries
45 for which the funds are appropriated, and for not more
46 than the following full-time equivalent positions:
47 \$ 51,903,233
48 FTEs 513.00
49 It is the intent of the general assembly that
50 members of the state patrol be assigned to patrol

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1 the highways and roads in lieu of assignments for
2 inspecting school buses for the school districts.
3 7. For deposit in the sick leave benefits fund
4 established under section 80.42 for all departmental
5 employees eligible to receive benefits for accrued sick
6 leave under the collective bargaining agreement:
7 \$ 279,517
8 8. For costs associated with the training and

9 equipment needs of volunteer fire fighters:
 10 \$ 575,520
 11 a. Notwithstanding section 8.33, moneys
 12 appropriated in this subsection that remain
 13 unencumbered or unobligated at the close of the fiscal
 14 year shall not revert but shall remain available for
 15 expenditure only for the purpose designated in this
 16 subsection until the close of the succeeding fiscal
 17 year.
 18 b. Notwithstanding section 8.39, within the
 19 moneys appropriated in this section, the department
 20 of public safety may reallocate moneys as necessary
 21 to best fulfill the needs provided for in the
 22 appropriation. However, the department shall not
 23 reallocate an appropriation made to the department
 24 in this section unless notice of the reallocation
 25 is given to the legislative services agency and
 26 the department of management prior to the effective
 27 date of the reallocation. The notice shall include
 28 information regarding the rationale for reallocating
 29 the appropriation. The department shall not reallocate
 30 an appropriation made in this section for the purpose
 31 of eliminating any program.

32 Sec. 15. GAMING ENFORCEMENT.

33 1. There is appropriated from the gaming
 34 enforcement revolving fund created in section 80.43 to
 35 the department of public safety for the fiscal year
 36 beginning July 1, 2011, and ending June 30, 2012, the
 37 following amount, or so much thereof as is necessary,
 38 to be used for the purposes designated:

39 For any direct and indirect support costs for
 40 agents and officers of the division of criminal
 41 investigation's excursion gambling boat, gambling
 42 structure, and racetrack enclosure enforcement
 43 activities, including salaries, support, maintenance,
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:
 46 \$ 9,836,306
 47 FTEs 120.00

48 2. For each additional license to conduct gambling
 49 games on an excursion gambling boat, gambling
 50 structure, or racetrack enclosure issued during

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1 the fiscal year beginning July 1, 2011, there is
 2 appropriated from the gaming enforcement fund to
 3 the department of public safety for the fiscal year
 4 beginning July 1, 2011, and ending June 30, 2012, an
 5 additional amount of not more than \$521,000 to be used
 6 for not more than 6.00 additional full-time equivalent
 7 positions.

8 3. The department of public safety, with the
 9 approval of the department of management, may employ
 10 no more than two special agents and four gaming
 11 enforcement officers for each additional riverboat
 12 or gambling structure regulated after July 1, 2011,
 13 and one special agent for each racing facility which
 14 becomes operational during the fiscal year which
 15 begins July 1, 2011. One additional gaming enforcement
 16 officer, up to a total of four per riverboat or
 17 gambling structure, may be employed for each riverboat
 18 or gambling structure that has extended operations to
 19 24 hours and has not previously operated with a 24-hour
 20 schedule. Positions authorized in this subsection
 21 are in addition to the full-time equivalent positions
 22 otherwise authorized in this section.

23 Sec. 16. CIVIL RIGHTS COMMISSION. There is
 24 appropriated from the general fund of the state to the
 25 Iowa state civil rights commission for the fiscal year
 26 beginning July 1, 2011, and ending June 30, 2012, the
 27 following amount, or so much thereof as is necessary,
 28 to be used for the purposes designated:

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-time
 31 equivalent positions:

32 \$ 1,297,069
 33 FTEs 28.00

34 The Iowa state civil rights commission may enter
 35 into a contract with a nonprofit organization to
 36 provide legal assistance to resolve civil rights
 37 complaints.

38 Sec. 17. 2009 Iowa Acts, chapter 178, section 20,
 39 is amended to read as follows:

40 SEC. 20. CONSUMER EDUCATION AND LITIGATION

41 FUND. Notwithstanding section 714.16C, for each
 42 fiscal year of the period beginning July 1, 2008, and
 43 ending June 30, ~~2011~~ 2013, the annual appropriations
 44 in section 714.16C, are increased from \$1,125,000 to
 45 \$1,875,000, and \$75,000 to \$125,000 respectively.

46 Moneys appropriated from the consumer education and
 47 litigation fund may be allocated for cash flow purposes
 48 to the victim compensation fund established in section
 49 915.94 during each of the fiscal years enumerated,
 50 provided that any moneys so allocated are returned to

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1 the consumer education and litigation fund by the end
 2 of each fiscal year an allocation occurs.

3 Sec. 18. IOWA COMMUNICATIONS NETWORK. It is the
 4 intent of the general assembly that the executive
 5 branch agencies receiving an appropriation in this Act
 6 utilize the Iowa communications network or secure other

7 electronic communications in lieu of traveling for the
8 fiscal year addressed by the appropriations.
9 Sec. 19. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
10 DIVISION. There is appropriated from the wireless
11 E911 emergency communications fund created in section
12 34A.7A to the administrator of the homeland security
13 and emergency management division of the department of
14 public defense for the fiscal year beginning July 1,
15 2011, and ending June 30, 2012, an amount not exceeding
16 \$200,000 to be used for implementation, support, and
17 maintenance of the functions of the administrator and
18 program manager under chapter 34A and to employ the
19 auditor of the state to perform an annual audit of the
20 wireless E911 emergency communications fund.
21 Sec. 20. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES
22 — RATIO. Notwithstanding section 8A.402, subsection
23 2, paragraph "g", for the fiscal year beginning July
24 1, 2011, the department of corrections, department of
25 public safety, and the judicial district departments of
26 correctional services shall be exempt from the target
27 ratio of supervisory employees to other employees
28 otherwise applicable for that fiscal year under section
29 8A.402, subsection 2, paragraph "g".>

COMMITTEE ON APPROPRIATIONS

H-1482

1 Amend House File 591 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 717.1, Code 2011, is amended by
5 adding the following new subsections:
6 NEW SUBSECTION. 01. "Department" means the
7 department of agriculture and land stewardship.
8 NEW SUBSECTION. 001. "Electronic mail" means any
9 message transmitted through the internet including but
10 not limited to messages transmitted from or to any
11 address affiliated with an internet site.
12 Sec. 2. NEW SECTION. 717.3 Livestock in immediate
13 need of sustenance — court order.
14 1. This section applies only to livestock which are
15 cattle, sheep, swine, or poultry.
16 2. For purposes of this section, "interested person"
17 means all of the following:
18 a. An owner of the livestock.
19 b. A person caring for the livestock, if different
20 from the owner of the livestock.
21 c. A person holding a perfected agricultural lien
22 or security interest in the livestock under chapter
23 554.
24 3. The department may determine that some or all

25 of the livestock kept by a person are in immediate
26 need of sustenance. Upon making the determination the
27 department may file a petition with a district court
28 in a county where some or all of the livestock are
29 kept requesting the court to issue an order to provide
30 sustenance of the livestock. The petition may be made
31 separately or with a petition filed pursuant to section
32 717.5. The petition must at least include all of the
33 following:

- 34 a. A statement signed by a veterinarian licensed
- 35 pursuant to chapter 169 stating that the livestock are
- 36 in immediate need of sustenance.
- 37 b. The address of each location where the livestock
- 38 are kept.
- 39 c. A brief description of the livestock.
- 40 d. The name and address of each interested person,
- 41 if known.
- 42 e. The name and address of each qualified person
- 43 appointed by the department to provide sustenance to
- 44 the livestock.

45 4. Upon receiving the petition, the court may do

46 any of the following:

- 47 a. Notify any interested person that the petition
- 48 has been filed with the court. The notification must
- 49 be made in writing and may be delivered by ordinary,
- 50 certified, or restricted certified mail by United

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1 States postal service; delivered by a common carrier;
2 or transmitted by electronic mail.

- 3 b. Hold a hearing to determine whether the
- 4 livestock are in immediate need of sustenance.
- 5 5. If the court determines that the livestock are
- 6 in immediate need of sustenance, the court shall issue
- 7 an order which at least declares all of the following:
- 8 a. That the livestock are in immediate need of
- 9 sustenance.
- 10 b. That the department shall assume supervision of
- 11 and provide for the sustenance of the livestock and as
- 12 provided in section 717.4.
- 13 c. That a lien is created attaching to the
- 14 livestock and associated proceeds and products as
- 15 provided in section 717.4.
- 16 6. The department shall assume supervision of
- 17 the livestock as provided in the court order. The
- 18 department may directly provide for the sustenance of
- 19 the livestock or appoint a qualified person to provide
- 20 for such sustenance.
- 21 Sec. 3. **NEW SECTION.** 717.4 Livestock in immediate
- 22 need of sustenance — lien.
- 23 1. This section applies to a lien created by a

24 court order entered pursuant to section 717.3 or 717.5.
25 The court ordered lien is an agricultural lien subject
26 to chapter 554 except as otherwise provided in this
27 section.

28 2. The court ordered lien shall be for the benefit
29 of the department. The amount of the lien shall be not
30 more than expenses incurred in providing sustenance to
31 the livestock pursuant to section 717.3 and providing
32 for the disposition of the livestock pursuant to
33 section 717.5.

34 3. The court ordered lien shall attach to the
35 livestock, identifiable proceeds from the disposition
36 of the livestock, and products from the livestock in
37 the products' unmanufactured states.

38 4. The court ordered lien becomes effective on the
39 date that the court order is entered. To perfect the
40 lien, the department must file a financing statement
41 in the office of the secretary of state as provided
42 in sections 554.9308 and 554.9310 on or after but not
43 later than twenty days after the effective date of
44 the lien. For purposes of chapter 554, article 9,
45 the department is a secured party; the owner of the
46 livestock is a debtor; and the livestock and associated
47 proceeds and products as provided in subsection 3 are
48 the collateral.

49 5. The court ordered lien that is perfected under
50 this section is superior to and shall have priority

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1 over a conflicting lien or security interest in the
2 livestock and associated proceeds and products as
3 provided in subsection 3, including a lien or security
4 interest that was perfected prior to the perfection of
5 the court ordered lien.

6 Sec. 4. NEW SECTION. 717.4A Livestock in immediate
7 need of sustenance — livestock remediation fund.

8 The department may utilize the moneys deposited
9 into the livestock remediation fund pursuant to
10 section 459.501 to pay for any expenses associated
11 with providing sustenance to or the disposition of the
12 livestock pursuant to a court order entered pursuant to
13 section 717.3 or 717.5. The department shall utilize
14 moneys from the fund only to the extent that the
15 department determines that expenses cannot be timely
16 paid by utilizing the available provisions of sections
17 717.4 and 717.5. The department shall deposit any
18 unexpended and unobligated moneys in the fund. The
19 department shall pay the fund the proceeds from the
20 disposition of the livestock and associated products
21 less expenses incurred by the department in providing
22 for the sustenance and disposition of the livestock, as

23 provided in section 717.5.

24 Sec. 5. Section 717.5, subsections 1 through 3,
25 Code 2011, are amended to read as follows:

26 1. a. A court shall order the disposition of
27 livestock neglected as provided in section 717.2
28 ~~after a hearing upon application or petition to the~~
29 ~~court or livestock in immediate need of sustenance and~~
30 ~~associated products as provided in sections 717.3 and~~
31 ~~717.4 in accordance with this section.~~

32 (1) A petition may be filed by a local authority or
33 a person owning or caring for the livestock pursuant
34 to section 717.2.

35 (2) A petition may be filed by the department.
36 The court shall notify interested persons in the same
37 manner as provided in section 717.3. The petition may
38 be filed separately or with a petition filed pursuant
39 to section 717.3.

40 b. The matter shall be heard by the court within
41 ten days from the filing of a the petition ~~by the local~~
42 ~~authority or the person.~~

43 (1) The ~~For~~ livestock alleged to be neglected under
44 section 717.2, the court may continue the hearing for
45 up to forty days upon petition by the person. However,
46 the person shall post a bond or other security with the
47 local authority in an amount determined by the court,
48 which shall not be more than the amount sufficient to
49 provide for the maintenance of the livestock for forty
50 days. The court may grant a subsequent continuance by

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1 the person for the same length of time if the person
2 submits a new bond or security.

3 (2) For livestock alleged to be in immediate need
4 of sustenance under section 717.3, the court may
5 continue the hearing for up to forty days upon petition
6 by the department. The department may file and the
7 court may grant one or more subsequent continuances
8 each for up to forty days. The department is not
9 required to post a bond or other security.

10 c. ~~However, the~~ Notwithstanding paragraph "b", the
11 court shall order the immediate disposition of the
12 livestock if the livestock is permanently distressed
13 by disease or injury to a degree that would result in
14 severe or prolonged suffering.

15 2. The hearing to determine if livestock has
16 been neglected under section 717.2 for purposes of
17 disposition shall be a civil proceeding. If the case
18 is related to a criminal proceeding under section
19 717.2, the disposition shall not be part of that
20 proceeding and shall not be considered a criminal
21 penalty imposed on a person found in violation of

22 section 717.2.

23 3. A court may order a person owning the neglected
24 livestock neglected under section 717.2 or in immediate
25 need of sustenance under section 717.3 to pay an amount
26 associated with expenses associated with the livestock
27 as follows:

28 a. (1) ~~which~~ For livestock neglected under section
29 717.2, the amount shall not be more than ~~the~~ for
30 expenses incurred by the local authority in maintaining
31 and disposing the neglected livestock rescued pursuant
32 to section 717.2A, and reasonable attorney fees and
33 expenses related to the investigation of the case. The
34 remaining amount of a bond or other security posted
35 pursuant to ~~this section~~ subsection 1 shall be used to
36 reimburse the local authority.

37 (2) For livestock in immediate need of sustenance
38 under section 717.3, the amount shall not be more than
39 for expenses incurred by the department in providing
40 sustenance to and disposing of the neglected livestock
41 as provided in section 717.3 and this section. The
42 amount paid to the department shall be sufficient to
43 allow the department to repay the livestock remediation
44 fund as provided in section 459.501.

45 b. If more than one person has a divisible
46 ownership interest in the livestock, the amount
47 required to be paid shall be prorated based on the
48 percentage of interest in the livestock owned by
49 each person. The moneys shall be paid to the local
50 authority or department incurring the expense as

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1 provided in paragraph "a". The amount shall be
2 subtracted from proceeds owed to the owner or owners of
3 the livestock, which are received from the sale of the
4 livestock ordered by the court.

5 c. (1) Moneys owed to the local authority from
6 the sale of neglected livestock that have been rescued
7 by a local authority pursuant to section 717.2A shall
8 be paid to the local authority before satisfying
9 indebtedness secured by any security interest in or
10 lien on the livestock. Moneys owed to the department
11 from the sale of livestock in immediate need of
12 sustenance and associated products shall be paid to
13 the department according to its priority status as a
14 lienholder as provided in section 717.4.

15 (2) If an owner of the livestock is a landowner,
16 the local authority may submit an amount of the moneys
17 owed to the clerk of the county board of supervisors
18 who shall report the amount to the county treasurer.
19 The amount shall equal the balance remaining after the
20 sale of the livestock. If the livestock owner owns a

21 percentage of the livestock, the reported amount shall
22 equal the remaining balance owed by all landowners
23 who own a percentage of the livestock. That amount
24 shall be prorated among the landowners based on the
25 percentage of interest in the livestock attributable to
26 each landowner. The amount shall be placed upon the
27 tax books, and collected with interest and penalties
28 after due, in the same manner as other unpaid property
29 taxes. The county shall reimburse a city within thirty
30 days from the collection of the property taxes.

31 Sec. 6. NEW SECTION. 717.6 Rulemaking.

32 The department may adopt rules pursuant to chapter
33 17A as required to implement and administer sections
34 717.3 through 717.5.

35 Sec. 7. Section 459.501, subsections 1, 3, and 5,
36 Code 2011, are amended to read as follows:

37 1. A ~~manure storage indemnity~~ livestock remediation
38 fund is created as a separate fund in the state
39 treasury under the control of the department. The
40 general fund of the state is not liable for claims
41 presented against the fund.

42 3. a. The moneys collected under this section
43 shall be deposited in the fund and shall be
44 appropriated to the department for the following
45 ~~exclusive purpose of providing~~ purposes:

46 (1) To provide moneys for cleanup of abandoned
47 facilities as provided in section 459.505, and to pay
48 the department for costs related to administering the
49 provisions of this subchapter. For each fiscal year,
50 the department shall not use more than one percent of

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1 the total amount which is available in the fund or ten
2 thousand dollars, whichever is less, to pay for the
3 costs of administration.

4 (2) To allocate moneys to the department of
5 agriculture and land stewardship for the payment of
6 expenses incurred by the department of agriculture and
7 land stewardship associated with providing for the
8 sustenance and disposition of livestock in immediate
9 need of sustenance pursuant to chapter 717. The
10 department of natural resources shall allocate any
11 amount of unencumbered and unobligated moneys demanded
12 in writing by the department of agriculture and land
13 stewardship as provided in this subparagraph. The
14 department of natural resources shall complete the
15 allocation upon receiving the demand.

16 b. Moneys in the fund shall not be subject to
17 appropriation or expenditure for any other purpose than
18 provided in this section.

19 5. The following shall apply to moneys in the fund:

20 a. (1) The executive council may allocate moneys
 21 from the general fund of the state as provided in
 22 section 7D.10A in an amount necessary to support the
 23 fund, including the following:

24 (a) The payment of claims as provided in section
 25 459.505.

26 (b) The allocation of moneys to the department
 27 of agriculture and land stewardship for the payment
 28 of expenses incurred by the department of agriculture
 29 and land stewardship associated with providing for the
 30 sustenance and disposition of livestock pursuant to
 31 chapter 717.

32 (2) However, an Notwithstanding subparagraph (1),
 33 the allocation of moneys from the general fund of the
 34 state shall be made only if the amount of moneys in the
 35 fund, which are not obligated or encumbered, and not
 36 counting the department's estimate of the cost to the
 37 fund for pending or unsettled claims, the amount to be
 38 allocated to the department of agriculture and land
 39 stewardship, and any amount required to be credited to
 40 the general fund of the state under this subsection, is
 41 less than one million dollars.

42 b. The department of natural resources shall credit
 43 an amount to the general fund of the state which
 44 is equal to an amount allocated to the fund by the
 45 executive council under paragraph "a". The department
 46 shall credit the moneys to the general fund of the
 47 state if the moneys in the fund which are not obligated
 48 or encumbered, and not counting the department's
 49 estimate of the cost to the fund for pending or
 50 unsettled claims, the amount to be allocated to the

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1 department of agriculture and land stewardship, and
 2 any amount required to be transferred to the general
 3 fund under this paragraph, are in excess of two million
 4 five hundred thousand dollars. The department is not
 5 required to credit the total amount to the general fund
 6 of the state during any one fiscal year.

7 Sec. 8. Section 579A.2, subsection 5, Code 2011, is
 8 amended to read as follows:

9 5. a. ~~Except as provided in this paragraph, a~~
 10 custom cattle feedlot lien that is perfected under
 11 this section is superior to and shall have priority
 12 over a conflicting lien or security interest in the
 13 cattle, including a lien or security interest that was
 14 perfected prior to the perfection of the custom cattle
 15 feedlot lien. However:

16 b. Notwithstanding paragraph "a", a custom cattle
 17 feedlot lien shall not be superior to a court-ordered
 18 lien provided in section 717.4 or a veterinarian's

19 lien created under chapter 581, ~~that if such lien~~
 20 is perfected as an agricultural lien as provided in
 21 chapter 554, article 9.

22 ~~d. c.~~ A custom cattle feedlot lien that is
 23 effective but not perfected under this section has
 24 priority as provided in section 554.9322.

25 Sec. 9. Section 579B.4, subsection 4, paragraph a,
 26 Code 2011, is amended to read as follows:

27 a. ~~(1) Except as provided in this paragraph, a~~ A
 28 commodity production contract lien that is perfected
 29 under this section is superior to and shall have
 30 priority over a conflicting lien or security interest
 31 in the commodity, including a lien or security interest
 32 that was perfected prior to the perfection of the
 33 commodity production contract lien under this chapter.

34 ~~However~~

35 ~~(2) Notwithstanding subparagraph (1), a commodity~~
 36 production contract lien shall not be superior to a
 37 court ordered lien provided in section 717.4 or a
 38 veterinarian's lien created under chapter 581, that if
 39 such lien is perfected as an agricultural lien.

40 Sec. 10. Section 581.2, subsection 2, Code 2011, is
 41 amended to read as follows:

42 2. a. A veterinarian's lien that is perfected
 43 under section 581.3 shall have priority over any
 44 conflicting security interest or lien in livestock
 45 treated by a veterinarian, regardless of when such
 46 security interest or lien is perfected.

47 b. Notwithstanding paragraph "a", a veterinarian's
 48 lien shall not be superior to a court ordered lien
 49 provided in section 717.4, if such lien is perfected as
 50 an agricultural lien.

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1 Sec. 11. CODE EDITOR DIRECTIVE. Sections 7D.10A,
 2 459.303, 459.503A, and 460.206, Code 2011, are amended
 3 by striking from the sections the words "manure storage
 4 indemnity fund" and inserting in lieu thereof the words
 5 "livestock remediation fund".>

6 2. By renumbering as necessary.

SWEENEY of Hardin

H-1483

1 Amend Senate File 406, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 24, by striking lines 10 through 21 and
 4 inserting:

5 <NEW SUBSECTION. 7. An insurance producer shall
 6 use reasonable care, diligence, and judgment in
 7 procuring the insurance requested by a customer.>

GARRETT of Warren

H-1484

1 Amend Senate File 406, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, by striking lines 8 through 21.
 4 2. By renumbering as necessary.

GARRETT of Warren
ANDERSON of Page

H-1485

1 Amend Senate File 508, as passed by the Senate, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <DIVISION I
 5 FY 2011-2012>
 6 2. Page 16, after line 15 by inserting:
 7 <DIVISION II
 8 FY 2012-2013
 9 Sec. 19. SUBSTANCE ABUSE APPROPRIATION.
 10 1. There is appropriated from the fund created by
 11 section 8.41 to the department of public health for
 12 the federal fiscal year beginning October 1, 2012, and
 13 ending September 30, 2013, the following amount:
 14 \$ 13,571,229
 15 a. Funds appropriated in this subsection are the
 16 anticipated funds to be received from the federal
 17 government for the designated federal fiscal year
 18 under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart
 19 ii, which provides for the prevention and treatment
 20 of substance abuse block grant. The department shall
 21 expend the funds appropriated in this subsection as
 22 provided in the federal law making the funds available
 23 and in conformance with chapter 17A.
 24 b. Of the funds appropriated in this subsection,
 25 an amount not exceeding 5 percent shall be used by the
 26 department for administrative expenses.
 27 c. The department shall expend no less than an
 28 amount equal to the amount expended for treatment
 29 services in the state fiscal year beginning July 1,
 30 2011, for pregnant women and women with dependent
 31 children.
 32 d. Of the funds appropriated in this subsection, an
 33 amount not exceeding \$24,585 shall be used for audits.
 34 2. At least 20 percent of the funds remaining

35 from the appropriation made in subsection 1 shall be
36 allocated for prevention programs.

37 3. In implementing the federal prevention and
38 treatment of substance abuse block grant under 42
39 U.S.C., ch. 6A, subch. XVII, and any other applicable
40 provisions of the federal Public Health Service Act
41 under 42 U.S.C., ch. 6A, the department shall apply the
42 provisions of Pub. L. No. 106-310, § 3305, as codified
43 in 42 U.S.C. § 300x-65, relating to services under
44 such federal law being provided by religious and other
45 nongovernmental organizations.

46 Sec. 20. COMMUNITY MENTAL HEALTH SERVICES
47 APPROPRIATION.

48 1. a. There is appropriated from the fund created
49 by section 8.41 to the department of human services for
50 the federal fiscal year beginning October 1, 2012, and

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1 ending September 30, 2013, the following amount:
2 \$ 3,370,840

3 b. Funds appropriated in this subsection are the
4 anticipated funds to be received from the federal
5 government for the designated federal fiscal year
6 under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart
7 i, which provides for the community mental health
8 services block grant. The department shall expend
9 the funds appropriated in this subsection as provided
10 in the federal law making the funds available and in
11 conformance with chapter 17A.

12 c. The department shall allocate not less than 95
13 percent of the amount of the block grant to eligible
14 community mental health services providers for
15 carrying out the plan submitted to and approved by the
16 federal substance abuse and mental health services
17 administration for the fiscal year involved.

18 d. Of the amount allocated to eligible services
19 providers under paragraph "c", 70 percent shall be
20 distributed to the state's accredited community mental
21 health centers established or designated by counties
22 in accordance with law or administrative rule. If a
23 county has not established or designated a community
24 mental health center and has received a waiver from
25 the mental health and disability services commission,
26 the mental health services provider designated by that
27 county is eligible to receive funding distributed
28 pursuant to this paragraph in lieu of a community
29 mental health center. The funding distributed shall
30 be used by recipients of the funding for the purpose
31 of developing and providing evidence-based practices
32 and emergency services to adults with a serious
33 mental illness and children with a serious emotional

34 disturbance. The distribution amounts shall be
 35 announced at the beginning of the federal fiscal year
 36 and distributed on a quarterly basis according to the
 37 formulas used in previous fiscal years. Recipients
 38 shall submit quarterly reports containing data
 39 consistent with the performance measures approved by
 40 the federal substance abuse and mental health services
 41 administration.

42 2. An amount not exceeding 5 percent of the
 43 funds appropriated in subsection 1 shall be used by
 44 the department of human services for administrative
 45 expenses. From the funds set aside by this subsection
 46 for administrative expenses, the department shall pay
 47 to the auditor of state an amount sufficient to pay
 48 the cost of auditing the use and administration of the
 49 state's portion of the funds appropriated in subsection

50 1. The auditor of state shall bill the department for

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1 the costs of the audits.

2 Sec. 21. MATERNAL AND CHILD HEALTH SERVICES
 3 APPROPRIATIONS.

4 1. There is appropriated from the fund created by
 5 section 8.41 to the department of public health for
 6 the federal fiscal year beginning October 1, 2012, and
 7 ending September 30, 2013, the following amount:

8 \$ 6,529,540

9 a. The funds appropriated in this subsection are
 10 the funds anticipated to be received from the federal
 11 government for the designated federal fiscal year under
 12 42 U.S.C., ch. 7, subch. V, which provides for the
 13 maternal and child health services block grant. The
 14 department shall expend the funds appropriated in this
 15 subsection as provided in the federal law making the
 16 funds available and in conformance with chapter 17A.

17 b. Funds appropriated in this subsection shall not
 18 be used by the university of Iowa hospitals and clinics
 19 for indirect costs.

20 2. An amount not exceeding 10 percent of the
 21 funds appropriated in subsection 1 shall be used by
 22 the department of public health for administrative
 23 expenses.

24 3. The departments of public health, human
 25 services, and education and the university of Iowa's
 26 mobile and regional child health specialty clinics
 27 shall continue to pursue to the maximum extent feasible
 28 the coordination and integration of services to women
 29 and children.

30 4. a. Sixty-three percent of the remaining funds
 31 appropriated in subsection 1 shall be allocated to
 32 supplement appropriations for maternal and child health

33 programs within the department of public health. Of
34 these funds, \$300,291 shall be set aside for the
35 statewide perinatal care program.

36 b. Thirty-seven percent of the remaining funds
37 appropriated in subsection 1 shall be allocated to
38 the university of Iowa hospitals and clinics under
39 the control of the state board of regents for mobile
40 and regional child health specialty clinics. The
41 university of Iowa hospitals and clinics shall not
42 receive an allocation for indirect costs from the
43 funds for this program. Priority shall be given to
44 establishment and maintenance of a statewide system of
45 mobile and regional child health specialty clinics.

46 5. The department of public health shall administer
47 the statewide maternal and child health program and the
48 disabled children's program by conducting mobile and
49 regional child health specialty clinics and conducting
50 other activities to improve the health of low-income

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1 women and children and to promote the welfare of
2 children with actual or potential handicapping
3 conditions and chronic illnesses in accordance with the
4 requirements of Tit. V of the federal Social Security
5 Act.

6 Sec. 22. PREVENTIVE HEALTH AND HEALTH SERVICES
7 APPROPRIATIONS.

8 1. There is appropriated from the fund created by
9 section 8.41 to the department of public health for
10 the federal fiscal year beginning October 1, 2012, and
11 ending September 30, 2013, the following amount:

12 \$ 1,102,464

13 Funds appropriated in this subsection are the funds
14 anticipated to be received from the federal government
15 for the designated federal fiscal year under 42 U.S.C.,
16 ch. 6A, subch. XVII, part A, which provides for the
17 preventive health and health services block grant. The
18 department shall expend the funds appropriated in this
19 subsection as provided in the federal law making the
20 funds available and in conformance with chapter 17A.

21 2. Of the funds appropriated in subsection 1, an
22 amount not exceeding 10 percent shall be used by the
23 department for administrative expenses.

24 3. Of the funds appropriated in subsection 1, the
25 specific amount of funds stipulated by the notice of
26 the block grant award shall be allocated for services
27 to victims of sex offenses and for rape prevention
28 education.

29 4. After deducting the funds allocated in
30 subsections 2 and 3, the remaining funds appropriated
31 in subsection 1 may be used by the department for

32 healthy people 2011/healthy Iowans 2011 program
 33 objectives, preventive health advisory committee,
 34 and risk reduction services, including nutrition
 35 programs, health incentive programs, chronic disease
 36 services, emergency medical services, monitoring of the
 37 fluoridation program and start-up fluoridation grants,
 38 and acquired immune deficiency syndrome services. The
 39 moneys specified in this subsection shall not be used
 40 by the university of Iowa hospitals and clinics or
 41 by the state hygienic laboratory for the funding of
 42 indirect costs.

43 Sec. 23. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
 44 APPROPRIATION.

45 1. There is appropriated from the fund created
 46 by section 8.41 to the department of justice for the
 47 federal fiscal year beginning October 1, 2012, and
 48 ending September 30, 2013, the following amount:
 49 \$ 1,588,692
 50 Funds appropriated in this subsection are the

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1 anticipated funds to be received from the federal
 2 government for the designated fiscal year under 42
 3 U.S.C., ch. 46, § 3796gg-1, which provides for grants
 4 to combat violent crimes against women. The department
 5 of justice shall expend the funds appropriated in this
 6 subsection as provided in the federal law making the
 7 funds available and in conformance with chapter 17A.

8 2. An amount not exceeding 10 percent of the funds
 9 appropriated in subsection 1 shall be used by the
 10 department of justice for administrative expenses.
 11 From the funds set aside by this subsection for
 12 administrative expenses, the department shall pay to
 13 the auditor of state an amount sufficient to pay the
 14 cost of auditing the use and administration of the
 15 state's portion of the funds appropriated in subsection
 16 1.

17 Sec. 24. RESIDENTIAL SUBSTANCE ABUSE TREATMENT
 18 FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is
 19 appropriated from the fund created by section 8.41 to
 20 the governor's office of drug control policy for the
 21 federal fiscal year beginning October 1, 2012, and
 22 ending September 30, 2013, the following amount:
 23 \$ 246,826
 24 Funds appropriated in this section are the funds
 25 anticipated to be received from the federal government
 26 for the designated fiscal year under 42 U.S.C., ch. 46,
 27 subch. XII-G, which provides grants for substance abuse
 28 treatment programs in state and local correctional
 29 facilities. The drug policy coordinator shall expend
 30 the funds appropriated in this section as provided

31 in federal law making the funds available and in
 32 conformance with chapter 17A.
 33 Sec. 25. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
 34 GRANT PROGRAM APPROPRIATION.

35 1. There is appropriated from the fund created by
 36 section 8.41 to the governor's office of drug control
 37 policy for the federal fiscal year beginning October
 38 1, 2012, and ending September 30, 2013, the following
 39 amount:

40 \$ 2,974,695

41 Funds appropriated in this subsection are the
 42 anticipated funds to be received from the federal
 43 government for the designated fiscal year under
 44 42 U.S.C., ch. 46, subch. V, which provides for
 45 the Edward Byrne memorial justice assistance grant
 46 program. The drug policy coordinator shall expend
 47 the funds appropriated in this subsection as provided
 48 in the federal law making the funds available and in
 49 conformance with chapter 17A.

50 2. An amount not exceeding 10 percent of the funds

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1 appropriated in subsection 1 shall be used by the
 2 drug policy coordinator for administrative expenses.
 3 From the funds set aside by this subsection for
 4 administrative expenses, the drug policy coordinator
 5 shall pay to the auditor of state an amount sufficient
 6 to pay the cost of auditing the use and administration
 7 of the state's portion of the funds appropriated in
 8 subsection 1.

9 Sec. 26. COMMUNITY SERVICES APPROPRIATIONS.

10 1. a. There is appropriated from the fund created
 11 by section 8.41 to the division of community action
 12 agencies of the department of human rights for the
 13 federal fiscal year beginning October 1, 2012, and
 14 ending September 30, 2013, the following amount:

15 \$ 7,540,877

16 Funds appropriated in this subsection are the funds
 17 anticipated to be received from the federal government
 18 for the designated federal fiscal year under 42 U.S.C.,
 19 ch. 106, which provides for the community services
 20 block grant. The division of community action agencies
 21 of the department of human rights shall expend the
 22 funds appropriated in this subsection as provided
 23 in the federal law making the funds available and in
 24 conformance with chapter 17A.

25 b. The administrator of the division of community
 26 action agencies of the department of human rights shall
 27 allocate not less than 96 percent of the amount of
 28 the block grant to eligible community action agencies
 29 for programs benefiting low-income persons. Each

30 eligible agency shall receive a minimum allocation of
 31 not less than \$100,000. The minimum allocation shall
 32 be achieved by redistributing increased funds from
 33 agencies experiencing a greater share of available
 34 funds. The funds shall be distributed on the basis of
 35 the poverty-level population in the area represented by
 36 the community action areas compared to the size of the
 37 poverty-level population in the state.

38 2. An amount not exceeding 4 percent of the funds
 39 appropriated in subsection 1 shall be used by the
 40 division of community action agencies of the department
 41 of human rights for administrative expenses. From the
 42 funds set aside by this subsection for administrative
 43 expenses, the division of community action agencies
 44 of the department of human rights shall pay to the
 45 auditor of state an amount sufficient to pay the cost
 46 of auditing the use and administration of the state's
 47 portion of the funds appropriated in subsection 1. The
 48 auditor of state shall bill the division of community
 49 action agencies for the costs of the audits.

50 Sec. 27. COMMUNITY DEVELOPMENT APPROPRIATIONS.

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1 1. There is appropriated from the fund created by
 2 section 8.41 to the department of economic development
 3 for the federal fiscal year beginning October 1, 2012,
 4 and ending September 30, 2013, the following amount:
 5

6 \$ 28,514,788
 7 Funds appropriated in this subsection are the funds
 8 anticipated to be received from the federal government
 9 for the designated federal fiscal year under 42 U.S.C.,
 10 ch. 69, which provides for community development block
 11 grants. The department of economic development shall
 12 expend the funds appropriated in this subsection as
 13 provided in the federal law making the funds available
 14 and in conformance with chapter 17A.

15 2. An amount not exceeding \$1,240,000 for the
 16 federal fiscal year beginning October 1, 2012, shall
 17 be used by the department of economic development for
 18 administrative expenses for the community development
 19 block grant. The total amount used for administrative
 20 expenses includes \$670,000 for the federal fiscal year
 21 beginning October 1, 2012, of funds appropriated in
 22 subsection 1 and a matching contribution from the state
 23 equal to \$570,000 from the appropriation of state funds
 24 for the community development block grant and state
 25 appropriations for related activities of the department
 26 of economic development. From the funds set aside
 27 for administrative expenses by this subsection, the
 28 department of economic development shall pay to the
 auditor of state an amount sufficient to pay the cost

29 of auditing the use and administration of the state's
30 portion of the funds appropriated in subsection 1. The
31 auditor of state shall bill the department for the
32 costs of the audit.

33 Sec. 28. LOW-INCOME HOME ENERGY ASSISTANCE
34 APPROPRIATIONS.

35 1. There is appropriated from the fund created
36 by section 8.41 to the division of community action
37 agencies of the department of human rights for the
38 federal fiscal year beginning October 1, 2012, and
39 ending September 30, 2013, the following amount:
40 \$ 70,527,851

41 The funds appropriated in this subsection are the
42 funds anticipated to be received from the federal
43 government for the designated federal fiscal year under
44 42 U.S.C., ch. 94, subch. II, which provides for the
45 low-income home energy assistance block grants. The
46 division of community action agencies of the department
47 of human rights shall expend the funds appropriated in
48 this subsection as provided in the federal law making
49 the funds available and in conformance with chapter
50 17A.

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1 2. Up to 15 percent of the amount appropriated in
2 this section that is actually received shall be used
3 for residential weatherization or other related home
4 repairs for low-income households. Of this allocation
5 amount, not more than 10 percent may be used for
6 administrative expenses.

7 3. After subtracting the allocation in subsection
8 2, up to 10 percent of the remaining moneys are
9 allocated for administrative expenses of the low-income
10 home energy assistance program of which \$377,000 is
11 allocated for administrative expenses of the division.
12 The costs of auditing the use and administration of
13 the portion of the appropriation in this section that
14 is retained by the state shall be paid from the amount
15 allocated in this subsection to the division. The
16 auditor of state shall bill the division for the audit
17 costs.

18 4. The remaining moneys of the appropriation
19 in this section following the allocations made in
20 subsections 2 and 3, shall be used to help eligible
21 households as defined in 42 U.S.C., ch. 94, subch. II,
22 to meet home energy costs.

23 5. Not more than 10 percent of the amount
24 appropriated in this section that is actually received
25 may be carried forward for use in the succeeding
26 federal fiscal year.

27 6. Expenditures for assessment and resolution of

28 energy problems shall be limited to not more than 5
29 percent of the amount appropriated in this section that
30 is actually received.

31 Sec. 29. SOCIAL SERVICES APPROPRIATIONS.

32 1. There is appropriated from the fund created by
33 section 8.41 to the department of human services for
34 the federal fiscal year beginning October 1, 2012, and
35 ending September 30, 2013, the following amount:

36 \$ 16,562,583

37 Funds appropriated in this subsection are the
38 funds anticipated to be received from the federal
39 government for the designated federal fiscal year under
40 42 U.S.C., ch. 7, subch. XX, which provides for the
41 social services block grant. The department of human
42 services shall expend the funds appropriated in this
43 subsection as provided in the federal law making the
44 funds available and in conformance with chapter 17A.

45 2. Not more than \$1,065,917 of the funds
46 appropriated in subsection 1 shall be used by
47 the department of human services for general
48 administration. From the funds set aside in this
49 subsection for general administration, the department
50 of human services shall pay to the auditor of state an

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1 amount sufficient to pay the cost of auditing the use
2 and administration of the state's portion of the funds
3 appropriated in subsection 1.

4 3. In addition to the allocation for general
5 administration in subsection 2, the remaining funds
6 appropriated in subsection 1 shall be allocated in the
7 following amounts to supplement appropriations for the
8 federal fiscal year beginning October 1, 2012, for
9 the following programs within the department of human
10 services:

11 a. Field operations:
12 \$ 6,375,369

13 b. Child and family services:
14 \$ 824,195

15 c. Local administrative costs and other local
16 services:
17 \$ 676,125

18 d. Volunteers:
19 \$ 74,023

20 e. MH/MR/DD/BI community services (local purchase):
21 \$ 7,546,954

22 Sec. 30. SOCIAL SERVICES BLOCK GRANT PLAN. The
23 department of human services during each state fiscal
24 year shall develop a plan for the use of federal social
25 services block grant funds for the subsequent state
26 fiscal year.

27 The proposed plan shall include all programs and
28 services at the state level which the department
29 proposes to fund with federal social services block
30 grant funds, and shall identify state and other funds
31 which the department proposes to use to fund the state
32 programs and services.

33 The proposed plan shall also include all local
34 programs and services which are eligible to be funded
35 with federal social services block grant funds, the
36 total amount of federal social services block grant
37 funds available for the local programs and services,
38 and the manner of distribution of the federal social
39 services block grant funds to the counties. The
40 proposed plan shall identify state and local funds
41 which will be used to fund the local programs and
42 services.

43 The proposed plan shall be submitted with the
44 department's budget requests to the governor and the
45 general assembly.

46 Sec. 31. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
47 HOMELESSNESS.

48 1. Upon receipt of the minimum formula grant from
49 the federal substance abuse and mental health services
50 administration to provide mental health services for

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1 the homeless, for the federal fiscal year beginning
2 October 1, 2012, and ending September 30, 2013, the
3 department of human services shall assure that a
4 project which receives funds under the formula grant
5 shall do all of the following:

6 a. Provide outreach and engagement to homeless
7 individuals and individuals at risk of homelessness and
8 assesses those individuals for serious mental illness.

9 b. Enroll those individuals with serious mental
10 illness who are willing to accept services through the
11 project.

12 c. Provide case management to homeless persons.

13 d. Provide appropriate training to persons who
14 provide services to persons targeted by the grant.

15 e. Assure a local match share of 25 percent.

16 f. Refer homeless individuals and individuals
17 at risk of homelessness to primary health care, job
18 training, educational services, and relevant housing
19 services.

20 2. A project may expend funds for community
21 mental health services, diagnostic services, crisis
22 intervention services, habilitation and rehabilitation
23 services, substance abuse services, supportive and
24 supervisory services to homeless persons living in
25 residential settings that are not otherwise supported,

26 and housing services including minor renovation,
 27 expansion, and repair of housing, security deposits,
 28 planning of housing, technical assistance in applying
 29 for housing, improving the coordination of housing
 30 services, the costs associated with matching eligible
 31 homeless individuals with appropriate housing, and
 32 one-time rental payments to prevent eviction.

33 Sec. 32. CHILD CARE AND DEVELOPMENT
 34 APPROPRIATION. There is appropriated from the
 35 fund created by section 8.41 to the department of human
 36 services for the federal fiscal year beginning October
 37 1, 2012, and ending September 30, 2013, the following
 38 amount:

39 \$ 43,792,517

40 Funds appropriated in this section are the funds
 41 anticipated to be received from the federal government
 42 under 42 U.S.C., ch. 105, subch. II-B, which provides
 43 for the child care and development block grant. The
 44 department shall expend the funds appropriated in this
 45 section as provided in the federal law making the funds
 46 available and in conformance with chapter 17A.

47 Moneys appropriated in this section that remain
 48 unencumbered or unobligated at the close of the fiscal
 49 year shall revert to be available for appropriation for
 50 purposes of the child care and development block grant

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1 in the succeeding fiscal year.

2 Sec. 33. PROCEDURE FOR REDUCED FEDERAL FUNDS.

3 1. If the funds received from the federal
 4 government for the block grants specified in this Act
 5 are less than the amounts appropriated, the funds
 6 actually received shall be prorated by the governor
 7 for the various programs, other than for the services
 8 to victims of sex offenses and for rape prevention
 9 education under section 22, subsection 3, of this
 10 division of this Act, for which each block grant
 11 is available according to the percentages that each
 12 program is to receive as specified in this division of
 13 this Act. However, if the governor determines that
 14 the funds allocated by the percentages will not be
 15 sufficient to accomplish the purposes of a particular
 16 program, or if the appropriation is not allocated by
 17 percentage, the governor may allocate the funds in a
 18 manner which will accomplish to the greatest extent
 19 possible the purposes of the various programs for which
 20 the block grants are available.

21 2. Before the governor implements the actions
 22 provided for in subsection 1, the following procedures
 23 shall be taken:

24 a. The chairpersons and ranking members of the

25 senate and house standing committees on appropriations,
26 the appropriate chairpersons and ranking members of
27 subcommittees of those committees, and the director of
28 the legislative services agency shall be notified of
29 the proposed action.

30 b. The notice shall include the proposed
31 allocations, and information on the reasons why
32 particular percentages or amounts of funds are
33 allocated to the individual programs, the departments
34 and programs affected, and other information deemed
35 useful. Chairpersons and ranking members notified
36 shall be allowed at least two weeks to review and
37 comment on the proposed action before the action is
38 taken.

39 Sec. 34. PROCEDURE FOR INCREASED FEDERAL FUNDS.

40 1. If funds received from the federal government
41 in the form of block grants exceed the amounts
42 appropriated in sections 19, 20, 21, 22, 25, 27, and
43 29 of this division of this Act, the excess shall
44 be prorated to the appropriate programs according
45 to the percentages specified in those sections,
46 except additional funds shall not be prorated for
47 administrative expenses.

48 2. If actual funds received from the federal
49 government from block grants exceed the amount
50 appropriated in section 28 of this division of this Act

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1 for the low-income home energy assistance program, not
2 more than 10 percent of the excess may be allocated to
3 the low-income residential weatherization program and
4 not more than 15 percent of the excess may be used for
5 administrative costs.

6 3. If funds received from the federal government
7 from community services block grants exceed the amount
8 appropriated in section 26 of this division of this
9 Act, 100 percent of the excess is allocated to the
10 community services block grant program.

11 Sec. 35. PROCEDURE FOR EXPENDITURE OF ADDITIONAL
12 FEDERAL FUNDS. If other federal grants, receipts, and
13 funds and other nonstate grants, receipts, and funds
14 become available or are awarded which are not available
15 or awarded during the period in which the general
16 assembly is in session, but which require expenditure
17 by the applicable department or agency prior to March
18 15 of the fiscal year beginning July 1, 2012, and
19 ending June 30, 2013, these grants, receipts, and funds
20 are appropriated to the extent necessary, provided
21 that the fiscal committee of the legislative council
22 is notified within 30 days of receipt of the grants,
23 receipts, or funds and the fiscal committee of the

24 legislative council has an opportunity to comment on
25 the expenditure of the grants, receipts, or funds.
26 Sec. 36. OTHER GRANTS, RECEIPTS, AND
27 FUNDS. Federal grants, receipts, and funds and
28 other nonstate grants, receipts, and funds, available
29 in whole or in part of the fiscal year beginning July
30 1, 2012, and ending June 30, 2013, are appropriated
31 to the following departments and agencies that are
32 designated by and for the purposes set forth in the
33 grants, receipts, or conditions accompanying the
34 receipt of the funds, unless otherwise provided by law:
35 1. Department of administrative services.
36 2. Department on aging.
37 3. Department of agriculture and land stewardship.
38 4. Office of auditor of state.
39 5. Department for the blind.
40 6. Iowa state civil rights commission.
41 7. College student aid commission.
42 8. Department of commerce.
43 9. Department of corrections.
44 10. Department of cultural affairs.
45 11. Department of economic development.
46 12. Department of education.
47 13. Office of energy independence.
48 14. Iowa ethics and campaign disclosure board.
49 15. Iowa finance authority.
50 16. Offices of the governor and lieutenant

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1 governor.
2 17. Governor's office of drug control policy.
3 18. Department of human rights.
4 19. Department of human services.
5 20. Department of inspections and appeals.
6 21. Judicial branch.
7 22. Department of justice.
8 23. Iowa law enforcement academy.
9 24. Department of management.
10 25. Department of natural resources.
11 26. Board of parole.
12 27. Department of public defense.
13 28. Public employment relations board.
14 29. Department of public health.
15 30. Department of public safety.
16 31. State board of regents.
17 32. Department of revenue.
18 33. Office of secretary of state.
19 34. Iowa state fair authority.
20 35. Office for state-federal relations.
21 36. Iowa telecommunications and technology
22 commission.

23 37. Office of treasurer of state.
24 38. Department of transportation.
25 39. Department of veterans affairs.
26 40. Department of workforce development.>
27 3. Title page, by striking lines 1 through 2 and
28 inserting <An Act appropriation federal>
29 4. By renumbering as necessary.

ROGERS of Black Hawk

H-1486

1 Amend Senate File 462, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 124.204, subsection 4,
6 Code 2011, is amended by adding the following new
7 paragraphs:
8 NEW PARAGRAPH. 0ai. Mephedrone-4-methylmethcathinone
9 (RS)-2-methylamino-1-(4-methylphenyl)propan-1-one.
10 NEW PARAGRAPH. 00ai. Methylene-
11 dioxypropylvalerone(MDPV)[1-(1,3-
12 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
13 NEW PARAGRAPH. ai. Salvia divinorum.
14 NEW PARAGRAPH. aj. Salvinorin A.
15 NEW PARAGRAPH. ak. Any substance, compound,
16 mixture or preparation which contains any quantity
17 of any synthetic cannabinoid that is not approved as
18 a pharmaceutical, including but not limited to the
19 following:
20 (1) CP 47, 497 and homologues 2-[(1R, 3S)-3-
21 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
22 (2) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
23 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
24 chromen-1-ol]).
25 (3) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
26 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
27 chromen-1-ol).
28 (4) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
29 (5) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
30 (6) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1h-indol-3-yl]-1-
31 naphthalenyl-methanone.
32 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
33 deemed of immediate importance, takes effect upon
34 enactment.>
35 2. Title page, by striking lines 1 through 3 and
36 inserting <An Act adding hallucinogenic substances to
37 the list of schedule I controlled substances, providing
38 penalties, and including effective date provisions.>

COMMITTEE ON PUBLIC SAFETY

H-1487

1 Amend Senate File 177, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 80B.5, Code 2011, is amended to
6 read as follows:

7 80B.5 Administration.

8 The administration of this chapter shall be
9 vested in the office of the governor. A director
10 of the academy ~~and such shall be appointed by the~~
11 governor, after consultation with the Iowa state
12 sheriffs and deputies association, the Iowa police
13 chiefs association, and any other persons or entities
14 the governor deems necessary, shall be subject to
15 confirmation by the senate, and shall serve at the
16 pleasure of the governor. Other staff as may be
17 necessary for ~~it~~ the academy to function shall be
18 employed pursuant to the ~~Iowa~~ merit system provisions
19 of chapter 8A, subchapter IV.>

20 2. Title page, by striking lines 1 through 3 and
21 inserting <An Act requiring that the director of
22 the Iowa law enforcement academy be appointed by the
23 governor, subject to senate confirmation, and serve at
24 the pleasure of the governor.>

COMMITTEE ON PUBLIC SAFETY

H-1488

1 Amend House File 655 as follows:

2 1. Page 2, line 3, before <structure> by inserting
3 <residential, industrial, or commercial>

SODERBERG of Plymouth

H-1489

1 Amend House File 661 as follows:

2 1. Page 1, after line 30 by inserting:
3 <Sec. ____ Section 455A.5, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 7. After notice of intended action
6 is filed by the director regarding a proposed rule
7 and upon the affirmative vote of five members of the
8 commission, the commission may require the director
9 to file notice terminating the rulemaking proceeding
10 pursuant to section 17A.4, subsection 1, paragraph
11 "b".>

12 2. Page 2, after line 23 by inserting:
13 <Sec. ____ Section 455A.6, Code 2011, is amended by

14 adding the following new subsection:
15 NEW SUBSECTION. 7. After notice of intended action
16 is filed by the director regarding a proposed rule
17 and upon the affirmative vote of six members of the
18 commission, the commission may require the director
19 to file notice terminating the rulemaking proceeding
20 pursuant to section 17A.4, subsection 1, paragraph
21 "b".>
22 3. By renumbering as necessary.

ISENHART of Dubuque

H-1490

1 Amend Senate File 312, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 321.34, subsection 10,
6 paragraph b, Code 2011, is amended to read as follows:
7 b. The application shall be approved by the
8 department in consultation with representatives
9 designated by the Iowa fire fighters' associations,
10 and the special registration plates shall be issued to
11 the applicant in exchange for the registration plates
12 previously issued to the person. An applicant who is
13 the owner of a business-trade truck or special truck
14 shall not be issued special fire fighter registration
15 plates for more than one vehicle. The fee for the
16 special plates is twenty-five dollars which shall be
17 paid in addition to the regular annual registration
18 fee. The department shall validate the special plates
19 in the same manner as regular registration plates are
20 validated under this section at the regular annual
21 registration fee.
22 Sec. 2. Section 321.120, subsection 3, Code 2011,
23 is amended to read as follows:
24 3. Upon approval of the application and payment
25 of the proper fees, the county treasurer shall issue
26 regular registration plates for the vehicle which
27 distinguish the vehicle as a business-trade truck.
28 The department may adopt rules requiring the use of
29 a sticker or other means to identify motor vehicles
30 registered under this section.
31 Sec. 3. Section 321.121, Code 2011, is amended by
32 adding the following new subsection:
33 NEW SUBSECTION. 1A. Upon approval of the
34 application and payment of the proper fees, the county
35 treasurer shall issue regular registration plates for
36 the special truck. The department may adopt rules
37 requiring the use of a sticker or other means to
38 identify motor vehicles registered under this section.

39 Sec. 4. PHASED-IN ELIMINATION OF BUSINESS-TRADE
40 TRUCK AND SPECIAL TRUCK PLATES.

41 1. It is the intent of the general assembly that
42 the owners of business-trade trucks and special trucks
43 have access to any of the specialty registration plates
44 issued under section 321.34 under the same terms and
45 conditions that apply to owners of other motor vehicles
46 under that section, except that the issuance of special
47 fire fighter plates shall be subject to the limitation
48 imposed under section 321.34, subsection 10, as amended
49 in this Act.

50 2. By January 1, 2012, the department of

Page 2

1 transportation shall discontinue the practice of
2 issuing business-trade truck registration plates
3 and special truck registration plates, and shall
4 instead provide regular registration plates for new
5 business-trade truck and special truck registrations.
6 Current requirements and fees for business-trade truck
7 and special truck registrations continue to apply. In
8 conjunction with the transition to the issuance of
9 regular registration plates for business-trade and
10 special trucks, the following registration practices
11 shall apply:

12 a. Except as provided in paragraph "b", current
13 owners of vehicles with business-trade or special
14 truck plates shall continue to use those plates until
15 ownership of the vehicle is transferred or until a new
16 series of Iowa registration plates is issued by the
17 department of transportation.

18 b. The owner of a motor vehicle with current
19 business-trade truck plates or special truck plates
20 may elect to be issued specialty plates in lieu of the
21 current registration plates for the vehicle, subject
22 to the terms and conditions applicable under section
23 321.34.

24 c. The owner of a motor vehicle being registered
25 for the first time as a business-trade truck or special
26 truck may elect to be issued specialty plates in lieu
27 of regular registration plates, subject to the terms
28 and conditions applicable under section 321.34.

29 Sec. 5. APPLICABILITY. This Act applies for
30 registration plates issued during registration periods
31 beginning on or after January 1, 2012.>

32 2. Title page, by striking lines 1 through 6 and
33 inserting <An Act concerning registration plates issued
34 for business-trade trucks and special trucks, and
35 including applicability provisions.>

COMMITTEE ON TRANSPORTATION

H-1491

- 1 Amend House File 656 as follows:
2 1. Page 1, after line 11 by inserting:
3 <Sec. ____ NEW SECTION. 144.29B Stillbirth
4 evaluation reporting.
5 1. A health care provider who initially diagnoses
6 a stillbirth shall complete the stillbirth evaluation
7 form distributed by the department and file the
8 evaluation form with the department within seven days
9 of the occurrence.
10 2. For the purposes of this section "stillbirth"
11 means stillbirth as defined in section 136A.2, and
12 "health care provider" means health care provider as
13 defined in section 144.29A.
14 3. The department shall adopt rules to administer
15 this section.>
16 2. Title page, line 1, after <reporting of> by
17 inserting <certain information to the department of
18 public health including evaluations of stillbirths and>
19 3. By renumbering as necessary.

PETERSEN of Polk

H-1492

- 1 Amend House File 656 as follows:
2 1. Page 1, by striking lines 3 through 11 and
3 inserting:
4 <NEW SUBSECTION. 4. The state court administrator
5 shall report the total statewide aggregate number of
6 waivers granted under this section to the department of
7 public health on an annual basis. The supreme court
8 shall prescribe rules regarding such reporting by the
9 state court administrator.>

PETERSEN of Polk

H-1493

- 1 Amend House File 634 as follows:
2 1. Page 1, after line 10 by inserting:
3 <Sec. ____ Section 476C.3, subsection 3, Code 2011,
4 is amended to read as follows:
5 3. a. A facility that is not operational within
6 thirty months after issuance of an approval for the
7 facility by the board shall cease to be an eligible
8 renewable energy facility. However, a wind energy
9 conversion facility that is approved as eligible under
10 this section but is not operational within eighteen
11 months due to the unavailability of necessary equipment
12 shall be granted an additional twenty-four months to

13 become operational.

14 b. A facility which notifies the board prior to the
 15 expiration of the time periods specified in paragraph
 16 "a" that the facility intends to become operational and
 17 wishes to preserve its eligibility shall be granted a
 18 twelve-month extension. An extension may be renewed
 19 for succeeding twelve-month periods if the board is
 20 notified prior to the expiration of the extension of
 21 the continued intention to become operational during
 22 the succeeding period of extension.

23 c. If the owner of a facility discontinues efforts
 24 to achieve operational status, the owner shall notify
 25 the board within thirty days of such discontinuance
 26 that the owner no longer seeks a tax credit pursuant
 27 to this chapter. Upon receipt of such notification,
 28 the board shall no longer consider the facility as an
 29 eligible renewable energy facility under this chapter.

30 d. A facility that is granted and thereafter
 31 loses approval may reapply to the board for a new
 32 determination.>

33 2. Page 1, after line 31 by inserting:
 34 <Sec. ____ Section 476C.4, subsection 5, Code 2011,
 35 is amended to read as follows:
 36 5. The department shall not issue a tax credit
 37 certificate if the facility approved by the board as an
 38 eligible renewable energy facility is not operational
 39 within eighteen months after the approval is issued,
 40 subject to the extension provisions of section 476C.3,
 41 subsection 3.>

42 3. By renumbering as necessary.

M. SMITH of Marshall

H-1494

1 Amend the amendment, H-1485, to Senate File 508, as
 2 passed by the Senate, as follows:
 3 1. Page 13, line 28, by striking <appropriation>
 4 and inserting <appropriating>

ROGERS of Black Hawk

H-1495

1 Amend House File 645 as follows:
 2 1. Page 19, line 6, after <2005,> by inserting <or
 3 effective January 8, 2010,>

DOLECHECK of Ringgold

H-1496

1 Amend the amendment, H-1477, to House File 642 as
2 follows:

3 1. Page 1, by striking line 7 and inserting <the
4 fiscal year beginning July 1, 2011, and ending June 30,
5 2012, the following amounts, or>

6 2. Page 1, by striking lines 13 and 14 and
7 inserting:
8 <..... \$ 3,876,000>

9 3. Page 1, by striking lines 24 and 25 and
10 inserting:
11 <..... \$ 6,570,000>

12 4. Page 1, by striking lines 27 and 28 and
13 inserting:
14 <..... \$ 458,000>

15 5. Page 1, by striking lines 30 and 31 and
16 inserting:
17 <..... \$ 33,921,000>

18 6. Page 1, by striking lines 34 and 35 and
19 inserting:
20 <..... \$ 225,000>

21 7. Page 1, by striking lines 37 and 38 and
22 inserting:
23 <..... \$ 7,000>

24 8. Page 1, by striking lines 43 and 44 and
25 inserting:
26 <..... \$ 119,000>

27 9. Page 1, by striking lines 47 and 48 and
28 inserting:
29 <..... \$ 78,000>

30 10. Page 2, by striking lines 1 and 2 and
31 inserting:
32 <..... \$ 67,319>

33 11. Page 2, by striking lines 6 and 7 and
34 inserting:
35 <..... \$ 1,406,000>

36 12. Page 2, by striking lines 11 and 12 and
37 inserting:
38 <..... \$ 100,000>

39 13. Page 2, by striking lines 15 and 16 and
40 inserting:
41 <..... \$ 40,000>

42 14. Page 2, by striking lines 19 and 20 and
43 inserting:
44 <..... \$ 200,000>

45 15. Page 2, by striking lines 23 and 24 and
46 inserting:
47 <..... \$ 550,000>

48 16. Page 2, by striking lines 38 and 39 and
49 inserting <to the department of transportation for the
50 fiscal year beginning July 1, 2011, and ending June 30,

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1 2012, the following amounts, or so much>
2 17. Page 2, by striking lines 46 through 49 and
3 inserting:
4 <..... \$ 40,356,529
5 FTEs 296.00>
6 18. Page 3, by striking lines 1 through 4 and
7 inserting:
8 <..... \$ 8,697,095
9 FTEs 121.00>
10 19. Page 3, by striking lines 6 through 9 and
11 inserting:
12 <..... \$230,913,992
13 FTEs 2,247.00>
14 20. Page 3, by striking lines 11 through 14 and
15 inserting:
16 <..... \$ 1,413,540
17 FTEs 445.00>
18 21. Page 3, by striking lines 17 and 18 and
19 inserting:
20 <..... \$ 1,388,000>
21 22. Page 3, by striking lines 20 and 21 and
22 inserting:
23 <..... \$ 138,000>
24 23. Page 3, by striking lines 26 and 27 and
25 inserting:
26 <..... \$ 2,846,000>
27 24. Page 3, by striking lines 30 and 31 and
28 inserting:
29 <..... \$ 800,000>
30 25. Page 3, by striking lines 34 and 35 and
31 inserting:
32 <..... \$ 572,000>
33 26. Page 3, by striking lines 38 and 39 and
34 inserting:
35 <..... \$ 415,181>
36 27. Page 3, by striking lines 42 and 43 and
37 inserting:
38 <..... \$ 242,000>
39 28. Page 3, by striking lines 45 and 46 and
40 inserting:
41 <..... \$ 5,366,000>
42 29. Page 3, by striking lines 48 and 49 and
43 inserting:
44 <..... \$ 400,000>
45 30. Page 4, by striking lines 1 and 2 and
46 inserting:
47 <..... \$ 200,000>
48 31. Page 4, by striking lines 5 and 6 and
49 inserting:
50 <..... \$ 400,000>

Page 3

- 1 32. Page 4, by striking lines 9 and 10 and
 2 inserting:
 3 <..... \$ 1,000,000>
 4 33. Page 4, by striking lines 12 and 13 and
 5 inserting:
 6 <..... \$ 100,000>
 7 34. Page 4, by striking lines 16 and 17 and
 8 inserting:
 9 <..... \$ 1,000,000>
 10 35. Page 4, by striking lines 19 and 20 and
 11 inserting:
 12 <..... \$ 2,100,000>
 13 36. Page 4, by striking lines 21 through 24.
 14 37. Page 4, line 27, by striking <17> and inserting
 15 <16>
 16 38. By renumbering as necessary.

T. OLSON of Linn

H-1497

- 1 Amend the amendment, H-1488, to House File 655 as
 2 follows:
 3 1. Page 1, before line 2 by inserting:
 4 <__. By striking page 1, line 35, through page 2,
 5 line 1, and inserting <land as acreage or unimproved
 6 property for ~~three~~ seven years after the recording of
 7 the plat or until the lot is actually>>
 8 2. Page 1, after line 3 by inserting:
 9 <__. Page 2, line 11, by striking <2004> and
 10 inserting <2008>>
 11 3. By renumbering as necessary.

JACOBY of Johnson

H-1498

- 1 Amend House File 656 as follows:
 2 1. Page 1, after line 11 by inserting:
 3 <Sec. __. NEW SECTION. 146A.1 Medical abortions
 4 — restrictions — protocol — penalties.
 5 1. A person shall not knowingly give, sell,
 6 dispense, administer, otherwise provide, or prescribe
 7 any medication to another person for the purpose of
 8 inducing a medical abortion in the person or enabling
 9 the other person to induce a medical abortion in
 10 another person, unless the person who gives, sells,
 11 dispenses, administers, or otherwise provides or
 12 prescribes the medication meets all of the following
 13 requirements:

14 a. Is a licensed physician.
15 b. The physician satisfies all the criteria
16 established by federal law that a physician must
17 satisfy in order to provide such medication for
18 inducing medical abortions.
19 c. The physician provides the medication to the
20 other person for the purpose of inducing a medical
21 abortion in accordance with all provisions of federal
22 law that govern the use of such medication for inducing
23 medical abortions.
24 2. A person who gives, sells, dispenses,
25 administers, otherwise provides, or prescribes
26 medication to another person as described in subsection
27 1 shall not be prosecuted based on a violation of the
28 criteria contained in this section unless the person
29 knows that the person is not a licensed physician, that
30 the person did not satisfy all the specified criteria
31 established by federal law, or that the person did not
32 provide the medication in accordance with the specified
33 provisions of federal law, whichever is applicable.
34 3. A physician who provides medication to another
35 for the purpose of inducing a medical abortion as
36 authorized under subsection 1 shall not knowingly
37 fail to comply with the applicable requirements of any
38 federal law that pertain to follow-up examinations or
39 care for persons to whom or for whom such medication
40 is provided for the purpose of inducing a medical
41 abortion.
42 4. a. If a physician provides medication to
43 another person for the purpose of inducing a medical
44 abortion as authorized under subsection 1, and the
45 physician knows that the person who uses the medication
46 for the purpose of inducing a medical abortion
47 experiences during or after the use an incomplete
48 abortion, severe bleeding, or an adverse reaction
49 to the medication, or is hospitalized, receives a
50 transfusion, or experiences any other serious event,

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1 the physician shall provide a written report of the
2 incomplete abortion, severe bleeding, adverse reaction,
3 hospitalization, transfusion, or serious event to
4 the department. The department shall compile and
5 retain all reports the department receives under
6 this section. Except as otherwise provided in this
7 section, all reports the department receives under this
8 section are public records. However, the department
9 shall not release to any person the name or any other
10 personal identifying information regarding a person
11 who uses medication for the purpose of inducing a
12 medical abortion and who is the subject of a report the

13 department receives under this section.

14 b. A physician who provides medication to another
15 for the purpose of inducing a medical abortion as
16 authorized under subsection 1 shall not knowingly fail
17 to file a report required under paragraph "a".

18 5. A physician shall only diagnose and prescribe a
19 medical abortion in person, and shall not utilize other
20 means, such as an internet web camera, to do so.

21 6. A physician shall not give, sell, dispense,
22 administer, otherwise provide, or prescribe a
23 medication for the purpose of inducing a medical
24 abortion for a minor without first complying with
25 chapter 135L.

26 7. If a physician prescribes medication to induce
27 a medical abortion after the gestational limit of
28 forty-nine days recommended by the United States food
29 and drug administration, the physician shall ensure
30 that the woman has access to emergency care that is
31 available twenty-four hours per day, seven days per
32 week, and shall report any emergency care provided from
33 complications arising from such prescription to the
34 department.

35 8. a. A person who violates this section is guilty
36 of a class "D" felony.

37 b. If a person who violates this section is
38 professionally licensed in this state, in addition to
39 any other sanction imposed by law for the offense, the
40 person is subject to sanctioning as provided by law by
41 the regulatory or licensing board or agency that has
42 the administrative authority to suspend or revoke the
43 person's professional license.

44 9. As used in this section, unless the context
45 otherwise requires:

46 a. "Department" means the department of public
47 health.

48 b. "Federal law" means any law, rule, or regulation
49 of the United States or any drug approval letter of the
50 food and drug administration of the United States that

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1 governs or regulates the use of mifepristone for the
2 purpose of inducing abortions.

3 c. "Medical abortion" means the use of a medication
4 including but not limited to mifepristone or ulipristal
5 acetate to terminate a pregnancy.

6 d. "Minor" means a person under eighteen years of
7 age who has not been and is not married.>

8 2. Title page, line 1, after <to> by inserting
9 <abortions including medical abortions and the>

10 3. Title page, line 2, after <minors> by inserting
11 <, and providing penalties>
12 4. By renumbering as necessary.

SHAW of Pocahontas

H-1499

1 Amend House File 656 as follows:
2 1. Page 1, by striking lines 3 through 7 and
3 inserting:
4 <NEW SUBSECTION. 4. The state court administrator
5 shall report the total statewide aggregate number of
6 waivers granted under this section to the department of
7 public health on an annual basis. The supreme court
8 shall prescribe rules regarding such reporting by the
9 state court administrator.>

PEARSON of Polk

H-1500

1 Amend House File 656 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 598C.1 Unborn child —
5 findings — rights, privileges, and immunities — no
6 cause of action.
7 1. The general assembly of this state finds all of
8 the following:
9 a. The life of each human being begins at
10 conception.
11 b. An unborn child has protectable interests in
12 life, health, and well-being.
13 c. The biological parent of an unborn child
14 has protectable interests in the life, health, and
15 well-being of the unborn child.
16 2. The laws of this state shall be interpreted
17 and construed to acknowledge on behalf of an unborn
18 child at every stage of development, all the rights,
19 privileges, and immunities available to other persons,
20 citizens, and residents of this state.
21 3. As used in this section, "unborn child" means
22 the offspring of a human being from the moment of
23 conception until birth at every stage of biological
24 development.
25 4. Nothing in this section shall be interpreted to
26 create a cause of action against a woman for indirectly
27 harming the woman's unborn child by failing to properly
28 care for herself or by failing to follow any particular
29 program of prenatal care.
30 5. This section shall not apply to the termination

31 of a human pregnancy performed by a physician licensed
32 in this state to practice medicine or surgery or
33 osteopathic medicine or surgery when in the best
34 clinical judgment of the physician the termination is
35 performed to preserve the life of the pregnant person
36 or of the unborn child and every reasonable medical
37 effort not inconsistent with preserving the life of the
38 pregnant person is made to preserve the life of the
39 unborn child.>
40 2. Title page, by striking lines 1 and 2 and
41 inserting <An Act relating to the acknowledgment of
42 certain rights, privileges, and immunities of human
43 beings beginning at conception relative to termination
44 of pregnancy measures.>

MASSIE of Warren

H-1501

1 Amend Senate File 406, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, by striking lines 10 through 21 and
4 inserting:
5 <NEW SUBSECTION. 7. An insurance producer's duties
6 and responsibilities to an insured shall be limited to
7 the use of reasonable care, diligence, and judgment in
8 procuring the insurance requested by the insured unless
9 the insurance producer does any of the following:
10 a. Holds oneself out as an insurance specialist,
11 consultant, or counselor and receives compensation for
12 consultation and advice apart from commissions paid by
13 an insurer.
14 b. Expressly agrees with the insured to provide
15 advice or services beyond procuring insurance requested
16 by the insured.
17 c. Makes representations or statements to
18 the insured without a reasonable basis for such
19 representations or statements, and the insured
20 reasonably relies upon the representations or
21 statements to the insured's detriment.>

GARRETT of Warren

H-1502

1 Amend Senate File 512, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. TRANSFER AUTHORIZATION — STATE PUBLIC
6 DEFENDER.
7 1. Notwithstanding section 8.39, subsection 2,

8 while the general assembly is in regular session, the
 9 director of the department of management, with the
 10 approval of the governor, may make an interdepartmental
 11 transfer from any other department, institution, or
 12 agency of the state having an appropriation in excess
 13 of its needs, of sufficient funds to supplement the
 14 following appropriations made to the office of the
 15 public defender of the department of inspections and
 16 appeals, in order to meet the obligations incurred
 17 under the appropriations:

18 a. For the office of the state public defender, in
 19 2010 Iowa Acts, chapter 1190, section 10, subsection 1.

20 b. For the fees of court-appointed attorneys for
 21 indigent adults and juveniles, in accordance with
 22 section 232.141 and chapter 815, in 2010 Iowa Acts,
 23 chapter 1190, section 10, subsection 2.

24 2. A transfer made under this section is subject to
 25 the reporting requirements applicable to transfers made
 26 under section 8.39.

27 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
 28 deemed of immediate importance, takes effect upon
 29 enactment.>

30 2. Title page, line 1, by striking <making
 31 supplemental appropriations> and inserting <authorizing
 32 appropriation transfers>

33 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

H-1503

1 Amend House File 561 as follows:

2 1. Page 6, line 4, after <board.> by inserting
 3 <Costs incurred but not approved by the board as part
 4 of the previous annual application, if such costs are
 5 determined prudent by the board, shall be recovered
 6 over the useful life of the nuclear unit, and shall not
 7 be recovered during the period of construction.>

ISENHART of Dubuque

H-1504

1 Amend House File 591 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 459.501, subsections 1, 3, and
 5 5, Code 2011, are amended to read as follows:

6 1. A ~~manure storage indemnity~~ livestock remediation
 7 fund is created as a separate fund in the state
 8 treasury under the control of the department. The
 9 general fund of the state is not liable for claims

10 presented against the fund.

11 3. a. The moneys collected under this section
12 shall be deposited in the fund and shall be
13 appropriated to the department for the following
14 ~~exclusive purpose of providing purposes:~~
15 (1) To provide moneys for cleanup of abandoned
16 facilities as provided in section 459.505, and to pay
17 the department for costs related to administering the
18 provisions of this subchapter. For each fiscal year,
19 the department shall not use more than one percent of
20 the total amount which is available in the fund or ten
21 thousand dollars, whichever is less, to pay for the
22 costs of administration.

23 (2) To allocate moneys to the department of
24 agriculture and land stewardship for the payment of
25 expenses incurred by the department of agriculture and
26 land stewardship associated with providing for the
27 sustenance and disposition of livestock in immediate
28 need of sustenance pursuant to chapter 717. The
29 department of natural resources shall allocate any
30 amount of unencumbered and unobligated moneys demanded
31 in writing by the department of agriculture and land
32 stewardship as provided in this subparagraph. The
33 department of natural resources shall complete the
34 allocation upon receiving the demand.

35 b. Moneys in the fund shall not be subject to
36 appropriation or expenditure for any other purpose than
37 provided in this section.

38 5. The following shall apply to moneys in the fund:

39 a. (1) The executive council may allocate moneys
40 from the general fund of the state as provided in
41 section 7D.10A in an amount necessary to support the
42 fund, including the following:

43 (a) The payment of claims as provided in section
44 459.505.

45 (b) The allocation of moneys to the department
46 of agriculture and land stewardship for the payment
47 of expenses incurred by the department of agriculture
48 and land stewardship associated with providing for the
49 sustenance and disposition of livestock pursuant to
50 chapter 717.

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1 (2) ~~However, an Notwithstanding subparagraph (1),~~
2 the allocation of moneys from the general fund of the
3 state shall be made only if the amount of moneys in the
4 fund, which are not obligated or encumbered, and not
5 counting the department's estimate of the cost to the
6 fund for pending or unsettled claims, the amount to be
7 allocated to the department of agriculture and land
8 stewardship, and any amount required to be credited to

9 the general fund of the state under this subsection, is
10 less than one million dollars.

11 b. The department of natural resources shall credit
12 an amount to the general fund of the state which
13 is equal to an amount allocated to the fund by the
14 executive council under paragraph "a". The department
15 shall credit the moneys to the general fund of the
16 state if the moneys in the fund which are not obligated
17 or encumbered, and not counting the department's
18 estimate of the cost to the fund for pending or
19 unsettled claims, the amount to be allocated to the
20 department of agriculture and land stewardship, and
21 any amount required to be transferred to the general
22 fund under this paragraph, are in excess of two million
23 five hundred thousand dollars. The department is not
24 required to credit the total amount to the general fund
25 of the state during any one fiscal year.

26 Sec. 2. Section 579A.2, subsection 5, Code 2011, is
27 amended to read as follows:

28 5. a. ~~Except as provided in this paragraph, a~~ A
29 custom cattle feedlot lien that is perfected under
30 this section is superior to and shall have priority
31 over a conflicting lien or security interest in the
32 cattle, including a lien or security interest that was
33 perfected prior to the perfection of the custom cattle
34 feedlot lien. ~~However~~

35 b. ~~Notwithstanding paragraph "a",~~ a custom cattle
36 feedlot lien shall not be superior to a court-ordered
37 lien provided in section 717.4 or a veterinarian's
38 lien created under chapter 581, that if such lien
39 is perfected as an agricultural lien as provided in
40 chapter 554, article 9.

41 ~~b. c.~~ A custom cattle feedlot lien that is
42 effective but not perfected under this section has
43 priority as provided in section 554.9322.

44 Sec. 3. Section 579B.4, subsection 4, paragraph a,
45 Code 2011, is amended to read as follows:

46 a. ~~(1) Except as provided in this paragraph, a~~ A
47 commodity production contract lien that is perfected
48 under this section is superior to and shall have
49 priority over a conflicting lien or security interest
50 in the commodity, including a lien or security interest

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1 that was perfected prior to the perfection of the
2 commodity production contract lien under this chapter.
3 ~~However~~

4 ~~(2) Notwithstanding subparagraph (1),~~ a commodity
5 production contract lien shall not be superior to a
6 court ordered lien provided in section 717.4 or a
7 veterinarian's lien created under chapter 581, that if

8 such lien is perfected as an agricultural lien.

9 Sec. 4. Section 581.2, subsection 2, Code 2011, is
10 amended to read as follows:

11 2. a. A veterinarian's lien that is perfected
12 under section 581.3 shall have priority over any
13 conflicting security interest or lien in livestock
14 treated by a veterinarian, regardless of when such
15 security interest or lien is perfected.

16 b. Notwithstanding paragraph "a", a veterinarian's
17 lien shall not be superior to a court ordered lien
18 provided in section 717.4, if such lien is perfected as
19 an agricultural lien.

20 Sec. 5. Section 717.1, Code 2011, is amended by
21 adding the following new subsections:

22 NEW SUBSECTION. 01. "Department" means the
23 department of agriculture and land stewardship.

24 NEW SUBSECTION. 001. "Electronic mail" means any
25 message transmitted through the internet including but
26 not limited to messages transmitted from or to any
27 address affiliated with an internet site.

28 Sec. 6. NEW SECTION. 717.3 Livestock in immediate
29 need of sustenance — court order.

30 1. This section applies only to livestock which are
31 cattle, sheep, swine, or poultry.

32 2. For purposes of this section, "interested person"
33 means all of the following:

34 a. An owner of the livestock.

35 b. A person caring for the livestock, if different
36 from the owner of the livestock.

37 c. A person holding a perfected agricultural lien
38 or security interest in the livestock under chapter
39 554.

40 3. The department may determine that some or all
41 of the livestock kept by a person are in immediate
42 need of sustenance. Upon making the determination the
43 department may file a petition with a district court
44 in a county where some or all of the livestock are
45 kept requesting the court to issue an order to provide
46 sustenance of the livestock. The petition may be made
47 separately or with a petition filed pursuant to section
48 717.5. The petition must at least include all of the
49 following:

50 a. A statement signed by a veterinarian licensed

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1 pursuant to chapter 169 stating that the livestock are
2 in immediate need of sustenance.

3 b. The address of each location where the livestock
4 are kept.

5 c. A brief description of the livestock.

6 d. The name and address of each interested person,

7 if known.

8 e. The name and address of each qualified person
9 appointed by the department to provide sustenance to
10 the livestock.

11 4. Upon receiving the petition, the court may do
12 any of the following:

13 a. Notify any interested person that the petition
14 has been filed with the court. The notification must
15 be made in writing and may be delivered by ordinary,
16 certified, or restricted certified mail by United
17 States postal service; delivered by a common carrier;
18 or transmitted by electronic mail.

19 b. Hold a hearing to determine whether the
20 livestock are in immediate need of sustenance.

21 5. If the court determines that the livestock are
22 in immediate need of sustenance, the court shall issue
23 an order which at least declares all of the following:

24 a. That the livestock are in immediate need of
25 sustenance.

26 b. That the department shall assume supervision of
27 and provide for the sustenance of the livestock and as
28 provided in section 717.4.

29 c. That a lien is created attaching to the
30 livestock and associated proceeds and products as
31 provided in section 717.4.

32 6. The department shall assume supervision of
33 the livestock as provided in the court order. The
34 department may directly provide for the sustenance of
35 the livestock or appoint a qualified person to provide
36 for such sustenance.

37 Sec. 7. NEW SECTION. 717.4 Livestock in immediate
38 need of sustenance — lien.

39 1. This section applies to a lien created by a
40 court order entered pursuant to section 717.3 or 717.5.
41 The court ordered lien is an agricultural lien subject
42 to chapter 554 except as otherwise provided in this
43 section.

44 2. The court ordered lien shall be for the benefit
45 of the department. The amount of the lien shall be not
46 more than expenses incurred in providing sustenance to
47 the livestock pursuant to section 717.3 and providing
48 for the disposition of the livestock pursuant to
49 section 717.5.

50 3. The court ordered lien shall attach to the

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1 livestock, identifiable proceeds from the disposition
2 of the livestock, and products from the livestock in
3 the products' unmanufactured states.

4 4. The court ordered lien becomes effective on the
5 date that the court order is entered. To perfect the

6 lien, the department must file a financing statement
7 in the office of the secretary of state as provided
8 in sections 554.9308 and 554.9310 on or after but not
9 later than twenty days after the effective date of
10 the lien. For purposes of chapter 554, article 9,
11 the department is a secured party; the owner of the
12 livestock is a debtor; and the livestock and associated
13 proceeds and products as provided in subsection 3 are
14 the collateral.

15 5. The court ordered lien that is perfected under
16 this section is superior to and shall have priority
17 over a conflicting lien or security interest in the
18 livestock and associated proceeds and products as
19 provided in subsection 3, including a lien or security
20 interest that was perfected prior to the perfection of
21 the court ordered lien.

22 Sec. 8. NEW SECTION. 717.4A Livestock in immediate
23 need of sustenance — livestock remediation fund.

24 The department may utilize the moneys deposited
25 into the livestock remediation fund pursuant to
26 section 459.501 to pay for any expenses associated
27 with providing sustenance to or the disposition of the
28 livestock pursuant to a court order entered pursuant to
29 section 717.3 or 717.5. The department shall utilize
30 moneys from the fund only to the extent that the
31 department determines that expenses cannot be timely
32 paid by utilizing the available provisions of sections
33 717.4 and 717.5. The department shall deposit any
34 unexpended and unobligated moneys in the fund. The
35 department shall pay the fund the proceeds from the
36 disposition of the livestock and associated products
37 less expenses incurred by the department in providing
38 for the sustenance and disposition of the livestock, as
39 provided in section 717.5.

40 Sec. 9. Section 717.5, subsections 1 through 3,
41 Code 2011, are amended to read as follows:

42 1. a. A court shall order the disposition of
43 livestock neglected as provided in section 717.2
44 after a hearing upon application or petition to the
45 court or livestock in immediate need of sustenance and
46 associated products as provided in sections 717.3 and
47 717.4 in accordance with this section.

48 (1) A petition may be filed by a local authority or
49 a person owning or caring for the livestock pursuant
50 to section 717.2.

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1 (2) A petition may be filed by the department.
2 The court shall notify interested persons in the same
3 manner as provided in section 717.3. The petition may
4 be filed separately or with a petition filed pursuant

5 to section 717.3.

6 b. The matter shall be heard by the court within
7 ten days from the filing of a the petition by the local
8 authority or the person.

9 (1) For livestock alleged to be neglected under
10 section 717.2, the court may continue the hearing for
11 up to forty days upon petition by the person. However,
12 the person shall post a bond or other security with the
13 local authority in an amount determined by the court,
14 which shall not be more than the amount sufficient to
15 provide for the maintenance of the livestock for forty
16 days. The court may grant a subsequent continuance by
17 the person for the same length of time if the person
18 submits a new bond or security.

19 (2) For livestock alleged to be in immediate need
20 of sustenance under section 717.3, the court may
21 continue the hearing for up to forty days upon petition
22 by the department. The department may file and the
23 court may grant one or more subsequent continuances
24 each for up to forty days. The department is not
25 required to post a bond or other security.

26 c. However, the Notwithstanding paragraph "b", the
27 court shall order the immediate disposition of the
28 livestock if the livestock is permanently distressed
29 by disease or injury to a degree that would result in
30 severe or prolonged suffering.

31 2. The hearing to determine if livestock has
32 been neglected under section 717.2 for purposes of
33 disposition shall be a civil proceeding. If the case
34 is related to a criminal proceeding under section
35 717.2, the disposition shall not be part of that
36 proceeding and shall not be considered a criminal
37 penalty imposed on a person found in violation of
38 section 717.2.

39 3. A court may order a person owning the neglected
40 livestock neglected under section 717.2 or in immediate
41 need of sustenance under section 717.3 to pay an amount
42 associated with expenses associated with the livestock
43 as follows:

44 a. (1) which For livestock neglected under section
45 717.2, the amount shall not be more than the for
46 expenses incurred by the local authority in maintauning
47 and disposing the neglected livestock rescued pursuant
48 to section 717.2A, and reasonable attorney fees and
49 expenses related to the investigation of the case. The
50 remaining amount of a bond or other security posted

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1 pursuant to ~~this section~~ subsection 1 shall be used to

2 reimburse the local authority.

3 (2) For livestock in immediate need of sustenance

4 under section 717.3, the amount shall not be more than
5 for expenses incurred by the department in providing
6 sustenance to and disposing of the neglected livestock
7 as provided in section 717.3 and this section. The
8 amount paid to the department shall be sufficient to
9 allow the department to repay the livestock remediation
10 fund as provided in section 459.501.

11 b. If more than one person has a divisible
12 ownership interest in the livestock, the amount
13 required to be paid shall be prorated based on the
14 percentage of interest in the livestock owned by
15 each person. The moneys shall be paid to the local
16 authority or department incurring the expense as
17 provided in paragraph "a". The amount shall be
18 subtracted from proceeds owed to the owner or owners of
19 the livestock, which are received from the sale of the
20 livestock ordered by the court.

21 c. (1) Moneys owed to the local authority from
22 the sale of neglected livestock that have been rescued
23 by a local authority pursuant to section 717.2A shall
24 be paid to the local authority before satisfying
25 indebtedness secured by any security interest in or
26 lien on the livestock. Moneys owed to the department
27 from the sale of livestock in immediate need of
28 sustenance and associated products shall be paid to
29 the department according to its priority status as a
30 lienholder as provided in section 717.4.

31 (2) If an owner of the livestock is a landowner,
32 the local authority may submit an amount of the moneys
33 owed to the clerk of the county board of supervisors
34 who shall report the amount to the county treasurer.
35 The amount shall equal the balance remaining after the
36 sale of the livestock. If the livestock owner owns a
37 percentage of the livestock, the reported amount shall
38 equal the remaining balance owed by all landowners
39 who own a percentage of the livestock. That amount
40 shall be prorated among the landowners based on the
41 percentage of interest in the livestock attributable to
42 each landowner. The amount shall be placed upon the
43 tax books, and collected with interest and penalties
44 after due, in the same manner as other unpaid property
45 taxes. The county shall reimburse a city within thirty
46 days from the collection of the property taxes.

47 Sec. 10. NEW SECTION. 717.6 Rulemaking.

48 The department may adopt rules pursuant to chapter
49 17A as required to implement and administer sections
50 717.3 through 717.5.

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1 Sec. 11. CODE EDITOR DIRECTIVE. Sections 7D.10A,
2 459.303, 459.503A, and 460.206, Code 2011, are amended

3 by striking from the sections the words "manure storage
 4 indemnity fund" and inserting in lieu thereof the words
 5 "livestock remediation fund".>
 6 2. By renumbering as necessary.

SWEENEY of Hardin

H-1505

1 Amend House File 645 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <DIVISION I
 4 FY 2012-2013>
 5 2. Page 3, line 2, by striking <261.72,> and
 6 inserting <261.72>
 7 3. Page 19, line 20, by striking <ending June
 8 30, 2011 2012> and inserting <ending June 30, 2011
 9 succeeding fiscal years>
 10 4. Page 20, line 18, by striking <ending June
 11 30, 2011 2012> and inserting <ending June 30, 2011
 12 succeeding fiscal years>
 13 5. Page 20, after line 30 by inserting:
 14 <DIVISION II
 15 FY 2012-2013
 16 DEPARTMENT FOR THE BLIND
 17 Sec. ____. ADMINISTRATION. There is appropriated
 18 from the general fund of the state to the department
 19 for the blind for the fiscal year beginning July 1,
 20 2012, and ending June 30, 2013, the following amount,
 21 or so much thereof as is necessary, to be used for the
 22 purposes designated:
 23 For salaries, support, maintenance, miscellaneous
 24 purposes, and for not more than the following full-time
 25 equivalent positions:
 26 \$ 1,706,053
 27 FTEs 88.00
 28 COLLEGE STUDENT AID COMMISSION
 29 Sec. ____. There is appropriated from the general
 30 fund of the state to the college student aid commission
 31 for the fiscal year beginning July 1, 2012, and
 32 ending June 30, 2013, the following amounts, or so
 33 much thereof as may be necessary, to be used for the
 34 purposes designated:
 35 1. GENERAL ADMINISTRATION
 36 For salaries, support, maintenance, miscellaneous
 37 purposes, and for not more than the following full-time
 38 equivalent positions:
 39 \$ 234,903
 40 FTEs 3.95
 41 2. STUDENT AID PROGRAMS
 42 For payments to students for the Iowa grant program
 43 established in section 261.93:

44 \$ 848,761
 45 3. DES MOINES UNIVERSITY — HEALTH CARE
 46 PROFESSIONAL RECRUITMENT PROGRAM
 47 For forgivable loans to Iowa students attending Des
 48 Moines university — osteopathic medical center under
 49 the forgivable loan program pursuant to section 261.19:
 50 \$ 349,699

Page 2

1 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
 2 For purposes of providing national guard educational
 3 assistance under the program established in section
 4 261.86:

5 \$ 3,186,233

6 5. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
 7 For purposes of the all Iowa opportunity foster care
 8 grant program established pursuant to section 261.6:

9 \$ 594,383

10 6. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

11 a. For purposes of the all Iowa opportunity
 12 scholarship program established pursuant to section
 13 261.87:

14 \$ 2,403,949

15 b. If the moneys appropriated by the general
 16 assembly to the college student aid commission for
 17 fiscal year 2012-2013 for purposes of the all Iowa
 18 opportunity scholarship program exceed \$500,000,
 19 "eligible institution" as defined in section 261.87,
 20 shall, during fiscal year 2012-2013, include accredited
 21 private institutions as defined in section 261.9,
 22 subsection 1.

23 7. REGISTERED NURSE AND NURSE EDUCATOR LOAN
 24 FORGIVENESS PROGRAM

25 a. For purposes of the registered nurse and nurse
 26 educator loan forgiveness program established pursuant
 27 to section 261.23:

28 \$ 86,736

29 b. It is the intent of the general assembly that
 30 the commission continue to consider moneys allocated
 31 pursuant to this subsection as moneys that meet the
 32 state matching funds requirements of the federal
 33 leveraging educational assistance program and the
 34 federal supplemental leveraging educational assistance
 35 program established under the Higher Education Act of
 36 1965, as amended.

37 8. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
 38 GRANT PROGRAM

39 For purposes of the barber and cosmetology arts and
 40 sciences tuition grant program established pursuant to
 41 section 261.18:

42 \$ 39,626

43 Sec. ____ IOWA TUITION GRANT APPROPRIATION FOR FY
 44 2012-2013. Notwithstanding section 261.25, subsection
 45 1, for the fiscal year beginning July 1, 2012, and
 46 ending June 30, 2013, the amount appropriated from the
 47 general fund of the state to the college student aid
 48 commission for tuition grants under section 261.25,
 49 subsection 1, shall be \$44,013,448.
 50 Sec. ____ CHIROPRACTIC LOAN FUNDS. Notwithstanding

Page 3

1 section 261.72, the moneys deposited in the
 2 chiropractic loan revolving fund created pursuant
 3 to section 261.72 may be used for purposes of the
 4 chiropractic loan forgiveness program established in
 5 section 261.73.

6 Sec. ____ WORK-STUDY APPROPRIATION FOR FY
 7 2012-2013. Notwithstanding section 261.85, for the
 8 fiscal year beginning July 1, 2012, and ending June 30,
 9 2013, the amount appropriated from the general fund of
 10 the state to the college student aid commission for the
 11 work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

12 Sec. ____ There is appropriated from the general
 13 fund of the state to the department of education for
 14 the fiscal year beginning July 1, 2012, and ending June
 15 30, 2013, the following amounts, or so much thereof
 16 as may be necessary, to be used for the purposes
 17 designated:

19 1. GENERAL ADMINISTRATION

20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for not more than the following full-time
 22 equivalent positions:

23 \$ 6,019,042
 24 FTEs 81.67

25 2. VOCATIONAL EDUCATION ADMINISTRATION

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-time
 28 equivalent positions:

29 \$ 422,319
 30 FTEs 11.50

31 3. VOCATIONAL REHABILITATION SERVICES DIVISION

32 a. For salaries, support, maintenance,
 33 miscellaneous purposes, and for not more than the
 34 following full-time equivalent positions:

35 \$ 4,477,378
 36 FTEs 255.00

37 b. For matching funds for programs to enable
 38 persons with severe physical or mental disabilities to
 39 function more independently, including salaries and
 40 support, and for not more than the following full-time
 41 equivalent position:

42 \$ 39,457
 43 FTEs 1.00
 44 c. For the entrepreneurs with disabilities program
 45 established pursuant to section 259.4, subsection 9:
 46 \$ 146,760
 47 d. For costs associated with centers for
 48 independent living:
 49 \$ 40,633
 50 4. STATE LIBRARY

Page 4

1 a. For salaries, support, maintenance,
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:
 4 \$ 1,219,799
 5 FTEs 17.00
 6 b. For the enrich Iowa program established under
 7 section 256.57:
 8 \$ 1,688,316
 9 5. LIBRARY SERVICE AREA SYSTEM
 10 For state aid:
 11 \$ 934,917
 12 6. PUBLIC BROADCASTING DIVISION
 13 For salaries, support, maintenance, capital
 14 expenditures, miscellaneous purposes, and for not more
 15 than the following full-time equivalent positions:
 16 \$ 6,710,017
 17 FTEs 82.00
 18 7. REGIONAL TELECOMMUNICATIONS COUNCILS
 19 For state aid:
 20 \$ 1,001,269
 21 The regional telecommunications councils established
 22 in section 8D.5 shall use the moneys appropriated in
 23 this subsection to provide technical assistance for
 24 network classrooms, planning and troubleshooting for
 25 local area networks, scheduling of video sites, and
 26 other related support activities.
 27 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
 28 For reimbursement for vocational education
 29 expenditures made by secondary schools:
 30 \$ 2,435,234
 31 Moneys appropriated in this subsection shall be used
 32 to reimburse school districts for vocational education
 33 expenditures made by secondary schools to meet the
 34 standards set in sections 256.11, 258.4, and 260C.14.
 35 9. SCHOOL FOOD SERVICE
 36 For use as state matching funds for federal
 37 programs that shall be disbursed according to federal
 38 regulations, including salaries, support, maintenance,
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:

41 \$ 1,993,795
 42 FTEs 20.58
 43 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID
 44 For deposit in the school ready children grants
 45 account of the early childhood Iowa fund created in
 46 section 256I.11:
 47 \$ 5,386,113
 48 a. From the moneys deposited in the school ready
 49 children grants account for the fiscal year beginning
 50 July 1, 2012, and ending June 30, 2013, not more than

Page 5

1 \$265,950 is allocated for the early childhood Iowa
 2 office and other technical assistance activities. The
 3 early childhood Iowa state board shall direct staff to
 4 work with the early childhood stakeholders alliance
 5 created in section 256I.12 to inventory technical
 6 assistance needs. Moneys allocated under this lettered
 7 paragraph may be used by the early childhood Iowa state
 8 board for the purpose of skills development and support
 9 for ongoing training of staff. However, except as
 10 otherwise provided in this subsection, moneys shall not
 11 be used for additional staff or for the reimbursement
 12 of staff.

13 b. As a condition of receiving moneys appropriated
 14 in this subsection, each early childhood Iowa area
 15 board shall report to the early childhood Iowa state
 16 board progress on each of the local indicators approved
 17 by the area board. Each early childhood Iowa area
 18 board must also submit an annual budget for the area's
 19 comprehensive school ready children grant developed for
 20 providing services for children from birth through five
 21 years of age, and provide other information specified
 22 by the early childhood Iowa state board, including
 23 budget amendments as needed. The early childhood Iowa
 24 state board shall establish a submission deadline for
 25 the annual budget and any budget amendments that allow
 26 a reasonable period of time for preparation by the
 27 early childhood Iowa area boards and for review and
 28 approval or request for modification of the materials
 29 by the early childhood Iowa state board. In addition,
 30 each early childhood Iowa area board must continue to
 31 comply with reporting provisions and other requirements
 32 adopted by the early childhood Iowa state board in
 33 implementing section 256I.9.

34 c. Of the amount appropriated in this subsection
 35 for deposit in the school ready children grants account
 36 of the early childhood Iowa fund, \$2,318,018 shall
 37 be used for efforts to improve the quality of early
 38 care, health, and education programs. Moneys allocated
 39 pursuant to this paragraph may be used for additional

40 staff and for the reimbursement of staff. The early
 41 childhood Iowa state board may reserve a portion of the
 42 allocation, not to exceed \$88,650, for the technical
 43 assistance expenses of the early childhood Iowa state
 44 office, including the reimbursement of staff, and
 45 shall distribute the remainder to early childhood Iowa
 46 areas for local quality improvement efforts through
 47 a methodology identified by the early childhood Iowa
 48 state board to make the most productive use of the
 49 funding, which may include use of the distribution
 50 formula, grants, or other means.

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1 d. Of the amount appropriated in this subsection
 2 for deposit in the school ready children grants account
 3 of the early childhood Iowa fund, \$825,030 shall
 4 be used for support of professional development and
 5 training activities for persons working in early care,
 6 health, and education by the early childhood Iowa
 7 state board in collaboration with the professional
 8 development component group of the early childhood
 9 Iowa stakeholders alliance maintained pursuant to
 10 section 256I.12, subsection 7, paragraph "b", and the
 11 early childhood Iowa area boards. Expenditures shall
 12 be limited to professional development and training
 13 activities agreed upon by the parties participating in
 14 the collaboration.

15 11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION
 16 ASSISTANCE

17 a. For deposit in the school ready children grants
 18 account of the early childhood Iowa fund created in
 19 section 256I.11:

20 \$ 3,128,877

21 b. The amount appropriated in this subsection shall
 22 be used for early care, health, and education programs
 23 to assist low-income parents with tuition for preschool
 24 and other supportive services for children ages three,
 25 four, and five who are not attending kindergarten in
 26 order to increase the basic family income eligibility
 27 requirement to not more than 200 percent of the federal
 28 poverty level. In addition, if sufficient funding is
 29 available after addressing the needs of those who meet
 30 the basic income eligibility requirement, an early
 31 childhood Iowa area board may provide for eligibility
 32 for those with a family income in excess of the basic
 33 income eligibility requirement through use of a sliding
 34 scale or other copayment provisions.

35 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
 36 PARENT EDUCATION

37 a. For deposit in the school ready children grants
 38 account of the early childhood Iowa fund created in

39 section 256L.11:
 40 \$ 12,364,434
 41 b. The amount appropriated in this subsection
 42 shall be used for family support services and parent
 43 education programs targeted to families expecting a
 44 child or with newborn and infant children through age
 45 five and shall be distributed using the distribution
 46 formula approved by the early childhood Iowa state
 47 board and shall be used by an early childhood Iowa
 48 area board only for family support services and parent
 49 education programs targeted to families expecting a
 50 child or with newborn and infant children through age

Page 7

1 five.
 2 13. BIRTH TO AGE THREE SERVICES
 3 For expansion of the federal Individuals with
 4 Disabilities Education Improvement Act of 2004, Pub.
 5 L. No. 108-446, as amended to January 1, 2012, birth
 6 through age three services due to increased numbers of
 7 children qualifying for those services:
 8 \$ 1,618,116
 9 From the moneys appropriated in this subsection,
 10 \$383,769 shall be allocated to the child health
 11 specialty clinic at the state university of Iowa to
 12 provide additional support for infants and toddlers
 13 who are born prematurely, drug-exposed, or medically
 14 fragile.
 15 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
 16 To provide moneys for costs of providing textbooks
 17 to each resident pupil who attends a nonpublic school
 18 as authorized by section 301.1:
 19 \$ 600,987
 20 Funding under this subsection is limited to \$20 per
 21 pupil and shall not exceed the comparable services
 22 offered to resident public school pupils.
 23 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION
 24 PROGRAM
 25 For purposes of administering the beginning
 26 administrator mentoring and induction program
 27 established pursuant to chapter 284A:
 28 \$ 183,448
 29 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
 30 For purposes of the student achievement and teacher
 31 quality program established pursuant to chapter
 32 284, and for not more than the following full-time
 33 equivalent positions:
 34 \$ 4,498,878
 35 FTEs 2.00
 36 17. PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN
 37 For the operation of the preschool program for

38 four-year-old children, and to provide program
 39 scholarships to pay for eligible four-year-old children
 40 to attend preschool provided by school districts or
 41 private education partners if the Eighty-fourth General
 42 Assembly, 2011 Regular Session, enacts legislation
 43 establishing the program:
 44 \$ 33,600,000
 45 18. COMMUNITY COLLEGES
 46 For general state financial aid to merged areas as
 47 defined in section 260C.2 in accordance with chapters
 48 258 and 260C:
 49 \$152,412,677
 50 The funds appropriated in this subsection shall

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1 be allocated pursuant to the formula established in
 2 section 206C.18C.
 3 STATE BOARD OF REGENTS
 4 Sec. ____ There is appropriated from the general
 5 fund of the state to the state board of regents for the
 6 fiscal year beginning July 1, 2012, and ending June 30,
 7 2013, the following amounts, or so much thereof as may
 8 be necessary, to be used for the purposes designated:
 9 1. OFFICE OF STATE BOARD OF REGENTS
 10 a. For salaries, support, maintenance,
 11 miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:
 13 \$ 1,023,664
 14 FTEs 15.00
 15 The state board of regents shall submit a monthly
 16 financial report in a format agreed upon by the state
 17 board of regents office and the legislative services
 18 agency.
 19 b. For moneys to be allocated to the state
 20 university of Iowa, the Iowa state university of
 21 science and technology, and the university of northern
 22 Iowa to reimburse the institutions for deficiencies in
 23 their operating funds resulting from the pledging of
 24 tuitions, student fees and charges, and institutional
 25 income to finance the cost of providing academic and
 26 administrative buildings and facilities and utility
 27 services at the institutions:
 28 \$ 25,555,412
 29 Notwithstanding section 8.33, moneys appropriated
 30 for the purposes in this lettered paragraph remaining
 31 unencumbered or unobligated at the end of the fiscal
 32 year shall not revert but shall be available for
 33 expenditure for the purposes specified in this lettered
 34 paragraph during the subsequent fiscal year.
 35 c. For moneys to be allocated to the southwest Iowa
 36 graduate studies center:

37 \$ 85,320
 38 d. For moneys to be allocated to the siouxland
 39 interstate metropolitan planning council for the
 40 tristate graduate center under section 262.9,
 41 subsection 22:
 42 \$ 64,963
 43 e. For moneys to be allocated to the quad-cities
 44 graduate studies center:
 45 \$ 126,585
 46 f. For moneys to be distributed to Iowa public
 47 radio for public radio operations:
 48 \$ 381,939
 49 2. STATE UNIVERSITY OF IOWA
 50 a. General university, including lakeside

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1 laboratory
 2 For salaries, support, maintenance, equipment,
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions:
 5 \$202,997,974
 6 FTEs 5,058.55
 7 b. Oakdale campus
 8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-time
 10 equivalent positions:
 11 \$ 2,132,789
 12 FTEs 38.25
 13 c. State hygienic laboratory
 14 For salaries, support, maintenance, miscellaneous
 15 purposes, and for not more than the following full-time
 16 equivalent positions:
 17 \$ 3,449,746
 18 FTEs 102.50
 19 d. Family practice program
 20 For allocation by the dean of the college of
 21 medicine, with approval of the advisory board, to
 22 qualified participants to carry out the provisions
 23 of chapter 148D for the family practice program,
 24 including salaries and support, and for not more than
 25 the following full-time equivalent positions:
 26 \$ 1,744,290
 27 FTEs 190.40
 28 e. Child health care services
 29 For specialized child health care services,
 30 including childhood cancer diagnostic and treatment
 31 network programs, rural comprehensive care for
 32 hemophilia patients, and the Iowa high-risk infant
 33 follow-up program, including salaries and support, and
 34 for not more than the following full-time equivalent
 35 positions:

36 \$ 643,239
 37 FTEs 57.97
 38 f. Statewide cancer registry
 39 For the statewide cancer registry, and for not more
 40 than the following full-time equivalent positions:
 41 \$ 145,386
 42 FTEs 2.10
 43 g. Substance abuse consortium
 44 For moneys to be allocated to the Iowa consortium
 45 for substance abuse research and evaluation, and
 46 for not more than the following full-time equivalent
 47 position:
 48 \$ 54,164
 49 FTEs 1.00
 50 h. Center for biocatalysis

Page 10

1 For the center for biocatalysis, and for not more
 2 than the following full-time equivalent positions:
 3 \$ 705,931
 4 FTEs 6.28
 5 i. Primary health care initiative
 6 For the primary health care initiative in the
 7 college of medicine, and for not more than the
 8 following full-time equivalent positions:
 9 \$ 632,972
 10 FTEs 5.89
 11 From the moneys appropriated in this lettered
 12 paragraph, \$254,889 shall be allocated to the
 13 department of family practice at the state university
 14 of Iowa college of medicine for family practice faculty
 15 and support staff.
 16 j. Birth defects registry
 17 For the birth defects registry, and for not more
 18 than the following full-time equivalent position:
 19 \$ 37,346
 20 FTEs 1.00
 21 k. Larned A. Waterman Iowa nonprofit resource
 22 center
 23 For the Larned A. Waterman Iowa nonprofit resource
 24 center, and for not more than the following full-time
 25 equivalent positions:
 26 \$ 158,542
 27 FTEs 2.75
 28 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 29 a. General university
 30 For salaries, support, maintenance, equipment,
 31 miscellaneous purposes, and for not more than the
 32 following full-time equivalent positions:
 33 \$159,064,412
 34 FTEs 3,647.42

35 b. Agricultural experiment station
 36 For the agricultural experiment station salaries,
 37 support, maintenance, miscellaneous purposes, and
 38 for not more than the following full-time equivalent
 39 positions:
 40 \$ 27,420,590
 41 FTEs 546.98
 42 c. Cooperative extension service in agriculture and
 43 home economics
 44 For the cooperative extension service in agriculture
 45 and home economics salaries, support, maintenance,
 46 miscellaneous purposes, and for not more than the
 47 following full-time equivalent positions:
 48 \$ 17,495,648
 49 FTEs 383.34
 50 d. Leopold center

Page 11

1 For agricultural research grants at Iowa state
 2 university of science and technology under section
 3 266.39B, and for not more than the following full-time
 4 equivalent positions:
 5 \$ 387,645
 6 FTEs 11.25
 7 e. Livestock disease research
 8 For deposit in and the use of the livestock disease
 9 research fund under section 267.8:
 10 \$ 168,595
 11 4. UNIVERSITY OF NORTHERN IOWA
 12 a. General university
 13 For salaries, support, maintenance, equipment,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:
 16 \$ 72,333,194
 17 FTEs 1,447.50
 18 b. Recycling and reuse center
 19 For purposes of the recycling and reuse center, and
 20 for not more than the following full-time equivalent
 21 positions:
 22 \$ 170,947
 23 FTEs 3.00
 24 c. Science, technology, engineering, and
 25 mathematics (STEM) collaborative initiative
 26 For purposes of establishing a science, technology,
 27 engineering, and mathematics (STEM) collaborative
 28 initiative, and for not more than the following
 29 full-time equivalent positions:
 30 \$ 1,692,000
 31 FTEs 6.20
 32 (1) From the moneys appropriated in this lettered
 33 paragraph, up to \$282,000 shall be allocated for

34 salaries, staffing, and institutional support. The
 35 remainder of the moneys appropriated in this lettered
 36 paragraph shall be expended only to support activities
 37 directly related to recruitment of kindergarten
 38 through grade 12 mathematics and science teachers and
 39 for ongoing mathematics and science programming for
 40 students enrolled in kindergarten through grade 12.

41 (2) The university of northern Iowa shall work with
 42 the community colleges to develop STEM professional
 43 development programs for community college instructors
 44 and STEM curriculum development.

45 d. Real estate education program

46 For purposes of the real estate education program,
 47 and for not more than the following full-time
 48 equivalent position:

49 \$ 122,221
 50 FTEs 1.00

Page 12

1 5. STATE SCHOOL FOR THE DEAF

2 For salaries, support, maintenance, miscellaneous
 3 purposes, and for not more than the following full-time
 4 equivalent positions:

5 \$ 8,159,166
 6 FTEs 126.60

7 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-time
 10 equivalent positions:

11 \$ 3,622,320
 12 FTEs 62.87

13 7. TUITION AND TRANSPORTATION COSTS

14 For payment to local school boards for the tuition
 15 and transportation costs of students residing in the
 16 Iowa braille and sight saving school and the state
 17 school for the deaf pursuant to section 262.43 and
 18 for payment of certain clothing, prescription, and
 19 transportation costs for students at these schools
 20 pursuant to section 270.5:

21 \$ 11,474

22 8. LICENSED CLASSROOM TEACHERS

23 For distribution at the Iowa braille and sight
 24 saving school and the Iowa school for the deaf based
 25 upon the average yearly enrollment at each school as
 26 determined by the state board of regents:

27 \$ 80,032

28 Sec. __. ENERGY COST-SAVINGS PROJECTS —

29 FINANCING. For the fiscal year beginning July 1,
 30 2012, and ending June 30, 2013, the state board of
 31 regents may use notes, bonds, or other evidences of
 32 indebtedness issued under section 262.48 to finance

33 projects that will result in energy cost savings in an
 34 amount that will cause the state board to recover the
 35 cost of the projects within an average of six years.
 36 Sec. ____ . PRESCRIPTION DRUG COSTS. Notwithstanding
 37 section 270.7, the department of administrative
 38 services shall pay the state school for the deaf and
 39 the Iowa braille and sight saving school the moneys
 40 collected from the counties during the fiscal year
 41 beginning July 1, 2012, for expenses relating to
 42 prescription drug costs for students attending the
 43 state school for the deaf and the Iowa braille and
 44 sight saving school.>
 45 6. By renumbering as necessary.

DOLECHECK of Ringgold

H-1506

1 Amend Senate File 512, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 INTERNAL REVENUE CODE REFERENCES
 7 Section 1. Section 422.3, subsection 5, Code 2011,
 8 is amended to read as follows:
 9 5. "Internal Revenue Code" means the Internal
 10 Revenue Code of 1954, prior to the date of its
 11 redesignation as the Internal Revenue Code of 1986
 12 by the Tax Reform Act of 1986, or means the Internal
 13 Revenue Code of 1986 as amended to and including
 14 January 1, ~~2008~~ 2011.
 15 Sec. 2. Section 422.7, subsection 29A, Code 2011,
 16 is amended by striking the subsection.
 17 Sec. 3. Section 422.9, subsection 2, paragraph i,
 18 Code 2011, is amended to read as follows:
 19 i. The deduction for state sales and use taxes
 20 is allowable only if the taxpayer elected to deduct
 21 the state sales and use taxes in lieu of state income
 22 taxes under section 164 of the Internal Revenue Code.
 23 A deduction for state sales and use taxes is not
 24 allowed if the taxpayer has taken the deduction for
 25 state income taxes or claimed the standard deduction
 26 under section 63 of the Internal Revenue Code. This
 27 paragraph applies to taxable years beginning after
 28 December 31, 2003, and before January 1, ~~2006~~ 2008, and
 29 to taxable years beginning after December 31, 2009, and
 30 before January 1, 2012.
 31 Sec. 4. Section 422.32, subsection 7, Code 2011, is
 32 amended to read as follows:
 33 7. "Internal Revenue Code" means the Internal
 34 Revenue Code of 1954, prior to the date of its

35 redesignation as the Internal Revenue Code of 1986
 36 by the Tax Reform Act of 1986, or means the Internal
 37 Revenue Code of 1986 as amended to and including
 38 January 1, ~~2008~~ 2011.
 39 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of
 40 this Act, being deemed of immediate importance, takes
 41 effect upon enactment.
 42 Sec. 6. RETROACTIVE APPLICABILITY. The following
 43 provision or provisions of this division of this Act
 44 apply retroactively to January 1, 2010, for tax years
 45 beginning on or after that date:
 46 1. The section of this Act amending section 422.3.
 47 2. The section of this Act amending section 422.32.
 48 Sec. 7. RETROACTIVE APPLICABILITY. The following
 49 provision or provisions of this division of this Act
 50 apply retroactively to January 1, 2011, for tax years

Page 2

1 beginning on or after that date:
 2 1. The section of this Act amending section 422.7,
 3 subsection 29A.
 4 DIVISION IV
 5 RESEARCH ACTIVITIES CREDIT
 6 Sec. 8. Section 15.335, subsection 4, Code 2011, is
 7 amended to read as follows:
 8 4. a. In lieu of the credit amount computed in
 9 subsection 2, an eligible business may elect to compute
 10 the credit amount for qualified research expenses
 11 incurred in this state in a manner consistent with the
 12 alternative ~~incremental~~ simplified credit described in
 13 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.
 14 The taxpayer may make this election regardless of the
 15 method used for the taxpayer's federal income tax. The
 16 election made under this paragraph is for the tax year
 17 and the taxpayer may use another or the same method for
 18 any subsequent year.
 19 b. For purposes of the alternate credit computation
 20 method in paragraph "a", the credit percentages
 21 applicable to qualified research expenses described in
 22 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
 23 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B) of
 24 the Internal Revenue Code are as follows:
 25 (1) In the case of an eligible business whose gross
 26 revenues do not exceed twenty million dollars per
 27 year, the credit percentages are ~~two and fifty-four~~
 28 ~~hundredths percent, three and thirty-eight hundredths~~
 29 ~~percent, and four and twenty-three hundredths~~ seven
 30 percent and three percent, respectively.
 31 (2) In the case of an eligible business whose
 32 gross revenues exceed twenty million dollars per year,
 33 the credit percentages are ~~seventy-six hundredths~~

34 ~~percent, one and two hundredths percent, and one and~~
35 ~~twenty seven hundredths two and one-tenth percent and~~
36 ~~nine-tenths percent, respectively.~~

37 Sec. 9. Section 15.335, subsection 7, Code 2011, is
38 amended to read as follows:

39 7. a. For purposes of this section, "base amount",
40 "basic research payment", and "qualified research
41 expense" mean the same as defined for the federal
42 credit for increasing research activities under section
43 41 of the Internal Revenue Code, except that for the
44 alternative ~~incremental~~ simplified credit such amounts
45 are for research conducted within this state.

46 b. For purposes of this section, "Internal Revenue
47 Code" means the Internal Revenue Code in effect on
48 January 1, ~~2009~~ 2011.

49 Sec. 10. Section 15A.9, subsection 8, paragraphs b,
50 c, and e, Code 2011, are amended to read as follows:

Page 3

1 b. In lieu of the credit amount computed in
2 paragraph "a", subparagraph (1), subparagraph division
3 (a), a business may elect to compute the credit amount
4 for qualified research expenses incurred in this
5 state within the zone in a manner consistent with the
6 alternative ~~incremental~~ simplified credit described in
7 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.
8 The taxpayer may make this election regardless of the
9 method used for the taxpayer's federal income tax. The
10 election made under this paragraph is for the tax year
11 and the taxpayer may use another or the same method for
12 any subsequent year.

13 c. For purposes of the alternate credit computation
14 method in paragraph "b", the credit percentages
15 applicable to qualified research expenses described in
16 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
17 ~~41(c)(5)(A) and clause (ii) of section 41(c)(5)(B)~~
18 ~~of the Internal Revenue Code are three and thirty~~
19 ~~hundredths percent, four and forty hundredths percent,~~
20 ~~and five and fifty hundredths percent, respectively as~~
21 ~~follows:~~

22 (1) In the case of an eligible business whose gross
23 revenues do not exceed twenty million dollars per year,
24 the credit percentages are seven percent and three
25 percent, respectively.

26 (2) In the case of an eligible business whose gross
27 revenues exceed twenty million dollars per year, the
28 credit percentages are two and one-tenths percent and
29 nine-tenths percent, respectively.

30 e. (1) For the purposes of this subsection,
31 "base amount", "basic research payment", and "qualified
32 research expense" mean the same as defined for the

33 federal credit for increasing research activities under
34 section 41 of the Internal Revenue Code, except that
35 for the alternative ~~incremental~~ simplified credit such
36 amounts are for research conducted within this state
37 within the zone.

38 (2) For purposes of this subsection, "Internal
39 Revenue Code" means the Internal Revenue Code in effect
40 on January 1, ~~2009~~ 2011.

41 Sec. 11. Section 422.10, subsection 1, paragraphs b
42 and c, Code 2011, are amended to read as follows:

43 b. In lieu of the credit amount computed in
44 paragraph "a", subparagraph (1), subparagraph division
45 (a), a taxpayer may elect to compute the credit amount
46 for qualified research expenses incurred in this state
47 in a manner consistent with the alternative ~~incremental~~
48 simplified credit described in section ~~41(e)(4)~~
49 41(c)(5) of the Internal Revenue Code. The taxpayer
50 may make this election regardless of the method used

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1 for the taxpayer's federal income tax. The election
2 made under this paragraph is for the tax year and the
3 taxpayer may use another or the same method for any
4 subsequent year.

5 c. For purposes of the alternate credit computation
6 method in paragraph "b", the credit percentages
7 applicable to qualified research expenses described in
8 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
9 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B)
10 of the Internal Revenue Code are ~~one and sixty-five~~
11 ~~hundredths percent, two and twenty hundredths percent,~~
12 ~~and two and seventy-five hundredths~~ four and fifty-five
13 hundredths percent and one and ninety-five hundredths
14 percent, respectively.

15 Sec. 12. Section 422.10, subsection 3, Code 2011,
16 is amended to read as follows:

17 3. a. For purposes of this section, "base amount",
18 "basic research payment", and "qualified research
19 expense" mean the same as defined for the federal
20 credit for increasing research activities under section
21 41 of the Internal Revenue Code, except that for the
22 alternative ~~incremental~~ simplified credit such amounts
23 are for research conducted within this state.

24 b. For purposes of this section, "Internal Revenue
25 Code" means the Internal Revenue Code in effect on
26 January 1, ~~2009~~ 2011.

27 Sec. 13. Section 422.33, subsection 5, paragraphs
28 b, c, and d, Code 2011, are amended to read as follows:

29 b. In lieu of the credit amount computed in
30 paragraph "a", subparagraph (1), a corporation may
31 elect to compute the credit amount for qualified

32 research expenses incurred in this state in a manner
 33 consistent with the alternative ~~incremental~~ simplified
 34 credit described in section ~~41(e)(4)~~ 41(c)(5) of
 35 the Internal Revenue Code. The taxpayer may make
 36 this election regardless of the method used for the
 37 taxpayer's federal income tax. The election made under
 38 this paragraph is for the tax year and the taxpayer may
 39 use another or the same method for any subsequent year.
 40 c. For purposes of the alternate credit computation
 41 method in paragraph "b", the credit percentages
 42 applicable to qualified research expenses described in
 43 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
 44 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B)
 45 of the Internal Revenue Code are ~~one and sixty-five~~
 46 ~~hundredths percent, two and twenty hundredths percent,~~
 47 ~~and two and seventy-five hundredths~~ four and fifty-five
 48 hundredths percent and one and ninety-five hundredths
 49 percent, respectively.
 50 d. (1) For purposes of this subsection, "base

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1 amount", "basic research payment", and "qualified
 2 research expense" mean the same as defined for the
 3 federal credit for increasing research activities under
 4 section 41 of the Internal Revenue Code, except that
 5 for the alternative ~~incremental~~ simplified credit such
 6 amounts are for research conducted within this state.
 7 (2) For purposes of this subsection, "Internal
 8 Revenue Code" means the Internal Revenue Code in effect
 9 on January 1, ~~2009~~ 2011.
 10 Sec. 14. EFFECTIVE UPON ENACTMENT. This division
 11 of this Act, being deemed of immediate importance,
 12 takes effect upon enactment.
 13 Sec. 15. RETROACTIVE APPLICABILITY. The following
 14 provision or provisions of this division of this Act
 15 apply retroactively to July 1, 2010, for tax credits
 16 awarded on or after that date:
 17 1. The section of this Act amending section 15.335,
 18 subsection 4.
 19 2. The section of this Act amending section 15A.9.
 20 Sec. 16. RETROACTIVE APPLICABILITY. The following
 21 provision or provisions of this division of this Act
 22 apply retroactively to January 1, 2010, for tax years
 23 beginning on or after that date:
 24 1. The section of this Act amending section 15.335,
 25 subsection 7.
 26 2. The section of this Act amending section 422.10,
 27 subsection 1.
 28 3. The section of this Act amending section 422.10,
 29 subsection 3.
 30 4. The section of this Act amending section 422.33.

31 DIVISION III
32 BONUS DEPRECIATION
33 Sec. 17. Section 422.5, subsection 2, paragraph
34 b, subparagraph (1), Code 2011, is amended to read as
35 follows:
36 (1) Add items of tax preference included in federal
37 alternative minimum taxable income under section 57,
38 except subsections (a)(1), (a)(2), and (a)(5), of the
39 Internal Revenue Code, make the adjustments included
40 in federal alternative minimum taxable income under
41 section 56, except subsections (a)(4), (b)(1)(C)(iii),
42 and (d), of the Internal Revenue Code, and add losses
43 as required by section 58 of the Internal Revenue
44 Code. To the extent that any preference or adjustment
45 is determined by an individual's federal adjusted
46 gross income, the individual's federal adjusted
47 gross income is computed in accordance with section
48 422.7, ~~subsection~~ subsections 39, 39A, 39B, and
49 53. In the case of an estate or trust, the items
50 of tax preference, adjustments, and losses shall

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1 be apportioned between the estate or trust and the
2 beneficiaries in accordance with rules prescribed by
3 the director.
4 Sec. 18. Section 422.7, Code 2011, is amended by
5 adding the following new subsections:
6 NEW SUBSECTION. 39A. The additional first-year
7 depreciation allowance authorized in section 168(k)
8 of the Internal Revenue Code, as enacted by Pub. L.
9 No. 110-185, section 103, Pub. L. No. 111-5, section
10 1201, Pub. L. No. 111-240, section 2022, and Pub. L.
11 No. 111-312, section 401, does not apply in computing
12 net income for state tax purposes. If the taxpayer has
13 taken the additional first-year depreciation allowance
14 for purposes of computing federal adjusted gross
15 income, then the taxpayer shall make the following
16 adjustments to federal adjusted gross income when
17 computing net income for state tax purposes:
18 a. Add the total amount of depreciation taken under
19 section 168(k) of the Internal Revenue Code for the tax
20 year.
21 b. Subtract the amount of depreciation allowable
22 under the modified accelerated cost recovery system
23 described in section 168 of the Internal Revenue Code
24 and calculated without regard to section 168(k).
25 c. Any other adjustments to gains or losses
26 necessary to reflect the adjustments made in paragraphs
27 "a" and "b". The director shall adopt rules for the
28 administration of this paragraph.
29 NEW SUBSECTION. 39B. The additional first-year

30 depreciation allowance authorized in section 168(n) of
31 the Internal Revenue Code, as enacted by Pub. L. No.
32 110-343, section 710, does not apply in computing net
33 income for state tax purposes. If the taxpayer has
34 taken the additional first-year depreciation allowance
35 for purposes of computing federal adjusted gross
36 income, then the taxpayer shall make the following
37 adjustments to federal adjusted gross income when
38 computing net income for state tax purposes:
39 a. Add the total amount of depreciation taken under
40 section 168(n) of the Internal Revenue Code for the tax
41 year.
42 b. Subtract the amount of depreciation allowable
43 under the modified accelerated cost recovery system
44 described in section 168 of the Internal Revenue Code
45 and calculated without regard to section 168(n).
46 c. Any other adjustments to gains or losses
47 necessary to reflect the adjustments made in paragraphs
48 "a" and "b". The director shall adopt rules for the
49 administration of this paragraph.
50 Sec. 19. Section 422.7, subsection 53, Code 2011,

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1 is amended to read as follows:
2 53. A taxpayer is not allowed to take the increased
3 expensing allowance under section 179 of the Internal
4 Revenue Code, as amended by Pub. L. No. ~~110-185~~ 111-5,
5 section 1202, in computing adjusted gross income for
6 state tax purposes.
7 Sec. 20. Section 422.9, subsection 2, paragraph h,
8 Code 2011, is amended to read as follows:
9 h. For purposes of calculating the deductions
10 in this subsection that are authorized under the
11 Internal Revenue Code, and to the extent that any
12 of such deductions is determined by an individual's
13 federal adjusted gross income, the individual's federal
14 adjusted gross income is computed in accordance with
15 section 422.7, ~~subsection~~ subsections 39, 39A, 39B, and
16 53.
17 Sec. 21. Section 422.35, Code 2011, is amended by
18 adding the following new subsections:
19 NEW SUBSECTION. 19A. The additional first-year
20 depreciation allowance authorized in section 168(k)
21 of the Internal Revenue Code, as enacted by Pub. L.
22 No. 110-185, section 103, Pub. L. No. 111-5, section
23 1201, Pub. L. No. 111-240, section 2022, and Pub. L.
24 No. 111-312, section 401, does not apply in computing
25 net income for state tax purposes. If the taxpayer has
26 taken the additional first-year depreciation allowance
27 for purposes of computing federal taxable income, then
28 the taxpayer shall make the following adjustments to

29 federal taxable income when computing net income for
30 state tax purposes:

31 a. Add the total amount of depreciation taken under
32 section 168(k) of the Internal Revenue Code for the tax
33 year.

34 b. Subtract the amount of depreciation allowable
35 under the modified accelerated cost recovery system
36 described in section 168 of the Internal Revenue Code
37 and calculated without regard to section 168(k).

38 c. Any other adjustments to gains or losses
39 necessary to reflect the adjustments made in paragraphs
40 "a" and "b". The director shall adopt rules for the
41 administration of this paragraph.

42 NEW SUBSECTION. 19B. The additional first-year
43 depreciation allowance authorized in section 168(n) of
44 the Internal Revenue Code, as enacted by Pub. L. No.
45 110-343, section 710, does not apply in computing net
46 income for state tax purposes. If the taxpayer has
47 taken the additional first-year depreciation allowance
48 for purposes of computing federal taxable income, then
49 the taxpayer shall make the following adjustments to
50 federal taxable income when computing net income for

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1 state tax purposes:

2 a. Add the total amount of depreciation taken under
3 section 168(n) of the Internal Revenue Code for the tax
4 year.

5 b. Subtract the amount of depreciation allowable
6 under the modified accelerated cost recovery system
7 described in section 168 of the Internal Revenue Code
8 and calculated without regard to section 168(n).

9 c. Any other adjustments to gains or losses
10 necessary to reflect the adjustments made in paragraphs
11 "a" and "b". The director shall adopt rules for the
12 administration of this paragraph.

13 Sec. 22. Section 422.35, subsection 24, Code 2011,
14 is amended to read as follows:

15 24. A taxpayer is not allowed to take the increased
16 expensing allowance under section 179 of the Internal
17 Revenue Code, as amended by Pub. L. No. ~~110-185~~ 111-5,
18 section 1202, in computing taxable income for state tax
19 purposes.

20 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.

23 Sec. 24. RETROACTIVE APPLICABILITY. The following
24 provision or provisions of this division of this Act
25 apply retroactively to January 1, 2008, for tax years
26 ending on or after that date:

27 1. The section of this Act amending section 422.5.

28 2. The section of this Act enacting section 422.7,
 29 new subsections 39A and 39B.
 30 3. The section of this Act amending section 422.9.
 31 4. The section of this Act enacting section 422.35,
 32 new subsections 19A and 19B.
 33 Sec. 25. RETROACTIVE APPLICABILITY. The following
 34 provision or provisions of this division of this Act
 35 apply retroactively to January 1, 2009, for tax years
 36 beginning on or after that date, and before January 1,
 37 2010:
 38 1. The section of this Act amending section 422.7,
 39 subsection 53.
 40 2. The section of this Act amending section 422.35,
 41 subsection 24.

42 DIVISION IV

43 STATE PUBLIC DEFENDER TRANSFER

44 Sec. 26. TRANSFER AUTHORIZATION — STATE PUBLIC
 45 DEFENDER.
 46 1. Notwithstanding section 8.39, subsection 2,
 47 while the general assembly is in regular session, the
 48 director of the department of management, with the
 49 approval of the governor, may make an interdepartmental
 50 transfer from any other department, institution, or

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1 agency of the state having an appropriation in excess
 2 of its needs, of sufficient funds to supplement the
 3 following appropriations made to the office of the
 4 public defender of the department of inspections and
 5 appeals, in order to meet the obligations incurred
 6 under the appropriations:
 7 a. For the office of the state public defender, in
 8 2010 Iowa Acts, chapter 1190, section 10, subsection 1.
 9 b. For the fees of court-appointed attorneys for
 10 indigent adults and juveniles, in accordance with
 11 section 232.141 and chapter 815, in 2010 Iowa Acts,
 12 chapter 1190, section 10, subsection 2.
 13 2. A transfer made under this section is subject
 14 to the notice and reporting requirements applicable
 15 to transfers made under section 8.39. However, the
 16 chairpersons' review and comment period under section
 17 8.39, subsection 3, is not applicable.
 18 Sec. 27. EFFECTIVE UPON ENACTMENT. This division
 19 of this Act, being deemed of immediate importance,
 20 takes effect upon enactment.>
 21 2. Title page, by striking lines 1 through 3 and
 22 inserting <An Act relating to public funding matters by
 23 updating the Code references to the Internal Revenue
 24 Code and by decoupling from certain federal bonus
 25 depreciation provisions, authorizing appropriation

26 transfers, and including effective date and retroactive
27 applicability provisions.>
28 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS

H-1507

1 Amend the amendment, H-1485, to Senate File 508, as
2 passed by the Senate, as follows:
3 1. Page 12, after line 25 by inserting:
4 <Sec. ____ EXPENDITURE REPORT. Each department,
5 agency, or authority receiving an appropriation of
6 federal funds pursuant to this Act for the federal
7 fiscal year beginning October 1, 2011, or October 1,
8 2012, shall submit a detailed plan for the expenditure
9 of the federal funds designated for departmental
10 administrative expenses to the members of the joint
11 appropriations subcommittee with jurisdiction over
12 the state appropriations for the department, agency,
13 or authority. The plan shall be submitted at least
14 60 calendar days prior to the commencement of the
15 federal fiscal year to which the plan applies and shall
16 be accompanied by a detailed report on the actual
17 department administrative expenditures for the federal
18 fiscal year in progress and the most recently completed
19 federal fiscal year, both in a form acceptable to the
20 legislative services agency.>
21 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1508

1 Amend the amendment, H-1506, to Senate File 512, as
2 passed by the Senate, as follows:
3 1. By striking page 8, line 42, through page 9,
4 line 17, and inserting:
5 <DIVISION IV
6 PUBLIC DEFENDER APPROPRIATIONS
7 Sec. ____ STATE PUBLIC DEFENDER. After applying
8 the reductions made pursuant to 2010 Iowa Acts, chapter
9 1193, section 27, to the appropriations made for the
10 following designated purposes, there is appropriated
11 from the general fund of the state to the office of the
12 state public defender of the department of inspections
13 and appeals for the fiscal year beginning July 1,
14 2010, and ending June 30, 2011, the following amounts,
15 or so much thereof as is necessary, to supplement
16 the appropriations made for the following designated
17 purposes:
18 1. For the office of the state public defender, in

19 2010 Iowa Acts, chapter 1190, section 10, subsection 1:
 20 \$ 2,551,500
 21 2. For the fees of court-appointed attorneys for
 22 indigent adults and juveniles, in accordance with
 23 section 232.141 and chapter 815, in 2010 Iowa Acts,
 24 chapter 1190, section 10, subsection 2:
 25 \$ 16,000,000>
 26 2. Page 9, lines 25 and 26, by striking
 27 <authorizing appropriation transfers> and inserting
 28 <making appropriations>
 29 3. By renumbering as necessary.

SWAIM of Davis
 R. OLSON of Polk

H-1509

1 Amend the amendment, H-1485, to Senate File 508, as
 2 passed by the Senate, as follows:
 3 1. Page 1, after line 3 by inserting:
 4 <DIVISION _____
 5 FY 2010-2011
 6 Sec. ____ STATE PUBLIC DEFENDER. After applying
 7 the reductions made pursuant to 2010 Iowa Acts, chapter
 8 1193, section 27, to the appropriations made for the
 9 following designated purposes, there is appropriated
 10 from the general fund of the state to the office of the
 11 state public defender of the department of inspections
 12 and appeals for the fiscal year beginning July 1,
 13 2010, and ending June 30, 2011, the following amounts,
 14 or so much thereof as is necessary, to supplement
 15 the appropriations made for the following designated
 16 purposes:
 17 1. For the office of the state public defender, in
 18 2010 Iowa Acts, chapter 1190, section 10, subsection 1:
 19 \$ 2,551,500
 20 2. For the fees of court-appointed attorneys for
 21 indigent adults and juveniles, in accordance with
 22 section 232.141 and chapter 815, in 2010 Iowa Acts,
 23 chapter 1190, section 10, subsection 2:
 24 \$ 16,000,000
 25 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 26 of this Act, being deemed of immediate importance,
 27 takes effect upon enactment.>
 28 2. Page 13, before line 29 by inserting:
 29 <____. Title page, line 7, after <anticipated> by
 30 inserting <, and making other appropriations, and
 31 including effective date provisions>>
 32 3. By renumbering as necessary.

SWAIM of Davis
 R. OLSON of Polk

H-1510

1 Amend Senate File 490, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, after line 20 by inserting:
4 <e. The financial institution offering the savings
5 promotion drawing account does not reduce any interest
6 rate or charge participants any additional fees as a
7 means of funding such promotion when compared to other
8 similar savings accounts, time deposits, or other
9 savings programs offered by the financial institution.
10 f. The financial institution offering the savings
11 promotion drawing account provides all participants
12 with a clear and conspicuous disclosure when opening
13 a savings promotion drawing account. This disclosure
14 shall provide all participants with clear information
15 on the chances or odds of winning any prize offered
16 pursuant to the savings promotion drawing account.>

COMMITTEE ON STATE GOVERNMENT

H-1511

1 Amend House File 561 as follows:
2 1. Page 2, line 1, after <2.> by inserting <a.>
3 2. Page 2, after line 20 by inserting:
4 <b. The general assembly recognizes that to
5 maximize the potential for significant job creation,
6 economic development, and competitive advantage derived
7 from a robust nuclear industry, a significant workforce
8 is required to construct and operate new nuclear power
9 plants. Such jobs include skilled trades, such as
10 welders, pipe fitters, masons, carpenters, millwrights,
11 sheet metal workers, electricians, and heavy equipment
12 operators, in addition to nuclear reactor operators,
13 radiation protection specialists, and nuclear,
14 mechanical, and electrical engineers. In order for
15 this state to lead the nation in developing this
16 skilled workforce and to maximize economic development
17 related to nuclear electric power generation, the
18 general assembly intends for the state to undertake the
19 following:
20 (1) Create and implement plans to assess and
21 enhance educational and training systems to develop a
22 next-generation nuclear workforce.
23 (2) Assess the adequacy and potential expansion
24 of supply chain infrastructure to support the growing
25 nuclear industry.
26 (3) Recommend steps to attract new nuclear-related
27 businesses.
28 (4) Evaluate the economic development impact
29 affordable nuclear electric power generation will have

30 on the expansion and retention of existing industry.>
 31 3. Page 9, after line 34 by inserting:
 32 <Sec. ____ NUCLEAR ELECTRIC POWER GENERATION —
 33 ECONOMIC DEVELOPMENT OPPORTUNITIES — TASK FORCE. The
 34 governor shall appoint a task force to evaluate the
 35 economic development opportunities created through
 36 nuclear electric power generation in this state and to
 37 develop specific plans to maximize these opportunities.
 38 Task force members appointed by the governor shall
 39 include but not be limited to representatives from
 40 the state board of regents, the community colleges,
 41 the Iowa department of workforce development, the
 42 department of economic development, the department of
 43 education, and utility industry leaders. The governor
 44 shall appoint a chairperson from among the members.
 45 The task force shall submit a report summarizing its
 46 evaluation and containing recommendations to the
 47 general assembly by January 1, 2012.>
 48 4. By renumbering as necessary.

SODERBERG of Plymouth
 MURPHY of Dubuque

H-1512

1 Amend House File 648 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <DIVISION I
 5 REBUILD IOWA INFRASTRUCTURE FUND
 6 Section 1. There is appropriated from the rebuild
 7 Iowa infrastructure fund to the following departments
 8 and agencies for the following fiscal years, the
 9 following amounts, or so much thereof as is necessary,
 10 to be used for the purposes designated:
 11 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 12 a. For projects related to major repairs and major
 13 maintenance for state buildings and facilities:
 14 FY 2011-2012..... \$ 5,500,000
 15 FY 2012-2013..... \$ 6,000,000
 16 b. For repair, replacement, and refurbishing of
 17 exterior granite wall panels, skylights, exterior
 18 sealant, and related exterior improvements of the state
 19 historical building:
 20 FY 2011-2012..... \$ 1,200,000
 21 c. For infrastructure improvements, including fire
 22 safety and security systems, in the secretary of state
 23 offices in the Lucas state office building:
 24 FY 2011-2012..... \$ 45,000
 25 d. For fire protection improvements at the
 26 facilities management center and central energy plant
 27 on the capitol complex:

28 FY 2012-2013..... \$ 2,000,000
 29 e. For renovation, repairs, replacement, and
 30 related improvements to extend the useful life
 31 of buildings on the capitol complex and to make
 32 improvements, including improvements relating to safety
 33 and building code requirements, to the capitol complex
 34 grounds:
 35 FY 2012-2013..... \$ 2,000,000
 36 2. DEPARTMENT FOR THE BLIND
 37 For replacement of air handlers and related
 38 improvements:
 39 FY 2011-2012..... \$ 1,065,674
 40 3. DEPARTMENT OF CORRECTIONS
 41 a. For the construction project and one-time
 42 furniture, fixture, and equipment costs at Fort
 43 Madison:
 44 FY 2011-2012..... \$ 7,155,077
 45 FY 2012-2013..... \$ 16,269,124
 46 FY 2013-2014..... \$ 3,000,000
 47 b. For the construction project and one-time
 48 equipment costs at the Iowa correctional facility for
 49 women at Mitchellville:
 50 FY 2011-2012..... \$ 5,861,556

Page 2

1 FY 2012-2013..... \$ 2,891,062
 2 FY 2013-2014..... \$ 26,769,040
 3 4. DEPARTMENT OF CULTURAL AFFAIRS
 4 For deposit into the Iowa great places program
 5 fund created in section 303.3D for Iowa great places
 6 program projects that meet the definition of the term
 7 "vertical infrastructure" in section 8.57, subsection
 8 6, paragraph "c":
 9 FY 2012-2013..... \$ 2,000,000
 10 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 11 For accelerated career education program capital
 12 projects at community colleges that are authorized
 13 under chapter 260G and that meet the definition of
 14 vertical infrastructure in section 8.57, subsection 6,
 15 paragraph "c":
 16 FY 2011-2012..... \$ 5,000,000
 17 FY 2012-2013..... \$ 5,500,000
 18 6. DEPARTMENT OF EDUCATION
 19 To the public broadcasting division for the purchase
 20 of a building in the city of Johnston:
 21 FY 2011-2012..... \$ 1,255,550
 22 7. DEPARTMENT OF NATURAL RESOURCES
 23 a. For floodplain management and dam safety,
 24 notwithstanding section 8.57, subsection 6,
 25 paragraph "c":
 26 FY 2011-2012..... \$ 2,000,000

27 Of the amounts appropriated in this lettered
 28 paragraph, up to \$400,000 is authorized for stream
 29 gages to be used for tracking and predicting flood
 30 events and for compiling necessary data relating to
 31 flood frequency analysis.

32 b. For implementation of lake projects that
 33 have established watershed improvement initiatives
 34 and community support in accordance with the
 35 department's annual lake restoration plan and report,
 36 notwithstanding section 8.57, subsection 6, paragraph
 37 "c":

38	FY 2011-2012.....	\$ 8,600,000
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39 8. DEPARTMENT OF PUBLIC DEFENSE

40 a. For major maintenance projects at national guard
 41 armories and facilities:

42	FY 2011-2012.....	\$ 2,000,000
43	FY 2012-2013.....	\$ 2,000,000

44 b. For renovation and facility improvements at the
 45 Muscatine readiness center:

46	FY 2011-2012.....	\$ 100,000
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47 c. For construction improvement projects at
 48 statewide readiness centers:

49	FY 2011-2012.....	\$ 1,800,000
50	FY 2012-2013.....	\$ 1,800,000

Page 3

1 d. For construction upgrades at Camp Dodge
 2 including sanitary system and sewer system
 3 improvements:

4	FY 2011-2012.....	\$ 1,000,000
5	FY 2012-2013.....	\$ 1,000,000

6 e. For renovation, repair, and related improvements
 7 at the joint force headquarters building:

8	FY 2011-2012.....	\$ 1,000,000
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9 f. For renovation and facility improvements at the
 10 Dubuque readiness center:

11	FY 2012-2013.....	\$ 500,000
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12 9. BOARD OF REGENTS

13 a. For allocation by the state board of regents to
 14 the state university of Iowa, the Iowa state university
 15 of science and technology, and the university of
 16 northern Iowa to reimburse the institutions for
 17 deficiencies in the operating funds resulting from
 18 the pledging of tuition, student fees and charges,
 19 and institutional income to finance the cost of
 20 providing academic and administrative buildings and
 21 facilities and utility services at the institutions,
 22 notwithstanding section 8.57, subsection 6, paragraph
 23 "c":

24	FY 2011-2012.....	\$ 24,305,412
----	-------------------	---------------

25 b. For the Iowa flood center at the state

26 university of Iowa for use by the university's
 27 college of engineering, pursuant to section 466C.1,
 28 notwithstanding section 8.57, subsection 6, paragraph
 29 "c":
 30 FY 2011-2012..... \$ 1,300,000
 31 c. For fire, safety and other major maintenance
 32 projects at the regents institutions:
 33 FY 2011-2012..... \$ 4,000,000
 34 FY 2012-2013..... \$ 4,000,000
 35 d. For construction, renovation, and related
 36 improvements for phase II of the agricultural and
 37 biosystems engineering complex, including classrooms,
 38 laboratories, and offices at Iowa state university of
 39 science and technology:
 40 FY 2011-2012..... \$ 3,000,000
 41 FY 2012-2013..... \$ 22,000,000
 42 FY 2013-2014..... \$ 22,000,000
 43 FY 2014-2015..... \$ 13,400,000
 44 e. For the renovation and related improvements to
 45 the dental science building at the state university
 46 of Iowa including but not limited to renovation of
 47 clinical spaces and development of a multidisciplinary
 48 clinical area:
 49 FY 2011-2012..... \$ 3,000,000
 50 FY 2012-2013..... \$ 14,000,000

Page 4

1 FY 2013-2014..... \$ 10,000,000
 2 FY 2014-2015..... \$ 2,000,000
 3 f. For renovation and related improvements for
 4 Bartlett hall at the university of northern Iowa
 5 including providing faculty offices, seminar rooms,
 6 and laboratories in the building and the associated
 7 demolition of Baker hall:
 8 FY 2011-2012..... \$ 2,000,000
 9 FY 2012-2013..... \$ 9,808,000
 10 FY 2013-2014..... \$ 8,192,000
 11 FY 2014-2015..... \$ 1,000,000
 12 10. DEPARTMENT OF TRANSPORTATION
 13 a. For acquiring, constructing, and improving
 14 recreational trails within the state:
 15 FY 2011-2012..... \$ 2,000,000
 16 FY 2012-2013..... \$ 2,000,000
 17 b. For deposit into the public transit
 18 infrastructure grant fund created in section 324A.6A,
 19 for projects that meet the definition of "vertical
 20 infrastructure" in section 8.57, subsection 6,
 21 paragraph "c":
 22 FY 2011-2012..... \$ 2,000,000
 23 FY 2012-2013..... \$ 2,000,000
 24 c. For infrastructure improvements at the

25 commercial service airports within the state:
 26 FY 2011-2012..... \$ 1,500,000
 27 FY 2012-2013..... \$ 1,500,000
 28 d. For infrastructure improvements at general
 29 aviation airports within the state:
 30 FY 2011-2012..... \$ 750,000
 31 FY 2012-2013..... \$ 750,000
 32 11. TREASURER OF STATE
 33 For distribution in accordance with chapter 174 to
 34 qualified fairs which belong to the association of Iowa
 35 fairs for county fair infrastructure improvements:
 36 FY 2011-2012..... \$ 1,060,000
 37 FY 2012-2013..... \$ 1,060,000
 38 12. DEPARTMENT OF VETERANS AFFAIRS
 39 a. For transfer to the Iowa finance authority for
 40 the continuation of the home ownership assistance
 41 program for persons who are or were eligible members
 42 of the armed forces of the United States, pursuant to
 43 section 16.54, notwithstanding section 8.57, subsection
 44 6, paragraph "c":
 45 FY 2011-2012..... \$ 1,000,000
 46 b. For the Iowa veterans home to upgrade generator
 47 emissions controls to meet required stack emissions for
 48 four generators and related improvements:
 49 FY 2011-2012..... \$ 750,000
 50 Sec. 2. REVERSION. For purposes of section 8.33,

Page 5

1 unless specifically provided otherwise, unencumbered
 2 or unobligated moneys made from an appropriation in
 3 this division of this Act shall not revert but shall
 4 remain available for expenditure for the purposes
 5 designated until the close of the fiscal year that ends
 6 three years after the end of the fiscal year for which
 7 the appropriation is made. However, if the project
 8 or projects for which such appropriation was made are
 9 completed in an earlier fiscal year, unencumbered or
 10 unobligated moneys shall revert at the close of that
 11 same fiscal year.

DIVISION II

TECHNOLOGY REINVESTMENT FUND

14 Sec. 3. There is appropriated from the technology
 15 reinvestment fund created in section 8.57C to the
 16 following departments and agencies for the following
 17 fiscal years, the following amounts, or so much
 18 thereof as is necessary, to be used for the purposes
 19 designated:
 20 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 21 For technology improvement projects:
 22 FY 2011-2012..... \$ 1,643,728
 23 2. DEPARTMENT OF CORRECTIONS

24 For costs associated with the Iowa corrections
 25 offender network data system:
 26 FY 2011-2012..... \$ 500,000
 27 FY 2012-2013..... \$ 500,000
 28 3. DEPARTMENT OF EDUCATION
 29 a. For maintenance and lease costs associated with
 30 connections for part III of the Iowa communications
 31 network:
 32 FY 2011-2012..... \$ 2,727,000
 33 FY 2012-2013..... \$ 2,727,000
 34 b. For the implementation of an educational data
 35 warehouse that will be utilized by teachers, parents,
 36 school district administrators, area education agency
 37 staff, department of education staff, and policymakers:
 38 FY 2011-2012..... \$ 600,000
 39 FY 2012-2013..... \$ 600,000
 40 The department may use a portion of the moneys
 41 appropriated in this lettered paragraph for an
 42 e-transcript data system capable of tracking students
 43 throughout their education via interconnectivity with
 44 multiple schools.
 45 4. DEPARTMENT OF HUMAN RIGHTS
 46 For the cost of equipment and computer software
 47 for the implementation of Iowa's criminal justice
 48 information system:
 49 FY 2011-2012..... \$ 1,689,307
 50 FY 2012-2013..... \$ 1,256,747

Page 6

1 5. DEPARTMENT OF HUMAN SERVICES
 2 To be used for medical contracts under the
 3 medical assistance program for technology upgrades
 4 necessary to support Medicaid claims and other health
 5 operations, worldwide HIPAA claims transactions and
 6 coding requirements, and the Iowa automated benefits
 7 calculation system:
 8 FY 2011-2012..... \$ 3,494,176
 9 FY 2012-2013..... \$ 4,667,600
 10 FY 2013-2014..... \$ 4,267,600
 11 FY 2014-2015..... \$ 1,945,684
 12 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 13 COMMISSION
 14 For replacement of equipment for the Iowa
 15 communications network:
 16 FY 2011-2012..... \$ 2,248,653
 17 FY 2012-2013..... \$ 2,248,653
 18 The commission may continue to enter into contracts
 19 pursuant to section 8D.13 for the replacement of
 20 equipment and for operation and maintenance costs of
 21 the network.
 22 In addition to funds appropriated in this

23 subsection, the commission may use a financing
 24 agreement entered into by the treasurer of state in
 25 accordance with section 12.28 for the replacement
 26 of equipment for the network. For purposes of this
 27 subsection, the treasurer of state is not subject to
 28 the maximum principal limitation contained in section
 29 12.28, subsection 6. Repayment of any amounts financed
 30 shall be made from receipts associated with fees
 31 charged for use of the network.

32 7. DEPARTMENT OF MANAGEMENT

33 To develop a searchable database that can be placed
 34 on the internet for budget and financial information:

35 FY 2011-2012..... \$ 600,000

36 8. DEPARTMENT OF PUBLIC SAFETY

37 For the provision of local public safety radio
 38 communications upgrades to comply with federal
 39 narrowbanding transition requirements under the federal
 40 communication commission narrowbanding mandate:

41 FY 2011-2012..... \$ 3,500,000

42 FY 2012-2013..... \$ 5,500,000

43 FY 2013-2014..... \$ 3,500,000

44 Of the amounts appropriated in this subsection,
 45 the department of public safety shall work with the
 46 departments of corrections and natural resources
 47 to accomplish the radio communications upgrades and
 48 digital radio conversions.

49 Sec. 4. REVERSION. For purposes of section 8.33,
 50 unless specifically provided otherwise, unencumbered

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1 or unobligated moneys made from an appropriation in
 2 this division of this Act shall not revert but shall
 3 remain available for expenditure for the purposes
 4 designated until the close of the fiscal year that ends
 5 three years after the end of the fiscal year for which
 6 the appropriation is made. However, if the project
 7 or projects for which such appropriation was made are
 8 completed in an earlier fiscal year, unencumbered or
 9 unobligated moneys shall revert at the close of that
 10 same fiscal year.

11 DIVISION III
 12 REVENUE BONDS CAPITALS
 13 FUND — APPROPRIATIONS

14 Sec. 5. There is appropriated from the revenue
 15 bonds capitals fund created in section 12.88, to the
 16 department of corrections for the fiscal year beginning
 17 July 1, 2011, and ending June 30, 2012, the following
 18 amount, or so much thereof as is necessary, to be used
 19 for the purposes designated:

20 For the construction project and one-time equipment
 21 costs at the Iowa correctional facility for women at

22 Mitchellville:
 23 \$ 4,130,952
 24 For purposes of section 8.33, unless specifically
 25 provided otherwise, unencumbered or unobligated moneys
 26 made from an appropriation in this section shall not
 27 revert but shall remain available for expenditure for
 28 the purposes designated until the close of the fiscal
 29 year that ends three years after the end of the fiscal
 30 year for which the appropriation was made. However, if
 31 the project or projects for which such appropriation
 32 was made are completed in an earlier fiscal year,
 33 unencumbered or unobligated moneys shall revert at the
 34 close of that same fiscal year.

35 DIVISION IV

36 GENERAL FUND — APPROPRIATION

37 Sec. 6. There is appropriated from the general fund
 38 of the state to the department of transportation for
 39 the fiscal year beginning July 1, 2012, and ending June
 40 30, 2013, the following amount, or so much thereof as
 41 is necessary, to be used for the purposes designated:

42 For deposit into the railroad revolving loan and
 43 grant fund created in section 327H.20A:
 44 \$ 2,000,000

45 DIVISION V

46 MISCELLANEOUS CODE CHANGES

47 Sec. 7. Section 8.57, subsection 6, paragraph f,
 48 Code 2011, is amended to read as follows:
 49 f. There is appropriated from the rebuild Iowa
 50 infrastructure fund to the secure an advanced vision

Page 8

1 for education fund created in section 423F.2, for each
 2 fiscal year of the fiscal period beginning July 1,
 3 2008, and ending June 30, 2010, ~~and for each fiscal~~
 4 ~~year of the fiscal period beginning July 1, 2011,~~
 5 ~~and ending June 30, 2014,~~ the amount of the moneys
 6 in excess of the first forty-seven million dollars
 7 credited to the rebuild Iowa infrastructure fund during
 8 the fiscal year, not to exceed ten million dollars.

9 Sec. 8. Section 8.57A, subsection 4, Code 2011, is
 10 amended to read as follows:

11 4. a. There is appropriated from the rebuild
 12 Iowa infrastructure fund for the fiscal ~~years~~ year
 13 ~~beginning July 1, 2008, July 1, 2009, and July 1, 2011~~
 14 2013, and for each fiscal year thereafter, the sum
 15 of forty-two million dollars to the environment first
 16 fund, notwithstanding section 8.57, subsection 6,
 17 paragraph "c".

18 b. There is appropriated from the rebuild Iowa
 19 infrastructure fund each fiscal year for the ~~fiscal~~
 20 ~~year~~ period beginning July 1, 2010, and ending June 30,

21 ~~2011 2012~~, the sum of thirty-three million dollars to
22 the environment first fund, notwithstanding section
23 8.57, subsection 6, paragraph "c".

24 c. There is appropriated from the rebuild Iowa
25 infrastructure fund for the fiscal year beginning
26 July 1, 2012, and ending June 30, 2013, the sum of
27 thirty-five million dollars to the environment first
28 fund, notwithstanding section 8.57, subsection 6,
29 paragraph "c".

30 Sec. 9. Section 8.57C, subsection 3, paragraphs a
31 and c, Code 2011, are amended to read as follows:

32 a. There is appropriated from the general fund of
33 the state for the fiscal ~~years year~~ beginning ~~July 1,~~
34 ~~2006, July 1, 2007,~~ July 1, ~~2011 2012~~, and for each
35 subsequent fiscal year thereafter, the sum of seventeen
36 million five hundred thousand dollars to the technology
37 reinvestment fund.

38 c. There is appropriated from the rebuild Iowa
39 infrastructure fund for the fiscal year beginning
40 July 1, 2010, ~~and ending June 30, 2011~~, the sum of ten
41 million dollars to the technology reinvestment fund,
42 notwithstanding section 8.57, subsection 6, paragraph
43 "c".

44 Sec. 10. Section 8.57C, subsection 3, Code 2011, is
45 amended by adding the following new paragraph:

46 NEW PARAGRAPH. d. There is appropriated from the
47 rebuild Iowa infrastructure fund for the fiscal year
48 beginning July 1, 2011, and ending June 30, 2012, the
49 sum of seventeen million dollars to the technology
50 reinvestment fund, notwithstanding section 8.57,

Page 9

1 subsection 6, paragraph "c".

2 Sec. 11. Section 12.82, subsection 1, Code 2011, is
3 amended to read as follows:

4 1. A school infrastructure fund is created and
5 established as a separate and distinct fund in the
6 state treasury under the control of the department of
7 education. ~~The Notwithstanding any other provision~~
8 ~~of this chapter, the~~ fund shall be used for purposes
9 of the school infrastructure program established in
10 section 292.2.

11 Sec. 12. Section 12.82, Code 2011, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 3A. Any amounts remaining in the
14 school infrastructure fund at the end of the fiscal
15 year beginning July 1, 2010, and for each fiscal year
16 thereafter, which are determined by the treasurer of
17 state to be unencumbered and unobligated and otherwise
18 unnecessary to make the payments for such fiscal year,
19 shall be transferred to the rebuild Iowa infrastructure

20 fund.

21 Sec. 13. Section 15F.204, subsection 8, paragraph
22 b, Code 2011, is amended by striking the paragraph.

23 Sec. 14. Section 16.181A, subsection 1, Code 2011,
24 is amended to read as follows:

25 1. There is appropriated from the rebuild Iowa
26 infrastructure fund to the Iowa finance authority for
27 deposit in the housing trust fund created in section
28 16.181, for the fiscal year ~~beginning July 1, 2009, and~~
29 ~~beginning July 1, 2011 2012~~, and for each succeeding
30 fiscal year, the sum of three million dollars.

31 Sec. 15. Section 16.193, subsection 2, Code 2011,
32 is amended to read as follows:

33 2. ~~During the term of the Iowa jobs program~~
34 ~~established in section 16.194 and the Iowa jobs II~~
35 ~~program established in section 16.194A~~ For the period
36 ~~beginning July 1, 2009, and ending June 30, 2011~~, two
37 hundred thousand dollars of the moneys deposited in the
38 rebuild Iowa infrastructure fund shall be allocated
39 each fiscal year to the Iowa finance authority for
40 purposes of administering the Iowa jobs program,
41 notwithstanding section 8.57, subsection 6, paragraph
42 "c".

43 Sec. 16. EFFECTIVE UPON ENACTMENT. The section of
44 this division amending section 12.82, being deemed of
45 immediate importance, takes effect upon enactment.

46 DIVISION VI

47 CHANGES TO PRIOR APPROPRIATIONS

48 Sec. 17. 2006 Iowa Acts, chapter 1179, section 18,
49 is amended by adding the following new subsection:
50 NEW SUBSECTION. 5. Except for the allocation to

Page 10

1 Des Moines area community college and notwithstanding
2 section 8.33, moneys appropriated from the endowment
3 for Iowa's health restricted capitals fund for the
4 fiscal year beginning July 1, 2006, and ending June 30,
5 2007, in this division of this Act to the department of
6 public safety for allocation to the division of fire
7 protection that remain unencumbered or unobligated
8 at the close of the fiscal year shall not revert
9 but shall remain available for expenditure for the
10 purposes designated until the close of the fiscal year
11 beginning July 1, 2011, or until the project for which
12 appropriated is completed, whichever is earlier. This
13 subsection shall apply in lieu of subsection 1 of this
14 section.

15 Sec. 18. 2007 Iowa Acts, chapter 219, section 2, is
16 amended to read as follows:

17 SEC. 2. REVERSION.

18 1. ~~Notwithstanding~~ Except as provided in subsection

19 ~~2 and notwithstanding~~ section 8.33, moneys appropriated
 20 for the fiscal year beginning July 1, 2007, in this
 21 division of this Act that remain unencumbered or
 22 unobligated at the close of the fiscal year shall not
 23 revert but shall remain available for the purposes
 24 designated until the close of the fiscal year that
 25 begins July 1, 2010, or until the project for which
 26 the appropriation was made is completed, whichever is
 27 earlier.

28 2. Notwithstanding section 8.33, moneys
 29 appropriated in section 1, subsection 1, paragraphs
 30 "a" and "f" of this division of this Act that remain
 31 unencumbered or unobligated at the close of the fiscal
 32 year for which they were appropriated shall not revert
 33 but shall remain available for the purposes designated
 34 until the close of the fiscal year that begins July 1,
 35 2011, or until the project for which the appropriation
 36 was made is completed, whichever is earlier.

37 Sec. 19. 2008 Iowa Acts, chapter 1179, section 1,
 38 subsection 13, paragraph c, as amended by 2009 Iowa
 39 Acts, chapter 184, section 22, is amended by striking
 40 the paragraph.

41 Sec. 20. 2008 Iowa Acts, chapter 1179, section 7,
 42 as amended by 2009 Iowa Acts, chapter 173, section
 43 21, and 2010 Iowa Acts, chapter 1184, section 58, is
 44 amended to read as follows:

45 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 46 is appropriated from the rebuild Iowa infrastructure
 47 fund to the department of economic development for
 48 the designated fiscal years the following amounts, or
 49 so much thereof as is necessary, to be used for the
 50 purposes designated:

Page 11

1 For deposit into the river enhancement community
 2 attraction and tourism fund created in 2008 Iowa Acts,
 3 Senate File 2430, if enacted:

4	FY 2009-2010	\$	0
5	FY 2010-2011.....	\$	0
6	FY 2011-2012	\$	10,000,000
7		<u>0</u>	
8	FY 2012-2013	\$	10,000,000
9		<u>0</u>	

10 ~~Notwithstanding section 8.33, moneys appropriated~~
 11 ~~in this section for the fiscal year beginning July~~
 12 ~~1, 2011, and ending June 30, 2012, shall not revert~~
 13 ~~at the close of the fiscal year for which they are~~
 14 ~~appropriated but shall remain available for the purpose~~
 15 ~~designated until the close of the fiscal year that~~
 16 ~~begins July 1, 2014, or until the project for which~~
 17 ~~the appropriation was made is completed, whichever is~~

18 earlier.
 19 Notwithstanding section 8.33, moneys appropriated
 20 in this section for the fiscal year beginning July
 21 1, 2012, and ending June 30, 2013, shall not revert
 22 at the close of the fiscal year for which they are
 23 appropriated but shall remain available for the purpose
 24 designated until the close of the fiscal year that
 25 begins July 1, 2015, or until the project for which
 26 the appropriation was made is completed, whichever is
 27 earlier.

28 Sec. 21. 2009 Iowa Acts, chapter 184, section 1,
 29 subsection 12, paragraph a, as amended by 2010 Iowa
 30 Acts, chapter 1184, section 71, is amended to read as
 31 follows:

32 a. For deposit in the passenger rail service
 33 revolving fund created in section 327J.2,
 34 notwithstanding section 8.57, subsection 6, paragraph
 35 "c":

36 \$ 3,000,000
 37 302,007

38 Sec. 22. 2010 Iowa Acts, chapter 1184, section 2,
 39 subsection 3, is amended to read as follows:

40 3. DEPARTMENT OF TRANSPORTATION

41 For deposit into the passenger rail service
 42 revolving fund created in section 327J.2 for matching
 43 federal funding available through the federal Passenger
 44 Rail Investment and Improvement Act of 2008 for
 45 passenger rail service, notwithstanding section 8.57,
 46 subsection 6, paragraph "c":

47 FY 2011-2012..... \$ 6,500,000
 48 0

49 It is the intent of the general assembly to fund
 50 up to \$20 million over a four-year period to fully

Page 12

1 fund the state commitment for matching federal funding
 2 available through the federal Passenger Rail Investment
 3 and Improvement Act of 2008.

4 Sec. 23. 2010 Iowa Acts, chapter 1184, section 10,
 5 subsection 8, is amended to read as follows:

6 8. TREASURER OF STATE

7 For transfer to the watershed improvement review
 8 board created in section 466A.3 for grants associated
 9 with the construction and restoration of wetland
 10 easements and flood prevention watershed improvement
 11 projects:

12 \$ 2,000,000

13 Notwithstanding section 466A.5, moneys from the
 14 appropriation in this subsection shall not be used for
 15 administrative purposes.

16 Sec. 24. 2010 Iowa Acts, chapter 1184, section 14,

17 is amended to read as follows:

18 SEC. 14. There is appropriated from the ~~FY 2009~~
19 ~~prison bonding fund created pursuant to section 12.79~~
20 ~~rebuild Iowa infrastructure fund~~ to the department
21 of corrections for the fiscal year beginning July 1,
22 2010, and ending June 30, 2011, the following amount,
23 or so much thereof as is necessary, to be used for
24 the purpose designated, notwithstanding section 8.57,
25 subsection 6, paragraph "c":

26 ~~For costs associated with the building of a new~~
27 ~~Iowa State penitentiary at Fort Madison project~~
28 ~~management costs at Fort Madison and Mitchellville~~
29 ~~prisons, associated with construction projects at the~~
30 ~~department:~~

31 \$ 322,500

32 ~~The appropriation made in this section constitutes~~
33 ~~approval by the general assembly for the issuance of~~
34 ~~bonds by the treasurer of state pursuant to section~~
35 ~~12.80.~~

36 Sec. 25. 2010 Iowa Acts, chapter 1184, section 16,
37 is amended to read as follows:

38 SEC. 16. There is appropriated from the Iowa
39 comprehensive petroleum underground storage tank fund
40 to the department of transportation for the fiscal year
41 beginning July 1, 2010, and ending June 30, 2011, the
42 following amount, or so much thereof as is necessary,
43 to be used for the purposes designated:

44 Notwithstanding section 455G.3, subsection 1, for
45 deposit in the passenger rail service revolving fund
46 created in section 327J.2:

47 \$ 2,000,000

48 500,000

49 ~~Such funds shall be coupled with the remaining~~
50 ~~unobligated balance of up to one million five hundred~~

Page 13

1 ~~thousand dollars from the appropriation made in 2009~~
2 ~~Iowa Acts, chapter 184, section 1, subsection 12,~~
3 ~~paragraph "a", for a total commitment of three million~~
4 ~~five hundred thousand dollars for the fiscal year~~
5 ~~beginning July 1, 2010, and ending June 30, 2011,~~
6 ~~for matching federal funding available through the~~
7 ~~Passenger Rail Investment and Improvement Act of 2008.~~

8 Sec. 26. 2010 Iowa Acts, chapter 1184, section 37,
9 is amended to read as follows:

10 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
11 APPROPRIATION.

12 There is appropriated from the school infrastructure
13 fund created in section 12.82 to the department of
14 economic development for the fiscal year beginning
15 July 1, 2010, and ending June 30, 2011, the following

16 amount, or so much thereof as is necessary, to be used
17 for the purposes designated:

18 For providing site development consultations
19 pursuant to section 15E.18, including salaries,
20 support, maintenance, miscellaneous purposes, and
21 for not more than the following full-time equivalent
22 positions, notwithstanding section 12.82, subsection 1:

23 \$ 175,000
24 FTEs 1.00

25 Of the moneys appropriated to the department
26 pursuant to this section, the department may allocate
27 up to \$75,000 for purposes of contracting with third
28 parties to provide site development consultations.

29 Sec. 27. 2010 Iowa Acts, chapter 1184, section 39,
30 is amended to read as follows:

31 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
32 APPROPRIATION.

33 There is appropriated from the school infrastructure
34 fund created in section 12.82 to the department of
35 economic development for the fiscal year beginning
36 July 1, 2010, and ending June 30, 2011, the following
37 amount, or so much thereof as is necessary, to be used
38 for the purposes designated:

39 For purposes of creating a business assistance
40 internet site, notwithstanding section 12.82,
41 subsection 1:

42 \$ 20,000

43 Sec. 28. 2010 Iowa Acts, chapter 1184, section 43,
44 is amended to read as follows:

45 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
46 APPROPRIATION.

47 There is appropriated from the school infrastructure
48 fund created in section 12.82 to the department of
49 economic development for deposit in the save our small
50 businesses fund for the fiscal year beginning July 1,

Page 14

1 2010, and ending June 30, 2011, the following amount,
2 or so much thereof as is necessary, to be used for the
3 purposes designated, notwithstanding section 12.82,
4 subsection 1:

5 For purposes of providing financial assistance under
6 the save our small businesses program under section
7 15.301:

8 \$ 5,000,000

9 Of the moneys appropriated pursuant to this section,
10 the department may allocate an amount not to exceed
11 two percent of the moneys appropriated for purposes of
12 retaining the services of an organization designated
13 pursuant to section 15.301, subsection 2, paragraph
14 "b".

15 Sec. 29. 2010 Iowa Acts, chapter 1193, section 6,
 16 is amended to read as follows:
 17 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID –
 18 APPROPRIATION. In lieu of the appropriation provided
 19 in section 257.20, there is appropriated from the
 20 school infrastructure fund created in section 12.82,
 21 subsection 1, to the department of education for the
 22 fiscal year beginning July 1, 2010, and ending June 30,
 23 2011, the following amount, or so much thereof as is
 24 necessary, to be used for the purposes designated:

25 For paying instructional support state aid for
 26 fiscal year 2010-2011, notwithstanding section 12.82,
 27 subsection 1:

28 \$ 7,500,000

29 Notwithstanding section 257.20, subsection 3, the
 30 appropriation made in this lettered paragraph shall
 31 be allocated in the same manner as the allocation of
 32 the appropriation was made for the same purpose in the
 33 previous fiscal year.

34 Sec. 30. EFFECTIVE UPON ENACTMENT. This division
 35 of this Act, being deemed of immediate importance,
 36 takes effect upon enactment.>

37 2. By renumbering as necessary.

HUSEMAN of Cherokee

H-1513

1 Amend House File 646 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 FY 2011-2012>

5 2. Page 3, line 9, by striking <\$905,468> and
 6 inserting <\$935,529>

7 3. Page 6, after line 2 by inserting:

8 <(3) In addition to the funds otherwise
 9 appropriated to the division in subparagraph (1), and
 10 contingent upon the enactment of legislation during the
 11 2011 legislative session relating to the permitting,
 12 licensing, construction, and operation of nuclear
 13 generation facilities and establishing rate-making
 14 principles in relation thereto, for salaries, support,
 15 maintenance, and miscellaneous purposes, and for not
 16 more than the following full-time equivalent positions:

17 \$ 500,000

18 FTEs 3.50

19 4. Page 9, line 7, by striking <\$3,400,541> and
 20 inserting <\$3,525,541>

21 5. By striking page 22, line 26, through page 23,
 22 line 3.

23 6. Page 23, after line 9 by inserting:

24 <DIVISION II

25 FY 2012-2013
 26 Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES.
 27 1. There is appropriated from the general fund of
 28 the state to the department of administrative services
 29 for the fiscal year beginning July 1, 2012, and ending
 30 June 30, 2013, the following amounts, or so much
 31 thereof as is necessary, to be used for the purposes
 32 designated, and for not more than the following
 33 full-time equivalent positions:
 34 a. For salaries, support, maintenance, and
 35 miscellaneous purposes:
 36 \$ 4,020,344
 37 FTEs 84.18
 38 b. For the payment of utility costs:
 39 \$ 2,939,400
 40 FTEs 1.00
 41 Notwithstanding section 8.33, any excess funds
 42 appropriated for utility costs in this lettered
 43 paragraph shall not revert to the general fund of the
 44 state at the end of the fiscal year but shall remain
 45 available for expenditure for the purposes of this
 46 lettered paragraph during the succeeding fiscal year.
 47 c. For Terrace Hill operations:
 48 \$ 405,914
 49 FTEs 6.88
 50 d. For the I3 distribution account:

Page 2

1 \$ 2,728,000
 2 e. For operations and maintenance of the Iowa
 3 building:
 4 \$ 1,018,185
 5 FTEs 4.00
 6 2. Members of the general assembly serving as
 7 members of the deferred compensation advisory board
 8 shall be entitled to receive per diem and necessary
 9 travel and actual expenses pursuant to section 2.10,
 10 subsection 5, while carrying out their official duties
 11 as members of the board.
 12 3. Any funds and premiums collected by the
 13 department for workers' compensation shall be
 14 segregated into a separate workers' compensation
 15 fund in the state treasury to be used for payment of
 16 state employees' workers' compensation claims and
 17 administrative costs. Notwithstanding section 8.33,
 18 unencumbered or unobligated moneys remaining in this
 19 workers' compensation fund at the end of the fiscal
 20 year shall not revert but shall be available for
 21 expenditure for purposes of the fund for subsequent
 22 fiscal years.
 23 Sec. ____ REVOLVING FUNDS. There is appropriated

24 to the department of administrative services for the
25 fiscal year beginning July 1, 2012, and ending June
26 30, 2013, from the revolving funds designated in
27 chapter 8A and from internal service funds created
28 by the department such amounts as the department
29 deems necessary for the operation of the department
30 consistent with the requirements of chapter 8A.

31 Sec. ____ FUNDING FOR IOWACCESS.

32 1. Notwithstanding section 321A.3, subsection
33 1, for the fiscal year beginning July 1, 2012, and
34 ending June 30, 2013, the first \$750,000 collected
35 and transferred by the department of transportation
36 to the treasurer of state with respect to the fees
37 for transactions involving the furnishing of a
38 certified abstract of a vehicle operating record under
39 section 321A.3, subsection 1, shall be transferred
40 to the IowAccess revolving fund for the purposes of
41 developing, implementing, maintaining, and expanding
42 electronic access to government records as provided by
43 law.

44 2. All fees collected with respect to transactions
45 involving IowAccess shall be deposited in the IowAccess
46 revolving fund and shall be used only for the support
47 of IowAccess projects.

48 Sec. ____ STATE EMPLOYEE HEALTH INSURANCE
49 ADMINISTRATION CHARGE. For the fiscal year beginning
50 July 1, 2012, and ending June 30, 2013, the monthly per

Page 3

1 contract administrative charge which may be assessed by
2 the department of administrative services shall be \$2
3 per contract on all health insurance plans administered
4 by the department.

5 Sec. ____ AUDITOR OF STATE.

6 1. There is appropriated from the general fund of
7 the state to the office of the auditor of state for the
8 fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amount, or so much thereof as is
10 necessary, to be used for the purposes designated, and
11 for not more than the following full-time equivalent
12 positions:

13 For salaries, support, maintenance, and
14 miscellaneous purposes:

15 \$ 935,529
16 FTEs 103.00

17 2. The auditor of state may retain additional
18 full-time equivalent positions as is reasonable and
19 necessary to perform governmental subdivision audits
20 which are reimbursable pursuant to section 11.20
21 or 11.21, to perform audits which are requested by
22 and reimbursable from the federal government, and

23 to perform work requested by and reimbursable from
 24 departments or agencies pursuant to section 11.5A
 25 or 11.5B. The auditor of state shall notify the
 26 department of management, the legislative fiscal
 27 committee, and the legislative services agency of the
 28 additional full-time equivalent positions retained.
 29 Sec. ____ IOWA ETHICS AND CAMPAIGN DISCLOSURE
 30 BOARD. There is appropriated from the general fund of
 31 the state to the Iowa ethics and campaign disclosure
 32 board for the fiscal year beginning July 1, 2012, and
 33 ending June 30, 2013, the following amount, or so much
 34 thereof as is necessary, for the purposes designated:
 35 For salaries, support, maintenance, and
 36 miscellaneous purposes, and for not more than the
 37 following full-time equivalent positions:
 38 \$ 475,000
 39 FTEs 5.00
 40 Sec. ____ DEPARTMENT OF COMMERCE.
 41 1. There is appropriated from the general fund
 42 of the state to the department of commerce for the
 43 fiscal year beginning July 1, 2012, and ending June 30,
 44 2013, the following amounts, or so much thereof as is
 45 necessary, for the purposes designated:
 46 a. ALCOHOLIC BEVERAGES DIVISION
 47 For salaries, support, maintenance, and
 48 miscellaneous purposes, and for not more than the
 49 following full-time equivalent positions:
 50 \$ 1,220,391

Page 4

1 FTEs 21.00
 2 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
 3 For salaries, support, maintenance, and
 4 miscellaneous purposes, and for not more than the
 5 following full-time equivalent positions:
 6 \$ 609,353
 7 FTEs 12.00
 8 2. There is appropriated from the department of
 9 commerce revolving fund created in section 546.12
 10 to the department of commerce for the fiscal year
 11 beginning July 1, 2012, and ending June 30, 2013, the
 12 following amounts, or so much thereof as is necessary,
 13 for the purposes designated:
 14 a. BANKING DIVISION
 15 For salaries, support, maintenance, and
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:
 18 \$ 8,851,670
 19 FTEs 80.00
 20 b. CREDIT UNION DIVISION
 21 For salaries, support, maintenance, and

22 miscellaneous purposes, and for not more than the
 23 following full-time equivalent positions:
 24 \$ 1,727,995
 25 FTEs 19.00
 26 c. INSURANCE DIVISION
 27 (1) For salaries, support, maintenance, and
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:
 30 \$ 4,983,244
 31 FTEs 106.50
 32 (2) The insurance division may reallocate
 33 authorized full-time equivalent positions as necessary
 34 to respond to accreditation recommendations or
 35 requirements. The insurance division expenditures
 36 for examination purposes may exceed the projected
 37 receipts, refunds, and reimbursements, estimated
 38 pursuant to section 505.7, subsection 7, including the
 39 expenditures for retention of additional personnel,
 40 if the expenditures are fully reimbursable and the
 41 division first does both of the following:
 42 (a) Notifies the department of management, the
 43 legislative services agency, and the legislative fiscal
 44 committee of the need for the expenditures.
 45 (b) Files with each of the entities named in
 46 subparagraph division (a) the legislative and
 47 regulatory justification for the expenditures, along
 48 with an estimate of the expenditures.
 49 d. UTILITIES DIVISION
 50 (1) For salaries, support, maintenance, and

Page 5

1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:
 3 \$ 8,173,069
 4 FTEs 79.00
 5 (2) The utilities division may expend additional
 6 funds, including funds for additional personnel, if
 7 those additional expenditures are actual expenses which
 8 exceed the funds budgeted for utility regulation and
 9 the expenditures are fully reimbursable. Before the
 10 division expends or encumbers an amount in excess of
 11 the funds budgeted for regulation, the division shall
 12 first do both of the following:
 13 (a) Notify the department of management, the
 14 legislative services agency, and the legislative fiscal
 15 committee of the need for the expenditures.
 16 (b) File with each of the entities named in
 17 subparagraph division (a) the legislative and
 18 regulatory justification for the expenditures, along
 19 with an estimate of the expenditures.
 20 (3) In addition to the funds otherwise appropriated

21 to the division in subparagraph (1), and contingent
22 upon the enactment of legislation during the 2011
23 legislative session relating to the permitting,
24 licensing, construction, and operation of nuclear
25 generation facilities and establishing rate-making
26 principles in relation thereto, for salaries, support,
27 maintenance, and miscellaneous purposes, and for not
28 more than the following full-time equivalent positions:

29 \$ 750,000

30 FTEs 5.00

31 3. CHARGES. Each division and the office of
32 consumer advocate shall include in its charges
33 assessed or revenues generated an amount sufficient
34 to cover the amount stated in its appropriation and
35 any state-assessed indirect costs determined by the
36 department of administrative services.

37 Sec. ____ DEPARTMENT OF COMMERCE — PROFESSIONAL
38 LICENSING AND REGULATION BUREAU. There is appropriated
39 from the housing trust fund of the Iowa finance
40 authority created in section 16.181, to the bureau of
41 professional licensing and regulation of the banking
42 division of the department of commerce for the fiscal
43 year beginning July 1, 2012, and ending June 30,
44 2013, the following amount, or so much thereof as is
45 necessary, to be used for the purposes designated:

46 For salaries, support, maintenance, and
47 miscellaneous purposes:

48 \$ 62,317

49 Sec. ____ GOVERNOR AND LIEUTENANT GOVERNOR. There
50 is appropriated from the general fund of the state to

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1 the offices of the governor and the lieutenant governor
2 for the fiscal year beginning July 1, 2012, and ending
3 June 30, 2013, the following amounts, or so much
4 thereof as is necessary, to be used for the purposes
5 designated:

6 1. GENERAL OFFICE

7 For salaries, support, maintenance, and
8 miscellaneous purposes for the general office of the
9 governor and the general office of the lieutenant
10 governor, and for not more than the following full-time
11 equivalent positions:

12 \$ 2,063,492

13 FTEs 21.00

14 2. TERRACE HILL QUARTERS

15 For salaries, support, maintenance, and
16 miscellaneous purposes for the governor's quarters
17 at Terrace Hill, and for not more than the following
18 full-time equivalent positions:

19 \$ 124,533

20 FTEs 1.88
 21 Sec. ____ GOVERNOR'S OFFICE OF DRUG CONTROL
 22 POLICY. There is appropriated from the general fund
 23 of the state to the governor's office of drug control
 24 policy for the fiscal year beginning July 1, 2012, and
 25 ending June 30, 2013, the following amount, or so much
 26 thereof as is necessary, to be used for the purposes
 27 designated:

28 For salaries, support, maintenance, and
 29 miscellaneous purposes, including statewide
 30 coordination of the drug abuse resistance education
 31 (D.A.R.E.) programs or similar programs, and for not
 32 more than the following full-time equivalent positions:
 33 \$ 326,043
 34 FTEs 8.00

35 Sec. ____ DEPARTMENT OF HUMAN RIGHTS. There is
 36 appropriated from the general fund of the state to
 37 the department of human rights for the fiscal year
 38 beginning July 1, 2012, and ending June 30, 2013, the
 39 following amounts, or so much thereof as is necessary,
 40 to be used for the purposes designated:

41 1. CENTRAL ADMINISTRATION DIVISION
 42 For salaries, support, maintenance, and
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions:
 45 \$ 235,890
 46 FTEs 7.00
 47 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
 48 For salaries, support, maintenance, and
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

Page 7

1 \$ 570,135
 2 FTEs 17.00
 3 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 4 For salaries, support, maintenance, and
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:
 7 \$ 1,023,892
 8 FTEs 10.00
 9 The criminal and juvenile justice planning advisory
 10 council and the juvenile justice advisory council
 11 shall coordinate their efforts in carrying out their
 12 respective duties relative to juvenile justice.

13 Sec. ____ DEPARTMENT OF INSPECTIONS AND
 14 APPEALS. There is appropriated from the general fund
 15 of the state to the department of inspections and
 16 appeals for the fiscal year beginning July 1, 2012, and
 17 ending June 30, 2013, the following amounts, or so much
 18 thereof as is necessary, for the purposes designated:

19 1. ADMINISTRATION DIVISION

20 For salaries, support, maintenance, and
21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions:

23 \$ 1,537,715
24 FTEs 37.40

25 2. ADMINISTRATIVE HEARINGS DIVISION

26 For salaries, support, maintenance, and
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 528,753
30 FTEs 23.00

31 3. INVESTIGATIONS DIVISION

32 a. For salaries, support, maintenance, and
33 miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:

35 \$ 1,168,639
36 FTEs 58.50

37 b. The department, in coordination with the
38 investigations division, shall provide a report to
39 the general assembly by January 10, 2013, concerning
40 the fiscal impact of additional full-time equivalent
41 positions on the department's efforts relative to the
42 Medicaid divestiture program under chapter 249F.

43 4. HEALTH FACILITIES DIVISION

44 a. For salaries, support, maintenance, and
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:

47 \$ 3,525,541
48 FTEs 134.75

49 b. The department shall, in coordination with
50 the health facilities division, make the following

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1 information available to the public in a timely
2 manner, to include providing the information on the
3 department's internet website, during the fiscal year
4 beginning July 1, 2012, and ending June 30, 2013:

5 (1) The number of inspections conducted by the
6 division annually by type of service provider and type
7 of inspection.

8 (2) The total annual operations budget for the
9 division, including general fund appropriations and
10 federal contract dollars received by type of service
11 provider inspected.

12 (3) The total number of full-time equivalent
13 positions in the division, to include the number of
14 full-time equivalent positions serving in a supervisory
15 capacity, and serving as surveyors, inspectors, or
16 monitors in the field by type of service provider
17 inspected.

18 (4) Identification of state and federal survey
 19 trends, cited regulations, the scope and severity of
 20 deficiencies identified, and federal and state fines
 21 assessed and collected concerning nursing and assisted
 22 living facilities and programs.

23 c. It is the intent of the general assembly that
 24 the department and division continuously solicit input
 25 from facilities regulated by the division to assess and
 26 improve the division's level of collaboration and to
 27 identify new opportunities for cooperation.

28 5. EMPLOYMENT APPEAL BOARD

29 a. For salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32 \$ 42,215
 33 FTEs 14.00

34 b. The employment appeal board shall be reimbursed
 35 by the labor services division of the department
 36 of workforce development for all costs associated
 37 with hearings conducted under chapter 91C, related
 38 to contractor registration. The board may expend,
 39 in addition to the amount appropriated under this
 40 subsection, additional amounts as are directly billable
 41 to the labor services division under this subsection
 42 and to retain the additional full-time equivalent
 43 positions as needed to conduct hearings required
 44 pursuant to chapter 91C.

45 6. CHILD ADVOCACY BOARD

46 a. For foster care review and the court appointed
 47 special advocate program, including salaries, support,
 48 maintenance, and miscellaneous purposes, and for not
 49 more than the following full-time equivalent positions:

50 \$ 2,404,771

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1 FTEs 40.80

2 b. The department of human services, in
 3 coordination with the child advocacy board and the
 4 department of inspections and appeals, shall submit an
 5 application for funding available pursuant to Tit. IV-E
 6 of the federal Social Security Act for claims for child
 7 advocacy board administrative review costs.

8 c. The court appointed special advocate program
 9 shall investigate and develop opportunities for
 10 expanding fund-raising for the program.

11 d. Administrative costs charged by the department
 12 of inspections and appeals for items funded under this
 13 subsection shall not exceed 4 percent of the amount
 14 appropriated in this subsection.

15 Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS
 16 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the

17 fiscal year beginning July 1, 2012, and ending June 30,
18 2013, the department of inspections and appeals shall
19 retain any license fees generated during the fiscal
20 year as a result of actions under section 137F.3A
21 occurring during the period beginning July 1, 2009, and
22 ending June 30, 2012, for the purpose of enforcing the
23 provisions of chapters 137C, 137D, and 137F.

24 Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS —
25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
26 any provision of section 135C.16 to the contrary,
27 inspections of health care facilities that are only
28 state-licensed and not certified under the Medicare
29 or Medicaid programs shall not be inspected by the
30 department of inspections and appeals every thirty
31 months, but only as provided pursuant to sections
32 135C.9 and 135C.38.

33 Sec. ____ RACING AND GAMING COMMISSION.
34 1. RACETRACK REGULATION

35 There is appropriated from the gaming regulatory
36 revolving fund established in section 99F.20 to the
37 racing and gaming commission of the department of
38 inspections and appeals for the fiscal year beginning
39 July 1, 2012, and ending June 30, 2013, the following
40 amount, or so much thereof as is necessary, to be used
41 for the purposes designated:

42 For salaries, support, maintenance, and
43 miscellaneous purposes for the regulation of
44 pari-mutuel racetracks, and for not more than the
45 following full-time equivalent positions:

46 \$ 2,511,440
47 FTEs 28.53

48 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

49 There is appropriated from the gaming regulatory
50 revolving fund established in section 99F.20 to the

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1 racing and gaming commission of the department of
2 inspections and appeals for the fiscal year beginning
3 July 1, 2012, and ending June 30, 2013, the following
4 amount, or so much thereof as is necessary, to be used
5 for the purposes designated:

6 For salaries, support, maintenance, and
7 miscellaneous purposes for administration and
8 enforcement of the excursion boat gambling and gambling
9 structure laws, and for not more than the following
10 full-time equivalent positions:

11 \$ 3,078,100
12 FTEs 44.22

13 Sec. ____ ROAD USE TAX FUND APPROPRIATION —
14 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
15 appropriated from the road use tax fund created in

16 section 312.1 to the administrative hearings division
17 of the department of inspections and appeals for the
18 fiscal year beginning July 1, 2012, and ending June 30,
19 2013, the following amount, or so much thereof as is
20 necessary, for the purposes designated:

21 For salaries, support, maintenance, and
22 miscellaneous purposes:

23 \$ 1,623,897

24 Sec. ____ DEPARTMENT OF MANAGEMENT.

25 1. There is appropriated from the general fund
26 of the state to the department of management for the
27 fiscal year beginning July 1, 2012, and ending June 30,
28 2013, the following amounts, or so much thereof as is
29 necessary, to be used for the purposes designated:

30 For salaries, support, maintenance, and
31 miscellaneous purposes, and for not more than the
32 following full-time equivalent positions:

33 \$ 2,163,998

34 FTEs 25.00

35 2. Of the moneys appropriated in this section, the
36 department shall use a portion for enterprise resource
37 planning, providing for a salary model administrator,
38 conducting performance audits, and for the department's
39 LEAN process.

40 Sec. ____ ROAD USE TAX APPROPRIATION — DEPARTMENT

41 OF MANAGEMENT. There is appropriated from the road use
42 tax fund created in section 312.1 to the department
43 of management for the fiscal year beginning July 1,
44 2012, and ending June 30, 2013, the following amount,
45 or so much thereof as is necessary, to be used for the
46 purposes designated:

47 For salaries, support, maintenance, and
48 miscellaneous purposes:

49 \$ 56,000

50 Sec. ____ DEPARTMENT OF REVENUE.

Page 11

1 1. There is appropriated from the general fund
2 of the state to the department of revenue for the
3 fiscal year beginning July 1, 2012, and ending June 30,
4 2013, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 For salaries, support, maintenance, and
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9 \$ 17,615,484

10 FTEs 303.48

11 2. Of the funds appropriated pursuant to this
12 section, \$400,000 shall be used to pay the direct
13 costs of compliance related to the collection and
14 distribution of local sales and services taxes imposed

15 pursuant to chapters 423B and 423E.
16 3. The director of revenue shall prepare and issue
17 a state appraisal manual and the revisions to the
18 state appraisal manual as provided in section 421.17,
19 subsection 17, without cost to a city or county.

20 Sec. ____ MOTOR VEHICLE FUEL TAX
21 APPROPRIATION. There is appropriated from the motor
22 fuel tax fund created by section 452A.77 to the
23 department of revenue for the fiscal year beginning
24 July 1, 2012, and ending June 30, 2013, the following
25 amount, or so much thereof as is necessary, to be used
26 for the purposes designated:

27 For salaries, support, maintenance, miscellaneous
28 purposes, and for administration and enforcement of the
29 provisions of chapter 452A and the motor vehicle use
30 tax program:

31 \$ 1,305,775

32 Sec. ____ SECRETARY OF STATE.

33 1. There is appropriated from the general fund of
34 the state to the office of the secretary of state for
35 the fiscal year beginning July 1, 2012, and ending June
36 30, 2013, the following amounts, or so much thereof as
37 is necessary, to be used for the purposes designated:

38 For salaries, support, maintenance, and miscellaneous
39 purposes, and for not more than the following full-time
40 equivalent positions:

41 \$ 2,895,585

42 FTEs 45.00

43 2. The state department or state agency which
44 provides data processing services to support voter
45 registration file maintenance and storage shall provide
46 those services without charge.

47 Sec. ____ SECRETARY OF STATE FILING FEES REFUND.

48 Notwithstanding the obligation to collect fees pursuant
49 to the provisions of section 490.122, subsection 1,
50 paragraphs "a" and "s", and section 504.113, subsection

Page 12

1 1, paragraphs "a", "c", "d", "j", "k", "l", and
2 "m", for the fiscal year beginning July 1, 2012, the
3 secretary of state may refund these fees to the filer
4 pursuant to rules established by the secretary of
5 state. The decision of the secretary of state not to
6 issue a refund under rules established by the secretary
7 of state is final and not subject to review pursuant
8 to chapter 17A.

9 Sec. ____ TREASURER.

10 1. There is appropriated from the general fund of
11 the state to the office of treasurer of state for the
12 fiscal year beginning July 1, 2012, and ending June 30,
13 2013, the following amount, or so much thereof as is

14 necessary, to be used for the purposes designated:
 15 For salaries, support, maintenance, and
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:
 18 \$ 854,289
 19 FTEs 28.80
 20 2. The office of treasurer of state shall supply
 21 clerical and secretarial support for the executive
 22 council.
 23 Sec. ____ ROAD USE TAX APPROPRIATION — OFFICE
 24 OF TREASURER OF STATE. There is appropriated from
 25 the road use tax fund created in section 312.1 to
 26 the office of treasurer of state for the fiscal year
 27 beginning July 1, 2012, and ending June 30, 2013, the
 28 following amount, or so much thereof as is necessary,
 29 to be used for the purposes designated:
 30 For enterprise resource management costs related to
 31 the distribution of road use tax funds:
 32 \$ 93,148
 33 Sec. ____ IPERS — GENERAL OFFICE. There is
 34 appropriated from the Iowa public employees' retirement
 35 system fund to the Iowa public employees' retirement
 36 system for the fiscal year beginning July 1, 2012, and
 37 ending June 30, 2013, the following amount, or so much
 38 thereof as is necessary, to be used for the purposes
 39 designated:
 40 For salaries, support, maintenance, and other
 41 operational purposes to pay the costs of the Iowa
 42 public employees' retirement system, and for not more
 43 than the following full-time equivalent positions:
 44 \$ 17,686,968
 45 FTEs 90.13>
 46 7. By renumbering as necessary.

WATTS of Dallas

H-1514

1 Amend House File 646 as follows:
 2 1. Page 3, by striking lines 17 through 21 and
 3 inserting <or agencies pursuant to section 11.5A or
 4 11.5B. The auditor of state shall submit documentation
 5 justifying the necessity for the retention of
 6 additional full-time equivalent positions to the state
 7 executive council, and shall receive approval from
 8 the council, prior to such retention. The auditor
 9 of state shall notify the department of management,
 10 the legislative fiscal committee, and the legislative
 11 services agency of any additional full-time equivalent
 12 positions retained.
 13 3. As a condition of receiving funding appropriated
 14 in this section, for the fiscal year beginning July

15 1, 2011, and ending June 30, 2012, the auditor shall
16 comply with all of the following requirements:
17 a. The rates and fees set by the auditor to conduct
18 audits for the fiscal year shall not exceed the rates
19 and fees set for conducting audits as of January 1,
20 2009.
21 b. The auditor shall not seek reimbursement from
22 departments and agencies specified in section 11.5B in
23 an amount that exceeds the total amount reimbursed to
24 the auditor by those departments and agencies for the
25 fiscal year beginning July 1, 2008.
26 c. The auditor shall not seek reimbursement
27 from governmental subdivisions for audits which are
28 reimbursable pursuant to section 11.20 or 11.21 in an
29 amount that exceeds the total amount reimbursed to the
30 auditor by governmental subdivisions for the fiscal
31 year beginning July 1, 2008.
32 d. Notwithstanding any provision of this subsection
33 to the contrary, the auditor may seek reimbursement
34 from departments and agencies specified in section
35 11.5B, and governmental subdivisions, in an amount
36 that exceeds the total amount reimbursed to the
37 auditor by those departments, agencies, or governmental
38 subdivisions for the fiscal year beginning July 1,
39 2008, for audits required by the federal government and
40 reimbursable from federal funds.
41 e. For purposes of this subsection, "total amount
42 reimbursed" does not include amounts reimbursed for
43 audits required and reimbursed from federal funds.
44 Sec. ____ AUDITOR OF STATE — DISCRETIONARY
45 AUDITS. For the fiscal year beginning July 1, 2011,
46 and ending June 30, 2012, the auditor of state, in
47 addition to any other requirements provided in this
48 Act, shall not seek reimbursement from departments
49 and agencies specified in section 11.5B for any
50 discretionary audit that the auditor initiates or has

Page 2

1 initiated on the auditor's own authority and which is
2 not specifically required by statute. Notwithstanding
3 the prohibition contained in this section, the auditor
4 shall perform all necessary audit duties related to
5 any financial report required to be compiled by a
6 department or agency that the auditor has previously
7 audited in the normal course of the auditor's duties,
8 whether or not such financial report is required
9 by law. Any amounts reimbursed in association with
10 such audit shall be limited to the amounts reimbursed
11 for the audit of such report during the previous
12 reporting period. However, the auditor of state
13 may seek reimbursement for the cost of conducting a

14 discretionary audit from any moneys recovered pursuant
15 to any criminal or civil action arising out of the
16 discretionary audit.>
17 2. By renumbering as necessary.

HUNTER of Polk

H-1515

1 Amend House File 646 as follows:
2 1. Page 10, line 18, by striking <2,404,771> and
3 inserting <2,679,771>

WITTNEBEN of Emmet

H-1516

1 Amend House File 646 as follows:
2 1. Page 11, after line 12 by inserting:
3 <Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS
4 — NURSING FACILITIES INSPECTIONS. For the fiscal
5 year beginning July 1, 2011, and ending June 30,
6 2012, of the moneys credited to the Medicaid fraud
7 account created in section 249A.7, the department shall
8 allocate \$400,000 for nursing facility inspections.
9 The allocation pursuant to this section shall be in
10 addition to, and not in lieu of, amounts otherwise
11 appropriated or available for such inspections.>

GASKILL of Wapello

H-1517

1 Amend House File 646 as follows:
2 1. Page 13, after line 22 by inserting:
3 <Sec. ____ DEPARTMENT OF REVENUE — REVENUE
4 EXAMINERS. There is appropriated from the general
5 fund of the state to the department of revenue for the
6 fiscal year beginning July 1, 2011, and ending June
7 30, 2012, the following amount, or so much thereof as
8 is necessary, to be used for the purposes designated:
9 For salaries, support, maintenance, and miscellaneous
10 purposes for revenue examiners:
11 \$ 350,000
12 FTEs 5.00>
13 2. By renumbering as necessary.

LENSING of Johnson

H-1518

1 Amend House File 646 as follows:

2 1. Page 15, after line 23 by inserting:

3 <Sec. ____ STATE CAPITOL SIDEWALK HEATING —
4 DISCONNECTION. The department of administrative
5 services shall disconnect electricity to the heated
6 sidewalk installed in the entry walkway on the East
7 side of the state capitol building, and shall not
8 reconnect the electricity without the authorization of
9 the general assembly.>

10 2. Page 23, after line 9 by inserting:

11 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
12 of this Act directing the department of administrative
13 services to disconnect electricity to the heated
14 sidewalk installed at the state capitol building, being
15 deemed of immediate importance, takes effect upon
16 enactment.>

17 3. Title page, line 4, after <atters> by inserting
18 <, and including effective date provisions>

19 4. By renumbering as necessary.

WENTHE of Fayette

H-1519

1 Amend House File 646 as follows:

2 1. By striking page 15, line 24, through page 21,
3 line 10, and inserting:

4 <Sec. ____ STATE-OWNED PASSENGER VEHICLES —
5 RECOMMENDATIONS.

6 1. For purposes of this section, "passenger
7 vehicles" means United States environmental protection
8 agency designated compact sedans, compact wagons,
9 midsize sedans, midsize wagons, full-size sedans,
10 and passenger minivans. "Passenger vehicles" does
11 not mean utility vehicles, vans other than passenger
12 minivans, fire trucks, ambulances, motor homes, buses,
13 medium-duty and heavy-duty trucks, heavy construction
14 equipment, and other highway maintenance vehicles,
15 vehicles assigned for law enforcement purposes,
16 vehicles assigned for specialized use by the department
17 of natural resources, and any other classes of vehicles
18 of limited application approved by the director of the
19 department of administrative services.

20 2. Consistent with the requirements of section
21 8A.361, for the period beginning on the effective date
22 of this Act and ending June 30, 2011, the department of
23 administrative services shall be the sole department
24 authorized to operate a pool of passenger vehicles
25 located in Polk county for temporary assignment to
26 multiple drivers of a state department or agency that

27 is located within Polk county. For that period, the
28 department shall not purchase new passenger vehicles
29 for the pool.

30 3. The joint appropriations subcommittee on
31 administration and regulation shall develop and, on
32 or before April 18, 2011, shall submit recommended
33 implementation provisions to the general assembly's
34 committees on appropriations in proposed legislation
35 concerning all of the following:

36 a. Eliminating and selling the pool of state-owned
37 passenger vehicles located in Polk county for temporary
38 assignment to multiple drivers of a department or
39 agency that is located within Polk county. The
40 recommendations shall not encompass vehicles assigned
41 for law enforcement purposes or for specialized use by
42 the department of natural resources.

43 b. Outsourcing, pursuant to a request for proposals
44 process, state vehicle leasing through a private entity
45 to fill the needs addressed by the vehicles subject to
46 sale under paragraph "a". The request for proposals
47 process shall commence with notice published on the
48 department's website regarding the department's intent
49 to pursue state vehicle leasing outsourcing. The
50 legislation shall require the legislative services

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1 agency to report to the general assembly within 90
2 days of the close of each fiscal year providing an
3 analysis as to how the cost for that fiscal year of
4 outsourcing state vehicle leasing through a private
5 entity compared to the previous fiscal year and how
6 the cost of the outsourcing approach compared to state
7 ownership and management of the passenger vehicle pool.
8 If at any time the cost of the outsourcing approach is
9 determined to be in excess of the cost of state-owned
10 approach, the outsourcing approach shall be terminated
11 and replaced with the most cost-effective approach
12 identified by the department of administrative services
13 for providing the passenger vehicle pool.>

14 2. Page 23, after line 9 by inserting:
15 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
16 of this Act relating to state-owned passenger vehicles,
17 being deemed of immediate importance, takes effect upon
18 enactment.>

19 3. Title page, line 4, after <atters> by inserting
20 <, and including effective date provisions>

HUNTER of Polk

H-1520

- 1 Amend House File 646 as follows:
- 2 1. Page 6, line 30, by striking <\$2,063,492> and
- 3 inserting <\$2,038,492>
- 4 2. Page 7, by striking lines 1 and 2 and inserting:
- 5 <..... \$ <69,533
- 6 FTEs 0.88>
- 7 3. Page 10, by striking line 18 and inserting:
- 8 \$ 2,484,771>

HUNTER of Polk

H-1521

- 1 Amend the amendment, H-1512, to House File 648 as
- 2 follows:
- 3 1. Page 1, by striking lines 16 through 19 and
- 4 inserting:
- 5 <b. For exterior repairs and related improvements
- 6 to the state historical building:>
- 7 2. Page 9, after line 20 by inserting:
- 8 <Sec. ____ Section 15.301, subsection 1, paragraph
- 9 c, subparagraph (2), Code 2011, is amended to read as
- 10 follows:
- 11 (2) ~~For each quarter, beginning with the first~~
- 12 ~~quarter after the reversion of moneys pursuant to~~
- 13 ~~subparagraph (1) and ending with the last quarter prior~~
- 14 ~~to the reversion of moneys pursuant to subparagraph~~
- 15 ~~(2); As repayments of moneys loaned pursuant to this~~
- 16 ~~section are made, the department shall, on the last day~~
- 17 ~~of the quarter, transfer such moneys to the general~~
- 18 ~~fund of the state the balance of unencumbered moneys~~
- 19 ~~in the fund.>~~
- 20 3. By striking page 13, line 43, through page 14,
- 21 line 14, and inserting:
- 22 <Sec. ____ 2010 Iowa Acts, chapter 1184, section
- 23 43, is amended to read as follows:
- 24 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
- 25 APPROPRIATION.
- 26 1. There is appropriated from the school
- 27 infrastructure fund created in section 12.82 to the
- 28 department of economic development for deposit in the
- 29 save our small businesses fund for the fiscal year
- 30 beginning July 1, 2010, and ending June 30, 2011, the
- 31 following amount, or so much thereof as is necessary,
- 32 to be used for the purposes designated, notwithstanding
- 33 section 12.82, subsection 1:
- 34 For purposes of providing financial assistance under
- 35 the save our small businesses program under section
- 36 15.301:
- 37 \$ 5,000,000

38 Of the moneys appropriated pursuant to this section,
 39 the department may allocate an amount not to exceed
 40 two percent of the moneys appropriated for purposes of
 41 retaining the services of an organization designated
 42 pursuant to section 15.301, subsection 2, paragraph
 43 "b".

44 2. On the effective date of this section of this
 45 2011 Iowa Act, any unobligated and unencumbered moneys
 46 appropriated in this section shall revert to the
 47 general fund of the state.>

48 4. By renumbering as necessary.

HUSEMAN of Cherokee

H-1522

1 Amend the amendment, H-1512, to House File 648 as
 2 follows:

3 1. Page 1, by striking lines 16 through 19 and
 4 inserting:

5 <b. For exterior repairs and related improvements
 6 to the state historical building:>

7 2. By striking page 13, line 8, through page 14,
 8 line 33.

9 3. By renumbering as necessary.

HUSEMAN of Cherokee

H-1523

1 Amend the amendment, H-1505, to House File 645 as
 2 follows:

3 1. Page 1, after line 13 by inserting:

4 <DIVISION ____
 5 STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN

6 Sec. ____ Section 237A.21, subsection 3, paragraph
 7 p, Code 2011, is amended to read as follows:

8 p. One person who is part of a local program
 9 implementing the statewide preschool program for
 10 four-year-old children under chapter ~~256C~~ 256J.

11 Sec. ____ Section 237A.22, subsection 1, paragraph
 12 f, Code 2011, is amended to read as follows:

13 f. Make recommendations for improving
 14 collaborations between the child care programs
 15 involving the department and programs supporting the
 16 education and development of young children including
 17 but not limited to the federal head start program, ~~the~~
 18 ~~statewide preschool program for four-year-old children~~
 19 and the early childhood, at-risk, and other early
 20 education programs administered by the department of
 21 education.

22 Sec. ____ Section 256.11, subsection 1, paragraph

23 c, Code 2011, is amended to read as follows:

24 c. For the purposes of this subsection,
25 "prekindergarten program" includes but is not limited
26 to a school district's implementation of the preschool
27 program established pursuant to chapter ~~256C~~ 256J.

28 Sec. ____ Section 257.16, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. There is appropriated each year from the
31 general fund of the state an amount necessary to pay
32 the foundation aid under this chapter, ~~the preschool~~
33 ~~foundation aid under chapter 256C~~, supplementary
34 aid under section 257.4, subsection 2, and adjusted
35 additional property tax levy aid under section 257.15,
36 subsection 4.

37 Sec. ____ Section 272.2, subsection 18, Code 2011,
38 is amended to read as follows:

39 18. May adopt rules for practitioners who are not
40 eligible for a statement of professional recognition
41 under subsection 10, but have received a baccalaureate
42 degree and provide a service to students at any or all
43 levels from prekindergarten through grade twelve for
44 a school district, accredited nonpublic school, area
45 education agency, or preschool program established
46 pursuant to chapter ~~256C~~ 256J.

47 Sec. ____ Section 285.1, subsection 1, paragraph
48 a, subparagraph (3), Code 2011, is amended to read as
49 follows:

50 (3) Children attending prekindergarten programs

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1 offered or sponsored by the district or nonpublic
2 school and approved by the department of education or
3 department of human services or children participating
4 in preschool in an approved local program under chapter
5 ~~256C~~ 256J may be provided transportation services.
6 However, transportation services provided to nonpublic
7 school children are not eligible for reimbursement
8 under this chapter.

9 Sec. ____ REPEAL. Chapter 256C, Code 2011, is
10 repealed.

11 Sec. ____ EFFECTIVE DATE AND APPLICABILITY. This
12 division of this Act takes effect July 1, 2011, and
13 applies to budget years beginning on or after July 1,
14 2011.

15 DIVISION ____

16 PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN

17 Sec. ____ NEW SECTION. 256J.1 Definitions.

18 As used in this chapter:

- 19 1. "Department" means the department of education.
20 2. "Director" means the director of the department
21 of education.

22 3. "Eligible school district" or "school district"
23 means a school corporation organized under chapter
24 274 that meets the requirements of section 256J.3,
25 subsection 4, and has been approved by the department
26 to implement preschool programs as provided in this
27 chapter.
28 4. "High-quality preschool program" means a
29 preschool program that meets the federal head start
30 program performance standards adopted pursuant to the
31 federal Improving Head Start for School Readiness
32 Act of 2007, Pub. L. No. 110-134, the Iowa quality
33 preschool program standards and criteria as determined
34 by the department in accordance with 281 IAC 16.3, and
35 the national association for the education of young
36 children program standards and accreditation criteria.
37 5. "Preschool scholarship" means the state funding
38 allocated to school districts to pay tuition for
39 eligible children enrolled in preschool programs
40 implemented pursuant to this chapter.
41 6. "Private education partner" means a private
42 preschool provider that may submit claims for
43 reimbursement to a school district for providing
44 high-quality preschool instruction to four-year-old
45 children receiving scholarships in accordance with this
46 chapter.
47 7. "State board" means the state board of
48 education.
49 Sec. ____ NEW SECTION. 256J.2 Preschool program
50 for four-year-old children — scholarships — purpose.

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1 1. A preschool program for four-year-old children
2 is established in the department to provide an
3 opportunity for all eligible children, including
4 economically disadvantaged children, to enter
5 school ready to learn. The purpose of the preschool
6 scholarship program shall be to provide scholarships
7 to pay for eligible four-year-old children to attend
8 high-quality preschool provided by school districts or
9 private education partners.
10 2. The state board shall adopt rules pursuant
11 to chapter 17A, and may adopt emergency rules under
12 section 17A.4, subsection 3, and section 17A.5,
13 subsection 2, paragraph "b", as necessary to implement
14 this chapter.
15 Sec. ____ NEW SECTION. 256J.3 Preschool program
16 requirements.
17 1. Eligible children. A child who is a resident of
18 Iowa and is four years of age on or before September 15
19 of a school year is eligible to enroll, based on order
20 of registration, in a preschool program implemented

21 pursuant to this chapter and may be eligible for a
22 preschool scholarship based upon the most current
23 sliding tuition scale determined and published by the
24 department in accordance with subsection 5. A school
25 district approved to participate in the preschool
26 program pursuant to this chapter may enroll a younger
27 child or an older child in the preschool program if
28 space is available; however, the child shall not be
29 counted in the preschool enrollment count for preschool
30 scholarship funding purposes under section 256J.5.
31 a. A family may choose to enroll the family's
32 four-year-old child in an approved school district
33 preschool program or a preschool program implemented by
34 a private education partner. Families shall complete
35 all enrollment requirements, including but not limited
36 to income verification.
37 b. A school district or a private education partner
38 may charge tuition for children participating in
39 the preschool program, but shall not charge more for
40 tuition than the amount determined and published by the
41 department. All families enrolling eligible children
42 are required to pay tuition based on income and the
43 most current sliding tuition scale determined and
44 published by the department.
45 2. Teacher requirements.
46 a. An individual serving as a preschool teacher
47 in the preschool program for four-year-old children
48 shall be employed by or under contract with the
49 approved school district or by a private education
50 partner located within the approved school district's

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1 boundaries and shall meet one of the following
2 qualifications:
3 (1) The individual is appropriately licensed under
4 chapter 272 and meets the requirements of chapter 284.
5 (2) The individual possesses, or is working toward
6 obtaining within two years of starting employment under
7 this subsection, an early childhood certificate of
8 eligibility issued under chapter 272, and meets either
9 of the following conditions:
10 (a) Holds a bachelor's or graduate degree from an
11 accredited college or university.
12 (b) Holds an associate of arts degree and is
13 working toward obtaining a bachelor's degree within
14 three years. This subparagraph division (b) is
15 repealed August 31, 2014.
16 b. A preschool teacher in an approved preschool
17 program shall collaborate with other agencies,
18 organizations, and boards in the community to further
19 the program's capacity to meet the diverse needs of the

20 children enrolled in the program and the families of
21 the children, such as needs for early care, health, and
22 human services. In addition, the approved preschool
23 program shall work to maintain relationships with
24 each child's family in order to enhance the child's
25 development in all settings by collaborating with
26 providers of parent education and family support
27 opportunities.

28 3. Program requirements — program approval. The
29 state board shall adopt rules to further define the
30 following preschool program requirements, which shall
31 be used to determine whether or not a local program
32 implemented by a school district or private education
33 partner qualifies for approval to implement a preschool
34 program:

35 a. Maximum and minimum teacher-to-child ratios and
36 class sizes.

37 b. Applicable state and federal program standards,
38 including but not limited to the federal head start
39 program performance standards adopted pursuant to the
40 federal Improving Head Start for School Readiness
41 Act of 2007, Pub. L. No. 110-134, the Iowa quality
42 preschool program standards and criteria as determined
43 by the department in accordance with 281 IAC 16.3, and
44 the national association for the education of young
45 children program standards and accreditation criteria.

46 c. Student learning standards.

47 d. Applicable comprehensive statewide child
48 assessment determined by the department.

49 e. Provisions for the integration of children from
50 other state and federally funded preschools.

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1 f. Collaboration with participating families, early
2 care providers, and community partners including but
3 not limited to early childhood Iowa area boards, head
4 start programs, shared visions, licensed child care
5 centers, registered child development homes, early
6 childhood special education programs, services funded
7 by Tit. I of the federal Elementary and Secondary
8 Education Act of 1965, and family support programs.

9 g. A minimum of ten hours per week, thirty-four
10 weeks per year, of instruction delivered on the
11 skills and knowledge included in the student learning
12 standards developed for the preschool program.

13 h. Family involvement in the preschool program.

14 i. Provision for ensuring that children receiving
15 care from other child care arrangements can participate
16 in the preschool program with minimal disruption due to
17 transportation and movement from one site to another.

18 4. School district requirements. The state board

19 shall adopt rules to further define the following
20 requirements for school districts implementing a
21 preschool program pursuant to this chapter:
22 a. Collect documentation of school district and
23 private education partner readiness to meet program
24 requirements. The school district shall submit
25 documentation to the department that demonstrates that
26 the school district contacted all known potential
27 private education partners within the school district,
28 including but not limited to, and only as applicable,
29 accredited nonpublic schools and faith-based
30 preschools, the early childhood Iowa area board, the
31 federal head start program, shared visions and other
32 programs provided under the auspices of the child
33 development coordinating council, and center-based
34 providers of child care services.
35 b. Collaborate with all approved high-quality
36 preschool program sites in the district to better serve
37 children enrolled in the preschool program in the
38 following ways:
39 (1) Extending the day, for children eligible for
40 preschool scholarships, through other state funding
41 and federal funding, including but not limited to
42 funding available through early childhood Iowa area
43 boards, federal head start programs, shared visions
44 and other programs provided under the auspices of the
45 child development coordinating council, licensed child
46 care centers, registered child development homes, early
47 childhood special education programs, services funded
48 by Tit. I of the federal Elementary and Secondary
49 Education Act of 1965, and family support programs.
50 (2) Promoting family involvement through family

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1 support programs as well as district programs.
2 c. Participate in data collection and performance
3 measurement processes and reporting, including
4 reporting fall and spring applicable comprehensive
5 statewide child assessment data as specified by the
6 department.
7 d. Identify eligible children through targeted
8 outreach to all families in partnership with the early
9 childhood Iowa area board.
10 e. Collect information regarding and verify
11 family income to implement the sliding tuition
12 scale determined and published by the department in
13 accordance with subsection 5.
14 f. Address professional development for school
15 district preschool teachers in the school district's
16 professional development plan implemented in accordance
17 with section 284.6.

18 g. Collaborate with private education partners
19 to provide a coordinated system of appropriate
20 professional development for preschool teachers and
21 staff employed in the preschool program.
22 h. Pay only those claims submitted by the school
23 district's private education partners which are
24 verified by the process set forth in section 279.29.
25 5. Department requirements. The department shall
26 do the following:
27 a. Implement an application and approval process
28 for school district participation in the preschool
29 program that includes but is not limited to the
30 enrollment requirements provided under subsection 1.
31 b. Track the progress of all children served by
32 a school district preschool program and by the school
33 district's private education partners and track the
34 children's performance in elementary and secondary
35 education.
36 c. Implement procedures to monitor the quality of
37 the programming provided under the preschool program
38 at all school district and private education partner
39 sites.
40 d. Determine a statewide comprehensive child
41 assessment to measure child outcomes for all children
42 participating in the preschool program at school
43 districts and private education partner sites.
44 e. Submit an annual report to the governor, the
45 general assembly, the early childhood Iowa state board,
46 and the child development coordinating council.
47 (1) The early childhood Iowa state board and the
48 child development coordinating council shall advise
49 the department regarding collaboration of high-quality
50 preschool programs for eligible children.

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1 (2) The early childhood Iowa state board shall
2 promote the preschool program in local communities to
3 increase family awareness of quality preschool programs
4 and scholarship opportunities.
5 (3) The early childhood Iowa area boards shall
6 collaborate with school districts and their private
7 education partners to strengthen preschool quality.
8 f. Develop a statewide list of approved school
9 district and private education partner preschool
10 programs and publish the list on its website. The list
11 shall include information about preschool scholarships
12 and the sliding tuition scale in addition to other
13 information for families.
14 g. Develop and review annually a sliding tuition
15 scale for purposes of granting preschool program
16 scholarships to families whose incomes are at or below

17 three hundred percent of the federal poverty level as
18 defined by the most recently revised poverty income
19 guidelines published by the United States department of
20 health and human services.

21 6. Private education partner — religious
22 expression. An approved high-quality preschool
23 program offered by a religious entity or organization
24 shall not be prohibited from the free exercise of
25 religion during the program's hours of instruction if
26 the program meets the program requirements established
27 pursuant to this section.

28 Sec. ____ NEW SECTION. 256J.4 Funding provisions
29 — enrollment.

30 1. General.

31 a. State funding provided for preschool
32 scholarships shall be allocated to school districts for
33 each school year based upon the amount appropriated and
34 the funding formula set forth in section 256J.5.

35 b. Except as otherwise provided in chapter 298A,
36 a school district approved to participate in the
37 preschool program may authorize expenditures for the
38 school district's preschool programming from any of
39 the revenue sources available to the district from
40 the sources listed in chapter 298A, provided the
41 expenditures are within the uses permitted for the
42 revenue source. In addition, the use of the revenue
43 source for preschool programming must have been
44 approved prior to any expenditure from the revenue
45 source for the school district's preschool program.

46 c. Funding provided for the preschool program
47 pursuant to this chapter is intended to supplement,
48 not supplant, existing public funding for preschool
49 programming.

50 d. Preschool scholarship funding shall not be

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1 commingled with the other state aid payments made
2 under section 257.16 to a school district and shall be
3 accounted for by the school district separately from
4 the other state aid payments. Preschool scholarship
5 payments made to school districts are miscellaneous
6 income for purposes of chapter 257. A school district
7 shall maintain a separate listing within its budget
8 for preschool scholarship payments received and
9 expenditures made. A school district shall certify
10 to the department that preschool scholarship funding
11 received by the school district was used to supplement,
12 not supplant, moneys otherwise received and used by the
13 school district for preschool programming.

14 e. Preschool scholarship funding shall not be used
15 for the costs of constructing a facility in connection

16 with a school district or private education partner
17 preschool program.
18 f. Preschool scholarship funding received by a
19 school district or private education partner may be
20 used in conjunction with funding from family-paid
21 tuition to support the school district or private
22 education partner in providing the preschool program.
23 Not more than five percent of the scholarship funding
24 received annually by a school district shall be used
25 for the costs of supervising the program.
26 2. Eligible student enrollment.
27 a. To be included as an eligible student in the
28 preschool enrollment count by a school district, a
29 child shall meet the requirements of section 256J.3,
30 subsection 1, and shall be enrolled in and attending a
31 preschool program implemented by a school district or a
32 school district's private education partner.
33 b. The enrollment count for the preschool program
34 shall include all eligible children who are enrolled
35 in and attending a preschool program implemented by
36 a school district and the school district's private
37 education partners shall be collected by the school
38 district on the date prescribed in section 257.6 and
39 shall be certified to the department by the school
40 district by October 15.
41 Sec. __. NEW SECTION. 256J.5 State funding
42 allocation — expenditure limitation.
43 1. State funding.
44 a. Allocation formula. For each fiscal year in
45 which moneys are appropriated by the general assembly
46 for purposes of the preschool program for four-year-old
47 children, preschool scholarship funding shall be
48 allocated to approved school districts on a per pupil
49 basis calculated on the proportion that the number of
50 the approved school district's first grade children who

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1 are eligible for free or reduced price meals under the
2 federal Healthy, Hungry-Free Kids Act of 2010, Pub. L.
3 No. 111-296, multiplied by the average of the previous
4 three years of certified kindergarten enrollment, bears
5 to the sum of the number of first grade children in
6 all approved school districts who are eligible for
7 free or reduced price meals under the federal Healthy,
8 Hungry-Free Kids Act of 2010, Pub. L. No. 111-296,
9 multiplied by the average of the previous three years
10 of certified kindergarten enrollment in all approved
11 school districts in the state for the base year.
12 b. Redistribution of state funding. Based on
13 the October 1 certified preschool enrollment count
14 determined pursuant to section 256J.4, subsection 2,

15 the department shall evaluate the needs of approved
16 school districts and approved private education
17 partners and shall take action to redistribute unused
18 state funding as appropriate.

19 c. Limited purpose. State funds provided for
20 purposes of this chapter shall not be expended for
21 any purpose not expressly authorized in this chapter
22 or in administrative rules adopted to administer this
23 chapter.

24 2. Program sites — conditional allocation. A
25 school district shall not receive preschool scholarship
26 funding without school district or private education
27 partner preschool program sites.

28 3. Program continuation subject to approval. For
29 subsequent budget years, continuation of a school
30 district's participation in the preschool program is
31 subject to the approval of the department based upon
32 the school district's compliance with accountability
33 provisions and the department's on-site review of the
34 school district's implementation of the preschool
35 program.

36 4. Insufficient funding. If the amount appropriated
37 annually for purposes of this section is not
38 sufficient to pay the total allocation to approved
39 school districts, the allocation shall be based on
40 the proportion that the total allocation for each
41 approved school district bears to the sum of the total
42 allocations to all approved school districts.

43 5. Payments to private education
44 partners. Reimbursements shall be provided to private
45 education partners by approved school districts on a
46 monthly basis, beginning with the month in which the
47 school district receives payment under subsection 1,
48 paragraph "a", and ending in July, upon submission and
49 verification of actual instructional costs incurred
50 in the school year.

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1 6. Department administration and oversight. Except
2 as otherwise provided by law for a fiscal year,
3 of the amount appropriated by the general assembly
4 for a fiscal year for purposes of this chapter, the
5 department may use an amount sufficient to fund up
6 to four full-time equivalent positions which shall
7 be in addition to the number of positions authorized
8 for the department for the fiscal year to provide
9 administration and oversight of the preschool program.
10 Oversight shall include but not be limited to data
11 collection requirements, maintenance of website
12 listings of school district and private education
13 partners providing high-quality preschool programs, and

14 assessment results.
 15 7. Open enrollment not applicable. Section 282.18
 16 shall not apply to preschool programs implemented under
 17 this chapter. However, approved programs shall be open
 18 to all eligible Iowa children, regardless of a child's
 19 district of residence.
 20 8. Participation in preschool not good
 21 cause. Participation by a child in an approved
 22 preschool program under this chapter does not qualify
 23 as "good cause", as defined in section 282.18,
 24 subsection 4, paragraph "b", for purposes of claiming
 25 continuous enrollment in a school district other than
 26 the district of residence.
 27 Sec. ____ Section 272.2, Code 2011, is amended by
 28 adding the following new subsection:
 29 NEW SUBSECTION. 19. Adopt rules establishing
 30 an early childhood certificate of eligibility for
 31 individuals who meet the requirements of section
 32 256J.3, subsection 2, paragraph "a", subparagraph
 33 (2), for preschool teachers. The rules for obtaining
 34 such a certificate shall require that an applicant
 35 successfully complete twelve hours of coursework from
 36 an accredited institution of higher education in early
 37 childhood education, child development, elementary
 38 education, or early childhood special education, and
 39 this coursework shall encompass child development and
 40 learning of children from birth through kindergarten;
 41 family and community relationships; observing,
 42 documenting, and assessing young children; teaching and
 43 learning; and professional practices and development.>
 44 2. Page 12, after line 44 by inserting:
 45 <____. Title page, line 5, after <matter> by
 46 inserting <and for effective date and applicability
 47 provisions>>

DOLECHECK of Ringgold

H-1524

1 Amend House File 645 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <DIVISION I
 4 FY 2012-2013>
 5 2. Page 20, after line 30 by inserting:
 6 <DIVISION II
 7 STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN
 8 Sec. ____ Section 237A.21, subsection 3, paragraph
 9 p, Code 2011, is amended to read as follows:
 10 p. One person who is part of a local program
 11 implementing the statewide preschool program for
 12 four-year-old children under chapter ~~256C~~ 256J.
 13 Sec. ____ Section 237A.22, subsection 1, paragraph

14 f, Code 2011, is amended to read as follows:

15 f. Make recommendations for improving
16 collaborations between the child care programs
17 involving the department and programs supporting the
18 education and development of young children including
19 but not limited to the federal head start program, ~~the~~
20 ~~statewide preschool program for four-year-old children~~
21 and the early childhood, at-risk, and other early
22 education programs administered by the department of
23 education.

24 Sec. ____ Section 256.11, subsection 1, paragraph
25 c, Code 2011, is amended to read as follows:

26 c. For the purposes of this subsection,
27 "prekindergarten program" includes but is not limited
28 to a school district's implementation of the preschool
29 program established pursuant to chapter ~~256C~~ 256J.

30 Sec. ____ Section 257.16, subsection 1, Code 2011,
31 is amended to read as follows:

32 1. There is appropriated each year from the
33 general fund of the state an amount necessary to pay
34 the foundation aid under this chapter, ~~the preschool~~
35 ~~foundation aid under chapter 256C~~, supplementary
36 aid under section 257.4, subsection 2, and adjusted
37 additional property tax levy aid under section 257.15,
38 subsection 4.

39 Sec. ____ Section 272.2, subsection 18, Code 2011,
40 is amended to read as follows:

41 18. May adopt rules for practitioners who are not
42 eligible for a statement of professional recognition
43 under subsection 10, but have received a baccalaureate
44 degree and provide a service to students at any or all
45 levels from prekindergarten through grade twelve for
46 a school district, accredited nonpublic school, area
47 education agency, or preschool program established
48 pursuant to chapter ~~256C~~ 256J.

49 Sec. ____ Section 285.1, subsection 1, paragraph
50 a, subparagraph (3), Code 2011, is amended to read as

Page 2

1 follows:

2 (3) Children attending prekindergarten programs
3 offered or sponsored by the district or nonpublic
4 school and approved by the department of education or
5 department of human services or children participating
6 in preschool in an approved local program under chapter
7 ~~256C~~ 256J may be provided transportation services.

8 However, transportation services provided to nonpublic
9 school children are not eligible for reimbursement
10 under this chapter.

11 Sec. ____ REPEAL. Chapter 256C, Code 2011, is
12 repealed.

13 Sec. ____ EFFECTIVE DATE AND APPLICABILITY. This
14 division of this Act takes effect July 1, 2011, and
15 applies to budget years beginning on or after July 1,
16 2011.

17 DIVISION III

18 PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN

19 Sec. ____ NEW SECTION. 256J.1 Definitions.

20 As used in this chapter:

21 1. "Department" means the department of education.

22 2. "Director" means the director of the department
23 of education.

24 3. "Eligible school district" or "school district"
25 means a school corporation organized under chapter
26 274 that meets the requirements of section 256J.3,
27 subsection 4, and has been approved by the department
28 to implement preschool programs as provided in this
29 chapter.

30 4. "High-quality preschool program" means a
31 preschool program that meets the federal head start
32 program performance standards adopted pursuant to the
33 federal Improving Head Start for School Readiness
34 Act of 2007, Pub. L. No. 110-134, the Iowa quality
35 preschool program standards and criteria as determined
36 by the department in accordance with 281 IAC 16.3, and
37 the national association for the education of young
38 children program standards and accreditation criteria.

39 5. "Preschool scholarship" means the state funding
40 allocated to school districts to pay tuition for
41 eligible children enrolled in preschool programs
42 implemented pursuant to this chapter.

43 6. "Private education partner" means a private
44 preschool provider that may submit claims for
45 reimbursement to a school district for providing
46 high-quality preschool instruction to four-year-old
47 children receiving scholarships in accordance with this
48 chapter.

49 7. "State board" means the state board of
50 education.

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1 Sec. ____ NEW SECTION. 256J.2 Preschool program
2 for four-year-old children — scholarships — purpose.

3 1. A preschool program for four-year-old children
4 is established in the department to provide an
5 opportunity for all eligible children, including
6 economically disadvantaged children, to enter
7 school ready to learn. The purpose of the preschool
8 scholarship program shall be to provide scholarships
9 to pay for eligible four-year-old children to attend
10 high-quality preschool provided by school districts or
11 private education partners.

12 2. The state board shall adopt rules pursuant
13 to chapter 17A, and may adopt emergency rules under
14 section 17A.4, subsection 3, and section 17A.5,
15 subsection 2, paragraph "b", as necessary to implement
16 this chapter.

17 Sec. ____ NEW SECTION. 256J.3 Preschool program
18 requirements.

19 1. Eligible children. A child who is a resident of
20 Iowa and is four years of age on or before September 15
21 of a school year is eligible to enroll, based on order
22 of registration, in a preschool program implemented
23 pursuant to this chapter and may be eligible for a
24 preschool scholarship based upon the most current
25 sliding tuition scale determined and published by the
26 department in accordance with subsection 5. A school
27 district approved to participate in the preschool
28 program pursuant to this chapter may enroll a younger
29 child or an older child in the preschool program if
30 space is available; however, the child shall not be
31 counted in the preschool enrollment count for preschool
32 scholarship funding purposes under section 256J.5.

33 a. A family may choose to enroll the family's
34 four-year-old child in an approved school district
35 preschool program or a preschool program implemented by
36 a private education partner. Families shall complete
37 all enrollment requirements, including but not limited
38 to income verification.

39 b. A school district or a private education partner
40 may charge tuition for children participating in
41 the preschool program, but shall not charge more for
42 tuition than the amount determined and published by the
43 department. All families enrolling eligible children
44 are required to pay tuition based on income and the
45 most current sliding tuition scale determined and
46 published by the department.

47 2. Teacher requirements.

48 a. An individual serving as a preschool teacher
49 in the preschool program for four-year-old children
50 shall be employed by or under contract with the

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1 approved school district or by a private education
2 partner located within the approved school district's
3 boundaries and shall meet one of the following
4 qualifications:

5 (1) The individual is appropriately licensed under
6 chapter 272 and meets the requirements of chapter 284.

7 (2) The individual possesses, or is working toward
8 obtaining within two years of starting employment under
9 this subsection, an early childhood certificate of
10 eligibility issued under chapter 272, and meets either

11 of the following conditions:

12 (a) Holds a bachelor's or graduate degree from an
13 accredited college or university.

14 (b) Holds an associate of arts degree and is
15 working toward obtaining a bachelor's degree within
16 three years. This subparagraph division (b) is
17 repealed August 31, 2014.

18 b. A preschool teacher in an approved preschool
19 program shall collaborate with other agencies,
20 organizations, and boards in the community to further
21 the program's capacity to meet the diverse needs of the
22 children enrolled in the program and the families of
23 the children, such as needs for early care, health, and
24 human services. In addition, the approved preschool
25 program shall work to maintain relationships with
26 each child's family in order to enhance the child's
27 development in all settings by collaborating with
28 providers of parent education and family support
29 opportunities.

30 3. Program requirements — program approval. The
31 state board shall adopt rules to further define the
32 following preschool program requirements, which shall
33 be used to determine whether or not a local program
34 implemented by a school district or private education
35 partner qualifies for approval to implement a preschool
36 program:

37 a. Maximum and minimum teacher-to-child ratios and
38 class sizes.

39 b. Applicable state and federal program standards,
40 including but not limited to the federal head start
41 program performance standards adopted pursuant to the
42 federal Improving Head Start for School Readiness
43 Act of 2007, Pub. L. No. 110-134, the Iowa quality
44 preschool program standards and criteria as determined
45 by the department in accordance with 281 IAC 16.3, and
46 the national association for the education of young
47 children program standards and accreditation criteria.

48 c. Student learning standards.

49 d. Applicable comprehensive statewide child
50 assessment determined by the department.

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1 e. Provisions for the integration of children from
2 other state and federally funded preschools.

3 f. Collaboration with participating families, early
4 care providers, and community partners including but
5 not limited to early childhood Iowa area boards, head
6 start programs, shared visions, licensed child care
7 centers, registered child development homes, early
8 childhood special education programs, services funded
9 by Tit. I of the federal Elementary and Secondary

10 Education Act of 1965, and family support programs.
11 g. A minimum of ten hours per week, thirty-four
12 weeks per year, of instruction delivered on the
13 skills and knowledge included in the student learning
14 standards developed for the preschool program.
15 h. Family involvement in the preschool program.
16 i. Provision for ensuring that children receiving
17 care from other child care arrangements can participate
18 in the preschool program with minimal disruption due to
19 transportation and movement from one site to another.
20 4. School district requirements. The state board
21 shall adopt rules to further define the following
22 requirements for school districts implementing a
23 preschool program pursuant to this chapter:
24 a. Collect documentation of school district and
25 private education partner readiness to meet program
26 requirements. The school district shall submit
27 documentation to the department that demonstrates that
28 the school district contacted all known potential
29 private education partners within the school district,
30 including but not limited to, and only as applicable,
31 accredited nonpublic schools and faith-based
32 preschools, the early childhood Iowa area board, the
33 federal head start program, shared visions and other
34 programs provided under the auspices of the child
35 development coordinating council, and center-based
36 providers of child care services.
37 b. Collaborate with all approved high-quality
38 preschool program sites in the district to better serve
39 children enrolled in the preschool program in the
40 following ways:
41 (1) Extending the day, for children eligible for
42 preschool scholarships, through other state funding
43 and federal funding, including but not limited to
44 funding available through early childhood Iowa area
45 boards, federal head start programs, shared visions
46 and other programs provided under the auspices of the
47 child development coordinating council, licensed child
48 care centers, registered child development homes, early
49 childhood special education programs, services funded
50 by Tit. I of the federal Elementary and Secondary

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1 Education Act of 1965, and family support programs.
2 (2) Promoting family involvement through family
3 support programs as well as district programs.
4 c. Participate in data collection and performance
5 measurement processes and reporting, including
6 reporting fall and spring applicable comprehensive
7 statewide child assessment data as specified by the
8 department.

9 d. Identify eligible children through targeted
10 outreach to all families in partnership with the early
11 childhood Iowa area board.

12 e. Collect information regarding and verify
13 family income to implement the sliding tuition
14 scale determined and published by the department in
15 accordance with subsection 5.

16 f. Address professional development for school
17 district preschool teachers in the school district's
18 professional development plan implemented in accordance
19 with section 284.6.

20 g. Collaborate with private education partners
21 to provide a coordinated system of appropriate
22 professional development for preschool teachers and
23 staff employed in the preschool program.

24 h. Pay only those claims submitted by the school
25 district's private education partners which are
26 verified by the process set forth in section 279.29.

27 5. Department requirements. The department shall
28 do the following:

29 a. Implement an application and approval process
30 for school district participation in the preschool
31 program that includes but is not limited to the
32 enrollment requirements provided under subsection 1.

33 b. Track the progress of all children served by
34 a school district preschool program and by the school
35 district's private education partners and track the
36 children's performance in elementary and secondary
37 education.

38 c. Implement procedures to monitor the quality of
39 the programming provided under the preschool program
40 at all school district and private education partner
41 sites.

42 d. Determine a statewide comprehensive child
43 assessment to measure child outcomes for all children
44 participating in the preschool program at school
45 districts and private education partner sites.

46 e. Submit an annual report to the governor, the
47 general assembly, the early childhood Iowa state board,
48 and the child development coordinating council.

49 (1) The early childhood Iowa state board and the
50 child development coordinating council shall advise

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1 the department regarding collaboration of high-quality
2 preschool programs for eligible children.

3 (2) The early childhood Iowa state board shall
4 promote the preschool program in local communities to
5 increase family awareness of quality preschool programs
6 and scholarship opportunities.

7 (3) The early childhood Iowa area boards shall

8 collaborate with school districts and their private
9 education partners to strengthen preschool quality.
10 f. Develop a statewide list of approved school
11 district and private education partner preschool
12 programs and publish the list on its website. The list
13 shall include information about preschool scholarships
14 and the sliding tuition scale in addition to other
15 information for families.
16 g. Develop and review annually a sliding tuition
17 scale for purposes of granting preschool program
18 scholarships to families whose incomes are at or below
19 three hundred percent of the federal poverty level as
20 defined by the most recently revised poverty income
21 guidelines published by the United States department of
22 health and human services.

23 6. Private education partner — religious
24 expression. An approved high-quality preschool
25 program offered by a religious entity or organization
26 shall not be prohibited from the free exercise of
27 religion during the program's hours of instruction if
28 the program meets the program requirements established
29 pursuant to this section.

30 Sec. __. NEW SECTION. 256J.4 Funding provisions
31 — enrollment.

32 1. General.

33 a. State funding provided for preschool
34 scholarships shall be allocated to school districts for
35 each school year based upon the amount appropriated and
36 the funding formula set forth in section 256J.5.

37 b. Except as otherwise provided in chapter 298A,
38 a school district approved to participate in the
39 preschool program may authorize expenditures for the
40 school district's preschool programming from any of
41 the revenue sources available to the district from
42 the sources listed in chapter 298A, provided the
43 expenditures are within the uses permitted for the
44 revenue source. In addition, the use of the revenue
45 source for preschool programming must have been
46 approved prior to any expenditure from the revenue
47 source for the school district's preschool program.

48 c. Funding provided for the preschool program
49 pursuant to this chapter is intended to supplement,
50 not supplant, existing public funding for preschool

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1 programming.
2 d. Preschool scholarship funding shall not be
3 commingled with the other state aid payments made
4 under section 257.16 to a school district and shall be
5 accounted for by the school district separately from
6 the other state aid payments. Preschool scholarship

7 payments made to school districts are miscellaneous
8 income for purposes of chapter 257. A school district
9 shall maintain a separate listing within its budget
10 for preschool scholarship payments received and
11 expenditures made. A school district shall certify
12 to the department that preschool scholarship funding
13 received by the school district was used to supplement,
14 not supplant, moneys otherwise received and used by the
15 school district for preschool programming.

16 e. Preschool scholarship funding shall not be used
17 for the costs of constructing a facility in connection
18 with a school district or private education partner
19 preschool program.

20 f. Preschool scholarship funding received by a
21 school district or private education partner may be
22 used in conjunction with funding from family-paid
23 tuition to support the school district or private
24 education partner in providing the preschool program.
25 Not more than five percent of the scholarship funding
26 received annually by a school district shall be used
27 for the costs of supervising the program.

28 2. Eligible student enrollment.

29 a. To be included as an eligible student in the
30 preschool enrollment count by a school district, a
31 child shall meet the requirements of section 256J.3,
32 subsection 1, and shall be enrolled in and attending a
33 preschool program implemented by a school district or a
34 school district's private education partner.

35 b. The enrollment count for the preschool program
36 shall include all eligible children who are enrolled
37 in and attending a preschool program implemented by
38 a school district and the school district's private
39 education partners shall be collected by the school
40 district on the date prescribed in section 257.6 and
41 shall be certified to the department by the school
42 district by October 15.

43 Sec. ____ NEW SECTION. 256J.5 State funding
44 allocation — expenditure limitation.

45 1. State funding.

46 a. Allocation formula. For each fiscal year in
47 which moneys are appropriated by the general assembly
48 for purposes of the preschool program for four-year-old
49 children, preschool scholarship funding shall be
50 allocated to approved school districts on a per pupil

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1 basis calculated on the proportion that the number of
2 the approved school district's first grade children who
3 are eligible for free or reduced price meals under the
4 federal Healthy, Hungry-Free Kids Act of 2010, Pub. L.
5 No. 111-296, multiplied by the average of the previous

6 three years of certified kindergarten enrollment, bears
7 to the sum of the number of first grade children in
8 all approved school districts who are eligible for
9 free or reduced price meals under the federal Healthy,
10 Hungry-Free Kids Act of 2010, Pub. L. No. 111-296,
11 multiplied by the average of the previous three years
12 of certified kindergarten enrollment in all approved
13 school districts in the state for the base year.

14 b. Redistribution of state funding. Based on
15 the October 1 certified preschool enrollment count
16 determined pursuant to section 256J.4, subsection 2,
17 the department shall evaluate the needs of approved
18 school districts and approved private education
19 partners and shall take action to redistribute unused
20 state funding as appropriate.

21 c. Limited purpose. State funds provided for
22 purposes of this chapter shall not be expended for
23 any purpose not expressly authorized in this chapter
24 or in administrative rules adopted to administer this
25 chapter.

26 2. Program sites — conditional allocation. A
27 school district shall not receive preschool scholarship
28 funding without school district or private education
29 partner preschool program sites.

30 3. Program continuation subject to approval. For
31 subsequent budget years, continuation of a school
32 district's participation in the preschool program is
33 subject to the approval of the department based upon
34 the school district's compliance with accountability
35 provisions and the department's on-site review of the
36 school district's implementation of the preschool
37 program.

38 4. Insufficient funding. If the amount appropriated
39 annually for purposes of this section is not
40 sufficient to pay the total allocation to approved
41 school districts, the allocation shall be based on
42 the proportion that the total allocation for each
43 approved school district bears to the sum of the total
44 allocations to all approved school districts.

45 5. Payments to private education
46 partners. Reimbursements shall be provided to private
47 education partners by approved school districts on a
48 monthly basis, beginning with the month in which the
49 school district receives payment under subsection 1,
50 paragraph "a", and ending in July, upon submission and

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1 verification of actual instructional costs incurred
2 in the school year.

3 6. Department administration and oversight. Except
4 as otherwise provided by law for a fiscal year,

5 of the amount appropriated by the general assembly
6 for a fiscal year for purposes of this chapter, the
7 department may use an amount sufficient to fund up
8 to four full-time equivalent positions which shall
9 be in addition to the number of positions authorized
10 for the department for the fiscal year to provide
11 administration and oversight of the preschool program.
12 Oversight shall include but not be limited to data
13 collection requirements, maintenance of website
14 listings of school district and private education
15 partners providing high-quality preschool programs, and
16 assessment results.

17 7. Open enrollment not applicable. Section 282.18
18 shall not apply to preschool programs implemented under
19 this chapter. However, approved programs shall be open
20 to all eligible Iowa children, regardless of a child's
21 district of residence.

22 8. Participation in preschool not good
23 cause. Participation by a child in an approved
24 preschool program under this chapter does not qualify
25 as "good cause", as defined in section 282.18,
26 subsection 4, paragraph "b", for purposes of claiming
27 continuous enrollment in a school district other than
28 the district of residence.

29 Sec. _____. Section 272.2, Code 2011, is amended by
30 adding the following new subsection:
31 NEW SUBSECTION. 19. Adopt rules establishing
32 an early childhood certificate of eligibility for
33 individuals who meet the requirements of section
34 256J.3, subsection 2, paragraph "a", subparagraph
35 (2), for preschool teachers. The rules for obtaining
36 such a certificate shall require that an applicant
37 successfully complete twelve hours of coursework from
38 an accredited institution of higher education in early
39 childhood education, child development, elementary
40 education, or early childhood special education, and
41 this coursework shall encompass child development and
42 learning of children from birth through kindergarten;
43 family and community relationships; observing,
44 documenting, and assessing young children; teaching and
45 learning; and professional practices and development.>

46 3. Title page, line 5, after <amended> by inserting
47 <and providing effective date and applicability
48 provisions>

49 4. By renumbering as necessary.

DOLECHECK of Ringgold

H-1525

1 Amend Senate File 511, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I
6 FY 2011-2012

7 Section 1. JUDICIAL BRANCH.

8 1. There is appropriated from the general fund of
9 the state to the judicial branch for the fiscal year
10 beginning July 1, 2011, and ending June 30, 2012, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 a. For salaries of supreme court justices,
14 appellate court judges, district court judges, district
15 associate judges, judicial magistrates and staff,
16 state court administrator, clerk of the supreme
17 court, district court administrators, clerks of the
18 district court, juvenile court officers, board of law
19 examiners and board of examiners of shorthand reporters
20 and judicial qualifications commission; receipt and
21 disbursement of child support payments; reimbursement
22 of the auditor of state for expenses incurred in
23 completing audits of the offices of the clerks of the
24 district court during the fiscal year beginning July
25 1, 2011; and maintenance, equipment, and miscellaneous
26 purposes:

27 \$ 154,111,822

28 b. For deposit in the revolving fund created
29 pursuant to section 602.1302, subsection 3, for jury
30 and witness fees, mileage, costs related to summoning
31 jurors, fees for interpreters, and reimbursement of
32 attorney fees paid by the state public defender:
33 \$ 2,300,000

34 2. The judicial branch, except for purposes of
35 internal processing, shall use the current state budget
36 system, the state payroll system, and the Iowa finance
37 and accounting system in administration of programs
38 and payments for services, and shall not duplicate the
39 state payroll, accounting, and budgeting systems.

40 3. The judicial branch shall submit monthly
41 financial statements to the legislative services
42 agency and the department of management containing
43 all appropriated accounts in the same manner as
44 provided in the monthly financial status reports and
45 personal services usage reports of the department
46 of administrative services. The monthly financial
47 statements shall include a comparison of the dollars
48 and percentage spent of budgeted versus actual revenues
49 and expenditures on a cumulative basis for full-time
50 equivalent positions and dollars.

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1 4. The judicial branch shall focus efforts upon the

2 collection of delinquent fines, penalties, court costs,
3 fees, surcharges, or similar amounts.

4 5. The judicial branch shall open the offices of
5 the clerk of the district court in all 99 counties
6 from 8:00 a.m. until 4:30 p.m. during each business
7 day the judicial branch is open for business in order
8 to address the relative needs of the citizens of each
9 county.

10 6. In addition to the requirements for transfers
11 under section 8.39, the judicial branch shall not
12 change the appropriations from the amounts appropriated
13 to the judicial branch in this Act, unless notice of
14 the revisions is given prior to their effective date
15 to the legislative services agency. The notice shall
16 include information on the branch's rationale for
17 making the changes and details concerning the workload
18 and performance measures upon which the changes are
19 based.

20 7. The judicial branch shall submit a semiannual
21 update to the legislative services agency specifying
22 the amounts of fines, surcharges, and court costs
23 collected using the Iowa court information system since
24 the last report. The judicial branch shall continue
25 to facilitate the sharing of vital sentencing and
26 other information with other state departments and
27 governmental agencies involved in the criminal justice
28 system through the Iowa court information system.

29 8. The judicial branch shall provide a report to
30 the general assembly by January 1, 2012, concerning
31 the amounts received and expended from the enhanced
32 court collections fund created in section 602.1304 and
33 the court technology and modernization fund created in
34 section 602.8108, subsection 7, during the fiscal year
35 beginning July 1, 2010, and ending June 30, 2011, and
36 the plans for expenditures from each fund during the
37 fiscal year beginning July 1, 2011, and ending June 30,
38 2012. A copy of the report shall be provided to the
39 legislative services agency.

40 9. The judicial branch is encouraged to purchase
41 products from Iowa state industries, as defined in
42 section 904.802, when purchases are required and the
43 products are available from Iowa state industries.
44 The judicial branch shall obtain bids from Iowa state
45 industries for purchases of office furniture during the
46 fiscal year beginning July 1, 2011, exceeding \$5,000.

47 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding
48 any provision to the contrary, for the fiscal year
49 beginning July 1, 2011, and ending June 30, 2012, if
50 all parties in a case agree, a civil trial including a

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1 jury trial may take place in a county contiguous to the
2 county with proper jurisdiction, even if the contiguous
3 county is located in an adjacent judicial district or
4 judicial election district. If the trial is moved
5 pursuant to this section, court personnel shall treat
6 the case as if a change of venue occurred. However,
7 if a trial is moved to an adjacent judicial district
8 or judicial election district, the judicial officers
9 serving in the judicial district or judicial election
10 district receiving the case shall preside over the
11 case.

12 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding
13 section 602.1509, for the fiscal year beginning July 1,
14 2011, a judicial officer may waive travel reimbursement
15 for any travel outside the judicial officer's county of
16 residence to conduct official judicial business.

17 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
18 LEGISLATIVE SERVICES AGENCY. All reports or copies of
19 reports required to be provided by the judicial branch
20 for fiscal year 2011-2012 to the legislative services
21 agency shall be provided in an electronic format. The
22 legislative services agency shall post the reports on
23 its internet website and shall notify by electronic
24 means all the members of the joint appropriations
25 subcommittee on the justice system when a report
26 is posted. Upon request, copies of the reports may
27 be mailed to members of the joint appropriations
28 subcommittee on the justice system.

29 Sec. 5. JUDICIAL OFFICER — UNPAID
30 LEAVE. Notwithstanding the annual salary rates
31 for judicial officers established by 2008 Iowa Acts,
32 chapter 1191, section 11, for the fiscal year beginning
33 July 1, 2011, and ending June 30, 2012, the supreme
34 court may by order place all judicial officers on
35 unpaid leave status on any day employees of the
36 judicial branch are placed on temporary layoff status.
37 The biweekly pay of the judicial officers shall be
38 reduced accordingly for the pay period in which the
39 unpaid leave date occurred in the same manner as for
40 noncontract employees of the judicial branch. Through
41 the course of the fiscal year, the judicial branch may
42 use an amount equal to the aggregate amount of salary
43 reductions due to the judicial officer unpaid leave
44 days for any purpose other than for judicial salaries.

45 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the
46 intent of the general assembly that the judicial branch
47 utilize the Iowa communications network or other secure
48 electronic communications in lieu of traveling for the
49 fiscal year beginning July 1, 2011.

50 DIVISION II

1 FY 2012-2013

2 Sec. 7. JUDICIAL BRANCH.

3 1. There is appropriated from the general fund of
4 the state to the judicial branch for the fiscal year
5 beginning July 1, 2012, and ending June 30, 2013, the
6 following amount, or so much thereof as is necessary,
7 to be used for the purposes designated:

8 a. For salaries of supreme court justices,
9 appellate court judges, district court judges, district
10 associate judges, judicial magistrates and staff,
11 state court administrator, clerk of the supreme
12 court, district court administrators, clerks of the
13 district court, juvenile court officers, board of law
14 examiners and board of examiners of shorthand reporters
15 and judicial qualifications commission; receipt and
16 disbursement of child support payments; reimbursement
17 of the auditor of state for expenses incurred in
18 completing audits of the offices of the clerks of the
19 district court during the fiscal year beginning July
20 1, 2012; and maintenance, equipment, and miscellaneous
21 purposes:

22 \$ 157,311,822

23 b. For deposit in the revolving fund created
24 pursuant to section 602.1302, subsection 3, for jury
25 and witness fees, mileage, costs related to summoning
26 jurors, fees for interpreters, and reimbursement of
27 attorney fees paid by the state public defender:

28 \$ 2,300,000

29 2. The judicial branch, except for purposes of
30 internal processing, shall use the current state budget
31 system, the state payroll system, and the Iowa finance
32 and accounting system in administration of programs
33 and payments for services, and shall not duplicate the
34 state payroll, accounting, and budgeting systems.

35 3. The judicial branch shall submit monthly
36 financial statements to the legislative services
37 agency and the department of management containing
38 all appropriated accounts in the same manner as
39 provided in the monthly financial status reports and
40 personal services usage reports of the department
41 of administrative services. The monthly financial
42 statements shall include a comparison of the dollars
43 and percentage spent of budgeted versus actual revenues
44 and expenditures on a cumulative basis for full-time
45 equivalent positions and dollars.

46 4. The judicial branch shall focus efforts upon the
47 collection of delinquent fines, penalties, court costs,
48 fees, surcharges, or similar amounts.

49 5. The judicial branch shall open the offices of
50 the clerk of the district court in all 99 counties

Page 5

1 from 8:00 a.m. until 4:30 p.m. during each business
2 day the judicial branch is open for business in order
3 to address the relative needs of the citizens of each
4 county.

5 6. In addition to the requirements for transfers
6 under section 8.39, the judicial branch shall not
7 change the appropriations from the amounts appropriated
8 to the judicial branch in this division of this Act,
9 unless notice of the revisions is given prior to their
10 effective date to the legislative services agency.
11 The notice shall include information on the branch's
12 rationale for making the changes and details concerning
13 the workload and performance measures upon which the
14 changes are based.

15 7. The judicial branch shall submit a semiannual
16 update to the legislative services agency specifying
17 the amounts of fines, surcharges, and court costs
18 collected using the Iowa court information system since
19 the last report. The judicial branch shall continue
20 to facilitate the sharing of vital sentencing and
21 other information with other state departments and
22 governmental agencies involved in the criminal justice
23 system through the Iowa court information system.

24 8. The judicial branch shall provide a report to
25 the general assembly by January 1, 2013, concerning
26 the amounts received and expended from the enhanced
27 court collections fund created in section 602.1304 and
28 the court technology and modernization fund created in
29 section 602.8108, subsection 7, during the fiscal year
30 beginning July 1, 2011, and ending June 30, 2012, and
31 the plans for expenditures from each fund during the
32 fiscal year beginning July 1, 2012, and ending June 30,
33 2013. A copy of the report shall be provided to the
34 legislative services agency.

35 9. The judicial branch is encouraged to purchase
36 products from Iowa state industries, as defined in
37 section 904.802, when purchases are required and the
38 products are available from Iowa state industries.
39 The judicial branch shall obtain bids from Iowa state
40 industries for purchases of office furniture during the
41 fiscal year beginning July 1, 2012, exceeding \$5,000.

42 Sec. 8. CIVIL TRIALS — LOCATION.

43 Notwithstanding any provision to the contrary, for
44 the fiscal year beginning July 1, 2012, and ending
45 June 30, 2013, if all parties in a case agree, a civil
46 trial including a jury trial may take place in a county
47 contiguous to the county with proper jurisdiction, even
48 if the contiguous county is located in an adjacent
49 judicial district or judicial election district. If
50 the trial is moved pursuant to this section, court

Page 6

1 personnel shall treat the case as if a change of venue
2 occurred. However, if a trial is moved to an adjacent
3 judicial district or judicial election district, the
4 judicial officers serving in the judicial district or
5 judicial election district receiving the case shall
6 preside over the case.

7 Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding
8 section 602.1509, for the fiscal year beginning July 1,
9 2012, a judicial officer may waive travel reimbursement
10 for any travel outside the judicial officer's county of
11 residence to conduct official judicial business.

12 Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT —
13 LEGISLATIVE SERVICES AGENCY. All reports or copies of
14 reports required to be provided by the judicial branch
15 for fiscal year 2012-2013 to the legislative services
16 agency shall be provided in an electronic format. The
17 legislative services agency shall post the reports on
18 its internet website and shall notify by electronic
19 means all the members of the joint appropriations
20 subcommittee on the justice system when a report
21 is posted. Upon request, copies of the reports may
22 be mailed to members of the joint appropriations
23 subcommittee on the justice system.

24 Sec. 11. JUDICIAL OFFICER — UNPAID
25 LEAVE. Notwithstanding the annual salary rates
26 for judicial officers established by 2008 Iowa Acts,
27 chapter 1191, section 11, for the fiscal year beginning
28 July 1, 2012, and ending June 30, 2013, the supreme
29 court may by order place all judicial officers on
30 unpaid leave status on any day employees of the
31 judicial branch are placed on temporary layoff status.
32 The biweekly pay of the judicial officers shall be
33 reduced accordingly for the pay period in which the
34 unpaid leave date occurred in the same manner as for
35 noncontract employees of the judicial branch. Through
36 the course of the fiscal year, the judicial branch may
37 use an amount equal to the aggregate amount of salary
38 reductions due to the judicial officer unpaid leave
39 days for any purpose other than for judicial salaries.

40 Sec. 12. IOWA COMMUNICATIONS NETWORK. It is the
41 intent of the general assembly that the judicial branch
42 utilize the Iowa communications network or other secure
43 electronic communications in lieu of traveling for the
44 fiscal year beginning July 1, 2012.>

45 2. By renumbering as necessary.

WORTHAN of Buena Vista

H-1526

1 Amend the amendment, H-1513, to House File 646 as
2 follows:
3 1. Page 1, after line 6 by inserting:
4 <__. Page 4, line 5, before <For> by inserting
5 <(1)>
6 __. Page 4, after line 9 by inserting:
7 <(2) Of the funds appropriated pursuant to this
8 paragraph, \$60,000 shall be used to establish and
9 implement a web-based alcohol compliance employee
10 training program for alcoholic beverage sales
11 personnel.>>

WATTS of Dallas

H-1527

1 Amend the amendment, H-1512, to House File 648 as
2 follows:
3 1. Page 4, after line 16 by inserting:
4 <Of the amount appropriated in this paragraph
5 "a", \$112,000 shall be allocated for the planning and
6 development of the Iowa portion of the Mississippi
7 river trail located in a county with a population
8 between 42,000 and 43,000 in the latest preceding
9 certified federal census and a county with a population
10 between 160,000 and 175,000 in the latest preceding
11 certified federal census.>

LYKAM of Scott

H-1528

1 Amend the amendment, H-1512, to House File 648 as
2 follows:
3 1. Page 3, line 40, by striking <3,000,000> and
4 inserting <2,000,000>
5 2. Page 3, line 42, by striking <22,000,000> and
6 inserting <23,000,000>
7 3. Page 3, line 49, by striking <3,000,000> and
8 inserting <2,000,000>
9 4. Page 4, line 1, by striking <10,000,000> and
10 inserting <11,000,000>
11 5. Page 9, line 29, by striking <2011 2012> and
12 inserting <2011>

COHOON of Des Moines

H-1529

- 1 Amend the amendment, H-1512, to House File 648 as
- 2 follows:
- 3 1. Page 1, by striking line 15.
- 4 2. Page 1, by striking lines 25 through 28.
- 5 3. Page 1, by striking lines 29 through 35.
- 6 4. Page 2, by striking line 17.
- 7 5. Page 2, by striking line 43.
- 8 6. Page 2, by striking line 50.
- 9 7. Page 3, by striking line 5.
- 10 8. Page 3, by striking lines 9 through 11.
- 11 9. Page 3, by striking line 34.
- 12 10. Page 4, by striking line 16.
- 13 11. Page 4, by striking line 23.
- 14 12. Page 4, by striking line 27.
- 15 13. Page 4, by striking line 31.
- 16 14. Page 4, by striking line 37.
- 17 15. Page 5, by striking line 27.
- 18 16. Page 5, by striking line 33.
- 19 17. Page 5, by striking line 39.
- 20 18. Page 5, by striking line 50.
- 21 19. Page 6, by striking line 17.
- 22 20. Page 8, line 14, by striking <2013> and
- 23 inserting <2012>
- 24 21. Page 8, by striking lines 24 through 29.
- 25 22. By renumbering as necessary.

COHOON of Des Moines

H-1530

- 1 Amend the amendment, H-1512, to House File 648 as
- 2 follows:
- 3 1. Page 1, line 44, by striking <7,155,077> and
- 4 inserting <6,155,077>
- 5 2. Page 1, line 45, by striking <16,269,124> and
- 6 inserting <17,269,124>
- 7 3. Page 1, line 50, by striking <5,861,556> and
- 8 inserting <4,861,556>
- 9 4. Page 2, line 1, by striking <2,891,062> and
- 10 inserting <3,891,062>
- 11 5. Page 2, line 11, by striking <For> and inserting
- 12 <a. For>
- 13 6. Page 2, after line 17 by inserting:
- 14 <b. For deposit in the workforce training and
- 15 economic development funds created for each community
- 16 college in section 260C.18A, notwithstanding section
- 17 8.57, subsection 6, paragraph "c":
- 18 FY 2011-2012..... \$ 2,000,000>
- 19 7. By renumbering as necessary.

COHOON of Des Moines

H-1531

1 Amend the amendment, S-3172, to Senate File 361, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 9 and
4 inserting:
5 <___. Page 1, before line 1 by inserting:
6 <Section 1. Section 8.7, Code 2011, is amended to
7 read as follows:
8 8.7 Reporting of gifts and bequests received.
9 All gifts and bequests received by a department
10 or accepted by the governor on behalf of the state
11 shall be reported to the Iowa ethics and campaign
12 disclosure board and the general assembly's standing
13 committees on government oversight. The ethics and
14 campaign disclosure board shall, by January 31 of each
15 year, submit to the fiscal services division of the
16 legislative services agency a written report listing
17 all gifts and bequests received during the previous
18 calendar year with a value over one thousand dollars
19 and the purpose for each such gift or bequest. The
20 submission shall also include a listing of all gifts
21 and bequests received by a department from a person if
22 the cumulative value of all gifts and bequests received
23 by the department from the person during the previous
24 calendar year exceeds one thousand dollars, and the
25 ethics and campaign disclosure board shall include, if
26 available, the purpose for each such gift or bequest.
27 However, the reports on gifts or bequests filed by the
28 state board of regents and the Iowa state fair board
29 pursuant to section 8.44 shall be deemed sufficient to
30 comply with the requirements of this section.>>

SENATE AMENDMENT

H-1532

1 Amend House File 645 as follows:
2 1. Page 5, line 7, by striking <2,435,234> and
3 inserting <2,630,134>

WINCKLER of Scott
HANSON of Jefferson
WILLEMS of Linn
GAINES of Polk

H-1533

1 Amend House File 363, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 35A.3, subsection 2, Code 2011,
6 is amended to read as follows:

7 2. Review and approve, prior to adoption, all
8 proposed rules submitted by the department concerning
9 the management and operation of the department and
10 programs administered by the department. ~~Unless the~~
11 ~~commission votes to disapprove a proposed rule on a~~
12 ~~two-thirds vote at the earlier of the next regularly~~
13 ~~scheduled meeting of the commission or a special~~
14 ~~meeting of the commission called by the commission~~
15 ~~within thirty days of the date the proposed rule is~~
16 ~~submitted, the department may proceed to adopt the~~
17 ~~rule.~~

18 Sec. 2. Section 35A.3, Code 2011, is amended by
19 adding the following new subsections:
20 NEW SUBSECTION. 6. Provide guidance and make
21 recommendations to the department during an annual
22 review of the department's proposed budget and provide
23 guidance and make recommendations for budget changes
24 that occur during the fiscal year.

25 NEW SUBSECTION. 7. Consult with the department
26 regarding certification training for executive
27 directors and administrators of county commissions of
28 veteran affairs pursuant to section 35B.6.

29 Sec. 3. Section 35A.5, subsection 12, Code 2011, is
30 amended to read as follows:

31 12. Adopt rules pursuant to chapter 17A and
32 establish policy for the management and operation
33 of the department. Prior to adopting rules, the
34 department shall submit proposed rules to the
35 commission for review and approval pursuant to the
36 requirements of section 35A.3.>

SENATE AMENDMENT

H-1534

1 Amend House File 645 as follows:

2 1. Page 3, line 27, by striking <422,319> and
3 inserting <582,755>

WINCKLER of Scott
HANSON of Jefferson
WILLEMS of Linn
GAINES of Polk

H-1535

- 1 Amend House File 645 as follows:
2 1. Page 3, line 33, by striking <4,477,378> and
3 inserting <5,139,957>

WINCKLER of Scott
HANSON of Jefferson
WILLEMS of Linn
GAINES of Polk

H-1536

- 1 Amend House File 645 as follows:
2 1. Page 5, line 17, by striking <1,993,795> and
3 inserting <2,176,797>

WINCKLER of Scott
HANSON of Jefferson
WILLEMS of Linn
GAINES of Polk

H-1537

- 1 Amend House File 645 as follows:
2 1. Page 7, line 16, by striking <3,128,877> and
3 inserting <7,583,912>
4 2. Page 9, by striking lines 5 through 12.
5 3. Page 9, after line 34 by inserting:
6 <Sec. ____ STATEWIDE PRESCHOOL PROGRAM FOR
7 FOUR-YEAR-OLD CHILDREN — CONTINUATION. It is the
8 intent of the general assembly to continue to fund
9 and maintain the statewide preschool program for
10 four-year-old children as provided for in chapter
11 256C.>
12 4. By renumbering as necessary.

WINCKLER of Scott
HANSON of Jefferson
WILLEMS of Linn
GAINES of Polk

H-1538

- 1 Amend House File 645 as follows:
2 1. Page 8, line 15, by striking <1,618,116> and
3 inserting <1,721,400>

WINCKLER of Scott
GAINES of Polk
WILLEMS of Linn
HANSON of Jefferson

H-1539

- 1 Amend House File 645 as follows:
- 2 1. Page 8, after line 28 by inserting:
- 3 <__ CORE CURRICULUM AND CAREER INFORMATION AND
- 4 DECISION-MAKING SYSTEM.
- 5 For purposes of implementing the statewide core
- 6 curriculum for school districts and accredited
- 7 nonpublic schools and a state-designated career
- 8 information and decision-making system:
- 9 \$ 1,901,556>
- 10 2. Page 9, line 3, by striking <4,498,878> and
- 11 inserting <6,408,375>
- 12 3. Page 19, by striking line 30 and inserting
- 13 <one ~~three~~ hundred ~~seven~~ ninety-five thousand ~~two~~ one
- 14 hundred ~~forty~~ fifty-seven dollars>
- 15 4. Page 20, lines 18 and 19, by striking <thirteen
- 16 thousand eight hundred seventy-eight> and inserting
- 17 <~~thirteen~~ ninety-five thousand ~~eight~~ hundred
- 18 ~~seventy-eight~~>
- 19 5. Page 20, by striking line 29 and inserting
- 20 <2011, is amended to read as follows:
- 21 d. For each fiscal year in which funds are
- 22 appropriated for purposes of this chapter, an amount
- 23 up to one million six hundred ~~twenty-nine~~ thirty-three
- 24 thousand ~~six~~ two hundred ~~forty-seven~~ thirty dollars
- 25 to the department for the establishment of teacher
- 26 development academies in accordance with section 284.6,
- 27 subsection 10. A portion of the funds allocated to the
- 28 department for purposes of this paragraph may be used
- 29 for administrative purposes.>
- 30 6. By renumbering as necessary.

WINCKLER of Scott
HANSON of Jefferson
WILLEMS of Linn
GAINES of Polk

H-1540

- 1 Amend House File 645 as follows:
- 2 1. Page 9, line 16, by striking <144,412,677> and
- 3 inserting <152,825,911>
- 4 2. Page 9, by striking lines 20 through 34 and
- 5 inserting:
- 6 <a. Merged Area I \$ 7,594,046
- 7 b. Merged Area II \$ 8,093,327
- 8 c. Merged Area III \$ 7,446,389
- 9 d. Merged Area IV \$ 3,658,659
- 10 e. Merged Area V \$ 8,409,943
- 11 f. Merged Area VI \$ 7,126,837
- 12 g. Merged Area VII \$ 10,638,347

13 h. Merged Area IX \$ 13,242,423
 14 i. Merged Area X \$ 23,359,479
 15 j. Merged Area XI \$ 23,571,449
 16 k. Merged Area XII \$ 8,688,496
 17 l. Merged Area XIII \$ 8,948,168
 18 m. Merged Area XIV \$ 3,715,788
 19 n. Merged Area XV \$ 11,642,875
 20 o. Merged Area XVI \$ 6,689,685
 21 Sec. ____ COMMUNITY COLLEGE SALARIES. There is
 22 appropriated from the general fund of the state to the
 23 department of education for the fiscal year beginning
 24 July 1, 2011, and ending June 30, 2012, the following
 25 amount, or so much thereof as is necessary, to be used
 26 for the purpose designated:
 27 For distribution to community colleges to supplement
 28 faculty salaries:
 29 \$ 804,597
 30 3. By striking page 10, line 10, through page 15,
 31 line 20, and inserting:
 32 <..... \$ 1,105,123
 33 FTEs 15.00
 34 The state board of regents shall submit a monthly
 35 financial report in a format agreed upon by the state
 36 board of regents office and the legislative services
 37 agency.
 38 b. For moneys to be allocated to the southwest Iowa
 39 graduate studies center:
 40 \$ 90,766
 41 c. For moneys to be allocated to the siouxland
 42 interstate metropolitan planning council for the
 43 tristate graduate center under section 262.9,
 44 subsection 22:
 45 \$ 69,110
 46 d. For moneys to be allocated to the quad-cities
 47 graduate studies center:
 48 \$ 134,665
 49 e. For moneys to be distributed to Iowa public
 50 radio for public radio operations:

Page 2

1 \$ 406,318
 2 2. STATE UNIVERSITY OF IOWA
 3 a. General university, including lakeside
 4 laboratory
 5 For salaries, support, maintenance, equipment,
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:
 8 \$217,638,034
 9 FTEs 5,058.55
 10 b. Oakdale campus
 11 For salaries, support, maintenance, miscellaneous

12 purposes, and for not more than the following full-time
13 equivalent positions:

14 \$ 2,268,925
15 FTEs 38.25

16 c. State hygienic laboratory

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:

20 \$ 3,669,943
21 FTEs 102.50

22 d. Family practice program

23 For allocation by the dean of the college of
24 medicine, with approval of the advisory board, to
25 qualified participants to carry out the provisions
26 of chapter 148D for the family practice program,
27 including salaries and support, and for not more than
28 the following full-time equivalent positions:

29 \$ 1,855,628
30 FTEs 190.40

31 e. Child health care services

32 For specialized child health care services,
33 including childhood cancer diagnostic and treatment
34 network programs, rural comprehensive care for
35 hemophilia patients, and the Iowa high-risk infant
36 follow-up program, including salaries and support, and
37 for not more than the following full-time equivalent
38 positions:

39 \$ 684,297
40 FTEs 57.97

41 f. Statewide cancer registry

42 For the statewide cancer registry, and for not more
43 than the following full-time equivalent positions:

44 \$ 154,666
45 FTEs 2.10

46 g. Substance abuse consortium

47 For moneys to be allocated to the Iowa consortium
48 for substance abuse research and evaluation, and
49 for not more than the following full-time equivalent
50 position:

Page 3

1 \$ 57,621
2 FTEs 1.00

3 h. Center for biocatalysis

4 For the center for biocatalysis, and for not more
5 than the following full-time equivalent positions:

6 \$ 750,990
7 FTEs 6.28

8 i. Primary health care initiative

9 For the primary health care initiative in the
10 college of medicine, and for not more than the

11 following full-time equivalent positions:
 12 \$ 673,375
 13 FTEs 5.89
 14 From the moneys appropriated in this lettered
 15 paragraph, \$254,889 shall be allocated to the
 16 department of family practice at the state university
 17 of Iowa college of medicine for family practice faculty
 18 and support staff.

19 j. Birth defects registry
 20 For the birth defects registry, and for not more
 21 than the following full-time equivalent position:

22 \$ 39,730
 23 FTEs 1.00

24 k. Larned A. Waterman Iowa nonprofit resource
 25 center

26 For the Larned A. Waterman Iowa nonprofit resource
 27 center, and for not more than the following full-time
 28 equivalent positions:

29 \$ 168,662
 30 FTEs 2.75

31 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

32 a. General university

33 For salaries, support, maintenance, equipment,
 34 miscellaneous purposes, and for not more than the
 35 following full-time equivalent positions:

36 \$170,536,017
 37 FTEs 3,647.42

38 b. Agricultural experiment station

39 For the agricultural experiment station salaries,
 40 support, maintenance, miscellaneous purposes, and
 41 for not more than the following full-time equivalent
 42 positions:

43 \$ 29,170,840
 44 FTEs 546.98

45 c. Cooperative extension service in agriculture and
 46 home economics

47 For the cooperative extension service in agriculture
 48 and home economics salaries, support, maintenance,
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

Page 4

1 \$ 18,612,391
 2 FTEs 383.34

3 d. Leopold center

4 For agricultural research grants at Iowa state
 5 university of science and technology under section
 6 266.39B, and for not more than the following full-time
 7 equivalent positions:

8 \$ 412,388
 9 FTEs 11.25

10 e. Livestock disease research
 11 For deposit in and the use of the livestock disease
 12 research fund under section 267.8:
 13 \$ 179,356
 14 4. UNIVERSITY OF NORTHERN IOWA
 15 a. General university
 16 For salaries, support, maintenance, equipment,
 17 miscellaneous purposes, and for not more than the
 18 following full-time equivalent positions:
 19 \$ 77,549,809
 20 FTEs 1,447.50
 21 b. Recycling and reuse center
 22 For purposes of the recycling and reuse center, and
 23 for not more than the following full-time equivalent
 24 positions:
 25 \$ 181,858
 26 FTEs 3.00
 27 c. Science, technology, engineering, and
 28 mathematics (STEM) collaborative initiative
 29 For purposes of establishing a science, technology,
 30 engineering, and mathematics (STEM) collaborative
 31 initiative, and for not more than the following
 32 full-time equivalent positions:
 33 \$ 1,800,000
 34 FTEs 6.20
 35 (1) From the moneys appropriated in this lettered
 36 paragraph, up to \$282,000 shall be allocated for
 37 salaries, staffing, and institutional support. The
 38 remainder of the moneys appropriated in this lettered
 39 paragraph shall be expended only to support activities
 40 directly related to recruitment of kindergarten
 41 through grade 12 mathematics and science teachers and
 42 for ongoing mathematics and science programming for
 43 students enrolled in kindergarten through grade 12.
 44 (2) The university of northern Iowa shall work with
 45 the community colleges to develop STEM professional
 46 development programs for community college instructors
 47 and STEM curriculum development.
 48 d. Real estate education program
 49 For purposes of the real estate education program,
 50 and for not more than the following full-time

Page 5

1 equivalent position:
 2 \$ 130,022
 3 FTEs 1.00
 4 5. STATE SCHOOL FOR THE DEAF
 5 For salaries, support, maintenance, miscellaneous
 6 purposes, and for not more than the following full-time
 7 equivalent positions:
 8 \$ 8,679,964

9 FTEs 126.60
 10 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 11 For salaries, support, maintenance, miscellaneous
 12 purposes, and for not more than the following full-time
 13 equivalent positions:
 14 \$ 4,917,362
 15 FTEs 62.87
 16 7. TUITION AND TRANSPORTATION COSTS
 17 For payment to local school boards for the tuition
 18 and transportation costs of students residing in the
 19 Iowa braille and sight saving school and the state
 20 school for the deaf pursuant to section 262.43 and
 21 for payment of certain clothing, prescription, and
 22 transportation costs for students at these schools
 23 pursuant to section 270.5:
 24 \$ 12,206
 25 8. LICENSED CLASSROOM TEACHERS
 26 For distribution at the Iowa braille and sight
 27 saving school and the Iowa school for the deaf based
 28 upon the average yearly enrollment at each school as
 29 determined by the state board of regents:
 30 \$ 85,140>
 31 4. By renumbering as necessary.

WINCKLER of Scott
 WILLEMS of Linn
 LENSING of Johnson
 JACOBY of Johnson
 HEDDENS of Story
 KAJTAZOVIC of Black Hawk

GAINES of Polk
 HANSON of Jefferson
 MASCHER of Johnson
 WESSEL-KROESCHELL of Story
 BERRY of Black Hawk
 KRESSIG of Black Hawk

H-1541

1 Amend the amendment, H-1471, to Senate File 453, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 7 through 9.

CHAMBERS of O'Brien
 MASCHER of Johnson

H-1542

1 Amend House File 645 as follows:
 2 1. Page 4, line 20, by striking <1,688,316> and
 3 inserting <1,796,081>

MASCHER of Johnson

H-1543

1 Amend Senate File 365, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, after line 28 by inserting:
4 <Sec. ____ Section 902.1, Code 2011, is amended to
5 read as follows:
6 902.1 Class "A" felony.
7 1. Upon a plea of guilty, a verdict of guilty, or
8 a special verdict upon which a judgment of conviction
9 of a class "A" felony may be rendered, the court shall
10 enter a judgment of conviction and shall commit the
11 defendant into the custody of the director of the
12 Iowa department of corrections for the rest of the
13 defendant's life. Nothing in the Iowa corrections code
14 pertaining to deferred judgment, deferred sentence,
15 suspended sentence, or reconsideration of sentence
16 applies to a class "A" felony, and a person convicted
17 of a class "A" felony shall not be released on parole
18 unless the governor commutes the sentence to a term of
19 years.
20 2. a. Notwithstanding subsection 1, a person
21 convicted of a class "A" felony, and who was under the
22 age of eighteen at the time the offense was committed
23 shall be eligible for parole after serving a minimum
24 term of confinement between twenty-five and forty
25 years. The court, at the time of sentencing, shall
26 determine the specific term of confinement to be served
27 between twenty-five and forty years before the person
28 is eligible for parole.
29 b. If a person is paroled pursuant to this
30 subsection the person shall be subject to the same set
31 of procedures set out in chapters 901B, 905, 906, and
32 chapter 908, and rules adopted under those chapters for
33 persons on parole.
34 c. A person convicted of murder in the first degree
35 in violation of section 707.2 shall not be eligible for
36 parole pursuant to this subsection.
37 d. A person convicted of murder in the second
38 degree in violation of section 707.3 and who was also
39 convicted of either kidnapping in the first degree
40 in violation of section 710.2 or sexual abuse in the
41 first degree in violation of section 709.2, which
42 conviction arose out of the same set of facts as the
43 murder-in-the-second-degree conviction, shall not be
44 eligible for parole pursuant to this subsection.
45 2. Title page, line 1, by striking <the placement
46 of a juvenile> and inserting <juveniles convicted of
47 class "A" felonies and the placement of juveniles>
48 3. By renumbering as necessary.

J. TAYLOR of Woodbury

H-1544

1 Amend House File 645 as follows:
2 1. Page 4, line 28, by striking <6,710,017> and
3 inserting <7,488,316>

RUNNING-MARQUARDT of Linn

H-1545

1 Amend House File 645 as follows:
2 1. Page 9, after line 12 by inserting:
3 <___. HIGH SCHOOL SCIENCE EQUIPMENT.
4 For distribution on a per secondary pupil basis
5 to school districts for the purchase of equipment for
6 secondary school science programs:
7 \$ 1,000,000
8 Each school district receiving moneys pursuant to
9 this subsection shall submit a report to the department
10 by June 30, 2012, listing the amount received, the
11 equipment purchased with the moneys received, and the
12 amount paid for each piece of equipment, and stating
13 how the equipment supports the school district's
14 science curriculum.>
15 2. Page 9, after line 34 by inserting:
16 <Sec. ___. DEPARTMENT OF EDUCATION – EQUIPMENT
17 APPROPRIATION. There is appropriated from the general
18 fund of the state to the department of education for
19 the fiscal year beginning July 1, 2011, and ending June
20 30, 2012, the following amount, or so much thereof as
21 is necessary, to be used for the purposes designated:
22 For the purchase and distribution of 17 virtual
23 reality arc welding trainers:
24 \$ 1,000,000
25 a. The department shall distribute virtual reality
26 arc welding trainers purchased pursuant to this section
27 as follows:
28 (1) One to each community college.
29 (2) One to the Iowa state university of science and
30 technology's department of agricultural education and
31 studies.
32 (3) One to the university of northern Iowa's
33 department of industrial technology.
34 b. After the purchase of the 17 virtual reality
35 arc welding trainers, any moneys remaining from the
36 appropriation made in this section shall be transferred
37 to the state board of regents and allocated to the
38 university of Iowa college of nursing for the purchase
39 of equipment designed to provide students with
40 classroom and clinical nursing instruction.
41 c. Notwithstanding section 8.33, moneys
42 appropriated in this section of this Act to the

43 department of education, for the purchase of trainers
 44 pursuant to paragraph "a" and for transfer to the state
 45 board of regents in accordance with paragraph "b", that
 46 remain unencumbered or unobligated at the close of the
 47 fiscal year shall not revert but shall remain available
 48 for expenditure for the purposes designated until the
 49 close of the succeeding fiscal year.>

50 3. Page 18, by striking line 30 and inserting:

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1 <Sec. ____ Section 261.25, subsection 1, Code 2011,
 2 is>

3 4. Page 19, by striking lines 1 through 16 and
 4 inserting:

5 <Sec. ____ Section 261.25, subsection 2, Code 2011,
 6 is amended by striking the subsection.>

7 5. By renumbering as necessary.

BYRNES of Mitchell

H-1546

1 Amend House File 661 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68B.32A, subsections 6, 9, 12,
 4 and 19, Code 2011, are amended to read as follows:

5 6. Prepare and publish a manual setting forth
 6 examples of approved uniform systems of accounts and
 7 approved methods of disclosure for use by persons
 8 required to file statements and reports under this
 9 chapter, chapter 68A, and section 8.7. The board shall
 10 also prepare and publish other educational materials,
 11 and any other reports or materials deemed appropriate
 12 by the board. The board shall annually provide all
 13 officials and state employees with notification of the
 14 contents of this chapter, chapter 68A, ~~and~~ section
 15 8.7, and section 455B.103, subsection 1, paragraph
 16 "d", by distributing copies of educational materials
 17 to each agency of state government under the board's
 18 jurisdiction.

19 9. Establish and impose penalties, and
 20 recommendations for punishment of persons who are
 21 subject to penalties of or punishment by the board or
 22 by other bodies, for the failure to comply with the
 23 requirements of this chapter, chapter 68A, ~~or~~ section
 24 8.7, or section 455B.103, subsection 1, paragraph "d".

25 12. Establish a procedure for requesting and
 26 issuing board advisory opinions to persons subject
 27 to the authority of the board under this chapter,
 28 chapter 68A, ~~or~~ section 8.7, ~~or~~ section 455B.103,
 29 subsection 1, paragraph "d". Local officials and local

30 employees may also seek an advisory opinion concerning
31 the application of the applicable provisions of this
32 chapter. Advice contained in board advisory opinions
33 shall, if followed, constitute a defense to a complaint
34 alleging a violation of this chapter, chapter 68A,
35 section 8.7, section 455B.103, subsection 1, paragraph
36 "d", or rules of the board that is based on the same
37 facts and circumstances.

38 19. Impose penalties upon, or refer matters
39 relating to, persons who provide false information to
40 the board during a board investigation of a potential
41 violation of this chapter, chapter 68A, section 8.7,
42 section 455B.103, subsection 1, paragraph "d", or
43 rules of the board. The board shall adopt rules to
44 administer this subsection.

45 Sec. ____ Section 68B.32B, subsection 1, Code 2011,
46 is amended to read as follows:

47 1. Any person may file a complaint alleging that
48 a candidate, committee, person holding a state office
49 in the executive branch of state government, employee
50 of the executive branch of state government, or other

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1 person has committed a violation of chapter 68A or
2 rules adopted by the board. Any person may file
3 a complaint alleging that a person holding a state
4 office in the executive branch of state government, an
5 employee of the executive branch of state government,
6 or a lobbyist or a client of a lobbyist of the
7 executive branch of state government has committed
8 a violation of this chapter or rules adopted by the
9 board. Any person may file a complaint alleging a
10 violation of section 8.7 or rules adopted by the board.
11 Any person may file a complaint alleging a violation
12 of section 455B.103, subsection 1, paragraph "d". The
13 board shall prescribe and provide forms for purposes
14 of this subsection. A complaint must include the
15 name and address of the complainant, a statement of
16 the facts believed to be true that form the basis of
17 the complaint, including the sources of information
18 and approximate dates of the acts alleged, and a
19 certification by the complainant under penalty of
20 perjury that the facts stated to be true are true to
21 the best of the complainant's knowledge.

22 Sec. ____ Section 68B.32B, subsection 4, paragraph
23 a, Code 2011, is amended to read as follows:

24 a. Facts that would establish a violation of a
25 provision of this chapter, chapter 68A, section 8.7,
26 section 455B.103, subsection 1, paragraph "d", or rules
27 adopted by the board.

28 Sec. ____ Section 68B.32B, subsections 8 and 9,

29 Code 2011, are amended to read as follows:

30 8. The purpose of an investigation by the board's
31 staff is to determine whether there is probable cause
32 to believe that there has been a violation of this
33 chapter, chapter 68A, section 8.7, section 455B.103,
34 subsection 1, paragraph "d", or of rules adopted by the
35 board. To facilitate the conduct of investigations,
36 the board may issue and seek enforcement of subpoenas
37 requiring the attendance and testimony of witnesses and
38 subpoenas requiring the production of books, papers,
39 records, and other real evidence relating to the
40 matter under investigation. Upon the request of the
41 board, an appropriate county attorney or the attorney
42 general shall assist the staff of the board in its
43 investigation.

44 9. If the board determines on the basis of an
45 investigation by board staff that there is probable
46 cause to believe the existence of facts that would
47 establish a violation of this chapter, chapter 68A,
48 section 8.7, section 455B.103, subsection 1, paragraph
49 "d", or of rules adopted by the board, the board
50 may issue a statement of charges and notice of a

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1 contested case proceeding to the complainant and to
2 the person who is the subject of the complaint, in
3 the manner provided for the issuance of statements of
4 charges under chapter 17A. If the board determines
5 on the basis of an investigation by staff that there
6 is no probable cause to believe that a violation has
7 occurred, the board shall close the investigation,
8 dismiss any related complaint, and the subject of the
9 complaint shall be notified of the dismissal. If the
10 investigation originated from a complaint filed by a
11 person other than the board, the person making the
12 complaint shall also be notified of the dismissal.

13 Sec. ____ Section 68B.32C, subsections 1 and 3,

14 Code 2011, are amended to read as follows:

15 1. Contested case proceedings initiated as a result
16 of the issuance of a statement of charges pursuant to
17 section 68B.32B, subsection 9, shall be conducted in
18 accordance with the requirements of chapter 17A. Clear
19 and convincing evidence shall be required to support
20 a finding that a person has violated this chapter,
21 section 8.7, section 455B.103, subsection 1, paragraph
22 "d", or any rules adopted by the board pursuant to
23 this chapter. A preponderance of the evidence shall
24 be required to support a finding that a person has
25 violated chapter 68A or any rules adopted by the board
26 pursuant to chapter 68A. The case in support of the
27 statement of charges shall be presented at the hearing

28 by one of the board's attorneys or staff unless, upon
29 the request of the board, the charges are prosecuted
30 by another legal counsel designated by the attorney
31 general. A person making a complaint under section
32 68B.32B, subsection 1, is not a party to contested case
33 proceedings conducted relating to allegations contained
34 in the complaint.

35 3. Upon a finding by the board that the party
36 charged has violated this chapter, chapter 68A, section
37 8.7, section 455B.103, subsection 1, paragraph "d",
38 or rules adopted by the board, the board may impose
39 any penalty provided for by section 68B.32D. Upon a
40 final decision of the board finding that the party
41 charged has not violated this chapter, chapter 68A,
42 section 8.7, section 455B.103, subsection 1, paragraph
43 "d", or the rules of the board, the complaint shall
44 be dismissed and the party charged and the original
45 complainant, if any, shall be notified.

46 Sec. ____ Section 68B.32D, subsection 1, unnumbered
47 paragraph 1, Code 2011, is amended to read as follows:
48 The board, after a hearing and upon a finding that a
49 violation of this chapter, chapter 68A, section 8.7,
50 section 455B.103, subsection 1, paragraph "d", or rules

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1 adopted by the board has occurred, may do one or more
2 of the following:

3 Sec. ____ Section 68B.32D, subsection 1, paragraphs
4 c, d, and h, Code 2011, are amended to read as follows:

5 c. Issue an order requiring the violator to file
6 any report, statement, or other information as required
7 by this chapter, chapter 68A, section 8.7, section
8 455B.103, subsection 1, paragraph "d", or rules adopted
9 by the board.

10 d. Publicly reprimand the violator for violations
11 of this chapter, chapter 68A, section 8.7, section
12 455B.103, subsection 1, paragraph "d", or rules adopted
13 by the board in writing and provide a copy of the
14 reprimand to the violator's appointing authority.

15 h. Issue an order requiring the violator to pay a
16 civil penalty of not more than two thousand dollars for
17 each violation of this chapter, chapter 68A, section
18 8.7, section 455B.103, subsection 1, paragraph "d", or
19 rules adopted by the board.>

20 2. Page 3, after line 25 by inserting:

21 <d. Any oral, telephonic, or other undocumented
22 communication relating to the director's rulemaking
23 authority or the director's authority to establish
24 fees that includes the director, a person accountable
25 to the director, or a person to whom the director
26 is accountable shall be electronically recorded or

27 otherwise documented and made available to both the
28 commission and the public at no cost in a format easily
29 accessible to the general public. Such recordings and
30 all written communications or documentation relating
31 to these authorities are subject to chapter 22. A
32 person may file a complaint pursuant to section 68B.32B
33 alleging a violation of this paragraph.>
34 3. By renumbering as necessary.

ISENHART of Dubuque

H-1547

1 Amend House File 645 as follows:
2 1. Page 20, after line 29 by inserting:
3 <Sec. ____ Section 299A.2, Code 2011, is amended to
4 read as follows:
5 299A.2 Competent private instruction by licensed
6 practitioner.
7 If a licensed practitioner provides competent
8 instruction to a school-age child ~~of compulsory~~
9 ~~attendance age~~, the practitioner shall possess a
10 valid license or certificate which has been issued
11 by the state board of educational examiners under
12 chapter 272 and which is appropriate to the ages and
13 grade levels of the children to be taught. Competent
14 private instruction may include, but is not limited
15 to, a home school assistance program which provides
16 instruction or instructional supervision offered
17 through an accredited nonpublic school or public
18 school district by a teacher, who is employed by the
19 accredited nonpublic school or public school district,
20 who assists and supervises a parent, guardian, or legal
21 custodian in providing instruction to a child. If
22 competent private instruction is provided through a
23 public school district, the child shall be enrolled and
24 included in the basic enrollment of the school district
25 as provided in section 257.6. Sections 299A.3 through
26 299A.7 do not apply to competent private instruction
27 provided by a licensed practitioner under this section.
28 However, the reporting requirement contained in section
29 299A.3, subsection 1, shall apply to competent private
30 instruction provided by licensed practitioners that is
31 not part of a home school assistance program offered
32 through an accredited nonpublic school or public school
33 district.
34 Sec. ____ Section 299A.8, Code 2011, is amended to
35 read as follows:
36 299A.8 Dual enrollment.
37 If a parent, guardian, or legal custodian of a
38 school-age child who is receiving competent private
39 instruction under this chapter ~~or a child over~~

40 ~~compulsory age who is receiving private instruction~~
 41 submits a request, the child shall also be registered
 42 in a public school for dual enrollment purposes. If
 43 the child is enrolled in a public school district for
 44 dual enrollment purposes, the child shall be permitted
 45 to participate in any academic activities in the
 46 district and shall also be permitted to participate
 47 on the same basis as public school children in any
 48 extracurricular activities available to children in
 49 the child's grade or group, and the parent, guardian,
 50 or legal custodian shall not be required to pay the

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1 costs of any annual evaluation under this chapter. If
 2 the child is enrolled for dual enrollment purposes,
 3 the child shall be included in the public school's
 4 basic enrollment under section 257.6. A pupil who is
 5 participating only in extracurricular activities shall
 6 be counted under section 257.6, subsection 1, paragraph
 7 "a", subparagraph (6). A pupil enrolled in grades nine
 8 through twelve under this section shall be counted in
 9 the same manner as a shared-time pupil under section
 10 257.6, subsection 1, paragraph "a", subparagraph (3).>
 11 2. Page 20, after line 30 by inserting:
 12 <Sec. ____ RETROACTIVE APPLICABILITY. The sections
 13 of this Act amending sections 299A.2 and 299A.8 apply
 14 retroactively to the base year beginning July 1, 2009.>
 15 3. Title page, line 5, after <atters> by inserting
 16 <and retroactive applicability provisions>
 17 4. By renumbering as necessary.

FORRISTALL of Pottawattamie

H-1548

1 Amend House File 645 as follows:
 2 1. Page 8, after line 28 by inserting:
 3 <____ CORE CURRICULUM AND CAREER INFORMATION AND
 4 DECISION-MAKING SYSTEM.
 5 For purposes of implementing the statewide core
 6 curriculum for school districts and accredited
 7 nonpublic schools and a state-designated career
 8 information and decision-making system:
 9 \$ 1,901,556>
 10 2. Page 9, line 3, by striking <4,498,878> and
 11 inserting <6,408,387>
 12 3. Page 19, by striking line 30 and inserting
 13 <~~one three hundred seven ninety-five~~ thousand ~~two one~~
 14 hundred ~~forty fifty-seven~~ dollars>
 15 4. Page 20, lines 18 and 19, by striking <thirteen
 16 thousand eight hundred seventy-eight> and inserting

17 <~~thirteen ninety-five thousand eight hundred~~
 18 ~~seventy-eight~~>
 19 5. Page 20, by striking line 29 and inserting
 20 <2011, is amended to read as follows:
 21 d. For each fiscal year in which funds are
 22 appropriated for purposes of this chapter, an amount
 23 up to one million six hundred ~~twenty-nine thirty-three~~
 24 thousand ~~six two~~ hundred ~~forty-seven thirty~~ dollars
 25 to the department for the establishment of teacher
 26 development academies in accordance with section 284.6,
 27 subsection 10. A portion of the funds allocated to the
 28 department for purposes of this paragraph may be used
 29 for administrative purposes.>
 30 6. By renumbering as necessary.

WINCKLER of Scott
 HANSON of Jefferson
 WILLEMS of Linn
 GAINES of Polk

H-1549

1 Amend House File 645 as follows:
 2 1. Page 20, after line 29 by inserting:
 3 <Sec. ____ Section 299A.12, subsection 1, Code
 4 2011, is amended to read as follows:
 5 1. The board of directors of a school district ~~may~~
 6 shall expend moneys received pursuant to section 257.6,
 7 subsection 1, paragraph "a", subparagraph (5), for
 8 purposes of providing a home school assistance program.
 9 Sec. ____ Section 299A.12, subsection 2, paragraphs
 10 a and b, Code 2011, are amended to read as follows:
 11 a. Assisting Instruction for students and assisting
 12 parents with instruction.
 13 b. Student Support services for students and
 14 teaching parent support services teaching parents and
 15 staff support services.
 16 Sec. ____ Section 299A.12, subsection 2, paragraph
 17 g, unnumbered paragraph 1, Code 2011, is amended to
 18 read as follows:
 19 Resources, materials, computer software and
 20 hardware, ~~and~~ supplies, and purchased services that
 21 meet the following criteria:
 22 Sec. ____ Section 299A.12, subsection 3, paragraphs
 23 b, c, e, and f, Code 2011, are amended to read as
 24 follows:
 25 b. Operational or maintenance costs ~~in addition~~
 26 ~~to the cost of maintaining school district facilities~~
 27 other than those necessary to operate and maintain the
 28 program.
 29 c. Capital expenditures other than equipment or
 30 facility acquisition, including the lease or rental of

31 space to supplement existing schoolhouse facilities.
 32 e. Administrative costs other than the costs
 33 necessary to administer the program.
 34 f. Concurrent and dual enrollment program costs and
 35 postsecondary enrollment options program costs.>
 36 2. Page 20, after line 30 by inserting:
 37 <Sec. ____ RETROACTIVE APPLICABILITY. The sections
 38 of this Act amending sections 299A.2 and 299A.8 apply
 39 retroactively to the base year beginning July 1, 2009.>
 40 3. Title page, line 5, after <atters> by inserting
 41 <and including retroactive applicability provisions>
 42 4. By renumbering as necessary.

WILLEMS of Linn

H-1550

1 Amend the amendment, H-1525, to Senate File 511,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, after line 49 by inserting:
 5 <Sec. ____ SUPREME COURT SALARIES. Notwithstanding
 6 the annual salary rates established by 2008 Iowa Acts,
 7 chapter 1191, section 11, for the chief justice of the
 8 supreme court and the justices of the supreme court,
 9 the annual salary of any justice who was on the supreme
 10 court as of January 1, 2011, shall be reduced to equal
 11 the annual salaries of members of the general assembly
 12 as follows:
 13 1. The chief justice of the supreme court shall
 14 receive an annual salary of thirty-seven thousand five
 15 hundred dollars beginning upon the effective date of
 16 this section and every subsequent year thereafter while
 17 serving as chief justice of the supreme court.
 18 2. A justice of the supreme court shall receive an
 19 annual salary of twenty-five thousand dollars beginning
 20 upon the effective date of this section and every
 21 subsequent year thereafter while serving as a justice
 22 of the supreme court.>

ALONS of Sioux

H-1551

1 Amend the amendment, H-1525, to Senate File 511,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 5 and 6.
 5 2. By striking page 3, line 50, through page 6,
 6 line 44.

T. TAYLOR of Linn

H-1552

- 1 Amend the amendment, S-3213, to Senate File 512, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 and 4 and inserting:
 4 <___. Page 1, before line 1 by inserting the
 5 following:>
 6 2. By striking page 8, line 42, through page 9,
 7 line 20, and inserting:
 8 <DIVISION IV
 9 APPROPRIATIONS FOR STATE PUBLIC DEFENDER>
 10 3. Page 9, before line 21 by inserting:
 11 <___. Page 1, line 18, by striking <This Act> and
 12 inserting <This division of this Act>>
 13 4. Page 9, lines 25 and 26, by striking
 14 <authorizing appropriation transfers,> and inserting
 15 <making appropriations,>
 16 5. By renumbering as necessary.

SENATE AMENDMENT

H-1553

- 1 Amend the amendment, H-1453, to Senate File 406,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 10, after <district> by inserting
 5 <either in person or via the Iowa communications
 6 network at one location in the district.>

PETTENGILL of Benton

H-1554

- 1 Amend the amendment, H-1525, to Senate File 511,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by striking lines 4 through 9.
 5 2. By striking page 4, line 49, through page 5,
 6 line 4.
 7 3. By renumbering as necessary.

MURPHY of Dubuque

H-1555

- 1 Amend the amendment, H-1453, to Senate File 406,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 6, after <hearing> by inserting <
 5 in person and via the Iowa communications network or
 6 other web-based interactive venues.>

PETERSEN of Polk

H-1556

1 Amend the amendment, H-1547, to House File 645 as
 2 follows:
 3 1. Page 2, after line 10 by inserting:
 4 <Sec. ____ Section 299A.12, subsection 1, Code
 5 2011, is amended to read as follows:
 6 1. The board of directors of a school district ~~may~~
 7 shall expend moneys received pursuant to section 257.6,
 8 subsection 1, paragraph "a", subparagraph (5), for
 9 purposes of providing a home school assistance program.
 10 Sec. ____ Section 299A.12, subsection 2, paragraphs
 11 a and b, Code 2011, are amended to read as follows:
 12 a. ~~Assisting~~ Instruction for students and assisting
 13 parents with instruction.
 14 b. ~~Student Support services for students and~~
 15 ~~teaching parent support services~~ teaching parents and
 16 staff support services.
 17 Sec. ____ Section 299A.12, subsection 2, paragraph
 18 g, unnumbered paragraph 1, Code 2011, is amended to
 19 read as follows:
 20 Resources, materials, computer software and
 21 hardware, ~~and~~ supplies, and purchased services that
 22 meet the following criteria:
 23 Sec. ____ Section 299A.12, subsection 3, paragraphs
 24 b, c, e, and f, Code 2011, are amended to read as
 25 follows:
 26 b. Operational or maintenance costs ~~in addition~~
 27 ~~to the cost of maintaining school district facilities~~
 28 other than those necessary to operate and maintain the
 29 program.
 30 c. Capital expenditures other than equipment or
 31 facility acquisition, including the lease or rental of
 32 space to supplement existing schoolhouse facilities.
 33 e. Administrative costs other than the costs
 34 necessary to administer the program.
 35 f. Concurrent and dual enrollment ~~program~~ costs and
 36 postsecondary enrollment options program costs.>
 37 2. By renumbering as necessary.

WILLEMS of Linn

H-1557

1 Amend Senate File 326, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 46.3, Code 2011, is amended to
 5 read as follows:
 6 46.3 Appointment of district judicial nominating
 7 commissioners.
 8 1. The governor shall appoint five eligible

9 electors of each judicial election district to the
10 district judicial nominating commission.
11 ~~2. Appointments~~ The appointments made by the
12 governor shall be to staggered terms of six years each
13 and shall be made in the month of January for terms
14 commencing February 1 of even-numbered years.
15 ~~3. No more than a~~ A simple majority of the
16 commissioners appointed shall be of the same gender.
17 ~~4. Beginning with terms commencing February 1,~~
18 ~~2012, there shall not be more than one appointed~~
19 ~~commissioner from a county within a judicial election~~
20 ~~district unless each county within the judicial~~
21 ~~election district has an appointed or elected~~
22 ~~commissioner or the number of appointed commissioners~~
23 ~~exceeds the number of counties within the judicial~~
24 ~~election district. This subsection shall not be used~~
25 ~~to remove an appointed commissioner from office prior~~
26 ~~to the expiration of the commissioner's term.>~~
27 2. Title page, line 1, by striking <judicial
28 officers> and inserting <district judicial nominating
29 commissioners, judicial officers,>
30 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1558

1 Amend Senate File 510, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <DIVISION I
6 FY 2011-2012
7 Section 1. DEPARTMENT OF JUSTICE.
8 1. There is appropriated from the general fund
9 of the state to the department of justice for the
10 fiscal year beginning July 1, 2011, and ending June 30,
11 2012, the following amounts, or so much thereof as is
12 necessary, to be used for the purposes designated:
13 a. For the general office of attorney general for
14 salaries, support, maintenance, and miscellaneous
15 purposes, including the prosecuting attorneys training
16 program, matching funds for federal violence against
17 women grant programs, victim assistance grants, office
18 of drug control policy prosecuting attorney program,
19 and odometer fraud enforcement, and for not more than
20 the following full-time equivalent positions:
21 \$ 7,292,930
22 FTEs 212.00
23 It is the intent of the general assembly that as
24 a condition of receiving the appropriation provided
25 in this lettered paragraph, the department of justice

26 shall maintain a record of the estimated time incurred
27 representing each agency or department.

28 b. For victim assistance grants:
29 \$ 2,876,400

30 The funds appropriated in this lettered paragraph
31 shall be used to provide grants to care providers
32 providing services to crime victims of domestic abuse
33 or to crime victims of rape and sexual assault.

34 The balance of the victim compensation fund
35 established in section 915.94 may be used to provide
36 salary and support of not more than 24 FTEs and
37 to provide maintenance for the victim compensation
38 functions of the department of justice.

39 The department of justice may transfer moneys from
40 the victim compensation fund established in section
41 915.94 to the victim assistance grant program.

42 c. For legal services for persons in poverty grants
43 as provided in section 13.34:

44 \$ 1,000,000

45 2. a. The department of justice, in submitting
46 budget estimates for the fiscal year commencing July
47 1, 2012, pursuant to section 8.23, shall include a
48 report of funding from sources other than amounts
49 appropriated directly from the general fund of the
50 state to the department of justice or to the office of

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1 consumer advocate. These funding sources shall include
2 but are not limited to reimbursements from other state
3 agencies, commissions, boards, or similar entities, and
4 reimbursements from special funds or internal accounts
5 within the department of justice. The department of
6 justice shall also report actual reimbursements for the
7 fiscal year commencing July 1, 2010, and actual and
8 expected reimbursements for the fiscal year commencing
9 July 1, 2011.

10 b. The department of justice shall include the
11 report required under paragraph "a", as well as
12 information regarding any revisions occurring as a
13 result of reimbursements actually received or expected
14 at a later date, in a report to the co-chairpersons
15 and ranking members of the joint appropriations
16 subcommittee on the justice system and the legislative
17 services agency. The department of justice shall
18 submit the report on or before January 15, 2012.

19 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
20 appropriated from the department of commerce revolving
21 fund created in section 546.12 to the office of
22 consumer advocate of the department of justice for the
23 fiscal year beginning July 1, 2011, and ending June 30,
24 2012, the following amount, or so much thereof as is

25 necessary, to be used for the purposes designated:
26 For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29 \$ 3,136,163
30 FTEs 22.00

31 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

32 1. There is appropriated from the general fund of
33 the state to the department of corrections for the
34 fiscal year beginning July 1, 2011, and ending June
35 30, 2012, the following amounts, or so much thereof as
36 is necessary, to be used for the operation of adult
37 correctional institutions, reimbursement of counties
38 for certain confinement costs, and federal prison
39 reimbursement, to be allocated as follows:

40 a. For the operation of the Fort Madison
41 correctional facility, including salaries, support,
42 maintenance, and miscellaneous purposes:
43 \$ 41,031,283

44 b. For the operation of the Anamosa correctional
45 facility, including salaries, support, maintenance, and
46 miscellaneous purposes:
47 \$ 31,985,974

48 c. For the operation of the Oakdale correctional
49 facility, including salaries, support, maintenance, and
50 miscellaneous purposes:

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1 \$ 54,374,426
2 d. For the operation of the Newton correctional
3 facility, including salaries, support, maintenance, and
4 miscellaneous purposes:

5 \$ 25,958,757
6 e. For the operation of the Mt. Pleasant
7 correctional facility, including salaries, support,
8 maintenance, and miscellaneous purposes:
9 \$ 25,917,815

10 f. For the operation of the Rockwell City
11 correctional facility, including salaries, support,
12 maintenance, and miscellaneous purposes:
13 \$ 9,316,466

14 g. For the operation of the Clarinda correctional
15 facility, including salaries, support, maintenance, and
16 miscellaneous purposes:
17 \$ 24,639,518

18 Moneys received by the department of corrections as
19 reimbursement for services provided to the Clarinda
20 youth corporation are appropriated to the department
21 and shall be used for the purpose of operating the
22 Clarinda correctional facility.

23 h. For the operation of the Mitchellville

24 correctional facility, including salaries, support,
 25 maintenance, and miscellaneous purposes:
 26 \$ 15,615,374
 27 i. For the operation of the Fort Dodge correctional
 28 facility, including salaries, support, maintenance, and
 29 miscellaneous purposes:
 30 \$ 29,062,235
 31 j. For reimbursement of counties for temporary
 32 confinement of work release and parole violators, as
 33 provided in sections 901.7, 904.908, and 906.17, and
 34 for offenders confined pursuant to section 904.513:
 35 \$ 775,092
 36 k. For federal prison reimbursement, reimbursements
 37 for out-of-state placements, and miscellaneous
 38 contracts:
 39 \$ 239,411
 40 2. The department of corrections shall use moneys
 41 appropriated in subsection 1 to continue to contract
 42 for the services of a Muslim imam and a Native American
 43 spiritual leader.
 44 Sec. 4. DEPARTMENT OF CORRECTIONS —
 45 ADMINISTRATION. There is appropriated from the general
 46 fund of the state to the department of corrections for
 47 the fiscal year beginning July 1, 2011, and ending June
 48 30, 2012, the following amounts, or so much thereof as
 49 is necessary, to be used for the purposes designated:
 50 1. For general administration, including salaries,

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1 support, maintenance, employment of an education
 2 director to administer a centralized education
 3 program for the correctional system, and miscellaneous
 4 purposes:
 5 \$ 4,835,542
 6 a. It is the intent of the general assembly
 7 that as a condition of receiving the appropriation
 8 provided in this lettered paragraph the department of
 9 corrections shall not, except as otherwise provided
 10 in paragraph "c", enter into a new contract, unless
 11 the contract is a renewal of an existing contract,
 12 for the expenditure of moneys in excess of \$100,000
 13 during the fiscal year beginning July 1, 2011, for the
 14 privatization of services performed by the department
 15 using state employees as of July 1, 2011, or for the
 16 privatization of new services by the department without
 17 prior consultation with any applicable state employee
 18 organization affected by the proposed new contract and
 19 prior notification of the co-chairpersons and ranking
 20 members of the joint appropriations subcommittee on the
 21 justice system.
 22 b. It is the intent of the general assembly

23 that each lease negotiated by the department of
 24 corrections with a private corporation for the purpose
 25 of providing private industry employment of inmates in
 26 a correctional institution shall prohibit the private
 27 corporation from utilizing inmate labor for partisan
 28 political purposes for any person seeking election to
 29 public office in this state and that a violation of
 30 this requirement shall result in a termination of the
 31 lease agreement.

32 c. It is the intent of the general assembly that as
 33 a condition of receiving the appropriation provided in
 34 this subsection the department of corrections shall not
 35 enter into a lease or contractual agreement pursuant to
 36 section 904.809 with a private corporation for the use
 37 of building space for the purpose of providing inmate
 38 employment without providing that the terms of the
 39 lease or contract establish safeguards to restrict, to
 40 the greatest extent feasible, access by inmates working
 41 for the private corporation to personal identifying
 42 information of citizens.

43 2. For educational programs for inmates at state
 44 penal institutions:

45 \$ 2,308,109

46 a. As a condition of receiving the appropriation in
 47 this subsection, the department of corrections shall
 48 transfer at least \$300,000 from the canteen operating
 49 funds established pursuant to section 904.310 to be
 50 used for correctional educational programs funded in

Page 5

1 this subsection.

2 b. It is the intent of the general assembly that
 3 moneys appropriated in this subsection shall be used
 4 solely for the purpose indicated and that the moneys
 5 shall not be transferred for any other purpose. In
 6 addition, it is the intent of the general assembly
 7 that the department shall consult with the community
 8 colleges in the areas in which the institutions
 9 are located to utilize moneys appropriated in this
 10 subsection to fund the high school completion, high
 11 school equivalency diploma, adult literacy, and adult
 12 basic education programs in a manner so as to maintain
 13 these programs at the institutions.

14 c. To maximize the funding for educational
 15 programs, the department shall establish guidelines
 16 and procedures to prioritize the availability of
 17 educational and vocational training for inmates based
 18 upon the goal of facilitating an inmate's successful
 19 release from the correctional institution.

20 d. The director of the department of corrections
 21 may transfer moneys from Iowa prison industries for use

22 in educational programs for inmates.
 23 e. Notwithstanding section 8.33, moneys
 24 appropriated in this subsection that remain unobligated
 25 or unexpended at the close of the fiscal year shall not
 26 revert but shall remain available to be used only for
 27 the purposes designated in this subsection until the
 28 close of the succeeding fiscal year.

29 3. For the development of the Iowa corrections
 30 offender network (ICON) data system:

31 \$ 424,364

32 4. For offender mental health and substance abuse
 33 treatment:

34 \$ 22,319

35 5. For viral hepatitis prevention and treatment:

36 \$ 167,881

37 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
 38 CORRECTIONAL SERVICES.

39 1. There is appropriated from the general fund of
 40 the state to the department of corrections for the
 41 fiscal year beginning July 1, 2011, and ending June
 42 30, 2012, for salaries, support, maintenance, and
 43 miscellaneous purposes, the following amounts, or
 44 so much thereof as is necessary, to be allocated as
 45 follows:

46 a. For the first judicial district department of
 47 correctional services:

48 \$ 12,020,098

49 b. For the second judicial district department of
 50 correctional services:

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1 \$ 10,336,948

2 c. For the third judicial district department of
 3 correctional services:

4 \$ 5,599,765

5 d. For the fourth judicial district department of
 6 correctional services:

7 \$ 5,391,355

8 e. For the fifth judicial district department of
 9 correctional services, including funding for electronic
 10 monitoring devices for use on a statewide basis:

11 \$ 18,742,129

12 f. For the sixth judicial district department of
 13 correctional services:

14 \$ 13,112,563

15 g. For the seventh judicial district department of
 16 correctional services:

17 \$ 6,492,814

18 h. For the eighth judicial district department of
 19 correctional services:

20 \$ 6,731,055

21 2. Each judicial district department of
22 correctional services, within the funding available,
23 shall continue programs and plans established within
24 that district to provide for intensive supervision, sex
25 offender treatment, diversion of low-risk offenders
26 to the least restrictive sanction available, job
27 development, and expanded use of intermediate criminal
28 sanctions.

29 3. Each judicial district department of
30 correctional services shall provide alternatives to
31 prison consistent with chapter 901B. The alternatives
32 to prison shall ensure public safety while providing
33 maximum rehabilitation to the offender. A judicial
34 district department of correctional services may also
35 establish a day program.

36 4. The governor's office of drug control policy
37 shall consider federal grants made to the department
38 of corrections for the benefit of each of the eight
39 judicial district departments of correctional services
40 as local government grants, as defined pursuant to
41 federal regulations.

42 5. The department of corrections shall continue
43 to contract with a judicial district department
44 of correctional services to provide for the rental
45 of electronic monitoring equipment which shall be
46 available statewide.

47 6. A judicial district department of correctional
48 services shall accept into the facilities of the
49 district department, offenders assigned from other
50 judicial district departments of correctional services.

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1 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
2 OF APPROPRIATIONS. Notwithstanding section 8.39,
3 within the moneys appropriated in this Act to the
4 department of corrections, the department may
5 reallocate the moneys appropriated and allocated as
6 necessary to best fulfill the needs of the correctional
7 institutions, administration of the department, and the
8 judicial district departments of correctional services.
9 However, in addition to complying with the requirements
10 of sections 904.116 and 905.8 and providing notice
11 to the legislative services agency, the department
12 of corrections shall also provide notice to the
13 department of management, prior to the effective date
14 of the revision or reallocation of an appropriation
15 made pursuant to this section. The department of
16 corrections shall not reallocate an appropriation or
17 allocation for the purpose of eliminating any program.

18 Sec. 7. INTENT — REPORTS.

19 1. The department of corrections in cooperation

20 with townships, the Iowa cemetery associations, and
21 other nonprofit or governmental entities may use inmate
22 labor during the fiscal year beginning July 1, 2011,
23 to restore or preserve rural cemeteries and historical
24 landmarks. The department in cooperation with the
25 counties may also use inmate labor to clean up roads,
26 major water sources, and other water sources around the
27 state.

28 2. On a quarterly basis the department shall
29 provide a status report regarding private-sector
30 employment to the legislative services agency beginning
31 on July 1, 2011. The report shall include the number
32 of offenders employed in the private sector, the
33 combined number of hours worked by the offenders, the
34 total amount of allowances, and the distribution of
35 allowances pursuant to section 904.702, including any
36 moneys deposited in the general fund of the state.

37 Sec. 8. ELECTRONIC MONITORING REPORT. The
38 department of corrections shall submit a report on
39 electronic monitoring to the general assembly, to the
40 co-chairpersons and the ranking members of the joint
41 appropriations subcommittee on the justice system, and
42 to the legislative services agency by January 15, 2012.
43 The report shall specifically address the number of
44 persons being electronically monitored and break down
45 the number of persons being electronically monitored
46 by offense committed. The report shall also include a
47 comparison of any data from the prior fiscal year with
48 the current year.

49 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
50 INDUSTRIES.

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1 1. As used in this section, unless the context
2 otherwise requires, "state agency" means the government
3 of the state of Iowa, including but not limited to
4 all executive branch departments, agencies, boards,
5 bureaus, and commissions, the judicial branch,
6 the general assembly and all legislative agencies,
7 institutions within the purview of the state board of
8 regents, and any corporation whose primary function is
9 to act as an instrumentality of the state.

10 2. State agencies are hereby encouraged to purchase
11 products from Iowa state industries, as defined in
12 section 904.802, when purchases are required and the
13 products are available from Iowa state industries.
14 State agencies shall obtain bids from Iowa state
15 industries for purchases of office furniture during the
16 fiscal year beginning July 1, 2011, exceeding \$5,000
17 or in accordance with applicable administrative rules
18 related to purchases for the agency.

19 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of
21 the state to the Iowa law enforcement academy for the
22 fiscal year beginning July 1, 2011, and ending June 30,
23 2012, the following amount, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 For salaries, support, maintenance, miscellaneous
26 purposes, including jailer training and technical
27 assistance, and for not more than the following
28 full-time equivalent positions:

29	\$	448,500
30	FTEs	24.55

31 It is the intent of the general assembly that the
32 Iowa law enforcement academy may provide training of
33 state and local law enforcement personnel concerning
34 the recognition of and response to persons with
35 Alzheimer's disease.

36 The Iowa law enforcement academy may temporarily
37 exceed and draw more than the amount appropriated in
38 this subsection and incur a negative cash balance as
39 long as there are receivables equal to or greater than
40 the negative balance and the amount appropriated in
41 this subsection is not exceeded at the close of the
42 fiscal year.

43 2. The Iowa law enforcement academy may select
44 at least five automobiles of the department of public
45 safety, division of state patrol, prior to turning over
46 the automobiles to the department of administrative
47 services to be disposed of by public auction, and
48 the Iowa law enforcement academy may exchange any
49 automobile owned by the academy for each automobile
50 selected if the selected automobile is used in training

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1 law enforcement officers at the academy. However,
2 any automobile exchanged by the academy shall be
3 substituted for the selected vehicle of the department
4 of public safety and sold by public auction with the
5 receipts being deposited in the depreciation fund to
6 the credit of the department of public safety, division
7 of state patrol.

8 Sec. 11. STATE PUBLIC DEFENDER. There is
9 appropriated from the general fund of the state to the
10 office of the state public defender of the department
11 of inspections and appeals for the fiscal year
12 beginning July 1, 2011, and ending June 30, 2012, the
13 following amounts, or so much thereof as is necessary,
14 to be allocated as follows for the purposes designated:

15 1. For salaries, support, maintenance,
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18 \$ 24,083,182
 19 FTEs 219.00
 20 2. For the fees of court-appointed attorneys for
 21 indigent adults and juveniles, in accordance with
 22 section 232.141 and chapter 815:
 23 \$ 29,680,929
 24 Sec. 12. BOARD OF PAROLE. There is appropriated
 25 from the general fund of the state to the board of
 26 parole for the fiscal year beginning July 1, 2011, and
 27 ending June 30, 2012, the following amount, or so much
 28 thereof as is necessary, to be used for the purposes
 29 designated:
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-time
 32 equivalent positions:
 33 \$ 1,053,835
 34 FTEs 12.50
 35 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 36 appropriated from the general fund of the state to
 37 the department of public defense for the fiscal year
 38 beginning July 1, 2011, and ending June 30, 2012, the
 39 following amounts, or so much thereof as is necessary,
 40 to be used for the purposes designated:
 41 1. MILITARY DIVISION
 42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-time
 44 equivalent positions:
 45 \$ 5,527,042
 46 FTEs 313.00
 47 The military division may temporarily exceed
 48 and draw more than the amount appropriated in this
 49 subsection and incur a negative cash balance as long
 50 as there are receivables of federal funds equal to

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1 or greater than the negative balance and the amount
 2 appropriated in this subsection is not exceeded at the
 3 close of the fiscal year.
 4 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 5 DIVISION
 6 For salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-time
 8 equivalent positions:
 9 \$ 1,836,877
 10 FTEs 40.00
 11 a. The homeland security and emergency management
 12 division may temporarily exceed and draw more than the
 13 amount appropriated in this subsection and incur a
 14 negative cash balance as long as there are receivables
 15 of federal funds equal to or greater than the negative
 16 balance and the amount appropriated in this subsection

17 is not exceeded at the close of the fiscal year.
 18 b. It is the intent of the general assembly that
 19 the homeland security and emergency management division
 20 work in conjunction with the department of public
 21 safety, to the extent possible, when gathering and
 22 analyzing information related to potential domestic
 23 or foreign security threats, and when monitoring such
 24 threats.

25 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 26 appropriated from the general fund of the state to
 27 the department of public safety for the fiscal year
 28 beginning July 1, 2011, and ending June 30, 2012, the
 29 following amounts, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 1. For the department's administrative functions,
 32 including the criminal justice information system, and
 33 for not more than the following full-time equivalent
 34 positions:

35 \$ 4,007,075
 36 FTEs 36.00

37 2. For the division of criminal investigation,
 38 including the state's contribution to the peace
 39 officers' retirement, accident, and disability system
 40 provided in chapter 97A in the amount of the state's
 41 normal contribution rate, as defined in section
 42 97A.8, multiplied by the salaries for which the
 43 funds are appropriated, to meet federal fund matching
 44 requirements, and for not more than the following
 45 full-time equivalent positions:

46 \$ 12,533,931
 47 FTEs 159.10

48 The department shall employ one additional special
 49 agent and one additional criminalist for the purpose
 50 of investigating cold cases. Prior to employing the

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1 additional special agent and criminalist authorized
 2 in this paragraph, the department shall provide a
 3 written statement to prospective employees that states
 4 to the effect that the positions are being funded by
 5 a temporary federal grant and there are no assurances
 6 that funds from other sources will be available after
 7 the federal funding expires. If the federal funding
 8 for the additional positions expires during the fiscal
 9 year, the number of full-time equivalent positions
 10 authorized in this subsection is reduced by 2.00 FTEs.

11 3. For the criminalistics laboratory fund created
 12 in section 691.9:

13 \$ 302,345

14 4. a. For the division of narcotics enforcement,
 15 including the state's contribution to the peace

16 officers' retirement, accident, and disability system
 17 provided in chapter 97A in the amount of the state's
 18 normal contribution rate, as defined in section
 19 97A.8, multiplied by the salaries for which the
 20 funds are appropriated, to meet federal fund matching
 21 requirements, and for not more than the following
 22 full-time equivalent positions:
 23 \$ 6,429,884
 24 FTEs 74.00
 25 b. For the division of narcotics enforcement for
 26 undercover purchases:
 27 \$ 109,042
 28 5. For the division of state fire marshal, for fire
 29 protection services as provided through the state fire
 30 service and emergency response council as created in
 31 the department, and for the state's contribution to the
 32 peace officers' retirement, accident, and disability
 33 system provided in chapter 97A in the amount of the
 34 state's normal contribution rate, as defined in section
 35 97A.8, multiplied by the salaries for which the funds
 36 are appropriated, and for not more than the following
 37 full-time equivalent positions:
 38 \$ 4,298,707
 39 FTEs 55.00
 40 6. For the division of state patrol, for salaries,
 41 support, maintenance, workers' compensation costs,
 42 and miscellaneous purposes, including the state's
 43 contribution to the peace officers' retirement,
 44 accident, and disability system provided in chapter 97A
 45 in the amount of the state's normal contribution rate,
 46 as defined in section 97A.8, multiplied by the salaries
 47 for which the funds are appropriated, and for not more
 48 than the following full-time equivalent positions:
 49 \$ 51,903,233
 50 FTEs 513.00

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1 It is the intent of the general assembly that
 2 members of the state patrol be assigned to patrol
 3 the highways and roads in lieu of assignments for
 4 inspecting school buses for the school districts.
 5 7. For deposit in the sick leave benefits fund
 6 established under section 80.42 for all departmental
 7 employees eligible to receive benefits for accrued sick
 8 leave under the collective bargaining agreement:
 9 \$ 279,517
 10 8. For costs associated with the training and
 11 equipment needs of volunteer fire fighters:
 12 \$ 575,520
 13 a. Notwithstanding section 8.33, moneys
 14 appropriated in this subsection that remain

15 unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure only for the purpose designated in this
18 subsection until the close of the succeeding fiscal
19 year.

20 b. Notwithstanding section 8.39, within the
21 moneys appropriated in this section, the department
22 of public safety may reallocate moneys as necessary
23 to best fulfill the needs provided for in the
24 appropriation. However, the department shall not
25 reallocate an appropriation made to the department
26 in this section unless notice of the reallocation
27 is given to the legislative services agency and
28 the department of management prior to the effective
29 date of the reallocation. The notice shall include
30 information regarding the rationale for reallocating
31 the appropriation. The department shall not reallocate
32 an appropriation made in this section for the purpose
33 of eliminating any program.

34 Sec. 15. GAMING ENFORCEMENT.

35 1. There is appropriated from the gaming
36 enforcement revolving fund created in section 80.43 to
37 the department of public safety for the fiscal year
38 beginning July 1, 2011, and ending June 30, 2012, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 For any direct and indirect support costs for
42 agents and officers of the division of criminal
43 investigation's excursion gambling boat, gambling
44 structure, and racetrack enclosure enforcement
45 activities, including salaries, support, maintenance,
46 miscellaneous purposes, and for not more than the
47 following full-time equivalent positions:

48	\$ 9,836,306
49	FTEs 120.00

50 2. For each additional license to conduct gambling

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1 games on an excursion gambling boat, gambling
2 structure, or racetrack enclosure issued during
3 the fiscal year beginning July 1, 2011, there is
4 appropriated from the gaming enforcement fund to
5 the department of public safety for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, an
7 additional amount of not more than \$521,000 to be used
8 for not more than 6.00 additional full-time equivalent
9 positions.

10 3. The department of public safety, with the
11 approval of the department of management, may employ
12 no more than two special agents and four gaming
13 enforcement officers for each additional riverboat

14 or gambling structure regulated after July 1, 2011,
 15 and one special agent for each racing facility which
 16 becomes operational during the fiscal year which
 17 begins July 1, 2011. One additional gaming enforcement
 18 officer, up to a total of four per riverboat or
 19 gambling structure, may be employed for each riverboat
 20 or gambling structure that has extended operations to
 21 24 hours and has not previously operated with a 24-hour
 22 schedule. Positions authorized in this subsection
 23 are in addition to the full-time equivalent positions
 24 otherwise authorized in this section.

25 Sec. 16. CIVIL RIGHTS COMMISSION. There is
 26 appropriated from the general fund of the state to the
 27 Iowa state civil rights commission for the fiscal year
 28 beginning July 1, 2011, and ending June 30, 2012, the
 29 following amount, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-time
 33 equivalent positions:

34 \$ 1,297,069
 35 FTEs 28.00

36 The Iowa state civil rights commission may enter
 37 into a contract with a nonprofit organization to
 38 provide legal assistance to resolve civil rights
 39 complaints.

40 Sec. 17. 2009 Iowa Acts, chapter 178, section 20,
 41 is amended to read as follows:

42 SEC. 20. CONSUMER EDUCATION AND LITIGATION

43 FUND. Notwithstanding section 714.16C, for each
 44 fiscal year of the period beginning July 1, 2008, and
 45 ending June 30, ~~2011~~ 2013, the annual appropriations
 46 in section 714.16C, are increased from \$1,125,000 to
 47 \$1,875,000, and \$75,000 to \$125,000 respectively.

48 Moneys appropriated from the consumer education and
 49 litigation fund may be allocated for cash flow purposes
 50 to the victim compensation fund established in section

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1 915.94 during each of the fiscal years enumerated,
 2 provided that any moneys so allocated are returned to
 3 the consumer education and litigation fund by the end
 4 of each fiscal year an allocation occurs.

5 Sec. 18. IOWA COMMUNICATIONS NETWORK. It is the
 6 intent of the general assembly that the executive
 7 branch agencies receiving an appropriation in this Act
 8 utilize the Iowa communications network or secure other
 9 electronic communications in lieu of traveling for the
 10 fiscal year addressed by the appropriations.

11 Sec. 19. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 12 DIVISION. There is appropriated from the wireless

13 E911 emergency communications fund created in section
14 34A.7A to the administrator of the homeland security
15 and emergency management division of the department of
16 public defense for the fiscal year beginning July 1,
17 2011, and ending June 30, 2012, an amount not exceeding
18 \$200,000 to be used for implementation, support, and
19 maintenance of the functions of the administrator and
20 program manager under chapter 34A and to employ the
21 auditor of the state to perform an annual audit of the
22 wireless E911 emergency communications fund.

23 Sec. 20. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES

24 — RATIO. Notwithstanding section 8A.402, subsection
25 2, paragraph "g", for the fiscal year beginning July
26 1, 2011, the department of corrections, department of
27 public safety, and the judicial district departments of
28 correctional services shall be exempt from the target
29 ratio of supervisory employees to other employees
30 otherwise applicable for that fiscal year under section
31 8A.402, subsection 2, paragraph "g".

32 Sec. 21. GERIATRIC AND PSYCHIATRIC TREATMENT

33 REPORT. The departments of corrections, human
34 services, inspections and appeals, and public health,
35 and the board of parole, shall jointly study the
36 development and establishment of treatment options
37 for geriatric and psychiatric patients currently
38 under the care, custody, and control of the state
39 to provide maximum treatment opportunities for such
40 persons while achieving fiscal efficiencies. The
41 department of corrections in consultation with the
42 other departments and the board of parole, shall
43 provide a report detailing the results of the study
44 to the co-chairpersons and the ranking members of the
45 joint appropriations subcommittee on health and human
46 services, the co-chairpersons and ranking members
47 of the joint appropriations subcommittee on justice
48 system, and the legislative services agency by November
49 15, 2011.

50 DIVISION II

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1 FY 2012-2013

2 Sec. 22. DEPARTMENT OF JUSTICE.

3 1. There is appropriated from the general fund
4 of the state to the department of justice for the
5 fiscal year beginning July 1, 2012, and ending June 30,
6 2013, the following amounts, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 a. For the general office of attorney general for
9 salaries, support, maintenance, and miscellaneous
10 purposes, including the prosecuting attorneys training
11 program, matching funds for federal violence against

12 women grant programs, victim assistance grants, office
13 of drug control policy prosecuting attorney program,
14 and odometer fraud enforcement, and for not more than
15 the following full-time equivalent positions:

16 \$ 7,942,930

17 FTEs 212.00

18 It is the intent of the general assembly that as
19 a condition of receiving the appropriation provided
20 in this lettered paragraph, the department of justice
21 shall maintain a record of the estimated time incurred
22 representing each agency or department.

23 b. For victim assistance grants:

24 \$ 2,876,400

25 The funds appropriated in this lettered paragraph
26 shall be used to provide grants to care providers
27 providing services to crime victims of domestic abuse
28 or to crime victims of rape and sexual assault.

29 The balance of the victim compensation fund
30 established in section 915.94 may be used to provide
31 salary and support of not more than 24 FTEs and
32 to provide maintenance for the victim compensation
33 functions of the department of justice.

34 The department of justice may transfer moneys from
35 the victim compensation fund established in section
36 915.94 to the victim assistance grant program.

37 c. For legal services for persons in poverty grants
38 as provided in section 13.34:

39 \$ 1,800,000

40 2. a. The department of justice, in submitting
41 budget estimates for the fiscal year commencing July
42 1, 2013, pursuant to section 8.23, shall include a
43 report of funding from sources other than amounts
44 appropriated directly from the general fund of the
45 state to the department of justice or to the office of
46 consumer advocate. These funding sources shall include
47 but are not limited to reimbursements from other state
48 agencies, commissions, boards, or similar entities, and
49 reimbursements from special funds or internal accounts
50 within the department of justice. The department of

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1 justice shall also report actual reimbursements for the
2 fiscal year commencing July 1, 2011, and actual and
3 expected reimbursements for the fiscal year commencing
4 July 1, 2012.

5 b. The department of justice shall include the
6 report required under paragraph "a", as well as
7 information regarding any revisions occurring as a
8 result of reimbursements actually received or expected
9 at a later date, in a report to the co-chairpersons
10 and ranking members of the joint appropriations

11 subcommittee on the justice system and the legislative
12 services agency. The department of justice shall
13 submit the report on or before January 15, 2013.

14 Sec. 23. OFFICE OF CONSUMER ADVOCATE. There is
15 appropriated from the department of commerce revolving
16 fund created in section 546.12 to the office of
17 consumer advocate of the department of justice for the
18 fiscal year beginning July 1, 2012, and ending June 30,
19 2013, the following amount, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:

24 \$ 3,136,163

25 FTEs 22.00

26 Sec. 24. DEPARTMENT OF CORRECTIONS — FACILITIES.

27 1. There is appropriated from the general fund of
28 the state to the department of corrections for the
29 fiscal year beginning July 1, 2012, and ending June
30 30, 2013, the following amounts, or so much thereof as
31 is necessary, to be used for the operation of adult
32 correctional institutions, reimbursement of counties
33 for certain confinement costs, and federal prison
34 reimbursement, to be allocated as follows:

35 a. For the operation of the Fort Madison
36 correctional facility, including salaries, support,
37 maintenance, and miscellaneous purposes:

38 \$ 41,031,283

39 b. For the operation of the Anamosa correctional
40 facility, including salaries, support, maintenance, and
41 miscellaneous purposes:

42 \$ 31,985,974

43 c. For the operation of the Oakdale correctional
44 facility, including salaries, support, maintenance, and
45 miscellaneous purposes:

46 \$ 54,374,426

47 d. For the operation of the Newton correctional
48 facility, including salaries, support, maintenance, and
49 miscellaneous purposes:

50 \$ 25,958,757

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1 e. For the operation of the Mt. Pleasant
2 correctional facility, including salaries, support,
3 maintenance, and miscellaneous purposes:

4 \$ 25,917,815

5 f. For the operation of the Rockwell City
6 correctional facility, including salaries, support,
7 maintenance, and miscellaneous purposes:

8 \$ 9,316,466

9 g. For the operation of the Clarinda correctional

10 facility, including salaries, support, maintenance, and
11 miscellaneous purposes:

12 \$ 24,639,518

13 Moneys received by the department of corrections as
14 reimbursement for services provided to the Clarinda
15 youth corporation are appropriated to the department
16 and shall be used for the purpose of operating the
17 Clarinda correctional facility.

18 h. For the operation of the Mitchellville
19 correctional facility, including salaries, support,
20 maintenance, and miscellaneous purposes:

21 \$ 15,615,374

22 i. For the operation of the Fort Dodge correctional
23 facility, including salaries, support, maintenance, and
24 miscellaneous purposes:

25 \$ 29,062,235

26 j. For reimbursement of counties for temporary
27 confinement of work release and parole violators, as
28 provided in sections 901.7, 904.908, and 906.17, and
29 for offenders confined pursuant to section 904.513:

30 \$ 775,092

31 k. For federal prison reimbursement, reimbursements
32 for out-of-state placements, and miscellaneous
33 contracts:

34 \$ 239,411

35 2. The department of corrections shall use moneys
36 appropriated in subsection 1 to continue to contract
37 for the services of a Muslim imam and a Native American
38 spiritual leader.

39 Sec. 25. DEPARTMENT OF CORRECTIONS —
40 ADMINISTRATION.

41 There is appropriated from the general fund of
42 the state to the department of corrections for the
43 fiscal year beginning July 1, 2012, and ending June 30,
44 2013, the following amounts, or so much thereof as is
45 necessary, to be used for the purposes designated:

46 1. For general administration, including salaries,
47 support, maintenance, employment of an education
48 director to administer a centralized education
49 program for the correctional system, and miscellaneous
50 purposes:

Page 18

1 \$ 4,835,542

2 a. It is the intent of the general assembly
3 that as a condition of receiving the appropriation
4 provided in this lettered paragraph the department of
5 corrections shall not, except as otherwise provided
6 in paragraph "c", enter into a new contract, unless
7 the contract is a renewal of an existing contract,
8 for the expenditure of moneys in excess of \$100,000

9 during the fiscal year beginning July 1, 2012, for the
 10 privatization of services performed by the department
 11 using state employees as of July 1, 2012, or for the
 12 privatization of new services by the department without
 13 prior consultation with any applicable state employee
 14 organization affected by the proposed new contract and
 15 prior notification of the co-chairpersons and ranking
 16 members of the joint appropriations subcommittee on the
 17 justice system.

18 b. It is the intent of the general assembly
 19 that each lease negotiated by the department of
 20 corrections with a private corporation for the purpose
 21 of providing private industry employment of inmates in
 22 a correctional institution shall prohibit the private
 23 corporation from utilizing inmate labor for partisan
 24 political purposes for any person seeking election to
 25 public office in this state and that a violation of
 26 this requirement shall result in a termination of the
 27 lease agreement.

28 c. It is the intent of the general assembly that as
 29 a condition of receiving the appropriation provided in
 30 this subsection the department of corrections shall not
 31 enter into a lease or contractual agreement pursuant to
 32 section 904.809 with a private corporation for the use
 33 of building space for the purpose of providing inmate
 34 employment without providing that the terms of the
 35 lease or contract establish safeguards to restrict, to
 36 the greatest extent feasible, access by inmates working
 37 for the private corporation to personal identifying
 38 information of citizens.

39 2. For educational programs for inmates at state
 40 penal institutions:

41 \$ 2,308,109

42 a. As a condition of receiving the appropriation in
 43 this subsection, the department of corrections shall
 44 transfer at least \$300,000 from the canteen operating
 45 funds established pursuant to section 904.310 to be
 46 used for correctional educational programs funded in
 47 this subsection.

48 b. It is the intent of the general assembly that
 49 moneys appropriated in this subsection shall be used
 50 solely for the purpose indicated and that the moneys

Page 19

1 shall not be transferred for any other purpose. In
 2 addition, it is the intent of the general assembly
 3 that the department shall consult with the community
 4 colleges in the areas in which the institutions
 5 are located to utilize moneys appropriated in this
 6 subsection to fund the high school completion, high
 7 school equivalency diploma, adult literacy, and adult

8 basic education programs in a manner so as to maintain
9 these programs at the institutions.

10 c. To maximize the funding for educational
11 programs, the department shall establish guidelines
12 and procedures to prioritize the availability of
13 educational and vocational training for inmates based
14 upon the goal of facilitating an inmate's successful
15 release from the correctional institution.

16 d. The director of the department of corrections
17 may transfer moneys from Iowa prison industries for use
18 in educational programs for inmates.

19 e. Notwithstanding section 8.33, moneys
20 appropriated in this subsection that remain unobligated
21 or unexpended at the close of the fiscal year shall not
22 revert but shall remain available to be used only for
23 the purposes designated in this subsection until the
24 close of the succeeding fiscal year.

25 3. For the development of the Iowa corrections
26 offender network (ICON) data system:

27 \$ 424,364

28 4. For offender mental health and substance abuse
29 treatment:

30 \$ 22,319

31 5. For viral hepatitis prevention and treatment:

32 \$ 167,881

33 6. For a pilot project establishing a geriatric and
34 psychiatric unit for persons under the care, custody,
35 and control of the state:

36 \$ 1,665,000

37 Sec. 26. JUDICIAL DISTRICT DEPARTMENTS OF
38 CORRECTIONAL SERVICES.

39 1. There is appropriated from the general fund of
40 the state to the department of corrections for the
41 fiscal year beginning July 1, 2012, and ending June
42 30, 2013, for salaries, support, maintenance, and
43 miscellaneous purposes, the following amounts, or
44 so much thereof as is necessary, to be allocated as
45 follows:

46 a. For the first judicial district department of
47 correctional services:

48 \$ 12,020,098

49 b. For the second judicial district department of
50 correctional services:

Page 20

1 \$ 10,336,948

2 c. For the third judicial district department of
3 correctional services:

4 \$ 5,599,765

5 d. For the fourth judicial district department of
6 correctional services:

7 \$ 5,391,355
8 e. For the fifth judicial district department of
9 correctional services, including funding for electronic
10 monitoring devices for use on a statewide basis:
11 \$ 18,742,129
12 f. For the sixth judicial district department of
13 correctional services:
14 \$ 13,112,563
15 g. For the seventh judicial district department of
16 correctional services:
17 \$ 6,492,814
18 h. For the eighth judicial district department of
19 correctional services:
20 \$ 6,731,055
21 2. Each judicial district department of
22 correctional services, within the funding available,
23 shall continue programs and plans established within
24 that district to provide for intensive supervision, sex
25 offender treatment, diversion of low-risk offenders
26 to the least restrictive sanction available, job
27 development, and expanded use of intermediate criminal
28 sanctions.
29 3. Each judicial district department of
30 correctional services shall provide alternatives to
31 prison consistent with chapter 901B. The alternatives
32 to prison shall ensure public safety while providing
33 maximum rehabilitation to the offender. A judicial
34 district department of correctional services may also
35 establish a day program.
36 4. The governor's office of drug control policy
37 shall consider federal grants made to the department
38 of corrections for the benefit of each of the eight
39 judicial district departments of correctional services
40 as local government grants, as defined pursuant to
41 federal regulations.
42 5. The department of corrections shall continue
43 to contract with a judicial district department
44 of correctional services to provide for the rental
45 of electronic monitoring equipment which shall be
46 available statewide.
47 6. A judicial district department of correctional
48 services shall accept into the facilities of the
49 district department, offenders assigned from other
50 judicial district departments of correctional services.

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1 Sec. 27. DEPARTMENT OF CORRECTIONS — REALLOCATION
2 OF APPROPRIATIONS. Notwithstanding section 8.39,
3 within the moneys appropriated in this division of this
4 Act to the department of corrections, the department
5 may reallocate the moneys appropriated and allocated as

6 necessary to best fulfill the needs of the correctional
7 institutions, administration of the department, and the
8 judicial district departments of correctional services.
9 However, in addition to complying with the requirements
10 of sections 904.116 and 905.8 and providing notice
11 to the legislative services agency, the department
12 of corrections shall also provide notice to the
13 department of management, prior to the effective date
14 of the revision or reallocation of an appropriation
15 made pursuant to this section. The department of
16 corrections shall not reallocate an appropriation or
17 allocation for the purpose of eliminating any program.

18 Sec. 28. INTENT — REPORTS.

19 1. The department of corrections in cooperation
20 with townships, the Iowa cemetery associations, and
21 other nonprofit or governmental entities may use inmate
22 labor during the fiscal year beginning July 1, 2012,
23 to restore or preserve rural cemeteries and historical
24 landmarks. The department in cooperation with the
25 counties may also use inmate labor to clean up roads,
26 major water sources, and other water sources around the
27 state.

28 2. On a quarterly basis the department shall
29 provide a status report regarding private-sector
30 employment to the legislative services agency beginning
31 on July 1, 2012. The report shall include the number
32 of offenders employed in the private sector, the
33 combined number of hours worked by the offenders, the
34 total amount of allowances, and the distribution of
35 allowances pursuant to section 904.702, including any
36 moneys deposited in the general fund of the state.

37 Sec. 29. ELECTRONIC MONITORING REPORT. The
38 department of corrections shall submit a report on
39 electronic monitoring to the general assembly, to the
40 co-chairpersons and the ranking members of the joint
41 appropriations subcommittee on the justice system, and
42 to the legislative services agency by January 15, 2013.
43 The report shall specifically address the number of
44 persons being electronically monitored and break down
45 the number of persons being electronically monitored
46 by offense committed. The report shall also include a
47 comparison of any data from the prior fiscal year with
48 the current year.

49 Sec. 30. STATE AGENCY PURCHASES FROM PRISON
50 INDUSTRIES.

Page 22

1 1. As used in this section, unless the context
2 otherwise requires, "state agency" means the government
3 of the state of Iowa, including but not limited to
4 all executive branch departments, agencies, boards,

5 bureaus, and commissions, the judicial branch,
 6 the general assembly and all legislative agencies,
 7 institutions within the purview of the state board of
 8 regents, and any corporation whose primary function is
 9 to act as an instrumentality of the state.

10 2. State agencies are hereby encouraged to purchase
 11 products from Iowa state industries, as defined in
 12 section 904.802, when purchases are required and the
 13 products are available from Iowa state industries.
 14 State agencies shall obtain bids from Iowa state
 15 industries for purchases of office furniture during the
 16 fiscal year beginning July 1, 2012, exceeding \$5,000
 17 or in accordance with applicable administrative rules
 18 related to purchases for the agency.

19 Sec. 31. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of
 21 the state to the Iowa law enforcement academy for the
 22 fiscal year beginning July 1, 2012, and ending June 30,
 23 2013, the following amount, or so much thereof as is
 24 necessary, to be used for the purposes designated:

25 For salaries, support, maintenance, miscellaneous
 26 purposes, including jailer training and technical
 27 assistance, and for not more than the following
 28 full-time equivalent positions:

29	\$	448,500
30	FTEs	24.55

31 It is the intent of the general assembly that the
 32 Iowa law enforcement academy may provide training of
 33 state and local law enforcement personnel concerning
 34 the recognition of and response to persons with
 35 Alzheimer's disease.

36 The Iowa law enforcement academy may temporarily
 37 exceed and draw more than the amount appropriated in
 38 this subsection and incur a negative cash balance as
 39 long as there are receivables equal to or greater than
 40 the negative balance and the amount appropriated in
 41 this subsection is not exceeded at the close of the
 42 fiscal year.

43 2. The Iowa law enforcement academy may select
 44 at least five automobiles of the department of public
 45 safety, division of state patrol, prior to turning over
 46 the automobiles to the department of administrative
 47 services to be disposed of by public auction, and
 48 the Iowa law enforcement academy may exchange any
 49 automobile owned by the academy for each automobile
 50 selected if the selected automobile is used in training

1 law enforcement officers at the academy. However,
 2 any automobile exchanged by the academy shall be
 3 substituted for the selected vehicle of the department

4 of public safety and sold by public auction with the
5 receipts being deposited in the depreciation fund to
6 the credit of the department of public safety, division
7 of state patrol.

8 Sec. 32. STATE PUBLIC DEFENDER. There is
9 appropriated from the general fund of the state to the
10 office of the state public defender of the department
11 of inspections and appeals for the fiscal year
12 beginning July 1, 2012, and ending June 30, 2013, the
13 following amounts, or so much thereof as is necessary,
14 to be allocated as follows for the purposes designated:

15 1. For salaries, support, maintenance,
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18 \$ 24,083,182
19 FTEs 219.00

20 2. For the fees of court-appointed attorneys for
21 indigent adults and juveniles, in accordance with
22 section 232.141 and chapter 815:

23 \$ 29,680,929

24 Sec. 33. BOARD OF PAROLE. There is appropriated
25 from the general fund of the state to the board of
26 parole for the fiscal year beginning July 1, 2012, and
27 ending June 30, 2013, the following amount, or so much
28 thereof as is necessary, to be used for the purposes
29 designated:

30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:

33 \$ 1,053,835
34 FTEs 12.50

35 Sec. 34. DEPARTMENT OF PUBLIC DEFENSE. There is
36 appropriated from the general fund of the state to
37 the department of public defense for the fiscal year
38 beginning July 1, 2012, and ending June 30, 2013, the
39 following amounts, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 1. MILITARY DIVISION

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-time
44 equivalent positions:

45 \$ 5,527,042
46 FTEs 313.00

47 The military division may temporarily exceed
48 and draw more than the amount appropriated in this
49 subsection and incur a negative cash balance as long
50 as there are receivables of federal funds equal to

1 or greater than the negative balance and the amount
2 appropriated in this subsection is not exceeded at the

3 close of the fiscal year.

4 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
5 DIVISION

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9 \$ 1,836,877
10 FTEs 40.00

11 a. The homeland security and emergency management
12 division may temporarily exceed and draw more than the
13 amount appropriated in this subsection and incur a
14 negative cash balance as long as there are receivables
15 of federal funds equal to or greater than the negative
16 balance and the amount appropriated in this subsection
17 is not exceeded at the close of the fiscal year.

18 b. It is the intent of the general assembly that
19 the homeland security and emergency management division
20 work in conjunction with the department of public
21 safety, to the extent possible, when gathering and
22 analyzing information related to potential domestic
23 or foreign security threats, and when monitoring such
24 threats.

25 Sec. 35. DEPARTMENT OF PUBLIC SAFETY. There is
26 appropriated from the general fund of the state to
27 the department of public safety for the fiscal year
28 beginning July 1, 2012, and ending June 30, 2013, the
29 following amounts, or so much thereof as is necessary,
30 to be used for the purposes designated:

31 1. For the department's administrative functions,
32 including the criminal justice information system, and
33 for not more than the following full-time equivalent
34 positions:

35 \$ 4,007,075
36 FTEs 36.00

37 2. For the division of criminal investigation,
38 including the state's contribution to the peace
39 officers' retirement, accident, and disability system
40 provided in chapter 97A in the amount of the state's
41 normal contribution rate, as defined in section
42 97A.8, multiplied by the salaries for which the
43 funds are appropriated, to meet federal fund matching
44 requirements, and for not more than the following
45 full-time equivalent positions:

46 \$ 12,533,931
47 FTEs 159.10

48 The department shall employ one additional special
49 agent and one additional criminalist for the purpose
50 of investigating cold cases. Prior to employing the

1 additional special agent and criminalist authorized
 2 in this paragraph, the department shall provide a
 3 written statement to prospective employees that states
 4 to the effect that the positions are being funded by
 5 a temporary federal grant and there are no assurances
 6 that funds from other sources will be available after
 7 the federal funding expires. If the federal funding
 8 for the additional positions expires during the fiscal
 9 year, the number of full-time equivalent positions
 10 authorized in this subsection is reduced by 2.00 FTEs.

11 3. For the criminalistics laboratory fund created
 12 in section 691.9:

13 \$ 302,345

14 4. a. For the division of narcotics enforcement,
 15 including the state's contribution to the peace
 16 officers' retirement, accident, and disability system
 17 provided in chapter 97A in the amount of the state's
 18 normal contribution rate, as defined in section
 19 97A.8, multiplied by the salaries for which the
 20 funds are appropriated, to meet federal fund matching
 21 requirements, and for not more than the following
 22 full-time equivalent positions:

23 \$ 6,429,884

24 FTEs 74.00

25 b. For the division of narcotics enforcement for
 26 undercover purchases:

27 \$ 109,042

28 5. For the division of state fire marshal, for fire
 29 protection services as provided through the state fire
 30 service and emergency response council as created in
 31 the department, and for the state's contribution to the
 32 peace officers' retirement, accident, and disability
 33 system provided in chapter 97A in the amount of the
 34 state's normal contribution rate, as defined in section
 35 97A.8, multiplied by the salaries for which the funds
 36 are appropriated, and for not more than the following
 37 full-time equivalent positions:

38 \$ 4,298,707

39 FTEs 55.00

40 6. For the division of state patrol, for salaries,
 41 support, maintenance, workers' compensation costs,
 42 and miscellaneous purposes, including the state's
 43 contribution to the peace officers' retirement,
 44 accident, and disability system provided in chapter 97A
 45 in the amount of the state's normal contribution rate,
 46 as defined in section 97A.8, multiplied by the salaries
 47 for which the funds are appropriated, and for not more
 48 than the following full-time equivalent positions:

49 \$ 55,403,233

50 FTEs 533.00

1 It is the intent of the general assembly that
 2 members of the state patrol be assigned to patrol
 3 the highways and roads in lieu of assignments for
 4 inspecting school buses for the school districts.

5 7. For deposit in the sick leave benefits fund
 6 established under section 80.42 for all departmental
 7 employees eligible to receive benefits for accrued sick
 8 leave under the collective bargaining agreement:
 9 \$ 279,517

10 8. For costs associated with the training and
 11 equipment needs of volunteer fire fighters:
 12 \$ 760,520

13 a. Notwithstanding section 8.33, moneys
 14 appropriated in this subsection that remain
 15 unencumbered or unobligated at the close of the fiscal
 16 year shall not revert but shall remain available for
 17 expenditure only for the purpose designated in this
 18 subsection until the close of the succeeding fiscal
 19 year.

20 b. Notwithstanding section 8.39, within the
 21 moneys appropriated in this section, the department
 22 of public safety may reallocate moneys as necessary
 23 to best fulfill the needs provided for in the
 24 appropriation. However, the department shall not
 25 reallocate an appropriation made to the department
 26 in this section unless notice of the reallocation
 27 is given to the legislative services agency and
 28 the department of management prior to the effective
 29 date of the reallocation. The notice shall include
 30 information regarding the rationale for reallocating
 31 the appropriation. The department shall not reallocate
 32 an appropriation made in this section for the purpose
 33 of eliminating any program.

34 Sec. 36. GAMING ENFORCEMENT.

35 1. There is appropriated from the gaming
 36 enforcement revolving fund created in section 80.43 to
 37 the department of public safety for the fiscal year
 38 beginning July 1, 2012, and ending June 30, 2013, the
 39 following amount, or so much thereof as is necessary,
 40 to be used for the purposes designated:

41 For any direct and indirect support costs for
 42 agents and officers of the division of criminal
 43 investigation's excursion gambling boat, gambling
 44 structure, and racetrack enclosure enforcement
 45 activities, including salaries, support, maintenance,
 46 miscellaneous purposes, and for not more than the
 47 following full-time equivalent positions:

48 \$ 9,836,306
 49 FTEs 120.00

50 2. For each additional license to conduct gambling

1 games on an excursion gambling boat, gambling
 2 structure, or racetrack enclosure issued during
 3 the fiscal year beginning July 1, 2012, there is
 4 appropriated from the gaming enforcement fund to
 5 the department of public safety for the fiscal year
 6 beginning July 1, 2012, and ending June 30, 2013, an
 7 additional amount of not more than \$521,000 to be used
 8 for not more than 6.00 additional full-time equivalent
 9 positions.

10 3. The department of public safety, with the
 11 approval of the department of management, may employ
 12 no more than two special agents and four gaming
 13 enforcement officers for each additional riverboat
 14 or gambling structure regulated after July 1, 2012,
 15 and one special agent for each racing facility which
 16 becomes operational during the fiscal year which
 17 begins July 1, 2012. One additional gaming enforcement
 18 officer, up to a total of four per riverboat or
 19 gambling structure, may be employed for each riverboat
 20 or gambling structure that has extended operations to
 21 24 hours and has not previously operated with a 24-hour
 22 schedule. Positions authorized in this subsection
 23 are in addition to the full-time equivalent positions
 24 otherwise authorized in this section.

25 Sec. 37. CIVIL RIGHTS COMMISSION. There is
 26 appropriated from the general fund of the state to the
 27 Iowa state civil rights commission for the fiscal year
 28 beginning July 1, 2012, and ending June 30, 2013, the
 29 following amount, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-time
 33 equivalent positions:

34 \$ 1,297,069
 35 FTEs 28.00

36 The Iowa state civil rights commission may enter
 37 into a contract with a nonprofit organization to
 38 provide legal assistance to resolve civil rights
 39 complaints.

40 Sec. 38. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 41 DIVISION. There is appropriated from the wireless
 42 E911 emergency communications fund created in section
 43 34A.7A to the administrator of the homeland security
 44 and emergency management division of the department of
 45 public defense for the fiscal year beginning July 1,
 46 2012, and ending June 30, 2013, an amount not exceeding
 47 \$200,000 to be used for implementation, support, and
 48 maintenance of the functions of the administrator and
 49 program manager under chapter 34A and to employ the
 50 auditor of the state to perform an annual audit of the

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1 wireless E911 emergency communications fund.
2 Sec. 39. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES
3 — RATIO. Notwithstanding section 8A.402, subsection
4 2, paragraph "g", for the fiscal year beginning July
5 1, 2011, the department of corrections, department of
6 public safety, and the judicial district departments of
7 correctional services shall be exempt from the target
8 ratio of supervisory employees to other employees
9 otherwise applicable for that fiscal year under section
10 8A.402, subsection 2, paragraph "g".>

WORTHAN of Buena Vista

H-1559

1 Amend House File 484, as passed by the House, as
2 follows:
3 1. Page 4, line 10, by striking <July 1, 2011> and
4 inserting <March 1, 2012>
5 2. Page 4, line 11, after <identify> by inserting
6 <or have identified>
7 3. Page 4, line 21, after <identify> by inserting
8 <or have identified>
9 4. Page 4, after line 32, by inserting:
10 <c. The Iowa public employees' retirement system,
11 acting on behalf of the system and other public funds
12 subject to this section, may develop and issue a
13 request for proposals for third-party services to
14 complete the identification of scrutinized companies
15 and the compilation of a scrutinized companies list.
16 The request for proposals may request bids for optional
17 services related to this purpose, including but not
18 limited to provision of notice of such scrutinized
19 companies as required in subsection 2. The Iowa public
20 employees' retirement system shall consult with all
21 other public funds on the development of the request
22 for proposals, however selection of a successful
23 proposal and the final scope of services to be provided
24 shall be determined only by those public funds that
25 have agreed to utilize the third-party services. If
26 more than one public fund decides to utilize the
27 third-party services, the participating public funds
28 shall equally share the costs of such services.>
29 5. Page 4, line 35, after <send> by inserting <or
30 have sent>
31 6. Page 5, line 5, after <fund> by inserting <or
32 its representative>
33 7. Page 5, line 10, after <send> by inserting <or
34 have sent>

35 8. Page 5, line 20, after <The public fund> by
36 inserting <or its representative>
37 9. By renumbering as necessary.

SENATE AMENDMENT

H-1560

1 Amend Senate File 482, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, after line 3 by inserting:
4 <DIVISION _____
5 INMATES OF PUBLIC INSTITUTIONS — MEDICAID ELIGIBILITY
6 Sec. ____ NEW SECTION. 249A.38 Inmates of public
7 institutions — suspension or termination of medical
8 assistance.
9 1. The following conditions shall apply to an
10 individual who is an inmate of a public institution as
11 defined in 42 C.F.R. § 435.1010, who is enrolled in the
12 medical assistance program at the time of commitment to
13 the public institution, and who is eligible for medical
14 assistance by reason of disability or being sixty-five
15 years of age or older:
16 a. The department shall suspend the individual's
17 eligibility for up to the initial twelve months of
18 the period of commitment. The department shall delay
19 the suspension of eligibility for a period of up to
20 the first thirty days of commitment if such delay is
21 approved by the centers for Medicare and Medicaid
22 services of the United States department of health
23 and human services. If such delay is not approved,
24 the department shall suspend eligibility during the
25 entirety of the initial twelve months of the period
26 of commitment. Claims submitted on behalf of the
27 individual under the medical assistance program for
28 covered services provided during the delay period shall
29 only be reimbursed if federal financial participation
30 is applicable to such claims.
31 b. The department shall terminate an individual's
32 eligibility following a twelve-month period of
33 suspension of the individual's eligibility under
34 paragraph "a".
35 2. a. A public institution shall provide the
36 department and the social security administration with
37 a monthly report of the individuals who are committed
38 to the public institution and of the individuals who
39 are discharged from the public institution.
40 b. The department shall provide a public
41 institution with the forms necessary to be used
42 by the individual in expediting restoration of the
43 individual's medical assistance benefits upon discharge
44 from the public institution.

45 3. This section applies to individuals as specified
 46 in subsection 1 on or after January 1, 2012.
 47 4. The department may adopt rules pursuant to
 48 chapter 17A to implement this section.
 49 Sec. ____ IMPLEMENTATION. The department of human
 50 services shall do all of the following:

Page 2

1 1. Request any waiver or approval necessary from
 2 the centers for Medicare and Medicaid services of the
 3 United States department of health and human services
 4 to provide for the delay in suspension of eligibility
 5 as provided in this Act beginning January 1, 2012. The
 6 department shall implement the delay period to the
 7 maximum extent of the federal approval.
 8 2. Develop a process for suspension of medical
 9 assistance eligibility for individuals as specified in
 10 this Act beginning January 1, 2012.
 11 3. Incorporate provisions for suspension and
 12 termination of medical assistance eligibility for
 13 inmates of public institutions within any future
 14 redesign of the medical assistance program eligibility
 15 information management system.
 16 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 17 of this Act, being deemed of immediate importance,
 18 takes effect upon enactment.>
 19 2. By renumbering as necessary.

HEATON of Henry
 HEDDENS of Story

H-1561

1 Amend the amendment, H-1457, to Senate File 509,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, after line 14 by inserting:
 5 <__. Notwithstanding section 455A.10, the
 6 department of natural resources may use the
 7 unappropriated balance remaining in the state fish and
 8 game protection fund for the fiscal year beginning July
 9 1, 2011, and ending June 30, 2012, as is necessary
 10 to fund salary adjustments for departmental employees
 11 which the general assembly has made an operating budget
 12 appropriation for in subsection 1.>

J. SMITH of Dickinson

H-1562

1 Amend Senate File 509, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

7 GENERAL APPROPRIATIONS FOR FY 2011-2012

8 Section 1. GENERAL FUND — DEPARTMENT.

9 1. There is appropriated from the general fund of
10 the state to the department of agriculture and land
11 stewardship for the fiscal year beginning July 1, 2011,
12 and ending June 30, 2012, the following amount, or
13 so much thereof as is necessary, to be used for the
14 purposes designated:

15 For purposes of supporting the department, including
16 its divisions, for administration, regulation, and
17 programs; for salaries, support, maintenance, and
18 miscellaneous purposes; and for not more than the
19 following full-time equivalent positions:

20 \$ 16,497,308
21 FTEs 365.00

22 2. The department shall submit a report each
23 quarter of the fiscal year to the legislative services
24 agency, the department of management, the members of
25 the joint appropriations subcommittee on agriculture
26 and natural resources, and the chairpersons and
27 ranking members of the senate and house committees on
28 appropriations. The report shall describe in detail
29 the expenditure of moneys appropriated in this section
30 to support the department's administration, regulation,
31 and programs.

32 3. Of the amount appropriated in this section,
33 \$238,000 is transferred to Iowa state university of
34 science and technology, to be used for the university's
35 midwest grape and wine industry institute.

36 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

37 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —

38 HORSE AND DOG RACING. There is appropriated from the
39 moneys available under section 99D.13 to the department
40 of agriculture and land stewardship for the fiscal year
41 beginning July 1, 2011, and ending June 30, 2012, the
42 following amount, or so much thereof as is necessary,
43 to be used for the purposes designated:

44 For purposes of supporting the department's
45 administration and enforcement of horse and dog racing
46 law pursuant to section 99D.22, including for salaries,
47 support, maintenance, and miscellaneous purposes:

48 \$ 305,516

49 DESIGNATED APPROPRIATIONS — MOTOR FUEL

50 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND —

1 MOTOR FUEL INSPECTION. There is appropriated from
 2 the renewable fuel infrastructure fund created in
 3 section 15G.205 to the department of agriculture and
 4 land stewardship for the fiscal year beginning July 1,
 5 2011, and ending June 30, 2012, the following amount,
 6 or so much thereof as is necessary, to be used for the
 7 purposes designated:

8 For purposes of the inspection of motor fuel,
 9 including salaries, support, maintenance, and
 10 miscellaneous purposes:

11 \$ 500,000

12 The department shall establish and administer
 13 programs for the auditing of motor fuel including
 14 biofuel processing and production plants, for screening
 15 and testing motor fuel, including renewable fuel,
 16 and for the inspection of motor fuel sold by dealers
 17 including retail dealers who sell and dispense motor
 18 fuel from motor fuel pumps.

19 DIVISION II

20 DEPARTMENT OF NATURAL RESOURCES

21 GENERAL APPROPRIATIONS FOR FY 2011-2012

22 Sec. 4. GENERAL FUND — DEPARTMENT.

23 1. There is appropriated from the general fund of
 24 the state to the department of natural resources for
 25 the fiscal year beginning July 1, 2011, and ending June
 26 30, 2012, the following amount, or so much thereof as
 27 is necessary, to be used for the purposes designated:

28 For purposes of supporting the department, including
 29 its divisions, for administration, regulation, and
 30 programs; for salaries, support, maintenance, and
 31 miscellaneous purposes; and for not more than the
 32 following full-time equivalent positions:

33 \$ 12,266,688

34 FTEs 1,145.95

35 2. Of the number of full-time equivalent positions
 36 authorized to the department pursuant to subsection 1,
 37 50.00 full-time equivalent positions shall be allocated
 38 by the department for seasonal employees for purposes
 39 of providing maintenance, upkeep, and sanitary services
 40 at state parks.

41 3. The department shall submit a report each
 42 quarter of the fiscal year to the legislative services
 43 agency, the department of management, the members of
 44 the joint appropriations subcommittee on agriculture
 45 and natural resources, and the chairpersons and
 46 ranking members of the senate and house committees on
 47 appropriations. The report shall describe in detail
 48 the expenditure of moneys appropriated under this
 49 section to support the department's administration,
 50 regulation, and programs.

1 Sec. 5. STATE FISH AND GAME PROTECTION FUND —
2 DIVISION OF FISH AND WILDLIFE.

3 1. There is appropriated from the state fish and
4 game protection fund to the department of natural
5 resources for the fiscal year beginning July 1, 2011,
6 and ending June 30, 2012, the following amount, or
7 so much thereof as is necessary, to be used for the
8 purposes designated:

9 For purposes of supporting the division of fish and
10 wildlife, including for administration, regulation,
11 and programs; and for salaries, support, maintenance,
12 equipment, and miscellaneous purposes:

13 \$ 38,793,154

14 2. Notwithstanding section 455A.10, the department
15 may use the unappropriated balance remaining in the
16 state fish and game protection fund to provide for the
17 funding of health and life insurance premium payments
18 from unused sick leave balances of conservation peace
19 officers employed in a protection occupation who
20 retire, pursuant to section 97B.49B.

21 3. Notwithstanding section 455A.10, the department
22 of natural resources may use the unappropriated
23 balance remaining in the state fish and game protection
24 fund for the fiscal year beginning July 1, 2011,
25 and ending June 30, 2012, as is necessary to fund
26 salary adjustments for departmental employees which
27 the general assembly has made an operating budget
28 appropriation for in subsection 1.

29 Sec. 6. GROUNDWATER PROTECTION FUND — WATER

30 QUALITY. There is appropriated from the groundwater
31 protection fund created in section 455E.11 to the
32 department of natural resources for the fiscal year
33 beginning July 1, 2011, and ending June 30, 2012, from
34 those moneys which are not allocated pursuant to that
35 section, the following amount, or so much thereof as is
36 necessary, to be used for the purposes designated:

37 For purposes of supporting the department's
38 protection of the state's groundwater, including
39 for administration, regulation, and programs, and
40 for salaries, support, maintenance, equipment, and
41 miscellaneous purposes:

42 \$ 3,455,832

43 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

44 Sec. 7. SPECIAL SNOWMOBILE FUND — SNOWMOBILE

45 PROGRAM. There is appropriated from the special
46 snowmobile fund created under section 321G.7 to the
47 department of natural resources for the fiscal year
48 beginning July 1, 2011, and ending June 30, 2012, the
49 following amount, or so much thereof as is necessary,
50 to be used for the purpose designated:

Page 4

1 For purposes of administering and enforcing the
 2 state snowmobile programs:
 3 \$ 100,000
 4 Sec. 8. UNASSIGNED REVENUE FUND — UNDERGROUND
 5 STORAGE TANK SECTION EXPENSES. There is appropriated
 6 from the unassigned revenue fund administered by the
 7 Iowa comprehensive underground storage tank fund
 8 board to the department of natural resources for the
 9 fiscal year beginning July 1, 2011, and ending June 30,
 10 2012, the following amount, or so much thereof as is
 11 necessary, to be used for the purpose designated:
 12 For purposes of paying for administration expenses
 13 of the department's underground storage tank section:
 14 \$ 200,000

15 Sec. 9. STORM WATER DISCHARGE PERMIT FEES —
 16 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any
 17 contrary provision of state law, for the fiscal year
 18 beginning July 1, 2011, and ending June 30, 2012, the
 19 department of natural resources may use additional
 20 moneys available to the department collected from
 21 storm water discharge permit fees as provided in
 22 sections 455B.103A and 455B.197 for the staffing of the
 23 following additional full-time equivalent positions for
 24 the purposes designated:
 25 1. For purposes of reducing the department's
 26 floodplain permit backlog:
 27 FTEs 2.00
 28 2. For purposes of implementing the federal total
 29 maximum daily load program:
 30 FTEs 2.00

31 DIVISION III
 32 IOWA STATE UNIVERSITY
 33 APPROPRIATION FOR FY 2011-2012

34 Sec. 10. GENERAL FUND — VETERINARY DIAGNOSTIC
 35 LABORATORY.
 36 1. There is appropriated from the general fund
 37 of the state to Iowa state university of science and
 38 technology for the fiscal year beginning July 1, 2011,
 39 and ending June 30, 2012, the following amount, or
 40 so much thereof as is necessary, to be used for the
 41 purposes designated:
 42 For purposes of supporting the college of veterinary
 43 medicine for the operation of the veterinary diagnostic
 44 laboratory and for not more than the following
 45 full-time equivalent positions:
 46 \$ 3,237,636
 47 FTEs 50.00
 48 2. a. Iowa state university of science and
 49 technology shall not reduce the amount that it
 50 allocates to support the college of veterinary medicine

1 from any other source due to the appropriation made in
2 this section.

3 b. Paragraph "a" does not apply to a reduction made
4 to support the college of veterinary medicine, if the
5 same percentage of reduction imposed on the college
6 of veterinary medicine is also imposed on all of Iowa
7 state university's budget units.

8 3. If by June 30, 2012, Iowa state university
9 of science and technology fails to allocate the
10 moneys appropriated in this section to the college of
11 veterinary medicine in accordance with this section,
12 the moneys appropriated in this section for that fiscal
13 year shall revert to the general fund of the state.

14 DIVISION IV

15 ENVIRONMENT FIRST FUND

16 GENERAL APPROPRIATIONS FOR FY 2011-2012

17 Sec. 11. DEPARTMENT OF AGRICULTURE AND LAND
18 STEWARDSHIP. There is appropriated from the
19 environment first fund created in section 8.57A to the
20 department of agriculture and land stewardship for the
21 fiscal year beginning July 1, 2011, and ending June 30,
22 2012, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

25 a. For the conservation reserve enhancement program
26 to restore and construct wetlands for the purposes of
27 intercepting tile line runoff, reducing nutrient loss,
28 improving water quality, and enhancing agricultural
29 production practices:

30 \$ 1,000,000

31 b. Not more than 10 percent of the moneys
32 appropriated in paragraph "a" may be used for costs of
33 administration and implementation of soil and water
34 conservation practices.

35 c. Notwithstanding any other provision in law,
36 the department may provide state resources from this
37 appropriation, in combination with other appropriate
38 environment first fund appropriations, for cost sharing
39 to match United States department of agriculture,
40 natural resources conservation service, wetlands
41 reserve enhancement program (WREP) funding available
42 to Iowa.

43 2. WATERSHED PROTECTION

44 a. For continuation of a program that provides
45 multiobjective resource protections for flood control,
46 water quality, erosion control, and natural resource
47 conservation:

48 \$ 900,000

49 b. Not more than 10 percent of the moneys
50 appropriated in paragraph "a" may be used for costs of

1 administration and implementation of soil and water
2 conservation practices.

3 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

4 a. For continuation of a statewide voluntary farm
5 management demonstration program to demonstrate the
6 effectiveness and adaptability of emerging practices in
7 agronomy that protect water resources and provide other
8 environmental benefits:

9 \$ 725,000

10 b. Not more than 10 percent of the moneys
11 appropriated in paragraph "a" may be used for costs of
12 administration and implementation of soil and water
13 conservation practices.

14 c. Of the amount appropriated in paragraph "a",
15 \$400,000 shall be allocated to an organization
16 representing soybean growers to provide for an
17 agriculture and environment performance program in
18 order to carry out the purposes of this subsection as
19 specified in paragraph "a".

20 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
21 ASSISTANCE FUND

22 a. For deposit in the agricultural drainage well
23 water quality assistance fund created in section
24 460.303 to be used for purposes of supporting the
25 agricultural drainage well water quality assistance
26 program as provided in section 460.304:

27 \$ 875,000

28 b. Not more than 10 percent of the moneys
29 appropriated in paragraph "a" may be used for costs of
30 administration and implementation of soil and water
31 conservation practices.

32 5. SOIL AND WATER CONSERVATION — ADMINISTRATION

33 For use by the department for costs of
34 administration and implementation of soil and water
35 conservation practices:

36 \$ 2,000,000

37 6. CONSERVATION RESERVE PROGRAM (CRP)

38 a. To encourage and assist farmers in enrolling
39 in and the implementation of the federal conservation
40 reserve program and to work with them to enhance their
41 revegetation efforts to improve water quality and
42 habitat:

43 \$ 1,000,000

44 b. Not more than 10 percent of the moneys
45 appropriated in paragraph "a" may be used for costs of
46 administration and implementation of soil and water
47 conservation practices.

48 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

49 a. For deposit in the loess hills development and
50 conservation fund created in section 161D.2:

Page 7

1 \$ 475,000
2 b. (1) Of the amount appropriated in paragraph
3 "a", \$316,667 shall be allocated to the fund's hungry
4 canyons account.
5 (2) Not more than 10 percent of the moneys
6 allocated to the hungry canyons account as provided in
7 subparagraph (1) may be used for administrative costs.
8 c. (1) Of the amount appropriated in paragraph
9 "a", \$158,333 shall be allocated to the fund's loess
10 hills alliance account.
11 (2) Not more than 10 percent of the moneys
12 allocated to the loess hills alliance account
13 as provided in subparagraph (1) may be used for
14 administrative costs.
15 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND
16 a. For deposit in the southern Iowa development and
17 conservation fund created in section 161D.12:
18 \$ 225,000
19 b. Not more than 10 percent of the moneys
20 appropriated in paragraph "a" may be used for
21 administrative costs.
22 9. SOIL AND WATER CONSERVATION
23 a. For use by the department in providing for soil
24 and water conservation administration, the conservation
25 of soil and water resources, or the support of soil and
26 water conservation district commissioners:
27 \$ 6,300,000
28 b. The department may deposit any amount of the
29 moneys into the Mississippi river basin healthy
30 watersheds initiative fund created in section 161G.2.
31 Sec. 12. DEPARTMENT OF NATURAL RESOURCES. There is
32 appropriated from the environment first fund created in
33 section 8.57A to the department of natural resources
34 for the fiscal year beginning July 1, 2011, and ending
35 June 30, 2012, the following amounts, or so much
36 thereof as is necessary, to be used for the purposes
37 designated:
38 1. KEEPERS OF THE LAND
39 For statewide coordination of volunteer efforts
40 under the water quality and keepers of the land
41 programs:
42 \$ 100,000
43 2. STATE PARKS MAINTENANCE AND OPERATIONS
44 a. For regular maintenance of state parks and staff
45 time associated with these activities:
46 \$ 2,910,000
47 b. Of the amount appropriated in paragraph "a",
48 \$1,200,000 shall be allocated by the department for
49 purposes of providing funding for seasonal employees
50 for purposes of providing maintenance, upkeep, and

1 sanitary services at state parks.
 2 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
 3 To provide local watershed managers with geographic
 4 information system data for their use in developing,
 5 monitoring, and displaying results of their watershed
 6 work:

7 \$ 195,000

8 4. WATER QUALITY MONITORING

9 For continuing the establishment and operation of
 10 water quality monitoring stations:

11 \$ 2,955,000

12 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

13 For deposit in the public water supply system
 14 account of the water quality protection fund created
 15 in section 455B.183A:

16 \$ 500,000

17 6. REGULATION OF ANIMAL FEEDING OPERATIONS

18 For the regulation of animal feeding operations,
 19 including as provided for in chapters 459 and 459A:

20 \$ 420,000

21 7. AMBIENT AIR QUALITY

22 For the abatement, control, and prevention of
 23 ambient air pollution in this state, including measures
 24 as necessary to assure attainment and maintenance of
 25 ambient air quality standards from particulate matter:

26 \$ 425,000

27 8. WATER QUANTITY REGULATION

28 For regulating water quantity from surface and
 29 subsurface sources by providing for the allocation and
 30 use of water resources, the protection and management
 31 of water resources, and the preclusion of conflicts
 32 among users of water resources, including as provided
 33 in chapter 455B, division III, part 4:

34 \$ 495,000

35 Sec. 13. REVERSION. Notwithstanding section 8.33,
 36 moneys appropriated for the fiscal year beginning
 37 July 1, 2011, in this division of this Act that remain
 38 unencumbered or unobligated at the close of the fiscal
 39 year shall not revert but shall remain available to
 40 be used for the purposes designated until the close
 41 of the fiscal year beginning July 1, 2012, or until
 42 the project for which the appropriation was made is
 43 completed, whichever is earlier.

44 DIVISION V

45 RESOURCES ENHANCEMENT AND PROTECTION

46 (REAP) FUND FOR FY 2012-2013

47 GENERAL APPROPRIATIONS

48 Sec. 14. ENVIRONMENT FIRST FUND. Notwithstanding
 49 the amount of the standing appropriation from the
 50 general fund of the state to the Iowa resources

1 enhancement and protection fund as provided in section
 2 455A.18, there is appropriated from the environment
 3 first fund created in section 8.57A to the Iowa
 4 resources enhancement and protection fund, in lieu of
 5 the appropriation made in section 455A.18, for the
 6 fiscal year beginning July 1, 2011, and ending June 30,
 7 2012, the following amount, to be allocated as provided
 8 in section 455A.19:

9 \$ 11,500,000

10 Sec. 15. OPEN SPACES ACCOUNT —
 11 TRANSFERS. Notwithstanding section 455A.19, for the
 12 fiscal year beginning July 1, 2011, and ending June 30,
 13 2012, there is transferred from the open spaces account
 14 of the Iowa resources enhancement and protection fund
 15 created pursuant to sections 455A.18 and 455A.19,
 16 subsection 1, paragraph "a", the following amounts to
 17 be used for the purposes designated:

18 a. To the department of natural resources for
 19 expenses related to the maintenance and operation of
 20 state parks:

21 \$ 375,000

22 b. To the soil conservation division of the
 23 department of agriculture and land stewardship for the
 24 administration and implementation of soil and water
 25 conservation practices as provided in chapter 161A:

26 \$ 375,000

27 c. To the loess hills development and conservation
 28 authority created in section 161D.2 for deposit in the
 29 hungry canyons account as provided in that section:

30 \$ 25,000

31 Sec. 16. OPEN SPACES ACCOUNT — LIMITATIONS ON
 32 USE. Notwithstanding section 455A.19, subsection
 33 1, paragraph "a", for the fiscal year beginning July
 34 1, 2011, and ending June 30, 2012, moneys deposited
 35 into the open spaces account of the Iowa resources
 36 enhancement and protection fund created pursuant to
 37 sections 455A.18 and 455A.19, subsection 1, paragraph
 38 "a", shall not be used for any purpose related to
 39 the acquisition of land, including but not limited to
 40 acquisition by purchase, lease, or lease-purchase, if
 41 the department would be the titleholder or a lessee or
 42 lessor of the land.

43 DIVISION VI

44 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011

45 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
 46 FUND

47 Sec. 17. Section 455G.3, subsections 6 and 7, Code
 48 2011, are amended to read as follows:

49 6. a. For the fiscal year beginning July 1,
 50 2010, and each fiscal year thereafter, there is

Page 10

1 appropriated from the Iowa comprehensive petroleum
2 underground storage tank fund to the department of
3 natural resources two hundred thousand dollars for
4 purposes of technical review support to be conducted
5 by nongovernmental entities for leaking underground
6 storage tank assessments.

7 b. Notwithstanding section 8.33, moneys
8 appropriated in this subsection that remain
9 unencumbered or unobligated at the close of the fiscal
10 year shall not revert but shall remain available for
11 expenditure for the purposes designated until the close
12 of the succeeding fiscal year.

13 7. a. For the fiscal year beginning July 1, 2010,
14 there is appropriated from the Iowa comprehensive
15 petroleum underground storage tank fund to the
16 department of natural resources one hundred thousand
17 dollars for purposes of database modifications
18 necessary to accept batched external data regarding
19 underground storage tank inspections conducted by
20 nongovernmental entities.

21 b. Notwithstanding section 8.33, moneys
22 appropriated in this subsection that remain
23 unencumbered or unobligated at the close of the fiscal
24 year shall not revert but shall remain available for
25 expenditure for the purposes designated until the close
26 of the succeeding fiscal year.

27 Sec. 18. Section 455G.3, subsection 8, Code 2011,
28 is amended by adding the following new unnumbered
29 paragraph:

30 NEW UNNUMBERED PARAGRAPH Notwithstanding section
31 8.33, moneys appropriated in this subsection that
32 remain unencumbered or unobligated at the close of the
33 fiscal year shall not revert but shall remain available
34 for expenditure for the purposes designated until the
35 close of the succeeding fiscal year.

36 Sec. 19. EFFECTIVE UPON ENACTMENT. This division
37 of this Act, being deemed of immediate importance,
38 takes effect upon enactment.

39 DIVISION VII

40 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

41 GENERAL APPROPRIATIONS FOR FY 2012-2013

42 Sec. 20. GENERAL FUND — DEPARTMENT.

43 1. There is appropriated from the general fund of
44 the state to the department of agriculture and land
45 stewardship for the fiscal year beginning July 1, 2012,
46 and ending June 30, 2013, the following amount, or
47 so much thereof as is necessary, to be used for the
48 purposes designated:

49 For purposes of supporting the department, including
50 its divisions, for administration, regulation, and

1 programs; for salaries, support, maintenance, and
 2 miscellaneous purposes; and for not more than the
 3 following full-time equivalent positions:
 4 \$ 17,497,308
 5 FTEs 365.00
 6 2. The department shall submit a report each
 7 quarter of the fiscal year to the legislative services
 8 agency, the department of management, the members of
 9 the joint appropriations subcommittee on agriculture
 10 and natural resources, and the chairpersons and
 11 ranking members of the senate and house committees on
 12 appropriations. The report shall describe in detail
 13 the expenditure of moneys appropriated in this section
 14 to support the department's administration, regulation,
 15 and programs.
 16 3. Of the amount appropriated in this section,
 17 \$238,000 is transferred to Iowa state university of
 18 science and technology, to be used for the university's
 19 midwest grape and wine industry institute.

20 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY
 21 Sec. 21. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
 22 HORSE AND DOG RACING. There is appropriated from the
 23 moneys available under section 99D.13 to the department
 24 of agriculture and land stewardship for the fiscal year
 25 beginning July 1, 2012, and ending June 30, 2013, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purposes designated:
 28 For purposes of supporting the department's
 29 administration and enforcement of horse and dog racing
 30 law pursuant to section 99D.22, including for salaries,
 31 support, maintenance, and miscellaneous purposes:

32 \$ 305,516
 33 DESIGNATED APPROPRIATIONS — MOTOR FUEL
 34 Sec. 22. RENEWABLE FUEL INFRASTRUCTURE FUND —
 35 MOTOR FUEL INSPECTION. There is appropriated from
 36 the renewable fuel infrastructure fund created in
 37 section 15G.205 to the department of agriculture and
 38 land stewardship for the fiscal year beginning July 1,
 39 2012, and ending June 30, 2013, the following amount,
 40 or so much thereof as is necessary, to be used for the
 41 purposes designated:
 42 For purposes of the inspection of motor fuel,
 43 including salaries, support, maintenance, and
 44 miscellaneous purposes:
 45 \$ 500,000

46 The department shall establish and administer
 47 programs for the auditing of motor fuel including
 48 biofuel processing and production plants, for screening
 49 and testing motor fuel, including renewable fuel,
 50 and for the inspection of motor fuel sold by dealers

1 including retail dealers who sell and dispense motor
2 fuel from motor fuel pumps.

3 DIVISION VIII

4 DEPARTMENT OF NATURAL RESOURCES

5 GENERAL APPROPRIATIONS FOR FY 2012-2013

6 Sec. 23. GENERAL FUND — DEPARTMENT.

7 1. There is appropriated from the general fund of
8 the state to the department of natural resources for
9 the fiscal year beginning July 1, 2012, and ending June
10 30, 2013, the following amount, or so much thereof as
11 is necessary, to be used for the purposes designated:

12 For purposes of supporting the department, including
13 its divisions, for administration, regulation, and
14 programs; for salaries, support, maintenance, and
15 miscellaneous purposes; and for not more than the
16 following full-time equivalent positions:

17 \$ 12,466,688

18 FTEs 1,145.95

19 2. Of the number of full-time equivalent positions
20 authorized to the department pursuant to subsection 1,
21 50.00 full-time equivalent positions shall be allocated
22 by the department for seasonal employees for purposes
23 of providing maintenance, upkeep, and sanitary services
24 at state parks.

25 3. The department shall submit a report each
26 quarter of the fiscal year to the legislative services
27 agency, the department of management, the members of
28 the joint appropriations subcommittee on agriculture
29 and natural resources, and the chairpersons and
30 ranking members of the senate and house committees on
31 appropriations. The report shall describe in detail
32 the expenditure of moneys appropriated under this
33 section to support the department's administration,
34 regulation, and programs.

35 Sec. 24. GENERAL FUND — FLOODPLAIN MANAGEMENT.

36 1. There is appropriated from the general fund of
37 the state to the department of natural resources for
38 the fiscal year beginning July 1, 2012, and ending June
39 30, 2013, the following amount, or so much thereof as
40 is necessary, to be used for the purposes designated:

41 For floodplain management and dam safety:

42 \$ 2,000,000

43 2. Of the amount appropriated in subsection 1,
44 up to \$400,000 is authorized for streamgages to be
45 used for tracking and predicting flood events and for
46 compiling necessary data relating to flood frequency
47 analysis.

48 Sec. 25. GENERAL FUND — LAKE PROJECTS. There is

49 appropriated from the general fund of the state to the
50 department of natural resources for the fiscal year

1 beginning July 1, 2012, and ending June 30, 2013, the
2 following amount, or so much thereof as is necessary,
3 to be used for the purposes designated:

4 For implementation of lake projects that have
5 established watershed improvement initiatives and
6 community support in accordance with the department's
7 annual lake restoration plan and report:

8 \$ 8,600,000

9 Sec. 26. STATE FISH AND GAME PROTECTION FUND —
10 DIVISION OF FISH AND WILDLIFE.

11 1. There is appropriated from the state fish and
12 game protection fund to the department of natural
13 resources for the fiscal year beginning July 1, 2012,
14 and ending June 30, 2013, the following amount, or
15 so much thereof as is necessary, to be used for the
16 purposes designated:

17 For purposes of supporting the division of fish and
18 wildlife, including for administration, regulation,
19 and programs; and for salaries, support, maintenance,
20 equipment, and miscellaneous purposes:

21 \$ 38,793,154

22 2. Notwithstanding section 455A.10, the department
23 may use the unappropriated balance remaining in the
24 state fish and game protection fund to provide for the
25 funding of health and life insurance premium payments
26 from unused sick leave balances of conservation peace
27 officers employed in a protection occupation who
28 retire, pursuant to section 97B.49B.

29 Sec. 27. GROUNDWATER PROTECTION FUND — WATER
30 QUALITY. There is appropriated from the groundwater

31 protection fund created in section 455E.11 to the
32 department of natural resources for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, from
34 those moneys which are not allocated pursuant to that
35 section, the following amount, or so much thereof as is
36 necessary, to be used for the purposes designated:

37 For purposes of supporting the department's
38 protection of the state's groundwater, including
39 for administration, regulation, and programs, and
40 for salaries, support, maintenance, equipment, and
41 miscellaneous purposes:

42 \$ 3,455,832

43 DESIGNATED APPROPRIATIONS — MISCELLANEOUS
44 Sec. 28. SPECIAL SNOWMOBILE FUND — SNOWMOBILE

45 PROGRAM. There is appropriated from the special
46 snowmobile fund created under section 321G.7 to the
47 department of natural resources for the fiscal year
48 beginning July 1, 2012, and ending June 30, 2013, the
49 following amount, or so much thereof as is necessary,
50 to be used for the purpose designated:

1 For purposes of administering and enforcing the
 2 state snowmobile programs:
 3 \$ 100,000
 4 Sec. 29. UNASSIGNED REVENUE FUND — UNDERGROUND
 5 STORAGE TANK SECTION EXPENSES. There is appropriated
 6 from the unassigned revenue fund administered by the
 7 Iowa comprehensive underground storage tank fund
 8 board to the department of natural resources for the
 9 fiscal year beginning July 1, 2012, and ending June 30,
 10 2013, the following amount, or so much thereof as is
 11 necessary, to be used for the purpose designated:
 12 For purposes of paying for administration expenses
 13 of the department's underground storage tank section:
 14 \$ 200,000

15 Sec. 30. STORM WATER DISCHARGE PERMIT FEES —
 16 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any
 17 contrary provision of state law, for the fiscal year
 18 beginning July 1, 2012, and ending June 30, 2013, the
 19 department of natural resources may use additional
 20 moneys available to the department collected from
 21 storm water discharge permit fees as provided in
 22 sections 455B.103A and 455B.197 for the staffing of the
 23 following additional full-time equivalent positions for
 24 the purposes designated:
 25 1. For purposes of reducing the department's
 26 floodplain permit backlog:
 27 FTEs 2.00
 28 2. For purposes of implementing the federal total
 29 maximum daily load program:
 30 FTEs 2.00

31 DIVISION IX
 32 STATE UNIVERSITIES
 33 APPROPRIATION FOR FY 2012-2013

34 Sec. 31. GENERAL FUND — IOWA STATE UNIVERSITY —
 35 VETERINARY DIAGNOSTIC LABORATORY.
 36 1. There is appropriated from the general fund
 37 of the state to Iowa state university of science and
 38 technology for the fiscal year beginning July 1, 2012,
 39 and ending June 30, 2013, the following amount, or
 40 so much thereof as is necessary, to be used for the
 41 purposes designated:
 42 For purposes of supporting the college of veterinary
 43 medicine for the operation of the veterinary diagnostic
 44 laboratory and for not more than the following
 45 full-time equivalent positions:
 46 \$ 3,537,636
 47 FTEs 50.00
 48 2. a. Iowa state university of science and
 49 technology shall not reduce the amount that it
 50 allocates to support the college of veterinary medicine

1 from any other source due to the appropriation made in
2 this section.

3 b. Paragraph "a" does not apply to a reduction made
4 to support the college of veterinary medicine, if the
5 same percentage of reduction imposed on the college
6 of veterinary medicine is also imposed on all of Iowa
7 state university's budget units.

8 3. If by June 30, 2013, Iowa state university
9 of science and technology fails to allocate the
10 moneys appropriated in this section to the college of
11 veterinary medicine in accordance with this section,
12 the moneys appropriated in this section for that fiscal
13 year shall revert to the general fund of the state.

14 Sec. 32. GENERAL FUND — UNIVERSITY OF IOWA — IOWA
15 FLOOD CENTER. There is appropriated from the general
16 fund of the state to the state university of Iowa for
17 the fiscal year beginning July 1, 2012, and ending June
18 30, 2013, the following amount, or so much thereof as
19 is necessary, to be used for the purposes designated:

20 For the Iowa flood center at the state university
21 of Iowa for use by the university's college of
22 engineering, pursuant to section 466C.1:
23 \$ 1,300,000

24 DIVISION X

25 ENVIRONMENT FIRST FUND APPROPRIATION FOR FY 2012-2013

26 GENERAL APPROPRIATIONS

27 Sec. 33. DEPARTMENT OF AGRICULTURE AND LAND
28 STEWARDSHIP. There is appropriated from the
29 environment first fund created in section 8.57A to the
30 department of agriculture and land stewardship for the
31 fiscal year beginning July 1, 2012, and ending June 30,
32 2013, the following amounts, or so much thereof as is
33 necessary, to be used for the purposes designated:

34 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

35 a. For the conservation reserve enhancement program
36 to restore and construct wetlands for the purposes of
37 intercepting tile line runoff, reducing nutrient loss,
38 improving water quality, and enhancing agricultural
39 production practices:
40 \$ 1,000,000

41 b. Not more than 10 percent of the moneys
42 appropriated in paragraph "a" may be used for costs of
43 administration and implementation of soil and water
44 conservation practices.

45 c. Notwithstanding any other provision in law,
46 the department may provide state resources from this
47 appropriation, in combination with other appropriate
48 environment first fund appropriations, for cost sharing
49 to match United States department of agriculture,
50 natural resources conservation service, wetlands

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1 reserve enhancement program (WREP) funding available
2 to Iowa.

3 2. WATERSHED PROTECTION

4 a. For continuation of a program that provides
5 multiobjective resource protections for flood control,
6 water quality, erosion control, and natural resource
7 conservation:

8 \$ 900,000

9 b. Not more than 10 percent of the moneys
10 appropriated in paragraph "a" may be used for costs of
11 administration and implementation of soil and water
12 conservation practices.

13 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

14 a. For continuation of a statewide voluntary farm
15 management demonstration program to demonstrate the
16 effectiveness and adaptability of emerging practices in
17 agronomy that protect water resources and provide other
18 environmental benefits:

19 \$ 725,000

20 b. Not more than 10 percent of the moneys
21 appropriated in paragraph "a" may be used for costs of
22 administration and implementation of soil and water
23 conservation practices.

24 c. Of the amount appropriated in paragraph "a",
25 \$400,000 shall be allocated to an organization
26 representing soybean growers to provide for an
27 agriculture and environment performance program in
28 order to carry out the purposes of this subsection as
29 specified in paragraph "a".

30 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
31 ASSISTANCE FUND

32 a. For deposit in the agricultural drainage well
33 water quality assistance fund created in section
34 460.303 to be used for purposes of supporting the
35 agricultural drainage well water quality assistance
36 program as provided in section 460.304:

37 \$ 1,275,000

38 b. Not more than 10 percent of the moneys
39 appropriated in paragraph "a" may be used for costs of
40 administration and implementation of soil and water
41 conservation practices.

42 5. SOIL AND WATER CONSERVATION — ADMINISTRATION

43 For use by the department for costs of
44 administration and implementation of soil and water
45 conservation practices:

46 \$ 2,000,000

47 6. CONSERVATION RESERVE PROGRAM (CRP)

48 a. To encourage and assist farmers in enrolling
49 in and the implementation of the federal conservation
50 reserve program and to work with them to enhance their

1 revegetation efforts to improve water quality and
 2 habitat:
 3 \$ 1,000,000
 4 b. Not more than 10 percent of the moneys
 5 appropriated in paragraph "a" may be used for costs of
 6 administration and implementation of soil and water
 7 conservation practices.

8 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

9 a. For deposit in the loess hills development and
 10 conservation fund created in section 161D.2:
 11 \$ 775,000

12 b. (1) Of the amount appropriated in paragraph
 13 "a", \$516,667 shall be allocated to the fund's hungry
 14 canyons account.

15 (2) Not more than 10 percent of the moneys
 16 allocated to the hungry canyons account as provided in
 17 subparagraph (1) may be used for administrative costs.

18 c. (1) Of the amount appropriated in paragraph
 19 "a", \$258,333 shall be allocated to the fund's loess
 20 hills alliance account.

21 (2) Not more than 10 percent of the moneys
 22 allocated to the loess hills alliance account
 23 as provided in subparagraph (1) may be used for
 24 administrative costs.

25 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

26 a. For deposit in the southern Iowa development and
 27 conservation fund created in section 161D.12:
 28 \$ 300,000

29 b. Not more than 10 percent of the moneys
 30 appropriated in paragraph "a" may be used for
 31 administrative costs.

32 9. SOIL AND WATER CONSERVATION

33 a. For use by the department in providing for soil
 34 and water conservation administration, the conservation
 35 of soil and water resources, or the support of soil and
 36 water conservation district commissioners:
 37 \$ 7,000,000

38 b. The department may deposit any amount of the
 39 moneys into the Mississippi river basin healthy
 40 watersheds initiative fund created in section 161G.2.

41 Sec. 34. DEPARTMENT OF NATURAL RESOURCES. There is
 42 appropriated from the environment first fund created in
 43 section 8.57A to the department of natural resources
 44 for the fiscal year beginning July 1, 2012, and ending
 45 June 30, 2013, the following amounts, or so much
 46 thereof as is necessary, to be used for the purposes
 47 designated:

48 1. KEEPERS OF THE LAND

49 For statewide coordination of volunteer efforts
 50 under the water quality and keepers of the land

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1 programs:
2 \$ 100,000

3 2. STATE PARKS MAINTENANCE AND OPERATIONS
4 a. For regular maintenance of state parks and staff
5 time associated with these activities:
6 \$ 2,910,000
7 b. Of the amount appropriated in paragraph "a",
8 \$1,200,000 shall be allocated by the department for
9 purposes of providing funding for seasonal employees
10 for purposes of providing maintenance, upkeep, and
11 sanitary services at state parks.

12 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
13 To provide local watershed managers with geographic
14 information system data for their use in developing,
15 monitoring, and displaying results of their watershed
16 work:
17 \$ 195,000

18 4. WATER QUALITY MONITORING
19 For continuing the establishment and operation of
20 water quality monitoring stations:
21 \$ 2,955,000

22 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
23 For deposit in the public water supply system
24 account of the water quality protection fund created
25 in section 455B.183A:
26 \$ 500,000

27 6. REGULATION OF ANIMAL FEEDING OPERATIONS
28 For the regulation of animal feeding operations,
29 including as provided for in chapters 459 and 459A:
30 \$ 420,000

31 7. AMBIENT AIR QUALITY
32 For the abatement, control, and prevention of
33 ambient air pollution in this state, including measures
34 as necessary to assure attainment and maintenance of
35 ambient air quality standards from particulate matter:
36 \$ 425,000

37 8. WATER QUANTITY REGULATION
38 For regulating water quantity from surface and
39 subsurface sources by providing for the allocation and
40 use of water resources, the protection and management
41 of water resources, and the preclusion of conflicts
42 among users of water resources, including as provided
43 in chapter 455B, division III, part 4:
44 \$ 495,000

45 DESIGNATED APPROPRIATION
46 Sec. 35. WATER QUALITY TESTING. There is
47 appropriated from the environment first fund created in
48 section 8.57A to the department of natural resources
49 for the fiscal year beginning July 1, 2012, and
50 ending June 30, 2013, the following amount, or so much

1 thereof as is necessary, to be used for the purposes
2 designated:

3 For water quality testing in a watershed associated
4 with the Iowa river where there is located a large
5 number of confinement feeding operations:

6 \$ 25,000

7 Sec. 36. REVERSION. Notwithstanding section 8.33,
8 moneys appropriated for the fiscal year beginning
9 July 1, 2012, in this division of this Act that remain
10 unencumbered or unobligated at the close of the fiscal
11 year shall not revert but shall remain available to
12 be used for the purposes designated until the close
13 of the fiscal year beginning July 1, 2013, or until
14 the project for which the appropriation was made is
15 completed, whichever is earlier.

16 DIVISION XI

17 RESOURCES ENHANCEMENT AND PROTECTION (REAP)

18 FUND FOR FY 2012-2013

19 GENERAL APPROPRIATIONS

20 Sec. 37. ENVIRONMENT FIRST FUND. Notwithstanding
21 the amount of the standing appropriation from the
22 general fund of the state to the Iowa resources
23 enhancement and protection fund as provided in section
24 455A.18, there is appropriated from the environment
25 first fund created in section 8.57A to the Iowa
26 resources enhancement and protection fund, in lieu of
27 the appropriation made in section 455A.18, for the
28 fiscal year beginning July 1, 2012, and ending June 30,
29 2013, the following amount, to be allocated as provided
30 in section 455A.19:

31 \$ 11,500,000

32 Sec. 38. OPEN SPACES ACCOUNT —
33 TRANSFERS. Notwithstanding section 455A.19, for the
34 fiscal year beginning July 1, 2012, and ending June 30,
35 2013, there is transferred from the open spaces account
36 of the Iowa resources enhancement and protection fund
37 created pursuant to sections 455A.18 and 455A.19,
38 subsection 1, paragraph "a", the following amounts to
39 be used for the purposes designated:

40 a. To the department of natural resources for
41 expenses related to the maintenance and operation of
42 state parks:

43 \$ 300,000

44 b. To the soil conservation division of the
45 department of agriculture and land stewardship for the
46 administration and implementation of soil and water
47 conservation practices as provided in chapter 161A:

48 \$ 375,000

49 c. To the loess hills development and conservation
50 authority created in section 161D.2 for deposit in the

Page 20

1 hungry canyons account as provided in that section:
 2 \$ 100,000
 3 Sec. 39. OPEN SPACES ACCOUNT — LIMITATIONS ON
 4 USE. Notwithstanding section 455A.19, subsection
 5 1, paragraph "a", for the fiscal year beginning July
 6 1, 2012, and ending June 30, 2013, moneys deposited
 7 into the open spaces account of the Iowa resources
 8 enhancement and protection fund created pursuant to
 9 sections 455A.18 and 455A.19, subsection 1, paragraph
 10 "a", shall not be used for any purpose related to
 11 the acquisition of land, including but not limited to
 12 acquisition by purchase, lease, or lease-purchase, if
 13 the department would be the titleholder or a lessee or
 14 lessor of the land.>

DRAKE of Cass

H-1563

1 Amend House File 649 as follows:
 2 1. Page 32, by striking lines 21 through 24 and
 3 inserting <system in accordance with section 237A.30.>

HEDDENS of Story

H-1564

1 Amend House File 649 as follows:
 2 1. Page 75, by striking lines 13 through 23.
 3 2. By renumbering as necessary.

HEDDENS of Story

H-1565

1 Amend House File 649 as follows:
 2 1. Page 12, line 9, by striking <2,906,532> and
 3 inserting <3,024,410>
 4 2. Page 12, line 12, by striking <424,146> and
 5 inserting <474,146>
 6 3. Page 12, line 16, by striking <210,619> and
 7 inserting <224,063>
 8 4. Page 12, before line 32 by inserting:
 9 <_. Of the funds appropriated in this subsection,
 10 \$907,235 shall be used for the office of the state
 11 medical examiner.>
 12 5. By renumbering as necessary.

HEDDENS of Story

H-1566

- 1 Amend House File 649 as follows:
- 2 1. Page 22, line 24, by striking <12,811,565> and
- 3 inserting <13,466,749>

HEDDENS of Story

H-1567

- 1 Amend House File 649 as follows:
- 2 1. Page 21, line 12, by striking <50,421,027> and
- 3 inserting <50,438,900>

HEDDENS of Story

H-1568

- 1 Amend House File 649 as follows:
- 2 1. Page 11, line 30, by striking <813,777> and
- 3 inserting <831,659>

HEDDENS of Story

H-1569

- 1 Amend House File 649 as follows:
- 2 1. Page 1, line 19, by striking <9,852,577> and
- 3 inserting <10,454,394>
- 4 2. Page 1, line 21, by striking <a.>
- 5 3. By striking page 1, line 30, through page 2,
- 6 line 1.

HEDDENS of Story

H-1570

- 1 Amend House File 649 as follows:
- 2 1. Page 30, before line 1 by inserting:
- 3 <_. Of the funds appropriated in this section,
- 4 not more than \$166,600 shall be used to enhance
- 5 outreach efforts. The department may transfer funds
- 6 allocated in this subsection to the appropriations in
- 7 this division of this Act for general administration,
- 8 the children's health insurance program, or medical
- 9 contracts, as necessary, to implement the outreach
- 10 efforts.>
- 11 2. Page 31, line 23, by striking <32,927,152> and
- 12 inserting <33,146,152>
- 13 3. Page 31, after line 28 by inserting:
- 14 <_. Of the funds appropriated in this section,
- 15 \$128,950 is allocated for continuation of the contract

16 for advertising and outreach with the department
17 of public health and \$90,050 is allocated for other
18 advertising and outreach.>
19 4. By renumbering as necessary.

HEDDENS of Story

H-1571

1 Amend House File 649 as follows:
2 1. Page 31, line 35, by striking <51,237,662> and
3 inserting <54,737,662>
4 2. Page 32, line 1, by striking <49,868,235> and
5 inserting <51,368,235>

HEDDENS of Story

H-1572

1 Amend House File 649 as follows:
2 1. Page 16, by striking lines 26 through 35 and
3 inserting:
4 <Pregnancy prevention grants shall be awarded
5 to programs in existence on or before July 1, 2011,
6 if the programs are comprehensive in scope and have
7 demonstrated positive outcomes. Grants shall be
8 awarded to pregnancy prevention programs which are
9 developed after July 1, 2011, if the programs are
10 comprehensive in scope and are based on existing models
11 that have demonstrated positive outcomes. Grants
12 shall comply with the requirements provided in 1997
13 Iowa Acts, chapter 208, section 14, subsections 1 and
14 2, including the requirement that grant programs must
15 emphasize sexual abstinence. Priority in the awarding
16 of grants shall be given to programs that serve areas
17 of the state which demonstrate the highest percentage
18 of unplanned pregnancies of females of childbearing age
19 within the geographic area to be served by the grant.>

HEDDENS of Story

H-1573

1 Amend House File 649 as follows:
2 1. Page 34, line 9, by striking <8,258,251> and
3 inserting <8,371,745>
4 2. Page 34, line 15, by striking <10,638,677> and
5 inserting <10,732,630>
6 3. Page 34, line 34, by striking <82,020,163> and
7 inserting <83,120,163>
8 4. Page 36, line 23, by striking <7,170,116> and
9 inserting <7,670,116>

- 10 5. Page 38, line 27, by striking <4,522,602> and
11 inserting <5,122,602>
12 6. Page 43, line 9, by striking <5,877,308> and
13 inserting <6,101,881>
14 7. Page 43, line 14, by striking <6,411,734> and
15 inserting <6,481,305>
16 8. Page 43, line 19, by striking <10,275,685> and
17 inserting <10,450,460>
18 9. Page 43, line 25, by striking <944,323> and
19 inserting <1,044,328>
20 10. Page 44, line 23, by striking <18,807,801> and
21 inserting <18,908,824>
22 11. Page 44, line 26, by striking <13,085,658> and
23 inserting <13,158,560>
24 12. Page 48, line 17, by striking <7,550,727> and
25 inserting <7,682,396>
26 13. Page 49, line 1, by striking <53,939,921> and
27 inserting <56,991,197>
28 14. Page 49, line 14, by striking <15,146,745> and
29 inserting <15,586,099>

HEDDENS of Story

H-1574

- 1 Amend House File 649 as follows:
2 1. Page 56, by striking lines 10 through 19.
3 2. By renumbering as necessary.

HEDDENS of Story

H-1575

- 1 Amend House File 649 as follows:
2 1. Page 67, line 1, by striking <48,697,893> and
3 inserting <67,849,072>
4 2. Page 68, line 8, by striking <36,697,893> and
5 inserting <55,849,072>
6 3. Page 68, line 19, by striking <49,772,936> and
7 inserting <68,924,115>

HEDDENS of Story

H-1576

- 1 Amend House File 649 as follows:
2 1. Page 7, line 21, by striking <3,386,865> and
3 inserting <3,562,970>
4 2. Page 7, line 23, by striking <136,808> and
5 inserting <145,582>
6 3. Page 7, line 27, by striking <383,600> and
7 inserting <408,203>

- 8 4. Page 8, line 8, by striking <770,791> and
9 inserting <788,303>
10 5. Page 8, line 20, by striking <421,782> and
11 inserting <448,834>
12 6. Page 8, after line 25 by inserting:
13 <j. Of the funds appropriated in this subsection,
14 \$199,069 shall be used to support the prevention and
15 chronic care management advisory council established
16 pursuant to section 135.161 and the medical home system
17 advisory council established pursuant to section
18 135.159.
19 k. Of the funds appropriated in this subsection,
20 \$85,678 shall be used to support the neuromuscular and
21 related genetic disease program.>
22 7. By renumbering as necessary.

HEDDENS of Story

H-1577

- 1 Amend House File 649 as follows:
2 1. Page 6, line 25, by striking <2,451,905> and
3 inserting <2,658,410>
4 2. Page 6, line 28, by striking <639,318> and
5 inserting <681,293>
6 3. Page 6, line 34, by striking <287,520> and
7 inserting <306,397>
8 4. Page 7, line 11, by striking <112,677> and
9 inserting <120,075>
10 5. Page 7, line 13, by striking <163,760> and
11 inserting <174,512>
12 6. Page 7, after line 16 by inserting:
13 <f. Of the funds appropriated in this subsection,
14 \$50,000 shall be used for a matching dental education
15 loan repayment program in conjunction with the primary
16 care provider recruitment and retention endeavor
17 established in section 135.107. The department shall
18 work with a dental nonprofit health service corporation
19 to develop the criteria for the loan repayment
20 program.>
21 7. By renumbering as necessary.

HEDDENS of Story

H-1578

- 1 Amend House File 649 as follows:
2 1. Page 11, line 21, by striking <7,297,142> and
3 inserting <7,470,360>
4 2. Page 11, line 22, by striking <2,009,187> and
5 inserting <2,143,405>
6 3. Page 11, line 24, by striking <5,287,955> and

7 inserting <5,326,955>
8 4. By renumbering as necessary.

HEDDENS of Story

H-1579

1 Amend House File 649 as follows:
2 1. Page 23, line 35, by striking <897,237,190> and
3 inserting <917,431,412>
4 2. Page 28, line 35, by striking <349,011> and
5 inserting <362,822>

HEDDENS of Story

H-1580

1 Amend House File 649 as follows:
2 1. Page 3, line 10, by striking <20,703,190> and
3 inserting <26,217,590>
4 2. Page 3, by striking line 12 and inserting:
5 <a. Of the funds appropriated in this subsection,
6 \$5,968,230 shall be used for the tobacco use prevention
7 and control initiative, including efforts at the state
8 and local levels, as provided in chapter 142A.
9 (1) Of the funds allocated in this paragraph "a",>
10 3. Page 3, by striking lines 17 through 21 and
11 inserting:
12 <(2) Of the funds allocated in this lettered
13 paragraph, \$1,361,501 shall be used for youth programs
14 designed to achieve the goals of the initiative, that
15 are directed by youth participants for youth pursuant
16 to section 142A.9.>
17 4. By renumbering as necessary.

HEDDENS of Story

H-1581

1 Amend the amendment, H-1557, to Senate File 326,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 15 and inserting:
5 <3. No more than a simple majority of the>

KAUFMANN of Cedar

H-1582

1 Amend House File 649 as follows:
2 1. Page 8, line 30, by striking <3,610,740> and
3 inserting <3,944,586>

- 4 2. Page 8, line 32, by striking <33,081> and
- 5 inserting <35,361>
- 6 3. Page 10, after line 3 by inserting:
- 7 <(2) For distribution to the Iowa family planning
- 8 network agencies for necessary infrastructure,
- 9 statewide coordination, provider recruitment, service
- 10 delivery, and provision of assistance to patients in
- 11 determining an appropriate medical home:
- 12 \$ 68,332>
- 13 4. Page 11, after line 7 by inserting:
- 14 <(1) Of the funds appropriated in this subsection,
- 15 \$130,100 shall be used for allocation to an independent
- 16 statewide direct care worker association for education,
- 17 outreach, leadership development, mentoring, and
- 18 other initiatives intended to enhance the recruitment
- 19 and retention of direct care workers in health and
- 20 long-term care.
- 21 (2) Of the funds appropriated in this subsection,
- 22 \$58,000 shall be used to provide subsidized direct care
- 23 worker educational programs sponsored by an independent
- 24 statewide direct care worker association.>
- 25 5. Page 11, after line 15 by inserting:
- 26 <k. Of the funds appropriated in this subsection up
- 27 to \$143,466 shall be used to support the department's
- 28 activities relating to health and long-term care access
- 29 as specified pursuant to chapter 135, division XXIV.
- 30 1. The department shall initiate collaboration
- 31 between the prevention and chronic care management
- 32 advisory council and the medical home system advisory
- 33 council to enhance alignment of the goals, activities,
- 34 and resource usage of the advisory councils. The
- 35 department shall submit a plan to the persons specified
- 36 in this Act for submission of reports to combine the
- 37 advisory councils beginning July 1, 2012.>
- 38 6. By renumbering as necessary.

HEDDENS of Story

H-1583

- 1 Amend House File 649 as follows:
- 2 1. Page 71, after line 16 by inserting:
- 3 <COMMUNITY HOUSING REVOLVING LOAN PROGRAM
- 4 Sec. ____ NEW SECTION. 16.185 Community housing
- 5 for persons with disabilities revolving loan program
- 6 fund.
- 7 1. A community housing for persons with
- 8 disabilities loan program fund is created within the
- 9 authority to further the availability of affordable
- 10 housing for Medicaid waiver-eligible individuals
- 11 with behaviors that provide significant barriers
- 12 to accessing traditional rental opportunities. The

13 moneys in the fund are annually appropriated to the
14 authority to be used for the development and operation
15 of a revolving loan program to provide financing to
16 construct affordable permanent supportive housing,
17 including through new construction, acquisition and
18 rehabilitation of existing housing, or conversion or
19 adaptive reuse.

20 2. Moneys transferred by the authority for deposit
21 in the community housing for persons with disabilities
22 revolving loan program fund, moneys appropriated to
23 the community housing for persons with disabilities
24 revolving loan program, and any other moneys available
25 to and obtained or accepted by the authority for
26 placement in the fund shall be credited to the fund.
27 Additionally, payment of interest, recaptures of
28 awards, and other repayments to the community housing
29 for persons with disabilities revolving loan program
30 fund shall be credited to the fund. Notwithstanding
31 section 12C.7, subsection 2, interest or earnings
32 on moneys in the community housing for persons with
33 disabilities revolving loan program fund shall be
34 credited to the fund. Notwithstanding section 8.33,
35 moneys credited to the fund that remain unencumbered or
36 unobligated at the close of the fiscal year shall not
37 revert to any other fund.

38 3. The authority shall annually allocate moneys
39 available in the community housing for persons with
40 disabilities revolving loan program fund for the
41 development of permanent supportive housing for
42 Medicaid waiver-eligible individuals. The authority
43 shall develop a joint application process for
44 the allocation of United States housing and urban
45 development HOME investment partnerships program
46 funding and the funds available under this section.
47 Moneys allocated to such projects may be in the form
48 of loans, forgivable loans, or a combination of loans
49 and forgivable loans.

50 4. a. A project shall demonstrate written approval

Page 2

1 of the project by the department of human services to
2 the authority prior to application for funding under
3 this section.

4 b. In order to be approved by the department of
5 human services for application for funding under this
6 section, a project shall include all of the following
7 components:

8 (1) Provision of services to any of the following
9 Medicaid waiver-eligible individuals:

10 (a) Individuals who are currently underserved
11 in community placements, including individuals who

12 are physically aggressive or have behaviors that are
13 difficult to manage.

14 (b) Individuals who are currently residing in
15 out-of-state facilities.

16 (c) Individuals who are currently receiving care in
17 a licensed health care facility.

18 (2) A plan to provide each individual with crisis
19 stabilization services to ensure that the individual's
20 behavioral issues are appropriately addressed by the
21 provider.

22 (3) Policies and procedures that prohibit discharge
23 of the individual from the waiver services provided by
24 the project provider unless an alternative placement
25 that is acceptable to the client or client's guardian
26 is identified.

27 c. Housing provided through a project under this
28 section is exempt from the requirements of chapter
29 135O.

30 5. The authority, in collaboration with the
31 department of human services, shall adopt rules
32 pursuant to chapter 17 to administer this section.>

33 2. Page 71, after line 26 by inserting:

34 <CHILD WELFARE DECATEGORIZATION
35 FY 2009-2010 NONREVERSION

36 Sec. ____ 2009 Iowa Acts, chapter 182, section 14,
37 subsection 5, is amended by adding the following new
38 unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH Notwithstanding section

40 232.188, subsection 5, moneys from the allocations
41 made in this subsection or made from any other
42 source for the decategorization of child welfare and
43 juvenile justice funding initiative under section
44 232.188 for the fiscal year beginning July 1, 2009,
45 that are designated as carryover funding that remain
46 unencumbered or unobligated at the close of the fiscal
47 year beginning July 1, 2010, shall not revert but shall
48 be transferred to the community housing for persons
49 with disabilities revolving loan program fund created
50 in section 16.185, as enacted by this division of this

Page 3

1 Act.>

2 3. By renumbering as necessary.

HEATON of Henry
HEDDENS of Story
MURPHY of Dubuque

H-1584

1 Amend Senate File 236, as passed by the Senate, as
2 follows:

3 1. Page 1, after line 8 by inserting:

4 <Sec. ____ Section 100C.4, Code 2011, is amended to
5 read as follows:

6 100C.4 Insurance ~~and surety bond requirements~~.

7 1. A fire extinguishing system contractor
8 shall maintain general and complete operations
9 liability insurance and a surety bond for the
10 layout, installation, repair, alteration, addition,
11 maintenance, and inspection of automatic fire
12 extinguishing systems in an amount determined by the
13 state fire marshal by rule.

14 2. An alarm system contractor shall maintain
15 general and complete operations liability insurance and
16 a surety bond for the layout, installation, repair,
17 alteration, addition, maintenance, and inspection of
18 alarm systems in an amount determined by the state fire
19 marshal by rule.

20 3. The insurance policy and surety bond shall be
21 written by an entity licensed to do business in this
22 state and each licensee shall maintain on file with
23 the department a certificate evidencing the insurance
24 providing that the insurance or surety bond shall not
25 be canceled without the entity first giving fifteen
26 days written notice to the fire marshal.

27 Sec. ____ Section 100D.4, Code 2011, is amended to
28 read as follows:

29 100D.4 Insurance ~~and surety bond~~ requirements.

30 1. An applicant for a fire protection system
31 installer and maintenance worker license or renewal of
32 an active license shall provide evidence of a public
33 liability insurance policy ~~and surety bond~~ in an amount
34 determined sufficient by the fire marshal by rule.

35 2. If the applicant is engaged in fire protection
36 system installer and maintenance worker work
37 individually through a business conducted as a sole
38 proprietorship, the applicant shall personally obtain
39 the insurance ~~and surety bond~~ required by this section.
40 If the applicant is engaged in the fire protection
41 system installer and maintenance worker business
42 as an employee or owner of a legal entity, then the
43 insurance ~~and surety bond~~ required by this section
44 shall be obtained by the entity and shall cover all
45 fire protection system installer and maintenance worker
46 work performed by the entity.

47 3. ~~The insurance and surety bond~~ policy shall be
48 written by an entity licensed to do business in this
49 state and each licensee shall maintain on file with
50 the department a certificate evidencing the insurance

Page 2

- 1 providing that the insurance ~~or surety bond policy~~
 2 shall not be canceled without the entity first giving
 3 fifteen days written notice to the fire marshal.>
 4 2. Title page, line 3, after <council,> by
 5 inserting <the licensing of fire protection system
 6 installers and maintenance workers,>
 7 3. By renumbering as necessary.

HAGENOW of Polk

H-1585

- 1 Amend House File 649 as follows:
 2 1. Page 57, after line 20 by inserting:
 3 <Sec. ____ FEDERAL GRANTS REPORTING. During the
 4 fiscal year beginning July 1, 2011, the departments
 5 and agencies receiving an appropriation in this Act
 6 from the general fund of the state shall report to
 7 the persons designated by this Act for submission of
 8 reports and the department of management within 60
 9 calendar days of applying for or renewing a federal
 10 grant with a value over \$1,000. The report shall list
 11 the federal funding source and address the potential
 12 need for the commitment of state funding in order to
 13 match or continue the funding provided by the federal
 14 grant in the present or the future.>
 15 2. By renumbering as necessary.

HEATON of Henry

H-1586

- 1 Amend Senate File 509, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 7 GENERAL APPROPRIATIONS FOR FY 2011-2012
 8 Section 1. GENERAL FUND — DEPARTMENT.
 9 1. There is appropriated from the general fund of
 10 the state to the department of agriculture and land
 11 stewardship for the fiscal year beginning July 1, 2011,
 12 and ending June 30, 2012, the following amount, or
 13 so much thereof as is necessary, to be used for the
 14 purposes designated:
 15 For purposes of supporting the department, including
 16 its divisions, for administration, regulation, and
 17 programs; for salaries, support, maintenance, and
 18 miscellaneous purposes; and for not more than the

19 following full-time equivalent positions:

20 \$ 16,497,308

21 FTEs 365.00

22 2. The department shall submit a report each
23 quarter of the fiscal year to the legislative services
24 agency, the department of management, the members of
25 the joint appropriations subcommittee on agriculture
26 and natural resources, and the chairpersons and
27 ranking members of the senate and house committees on
28 appropriations. The report shall describe in detail
29 the expenditure of moneys appropriated in this section
30 to support the department's administration, regulation,
31 and programs.

32 3. Of the amount appropriated in this section,
33 \$238,000 is transferred to Iowa state university of
34 science and technology, to be used for the university's
35 midwest grape and wine industry institute.

36 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

37 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
38 HORSE AND DOG RACING. There is appropriated from the
39 moneys available under section 99D.13 to the department
40 of agriculture and land stewardship for the fiscal year
41 beginning July 1, 2011, and ending June 30, 2012, the
42 following amount, or so much thereof as is necessary,
43 to be used for the purposes designated:

44 For purposes of supporting the department's
45 administration and enforcement of horse and dog racing
46 law pursuant to section 99D.22, including for salaries,
47 support, maintenance, and miscellaneous purposes:

48 \$ 305,516

49 DESIGNATED APPROPRIATIONS — MOTOR FUEL

50 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND —

Page 2

1 MOTOR FUEL INSPECTION. There is appropriated from
2 the renewable fuel infrastructure fund created in
3 section 15G.205 to the department of agriculture and
4 land stewardship for the fiscal year beginning July 1,
5 2011, and ending June 30, 2012, the following amount,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For purposes of the inspection of motor fuel,
9 including salaries, support, maintenance, and
10 miscellaneous purposes:

11 \$ 500,000

12 The department shall establish and administer
13 programs for the auditing of motor fuel including
14 biofuel processing and production plants, for screening
15 and testing motor fuel, including renewable fuel,
16 and for the inspection of motor fuel sold by dealers
17 including retail dealers who sell and dispense motor

18 fuel from motor fuel pumps.

19 DIVISION II

20 DEPARTMENT OF NATURAL RESOURCES

21 GENERAL APPROPRIATIONS FOR FY 2011-2012

22 Sec. 4. GENERAL FUND — DEPARTMENT.

23 1. There is appropriated from the general fund of
24 the state to the department of natural resources for
25 the fiscal year beginning July 1, 2011, and ending June
26 30, 2012, the following amount, or so much thereof as
27 is necessary, to be used for the purposes designated:

28 For purposes of supporting the department, including
29 its divisions, for administration, regulation, and
30 programs; for salaries, support, maintenance, and
31 miscellaneous purposes; and for not more than the
32 following full-time equivalent positions:

33 \$ 12,266,688

34 FTEs 1,145.95

35 2. Of the number of full-time equivalent positions
36 authorized to the department pursuant to subsection 1,
37 50.00 full-time equivalent positions shall be allocated
38 by the department for seasonal employees for purposes
39 of providing maintenance, upkeep, and sanitary services
40 at state parks.

41 3. The department shall submit a report each
42 quarter of the fiscal year to the legislative services
43 agency, the department of management, the members of
44 the joint appropriations subcommittee on agriculture
45 and natural resources, and the chairpersons and
46 ranking members of the senate and house committees on
47 appropriations. The report shall describe in detail
48 the expenditure of moneys appropriated under this
49 section to support the department's administration,
50 regulation, and programs.

Page 3

1 Sec. 5. STATE FISH AND GAME PROTECTION FUND —
2 DIVISION OF FISH AND WILDLIFE.

3 1. There is appropriated from the state fish and
4 game protection fund to the department of natural
5 resources for the fiscal year beginning July 1, 2011,
6 and ending June 30, 2012, the following amount, or
7 so much thereof as is necessary, to be used for the
8 purposes designated:

9 For purposes of supporting the division of fish and
10 wildlife, including for administration, regulation,
11 and programs; and for salaries, support, maintenance,
12 equipment, and miscellaneous purposes:

13 \$ 38,793,154

14 2. Notwithstanding section 455A.10, the department
15 may use the unappropriated balance remaining in the
16 state fish and game protection fund to provide for the

17 funding of health and life insurance premium payments
18 from unused sick leave balances of conservation peace
19 officers employed in a protection occupation who
20 retire, pursuant to section 97B.49B.

21 3. Notwithstanding section 455A.10, the department
22 of natural resources may use the unappropriated
23 balance remaining in the state fish and game protection
24 fund for the fiscal year beginning July 1, 2011,
25 and ending June 30, 2012, as is necessary to fund
26 salary adjustments for departmental employees which
27 the general assembly has made an operating budget
28 appropriation for in subsection 1.

29 Sec. 6. GROUNDWATER PROTECTION FUND — WATER
30 QUALITY. There is appropriated from the groundwater
31 protection fund created in section 455E.11 to the
32 department of natural resources for the fiscal year
33 beginning July 1, 2011, and ending June 30, 2012, from
34 those moneys which are not allocated pursuant to that
35 section, the following amount, or so much thereof as is
36 necessary, to be used for the purposes designated:

37 For purposes of supporting the department's
38 protection of the state's groundwater, including
39 for administration, regulation, and programs, and
40 for salaries, support, maintenance, equipment, and
41 miscellaneous purposes:
42 \$ 3,455,832

43 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

44 Sec. 7. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
45 PROGRAM. There is appropriated from the special
46 snowmobile fund created under section 321G.7 to the
47 department of natural resources for the fiscal year
48 beginning July 1, 2011, and ending June 30, 2012, the
49 following amount, or so much thereof as is necessary,
50 to be used for the purpose designated:

Page 4

1 For purposes of administering and enforcing the
2 state snowmobile programs:
3 \$ 100,000

4 Sec. 8. SPECIAL SNOWMOBILE FUND. Notwithstanding
5 section 321G.7, subsection 2, for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012,
7 at least seventy-five percent of the moneys in the
8 special snowmobile fund which are appropriated to the
9 department of natural resources as provided in that
10 subsection shall be made available for use by political
11 subdivisions or incorporated private organizations, or
12 both, for their use as provided in that subsection.

13 Sec. 9. UNASSIGNED REVENUE FUND — UNDERGROUND
14 STORAGE TANK SECTION EXPENSES. There is appropriated
15 from the unassigned revenue fund administered by the

16 Iowa comprehensive underground storage tank fund
17 board to the department of natural resources for the
18 fiscal year beginning July 1, 2011, and ending June 30,
19 2012, the following amount, or so much thereof as is
20 necessary, to be used for the purpose designated:

21 For purposes of paying for administration expenses
22 of the department's underground storage tank section:

23 \$ 200,000

24 Sec. 10. STORM WATER DISCHARGE PERMIT FEES —
25 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any

26 contrary provision of state law, for the fiscal year
27 beginning July 1, 2011, and ending June 30, 2012, the
28 department of natural resources may use additional
29 moneys available to the department collected from
30 storm water discharge permit fees as provided in
31 sections 455B.103A and 455B.197 for the staffing of the
32 following additional full-time equivalent positions for
33 the purposes designated:

34 1. For purposes of reducing the department's
35 floodplain permit backlog:

36 FTEs 2.00

37 2. For purposes of implementing the federal total
38 maximum daily load program:

39 FTEs 2.00

40 DIVISION III

41 IOWA STATE UNIVERSITY

42 APPROPRIATION FOR FY 2011-2012

43 Sec. 11. GENERAL FUND — VETERINARY DIAGNOSTIC
44 LABORATORY.

45 1. There is appropriated from the general fund
46 of the state to Iowa state university of science and
47 technology for the fiscal year beginning July 1, 2011,
48 and ending June 30, 2012, the following amount, or
49 so much thereof as is necessary, to be used for the
50 purposes designated:

Page 5

1 For purposes of supporting the college of veterinary
2 medicine for the operation of the veterinary diagnostic
3 laboratory and for not more than the following
4 full-time equivalent positions:

5 \$ 3,237,636

6 FTEs 50.00

7 2. a. Iowa state university of science and
8 technology shall not reduce the amount that it
9 allocates to support the college of veterinary medicine
10 from any other source due to the appropriation made in
11 this section.

12 b. Paragraph "a" does not apply to a reduction made
13 to support the college of veterinary medicine, if the
14 same percentage of reduction imposed on the college

15 of veterinary medicine is also imposed on all of Iowa
16 state university's budget units.

17 3. If by June 30, 2012, Iowa state university
18 of science and technology fails to allocate the
19 moneys appropriated in this section to the college of
20 veterinary medicine in accordance with this section,
21 the moneys appropriated in this section for that fiscal
22 year shall revert to the general fund of the state.

23 DIVISION IV

24 ENVIRONMENT FIRST FUND

25 GENERAL APPROPRIATIONS FOR FY 2011-2012

26 Sec. 12. DEPARTMENT OF AGRICULTURE AND LAND

27 STEWARDSHIP. There is appropriated from the
28 environment first fund created in section 8.57A to the
29 department of agriculture and land stewardship for the
30 fiscal year beginning July 1, 2011, and ending June 30,
31 2012, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

34 a. For the conservation reserve enhancement program
35 to restore and construct wetlands for the purposes of
36 intercepting tile line runoff, reducing nutrient loss,
37 improving water quality, and enhancing agricultural
38 production practices:

39 \$ 1,000,000

40 b. Not more than 10 percent of the moneys
41 appropriated in paragraph "a" may be used for costs of
42 administration and implementation of soil and water
43 conservation practices.

44 c. Notwithstanding any other provision in law,
45 the department may provide state resources from this
46 appropriation, in combination with other appropriate
47 environment first fund appropriations, for cost sharing
48 to match United States department of agriculture,
49 natural resources conservation service, wetlands
50 reserve enhancement program (WREP) funding available

Page 6

1 to Iowa.

2 2. WATERSHED PROTECTION

3 a. For continuation of a program that provides
4 multiobjective resource protections for flood control,
5 water quality, erosion control, and natural resource
6 conservation:

7 \$ 900,000

8 b. Not more than 10 percent of the moneys
9 appropriated in paragraph "a" may be used for costs of
10 administration and implementation of soil and water
11 conservation practices.

12 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

13 a. For continuation of a statewide voluntary farm

14 management demonstration program to demonstrate the
15 effectiveness and adaptability of emerging practices in
16 agronomy that protect water resources and provide other
17 environmental benefits:

18 \$ 725,000

19 b. Not more than 10 percent of the moneys
20 appropriated in paragraph "a" may be used for costs of
21 administration and implementation of soil and water
22 conservation practices.

23 c. Of the amount appropriated in paragraph "a",
24 \$400,000 shall be allocated to an organization
25 representing soybean growers to provide for an
26 agriculture and environment performance program in
27 order to carry out the purposes of this subsection as
28 specified in paragraph "a".

29 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
30 ASSISTANCE FUND

31 a. For deposit in the agricultural drainage well
32 water quality assistance fund created in section
33 460.303 to be used for purposes of supporting the
34 agricultural drainage well water quality assistance
35 program as provided in section 460.304:

36 \$ 875,000

37 b. Not more than 10 percent of the moneys
38 appropriated in paragraph "a" may be used for costs of
39 administration and implementation of soil and water
40 conservation practices.

41 5. SOIL AND WATER CONSERVATION — ADMINISTRATION
42 For use by the department for costs of

43 administration and implementation of soil and water
44 conservation practices:

45 \$ 2,000,000

46 6. CONSERVATION RESERVE PROGRAM (CRP)

47 a. To encourage and assist farmers in enrolling
48 in and the implementation of the federal conservation
49 reserve program and to work with them to enhance their
50 revegetation efforts to improve water quality and

Page 7

1 habitat:

2 \$ 1,000,000

3 b. Not more than 10 percent of the moneys
4 appropriated in paragraph "a" may be used for costs of
5 administration and implementation of soil and water
6 conservation practices.

7 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

8 a. For deposit in the loess hills development and
9 conservation fund created in section 161D.2:

10 \$ 475,000

11 b. (1) Of the amount appropriated in paragraph
12 "a", \$316,667 shall be allocated to the fund's hungry

13 canyons account.
 14 (2) Not more than 10 percent of the moneys
 15 allocated to the hungry canyons account as provided in
 16 subparagraph (1) may be used for administrative costs.
 17 c. (1) Of the amount appropriated in paragraph
 18 "a", \$158,333 shall be allocated to the fund's loess
 19 hills alliance account.
 20 (2) Not more than 10 percent of the moneys
 21 allocated to the loess hills alliance account
 22 as provided in subparagraph (1) may be used for
 23 administrative costs.
 24 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND
 25 a. For deposit in the southern Iowa development and
 26 conservation fund created in section 161D.12:
 27 \$ 225,000
 28 b. Not more than 10 percent of the moneys
 29 appropriated in paragraph "a" may be used for
 30 administrative costs.
 31 9. SOIL AND WATER CONSERVATION
 32 a. For use by the department in providing for soil
 33 and water conservation administration, the conservation
 34 of soil and water resources, or the support of soil and
 35 water conservation district commissioners:
 36 \$ 6,300,000
 37 b. The department may deposit any amount of the
 38 moneys into the Mississippi river basin healthy
 39 watersheds initiative fund created in section 161G.2.
 40 Sec. 13. DEPARTMENT OF NATURAL RESOURCES. There is
 41 appropriated from the environment first fund created in
 42 section 8.57A to the department of natural resources
 43 for the fiscal year beginning July 1, 2011, and ending
 44 June 30, 2012, the following amounts, or so much
 45 thereof as is necessary, to be used for the purposes
 46 designated:
 47 1. KEEPERS OF THE LAND
 48 For statewide coordination of volunteer efforts
 49 under the water quality and keepers of the land
 50 programs:

Page 8

1 \$ 100,000
 2 2. STATE PARKS MAINTENANCE AND OPERATIONS
 3 a. For regular maintenance of state parks and staff
 4 time associated with these activities:
 5 \$ 2,910,000
 6 b. Of the amount appropriated in paragraph "a",
 7 \$1,200,000 shall be allocated by the department for
 8 purposes of providing funding for seasonal employees
 9 for purposes of providing maintenance, upkeep, and
 10 sanitary services at state parks.
 11 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

12 To provide local watershed managers with geographic
13 information system data for their use in developing,
14 monitoring, and displaying results of their watershed
15 work:

16 \$ 195,000

17 4. WATER QUALITY MONITORING

18 For continuing the establishment and operation of
19 water quality monitoring stations:

20 \$ 2,955,000

21 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

22 For deposit in the public water supply system
23 account of the water quality protection fund created
24 in section 455B.183A:

25 \$ 500,000

26 6. REGULATION OF ANIMAL FEEDING OPERATIONS

27 For the regulation of animal feeding operations,
28 including as provided for in chapters 459 and 459A:

29 \$ 420,000

30 7. AMBIENT AIR QUALITY

31 For the abatement, control, and prevention of
32 ambient air pollution in this state, including measures
33 as necessary to assure attainment and maintenance of
34 ambient air quality standards from particulate matter:

35 \$ 425,000

36 8. WATER QUANTITY REGULATION

37 For regulating water quantity from surface and
38 subsurface sources by providing for the allocation and
39 use of water resources, the protection and management
40 of water resources, and the preclusion of conflicts
41 among users of water resources, including as provided
42 in chapter 455B, division III, part 4:

43 \$ 495,000

44 Sec. 14. REVERSION. Notwithstanding section 8.33,
45 moneys appropriated for the fiscal year beginning
46 July 1, 2011, in this division of this Act that remain
47 unencumbered or unobligated at the close of the fiscal
48 year shall not revert but shall remain available to
49 be used for the purposes designated until the close
50 of the fiscal year beginning July 1, 2012, or until

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1 the project for which the appropriation was made is
2 completed, whichever is earlier.

3 DIVISION V
4 RESOURCES ENHANCEMENT AND PROTECTION
5 (REAP) FUND FOR FY 2011-2012
6 GENERAL APPROPRIATIONS

7 Sec. 15. ENVIRONMENT FIRST FUND. Notwithstanding
8 the amount of the standing appropriation from the
9 general fund of the state to the Iowa resources
10 enhancement and protection fund as provided in section

11 455A.18, there is appropriated from the environment
12 first fund created in section 8.57A to the Iowa
13 resources enhancement and protection fund, in lieu of
14 the appropriation made in section 455A.18, for the
15 fiscal year beginning July 1, 2011, and ending June 30,
16 2012, the following amount, to be allocated as provided
17 in section 455A.19:

18 \$ 11,500,000

19 Sec. 16. OPEN SPACES ACCOUNT —
20 TRANSFERS. Notwithstanding section 455A.19, for the
21 fiscal year beginning July 1, 2011, and ending June 30,
22 2012, there is transferred from the open spaces account
23 of the Iowa resources enhancement and protection fund
24 created pursuant to sections 455A.18 and 455A.19,
25 subsection 1, paragraph "a", the following amounts to
26 be used for the purposes designated:

27 a. To the department of natural resources for
28 expenses related to the maintenance and operation of
29 state parks:

30 \$ 375,000

31 b. To the soil conservation division of the
32 department of agriculture and land stewardship for the
33 administration and implementation of soil and water
34 conservation practices as provided in chapter 161A:

35 \$ 375,000

36 c. To the loess hills development and conservation
37 authority created in section 161D.2 for deposit in the
38 hungry canyons account as provided in that section:

39 \$ 25,000

40 Sec. 17. OPEN SPACES ACCOUNT — LIMITATIONS ON
41 USE. Notwithstanding section 455A.19, subsection
42 1, paragraph "a", for the fiscal year beginning July
43 1, 2011, and ending June 30, 2012, moneys deposited
44 into the open spaces account of the Iowa resources
45 enhancement and protection fund created pursuant to
46 sections 455A.18 and 455A.19, subsection 1, paragraph
47 "a", shall not be used for any purpose related to
48 the acquisition of land, including but not limited to
49 acquisition by purchase, lease, or lease-purchase, if
50 the department would be the titleholder or a lessee or

Page 10

1 lessor of the land.

2 DIVISION VI
3 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011
4 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
5 FUND

6 Sec. 18. Section 455G.3, subsections 6 and 7, Code
7 2011, are amended to read as follows:

8 6. a. For the fiscal year beginning July 1,
9 2010, and each fiscal year thereafter, there is

10 appropriated from the Iowa comprehensive petroleum
11 underground storage tank fund to the department of
12 natural resources two hundred thousand dollars for
13 purposes of technical review support to be conducted
14 by nongovernmental entities for leaking underground
15 storage tank assessments.

16 b. Notwithstanding section 8.33, moneys
17 appropriated in this subsection that remain
18 unencumbered or unobligated at the close of the fiscal
19 year shall not revert but shall remain available for
20 expenditure for the purposes designated until the close
21 of the succeeding fiscal year.

22 7. a. For the fiscal year beginning July 1, 2010,
23 there is appropriated from the Iowa comprehensive
24 petroleum underground storage tank fund to the
25 department of natural resources one hundred thousand
26 dollars for purposes of database modifications
27 necessary to accept batched external data regarding
28 underground storage tank inspections conducted by
29 nongovernmental entities.

30 b. Notwithstanding section 8.33, moneys
31 appropriated in this subsection that remain
32 unencumbered or unobligated at the close of the fiscal
33 year shall not revert but shall remain available for
34 expenditure for the purposes designated until the close
35 of the succeeding fiscal year.

36 Sec. 19. Section 455G.3, subsection 8, Code 2011,
37 is amended by adding the following new unnumbered
38 paragraph:

39 NEW UNNUMBERED PARAGRAPH Notwithstanding section
40 8.33, moneys appropriated in this subsection that
41 remain unencumbered or unobligated at the close of the
42 fiscal year shall not revert but shall remain available
43 for expenditure for the purposes designated until the
44 close of the succeeding fiscal year.

45 Sec. 20. EFFECTIVE UPON ENACTMENT. This division
46 of this Act, being deemed of immediate importance,
47 takes effect upon enactment.

48 DIVISION VII
49 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
50 GENERAL APPROPRIATIONS FOR FY 2012-2013

Page 11

1 Sec. 21. GENERAL FUND — DEPARTMENT.

2 1. There is appropriated from the general fund of
3 the state to the department of agriculture and land
4 stewardship for the fiscal year beginning July 1, 2012,
5 and ending June 30, 2013, the following amount, or
6 so much thereof as is necessary, to be used for the
7 purposes designated:

8 For purposes of supporting the department, including

9 its divisions, for administration, regulation, and
 10 programs; for salaries, support, maintenance, and
 11 miscellaneous purposes; and for not more than the
 12 following full-time equivalent positions:
 13 \$ 17,497,308
 14 FTEs 365.00
 15 2. The department shall submit a report each
 16 quarter of the fiscal year to the legislative services
 17 agency, the department of management, the members of
 18 the joint appropriations subcommittee on agriculture
 19 and natural resources, and the chairpersons and
 20 ranking members of the senate and house committees on
 21 appropriations. The report shall describe in detail
 22 the expenditure of moneys appropriated in this section
 23 to support the department's administration, regulation,
 24 and programs.

25 3. Of the amount appropriated in this section,
 26 \$238,000 is transferred to Iowa state university of
 27 science and technology, to be used for the university's
 28 midwest grape and wine industry institute.

29 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

30 Sec. 22. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
 31 HORSE AND DOG RACING. There is appropriated from the
 32 moneys available under section 99D.13 to the department
 33 of agriculture and land stewardship for the fiscal year
 34 beginning July 1, 2012, and ending June 30, 2013, the
 35 following amount, or so much thereof as is necessary,
 36 to be used for the purposes designated:

37 For purposes of supporting the department's
 38 administration and enforcement of horse and dog racing
 39 law pursuant to section 99D.22, including for salaries,
 40 support, maintenance, and miscellaneous purposes:
 41 \$ 305,516

42 DESIGNATED APPROPRIATIONS — MOTOR FUEL

43 Sec. 23. RENEWABLE FUEL INFRASTRUCTURE FUND —
 44 MOTOR FUEL INSPECTION. There is appropriated from
 45 the renewable fuel infrastructure fund created in
 46 section 15G.205 to the department of agriculture and
 47 land stewardship for the fiscal year beginning July 1,
 48 2012, and ending June 30, 2013, the following amount,
 49 or so much thereof as is necessary, to be used for the
 50 purposes designated:

Page 12

1 For purposes of the inspection of motor fuel,
 2 including salaries, support, maintenance, and
 3 miscellaneous purposes:
 4 \$ 500,000
 5 The department shall establish and administer
 6 programs for the auditing of motor fuel including
 7 biofuel processing and production plants, for screening

8 and testing motor fuel, including renewable fuel,
9 and for the inspection of motor fuel sold by dealers
10 including retail dealers who sell and dispense motor
11 fuel from motor fuel pumps.

12 DIVISION VIII

13 DEPARTMENT OF NATURAL RESOURCES

14 GENERAL APPROPRIATIONS FOR FY 2012-2013

15 Sec. 24. GENERAL FUND — DEPARTMENT.

16 1. There is appropriated from the general fund of
17 the state to the department of natural resources for
18 the fiscal year beginning July 1, 2012, and ending June
19 30, 2013, the following amount, or so much thereof as
20 is necessary, to be used for the purposes designated:

21 For purposes of supporting the department, including
22 its divisions, for administration, regulation, and
23 programs; for salaries, support, maintenance, and
24 miscellaneous purposes; and for not more than the
25 following full-time equivalent positions:

26 \$ 12,466,688

27 FTEs 1,145.95

28 2. Of the number of full-time equivalent positions
29 authorized to the department pursuant to subsection 1,
30 50.00 full-time equivalent positions shall be allocated
31 by the department for seasonal employees for purposes
32 of providing maintenance, upkeep, and sanitary services
33 at state parks.

34 3. The department shall submit a report each
35 quarter of the fiscal year to the legislative services
36 agency, the department of management, the members of
37 the joint appropriations subcommittee on agriculture
38 and natural resources, and the chairpersons and
39 ranking members of the senate and house committees on
40 appropriations. The report shall describe in detail
41 the expenditure of moneys appropriated under this
42 section to support the department's administration,
43 regulation, and programs.

44 Sec. 25. GENERAL FUND — FLOODPLAIN MANAGEMENT.

45 1. There is appropriated from the general fund of
46 the state to the department of natural resources for
47 the fiscal year beginning July 1, 2012, and ending June
48 30, 2013, the following amount, or so much thereof as
49 is necessary, to be used for the purposes designated:

50 For floodplain management and dam safety:

Page 13

1 \$ 2,000,000

2 2. Of the amount appropriated in subsection 1,
3 up to \$400,000 is authorized for streamgages to be
4 used for tracking and predicting flood events and for
5 compiling necessary data relating to flood frequency
6 analysis.

7 Sec. 26. GENERAL FUND — LAKE PROJECTS. There is
8 appropriated from the general fund of the state to the
9 department of natural resources for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 For implementation of lake projects that have
14 established watershed improvement initiatives and
15 community support in accordance with the department's
16 annual lake restoration plan and report:
17 \$ 8,600,000

18 Sec. 27. STATE FISH AND GAME PROTECTION FUND —
19 DIVISION OF FISH AND WILDLIFE.

20 1. There is appropriated from the state fish and
21 game protection fund to the department of natural
22 resources for the fiscal year beginning July 1, 2012,
23 and ending June 30, 2013, the following amount, or
24 so much thereof as is necessary, to be used for the
25 purposes designated:

26 For purposes of supporting the division of fish and
27 wildlife, including for administration, regulation,
28 and programs; and for salaries, support, maintenance,
29 equipment, and miscellaneous purposes:
30 \$ 38,793,154

31 2. Notwithstanding section 455A.10, the department
32 may use the unappropriated balance remaining in the
33 state fish and game protection fund to provide for the
34 funding of health and life insurance premium payments
35 from unused sick leave balances of conservation peace
36 officers employed in a protection occupation who
37 retire, pursuant to section 97B.49B.

38 Sec. 28. GROUNDWATER PROTECTION FUND — WATER
39 QUALITY. There is appropriated from the groundwater

40 protection fund created in section 455E.11 to the
41 department of natural resources for the fiscal year
42 beginning July 1, 2012, and ending June 30, 2013, from
43 those moneys which are not allocated pursuant to that
44 section, the following amount, or so much thereof as is
45 necessary, to be used for the purposes designated:

46 For purposes of supporting the department's
47 protection of the state's groundwater, including
48 for administration, regulation, and programs, and
49 for salaries, support, maintenance, equipment, and
50 miscellaneous purposes:

Page 14

1 \$ 3,455,832

2 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

3 Sec. 29. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
4 PROGRAM. There is appropriated from the special
5 snowmobile fund created under section 321G.7 to the

6 department of natural resources for the fiscal year
7 beginning July 1, 2012, and ending June 30, 2013, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For purposes of administering and enforcing the
11 state snowmobile programs:

12 \$ 100,000

13 Sec. 30. SPECIAL SNOWMOBILE FUND. Notwithstanding
14 section 321G.7, subsection 2, for the fiscal year
15 beginning July 1, 2012, and ending June 30, 2013,
16 at least seventy-five percent of the moneys in the
17 special snowmobile fund which are appropriated to the
18 department of natural resources as provided in that
19 subsection shall be made available for use by political
20 subdivisions or incorporated private organizations, or
21 both, for their use as provided in that subsection.

22 Sec. 31. UNASSIGNED REVENUE FUND — UNDERGROUND
23 STORAGE TANK SECTION EXPENSES. There is appropriated
24 from the unassigned revenue fund administered by the
25 Iowa comprehensive underground storage tank fund
26 board to the department of natural resources for the
27 fiscal year beginning July 1, 2012, and ending June 30,
28 2013, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 For purposes of paying for administration expenses
31 of the department's underground storage tank section:

32 \$ 200,000

33 Sec. 32. STORM WATER DISCHARGE PERMIT FEES —
34 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any
35 contrary provision of state law, for the fiscal year
36 beginning July 1, 2012, and ending June 30, 2013, the
37 department of natural resources may use additional
38 moneys available to the department collected from
39 storm water discharge permit fees as provided in
40 sections 455B.103A and 455B.197 for the staffing of the
41 following additional full-time equivalent positions for
42 the purposes designated:

43 1. For purposes of reducing the department's
44 floodplain permit backlog:

45 FTEs 2.00

46 2. For purposes of implementing the federal total
47 maximum daily load program:

48 FTEs 2.00

49 DIVISION IX
50 STATE UNIVERSITIES

1 APPROPRIATION FOR FY 2012-2013
2 Sec. 33. GENERAL FUND — IOWA STATE UNIVERSITY —
3 VETERINARY DIAGNOSTIC LABORATORY.
4 1. There is appropriated from the general fund

5 of the state to Iowa state university of science and
6 technology for the fiscal year beginning July 1, 2012,
7 and ending June 30, 2013, the following amount, or
8 so much thereof as is necessary, to be used for the
9 purposes designated:

10 For purposes of supporting the college of veterinary
11 medicine for the operation of the veterinary diagnostic
12 laboratory and for not more than the following
13 full-time equivalent positions:

14 \$ 3,537,636
15 FTEs 50.00

16 2. a. Iowa state university of science and
17 technology shall not reduce the amount that it
18 allocates to support the college of veterinary medicine
19 from any other source due to the appropriation made in
20 this section.

21 b. Paragraph "a" does not apply to a reduction made
22 to support the college of veterinary medicine, if the
23 same percentage of reduction imposed on the college
24 of veterinary medicine is also imposed on all of Iowa
25 state university's budget units.

26 3. If by June 30, 2013, Iowa state university
27 of science and technology fails to allocate the
28 moneys appropriated in this section to the college of
29 veterinary medicine in accordance with this section,
30 the moneys appropriated in this section for that fiscal
31 year shall revert to the general fund of the state.

32 Sec. 34. GENERAL FUND — UNIVERSITY OF IOWA — IOWA
33 FLOOD CENTER. There is appropriated from the general
34 fund of the state to the state university of Iowa for
35 the fiscal year beginning July 1, 2012, and ending June
36 30, 2013, the following amount, or so much thereof as
37 is necessary, to be used for the purposes designated:

38 For the Iowa flood center at the state university
39 of Iowa for use by the university's college of
40 engineering, pursuant to section 466C.1:
41 \$ 1,300,000

42 DIVISION X

43 ENVIRONMENT FIRST FUND APPROPRIATION FOR FY 2012-2013
44 GENERAL APPROPRIATIONS

45 Sec. 35. DEPARTMENT OF AGRICULTURE AND LAND
46 STEWARDSHIP. There is appropriated from the
47 environment first fund created in section 8.57A to the
48 department of agriculture and land stewardship for the
49 fiscal year beginning July 1, 2012, and ending June 30,
50 2013, the following amounts, or so much thereof as is

1 necessary, to be used for the purposes designated:

2 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

3 a. For the conservation reserve enhancement program

4 to restore and construct wetlands for the purposes of
5 intercepting tile line runoff, reducing nutrient loss,
6 improving water quality, and enhancing agricultural
7 production practices:

8 \$ 1,000,000

9 b. Not more than 10 percent of the moneys
10 appropriated in paragraph "a" may be used for costs of
11 administration and implementation of soil and water
12 conservation practices.

13 c. Notwithstanding any other provision in law,
14 the department may provide state resources from this
15 appropriation, in combination with other appropriate
16 environment first fund appropriations, for cost sharing
17 to match United States department of agriculture,
18 natural resources conservation service, wetlands
19 reserve enhancement program (WREP) funding available
20 to Iowa.

21 2. WATERSHED PROTECTION

22 a. For continuation of a program that provides
23 multiobjective resource protections for flood control,
24 water quality, erosion control, and natural resource
25 conservation:

26 \$ 900,000

27 b. Not more than 10 percent of the moneys
28 appropriated in paragraph "a" may be used for costs of
29 administration and implementation of soil and water
30 conservation practices.

31 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

32 a. For continuation of a statewide voluntary farm
33 management demonstration program to demonstrate the
34 effectiveness and adaptability of emerging practices in
35 agronomy that protect water resources and provide other
36 environmental benefits:

37 \$ 725,000

38 b. Not more than 10 percent of the moneys
39 appropriated in paragraph "a" may be used for costs of
40 administration and implementation of soil and water
41 conservation practices.

42 c. Of the amount appropriated in paragraph "a",
43 \$400,000 shall be allocated to an organization
44 representing soybean growers to provide for an
45 agriculture and environment performance program in
46 order to carry out the purposes of this subsection as
47 specified in paragraph "a".

48 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
49 ASSISTANCE FUND

50 a. For deposit in the agricultural drainage well

1 water quality assistance fund created in section
2 460.303 to be used for purposes of supporting the

3 agricultural drainage well water quality assistance
 4 program as provided in section 460.304:
 5 \$ 1,275,000
 6 b. Not more than 10 percent of the moneys
 7 appropriated in paragraph "a" may be used for costs of
 8 administration and implementation of soil and water
 9 conservation practices.

10 5. SOIL AND WATER CONSERVATION — ADMINISTRATION
 11 For use by the department for costs of
 12 administration and implementation of soil and water
 13 conservation practices:
 14 \$ 2,000,000

15 6. CONSERVATION RESERVE PROGRAM (CRP)
 16 a. To encourage and assist farmers in enrolling
 17 in and the implementation of the federal conservation
 18 reserve program and to work with them to enhance their
 19 revegetation efforts to improve water quality and
 20 habitat:
 21 \$ 1,000,000
 22 b. Not more than 10 percent of the moneys
 23 appropriated in paragraph "a" may be used for costs of
 24 administration and implementation of soil and water
 25 conservation practices.

26 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND
 27 a. For deposit in the loess hills development and
 28 conservation fund created in section 161D.2:
 29 \$ 775,000
 30 b. (1) Of the amount appropriated in paragraph
 31 "a", \$516,667 shall be allocated to the fund's hungry
 32 canyons account.
 33 (2) Not more than 10 percent of the moneys
 34 allocated to the hungry canyons account as provided in
 35 subparagraph (1) may be used for administrative costs.
 36 c. (1) Of the amount appropriated in paragraph
 37 "a", \$258,333 shall be allocated to the fund's loess
 38 hills alliance account.
 39 (2) Not more than 10 percent of the moneys
 40 allocated to the loess hills alliance account
 41 as provided in subparagraph (1) may be used for
 42 administrative costs.

43 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND
 44 a. For deposit in the southern Iowa development and
 45 conservation fund created in section 161D.12:
 46 \$ 300,000
 47 b. Not more than 10 percent of the moneys
 48 appropriated in paragraph "a" may be used for
 49 administrative costs.

50 9. SOIL AND WATER CONSERVATION

1 a. For use by the department in providing for soil
2 and water conservation administration, the conservation
3 of soil and water resources, or the support of soil and
4 water conservation district commissioners:
5 \$ 7,000,000

6 b. The department may deposit any amount of the
7 moneys into the Mississippi river basin healthy
8 watersheds initiative fund created in section 161G.2.

9 Sec. 36. DEPARTMENT OF NATURAL RESOURCES. There is
10 appropriated from the environment first fund created in
11 section 8.57A to the department of natural resources
12 for the fiscal year beginning July 1, 2012, and ending
13 June 30, 2013, the following amounts, or so much
14 thereof as is necessary, to be used for the purposes
15 designated:

16 1. KEEPERS OF THE LAND
17 For statewide coordination of volunteer efforts
18 under the water quality and keepers of the land
19 programs:
20 \$ 100,000

21 2. STATE PARKS MAINTENANCE AND OPERATIONS
22 a. For regular maintenance of state parks and staff
23 time associated with these activities:
24 \$ 2,910,000

25 b. Of the amount appropriated in paragraph "a",
26 \$1,200,000 shall be allocated by the department for
27 purposes of providing funding for seasonal employees
28 for purposes of providing maintenance, upkeep, and
29 sanitary services at state parks.

30 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
31 To provide local watershed managers with geographic
32 information system data for their use in developing,
33 monitoring, and displaying results of their watershed
34 work:
35 \$ 195,000

36 4. WATER QUALITY MONITORING
37 For continuing the establishment and operation of
38 water quality monitoring stations:
39 \$ 2,955,000

40 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
41 For deposit in the public water supply system
42 account of the water quality protection fund created
43 in section 455B.183A:
44 \$ 500,000

45 6. REGULATION OF ANIMAL FEEDING OPERATIONS
46 For the regulation of animal feeding operations,
47 including as provided for in chapters 459 and 459A:
48 \$ 420,000

49 7. AMBIENT AIR QUALITY
50 For the abatement, control, and prevention of

1 ambient air pollution in this state, including measures
2 as necessary to assure attainment and maintenance of
3 ambient air quality standards from particulate matter:

4 \$ 425,000

5 8. WATER QUANTITY REGULATION

6 For regulating water quantity from surface and
7 subsurface sources by providing for the allocation and
8 use of water resources, the protection and management
9 of water resources, and the preclusion of conflicts
10 among users of water resources, including as provided
11 in chapter 455B, division III, part 4:

12 \$ 495,000

13 DESIGNATED APPROPRIATION

14 Sec. 37. WATER QUALITY TESTING. There is
15 appropriated from the environment first fund created in
16 section 8.57A to the department of natural resources
17 for the fiscal year beginning July 1, 2012, and
18 ending June 30, 2013, the following amount, or so much
19 thereof as is necessary, to be used for the purposes
20 designated:

21 For water quality testing in a watershed associated
22 with the Iowa river where there is located a large
23 number of confinement feeding operations:

24 \$ 25,000

25 Sec. 38. REVERSION. Notwithstanding section 8.33,
26 moneys appropriated for the fiscal year beginning
27 July 1, 2012, in this division of this Act that remain
28 unencumbered or unobligated at the close of the fiscal
29 year shall not revert but shall remain available to
30 be used for the purposes designated until the close
31 of the fiscal year beginning July 1, 2013, or until
32 the project for which the appropriation was made is
33 completed, whichever is earlier.

34 DIVISION XI

35 RESOURCES ENHANCEMENT AND PROTECTION (REAP)

36 FUND FOR FY 2012-2013

37 GENERAL APPROPRIATIONS

38 Sec. 39. ENVIRONMENT FIRST FUND. Notwithstanding
39 the amount of the standing appropriation from the
40 general fund of the state to the Iowa resources
41 enhancement and protection fund as provided in section
42 455A.18, there is appropriated from the environment
43 first fund created in section 8.57A to the Iowa
44 resources enhancement and protection fund, in lieu of
45 the appropriation made in section 455A.18, for the
46 fiscal year beginning July 1, 2012, and ending June 30,
47 2013, the following amount, to be allocated as provided
48 in section 455A.19:

49 \$ 11,500,000

50 Sec. 40. OPEN SPACES ACCOUNT —

Page 20

1 TRANSFERS. Notwithstanding section 455A.19, for the
 2 fiscal year beginning July 1, 2012, and ending June 30,
 3 2013, there is transferred from the open spaces account
 4 of the Iowa resources enhancement and protection fund
 5 created pursuant to sections 455A.18 and 455A.19,
 6 subsection 1, paragraph "a", the following amounts to
 7 be used for the purposes designated:

8 a. To the department of natural resources for
 9 expenses related to the maintenance and operation of
 10 state parks:

11 \$ 300,000

12 b. To the soil conservation division of the
 13 department of agriculture and land stewardship for the
 14 administration and implementation of soil and water
 15 conservation practices as provided in chapter 161A:

16 \$ 375,000

17 c. To the loess hills development and conservation
 18 authority created in section 161D.2 for deposit in the
 19 hungry canyons account as provided in that section:

20 \$ 100,000

21 Sec. 41. OPEN SPACES ACCOUNT — LIMITATIONS ON

22 USE. Notwithstanding section 455A.19, subsection
 23 1, paragraph "a", for the fiscal year beginning July
 24 1, 2012, and ending June 30, 2013, moneys deposited
 25 into the open spaces account of the Iowa resources
 26 enhancement and protection fund created pursuant to
 27 sections 455A.18 and 455A.19, subsection 1, paragraph
 28 "a", shall not be used for any purpose related to
 29 the acquisition of land, including but not limited to
 30 acquisition by purchase, lease, or lease-purchase, if
 31 the department would be the titleholder or a lessee or
 32 lessor of the land.>

DRAKE of Cass

H-1587

1 Amend the amendment, H-1486, to Senate File 462, as
 2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 5 through 31 and
 4 inserting:

5 <<Sec. ____ Section 124.204, subsection 4, Code
 6 2011, is amended by adding the following new paragraph:

7 NEW PARAGRAPH. ai. (1) Mephedrone-4-methylmethcathinone
 8 (RS)-2-methylamino-1-(4-methylphenyl)propan-1-one.

9 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
 10 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

11 (3) Salvia divinorum.

12 (4) Salvinorin A.

13 (5) Any substance, compound, mixture or preparation

14 which contains any quantity of any synthetic
 15 cannabinoid that is not approved as a pharmaceutical,
 16 including but not limited to the following:
 17 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
 18 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
 19 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
 20 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
 21 chromen-1-ol]).
 22 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
 23 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
 24 chromen-1-ol).
 25 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
 26 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
 27 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1h-indol-3-yl]-1-
 28 naphthalenyl-methanone.
 29 Sec. ____ Section 124.401, subsection 1, paragraph
 30 c, subparagraph (8), Code 2011, is amended to read as
 31 follows:
 32 (8) Any other controlled substance, counterfeit
 33 substance, or simulated controlled substance classified
 34 in schedule I, II, or III, except as provided in
 35 paragraph "d".
 36 Sec. ____ Section 124.401, subsection 1, paragraph
 37 d, Code 2011, is amended to read as follows:
 38 d. (1) Violation of this subsection, with respect
 39 to any other controlled substances, counterfeit
 40 substances, or simulated controlled substances
 41 classified in schedule IV or V is an aggravated
 42 misdemeanor. ~~However,~~
 43 (2) A violation of this subsection involving fifty
 44 any of the following is a class "D" felony:
 45 (a) Fifty kilograms or less of marijuana or
 46 involving flunitrazepam is a class "D" felony.
 47 (b) Flunitrazepam.
 48 (c) A controlled substance, counterfeit substance,
 49 or simulated controlled substance classified in section
 50 124.204, subsection 4, paragraph "ai".>

BAUDLER of Adair

H-1588

1 Amend House File 557, as passed by the House, as
 2 follows:
 3 1. Page 1, line 25, by striking <veterinarian> and
 4 inserting <sponsor of the exhibition>
 5 2. By renumbering as necessary.

SENATE AMENDMENT

H-1589

1 Amend House File 642, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 3 and 4 and inserting
4 <department of transportation for the fiscal year
5 beginning July 1, 2011, and ending June 30, 2012, the
6 following amounts, or so much thereof as is necessary,
7 to>
8 2. Page 1, by striking lines 9 and 10 and
9 inserting:
10 <..... \$ 3,876,000>
11 3. Page 1, by striking lines 19 and 20 and
12 inserting:
13 <..... \$ 6,570,000>
14 4. Page 1, by striking lines 22 and 23 and
15 inserting:
16 <..... \$ 458,000>
17 5. Page 1, by striking lines 25 and 26 and
18 inserting:
19 <..... \$ 33,921,000>
20 6. Page 1, by striking lines 29 and 30 and
21 inserting:
22 <..... \$ 225,000>
23 7. Page 1, by striking lines 32 and 33 and
24 inserting:
25 <..... \$ 7,000>
26 8. Page 2, by striking lines 2 and 3 and inserting:
27 <..... \$ 119,000>
28 9. Page 2, by striking lines 6 and 7 and inserting:
29 <..... \$ 78,000>
30 10. Page 2, by striking lines 10 and 11 and
31 inserting:
32 <..... \$ 67,319>
33 11. Page 2, by striking lines 15 and 16 and
34 inserting:
35 <..... \$ 1,406,000>
36 12. Page 2, by striking lines 20 and 21 and
37 inserting:
38 <..... \$ 100,000>
39 13. Page 2, by striking lines 24 and 25 and
40 inserting:
41 <..... \$ 40,000>
42 14. Page 2, by striking lines 28 and 29 and
43 inserting:
44 <..... \$ 200,000>
45 15. Page 2, by striking lines 31 and 32 and
46 inserting:
47 <..... \$ 550,000>
48 16. Page 3, by striking line 10 and inserting
49 <transportation for the fiscal year beginning July 1,
50 2011, and ending June 30, 2012, the following>

Page 2

1 17. Page 3, by striking lines 17 through 20 and
2 inserting:

3 <..... \$ 40,356,529
4 FTEs 296.00>

5 18. Page 3, by striking lines 22 through 25 and
6 inserting:

7 <..... \$ 8,697,095
8 FTEs 121.00>

9 19. Page 3, by striking lines 27 through 30 and
10 inserting:

11 <..... \$230,913,992
12 FTEs 2,247.00>

13 20. Page 3, by striking lines 32 through 35 and
14 inserting:

15 <..... \$ 1,413,540
16 FTEs 445.00>

17 21. Page 4, by striking lines 3 and 4 and
18 inserting:

19 <..... \$ 1,388,000>

20 22. Page 4, by striking lines 6 and 7 and
21 inserting:

22 <..... \$ 138,000>

23 23. Page 4, by striking lines 12 and 13 and
24 inserting:

25 <..... \$ 2,846,000>

26 24. Page 4, by striking lines 16 and 17 and
27 inserting:

28 <..... \$ 800,000>

29 25. Page 4 by striking lines 20 and 21 and
30 inserting:

31 <..... \$ 572,000>

32 26. Page 4, by striking lines 24 and 25 and
33 inserting:

34 <..... \$ 415,181>

35 27. Page 4, by striking lines 27 and 28 and
36 inserting:

37 <..... \$ 242,000>

38 28. Page 4, by striking lines 30 and 31 and
39 inserting:

40 <..... \$ 5,366,000>

41 29. Page 4, by striking lines 33 and 34 and
42 inserting:

43 <..... \$ 400,000>

44 30. Page 5, by striking lines 1 and 2 and
45 inserting:

46 <..... \$ 200,000>

47 31. Page 5, by striking lines 5 and 6 and
48 inserting:

49 <..... \$ 400,000>

50 32. Page 5, by striking lines 9 and 10 and

Page 3

- 1 inserting:
- 2 <..... \$ 1,000,000>
- 3 33. Page 5, by striking lines 12 and 13 and
- 4 inserting:
- 5 <..... \$ 100,000>
- 6 34. Page 5, by striking lines 16 and 17 and
- 7 inserting:
- 8 <..... \$ 1,000,000>
- 9 35. Page 5, by striking lines 19 and 20 and
- 10 inserting:
- 11 <..... \$ 2,100,000>
- 12 36. Page 5, by striking lines 21 through 23.
- 13 37. Page 5, line 25, by striking <17> and inserting
- 14 <16>
- 15 38. By renumbering as necessary.

SENATE AMENDMENT

H-1590

- 1 Amend House File 649 as follows:
- 2 1. Page 73, after line 13 by inserting:
- 3 <ADOPTION SUBSIDY TRANSFER
- 4 Sec. ____ 2010 Iowa Acts, chapter 1192, section 20,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 4. Of the funds appropriated
- 7 in this section, \$60,000 shall be transferred to the
- 8 appropriation made in this division of this Act for the
- 9 state mental health institute at Cherokee to be used
- 10 for childrens' beds at the institute.>
- 11 2. By renumbering as necessary.

SHAW of Pocahontas
 JORGENSEN of Woodbury
 HEATON of Henry
 ALONS of Sioux
 WORTHAN of Buena Vista
 MUHLBAUER of Crawford
 J. SMITH of Dickinson

J. TAYLOR of Woodbury
 HUSEMAN of Cherokee
 SODERBERG of Plymouth
 CHAMBERS of O'Brien
 HALL of Woodbury
 WITTNEBEN of Emmet

H-1591

- 1 Amend House File 649 as follows:
- 2 1. Page 40, after line 30 by inserting:
- 3 <a. For the purposes of this subsection, unless the
- 4 context otherwise requires:
- 5 (1) "Department" means the department of human
- 6 services.
- 7 (2) "Foster care" means any out-of-home placement
- 8 of a child in accordance with a court order entered

9 under chapter 232 or by agreement with the department.

10 (3) "Foster care placement outside of this state"
11 means a foster care placement to which all of the
12 following circumstances are applicable:

13 (a) The location of the placement is outside of
14 this state.

15 (b) The cost of the placement and the services
16 associated with the placement exceed the maximum
17 amount payable under this state's reimbursement
18 limitations for a child with similar needs in a foster
19 care placement and the services associated with the
20 placement in this state.

21 b. As a condition of the appropriation made in
22 this section, for the fiscal year beginning July 1,
23 2011, the department shall implement a local services
24 approach in accordance with this subsection. In the
25 local services approach, if a child from an area is
26 in a foster care placement outside of this state or
27 the department is considering recommending such a
28 placement for a child, the department shall provide
29 foster care providers in the area with an opportunity
30 to provide a level of services comparable to the level
31 of services necessitating the placement outside this
32 state. Under the local services approach, in lieu of
33 the reimbursement limitations otherwise applicable to
34 the foster care placement and associated services for
35 the child in this state, the cost of the placement and
36 the services associated with the placement shall not
37 exceed the lower of the following amounts:

38 (1) The cost of the foster care placement outside
39 of this state and the services associated with the
40 placement.

41 (2) The average cost of foster care placements
42 outside this state and the services associated with
43 such placements during the previous fiscal year.

44 c. The department shall provide progress reports on
45 the local services approach to the persons designated
46 in this division of this Act for submission of reports
47 to persons and interested legislators, during the 2012
48 legislative session and shall submit a final report by
49 December 14, 2012.>

50 2. By renumbering as necessary.

ISENHART of Dubuque

H-1592

1 Amend House File 649 as follows:

2 1. Page 71, after line 10 by inserting:

3 <SUPPLEMENTAL APPROPRIATION

4 Sec. 5. STATE MENTAL HEALTH INSTITUTE AT

5 CHEROKEE. After applying the reductions made pursuant

6 to 2010 Iowa Acts, chapter 1193, section 27, and any
7 transfers made pursuant to 2010 Iowa Acts, chapter
8 1193, section 28, to the appropriations made for the
9 following designated purposes, there is appropriated
10 from the general fund of the state to the department of
11 human services for the fiscal year beginning July 1,
12 2010, and ending June 30, 2011, the following amount,
13 or so much thereof as is necessary, to supplement
14 the appropriation made for the following designated
15 purpose:
16 For the state mental health institute at Cherokee,
17 in 2010 Iowa Acts, chapter 1192, section 24, subsection
18 1, paragraph "a":
19 \$ 56,028>
20 2. By renumbering as necessary.

HALL of Woodbury

H-1593

1 Amend House File 649 as follows:
2 1. Page 1, line 2, after <AGING> by inserting <—
3 FY 2011-2012>
4 2. Page 2, line 31, after <HEALTH> by inserting <—
5 FY 2011-2012>
6 3. Page 2, by striking lines 32 through 35 and
7 inserting:
8 <Sec. ____ DEPARTMENT OF PUBLIC HEALTH. There is
9 appropriated from the>
10 4. Page 13, line 9, after <AFFAIRS> by inserting
11 <— FY 2011-2012>
12 5. Page 14, line 21, after <SERVICES> by inserting
13 <— FY 2011-2012>
14 6. Page 17, line 18, by striking <or 2011>
15 7. Page 36, line 23, by striking <in each fiscal
16 year>
17 8. Page 36, by striking line 30 and inserting <year
18 beginning July 1, 2011, as the result of>
19 9. Page 76, after line 19 by inserting:
20 <DIVISION _____
21 DEPARTMENT ON AGING — FY 2012-2013
22 Sec. ____ DEPARTMENT ON AGING. There is
23 appropriated from the general fund of the state to
24 the department on aging for the fiscal year beginning
25 July 1, 2012, and ending June 30, 2013, the following
26 amount, or so much thereof as is necessary, to be used
27 for the purposes designated:
28 For aging programs for the department on aging and
29 area agencies on aging to provide citizens of Iowa who
30 are 60 years of age and older with case management for
31 frail elders, Iowa's aging and disabilities resource
32 center, and other services which may include but are

33 not limited to adult day services, respite care, chore
34 services, information and assistance, and material aid,
35 for information and options counseling for persons with
36 disabilities who are 18 years of age or older, and
37 for salaries, support, administration, maintenance,
38 and miscellaneous purposes, and for not more than the
39 following full-time equivalent positions:

40 \$ 9,852,577
41 FTEs 35.00

42 1. Funds appropriated in this section may be used
43 to supplement federal funds under federal regulations.
44 To receive funds appropriated in this section, a local
45 area agency on aging shall match the funds with moneys
46 from other sources according to rules adopted by the
47 department. Funds appropriated in this section may be
48 used for elderly services not specifically enumerated
49 in this section only if approved by an area agency on
50 aging for provision of the service within the area.

Page 2

1 2. Of the funds appropriated in this section,
2 \$179,946 shall be transferred to the department
3 of economic development for the Iowa commission on
4 volunteer services to be used for the retired and
5 senior volunteer program.

6 3. a. The department on aging shall establish and
7 enforce procedures relating to expenditure of state and
8 federal funds by area agencies on aging that require
9 compliance with both state and federal laws, rules, and
10 regulations, including but not limited to all of the
11 following:

12 (1) Requiring that expenditures are incurred only
13 for goods or services received or performed prior to
14 the end of the fiscal period designated for use of the
15 funds.

16 (2) Prohibiting prepayment for goods or services
17 not received or performed prior to the end of the
18 fiscal period designated for use of the funds.

19 (3) Prohibiting the prepayment for goods or
20 services not defined specifically by good or service,
21 time period, or recipient.

22 (4) Prohibiting the establishment of accounts from
23 which future goods or services which are not defined
24 specifically by good or service, time period, or
25 recipient, may be purchased.

26 b. The procedures shall provide that if any funds
27 are expended in a manner that is not in compliance with
28 the procedures and applicable federal and state laws,
29 rules, and regulations, and are subsequently subject
30 to repayment, the area agency on aging expending such
31 funds in contravention of such procedures, laws, rules

32 and regulations, not the state, shall be liable for
33 such repayment.

34 DIVISION _____
35 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

36 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
37 appropriated from the general fund of the state to
38 the department of public health for the fiscal year
39 beginning July 1, 2012, and ending June 30, 2013, the
40 following amounts, or so much thereof as is necessary,
41 to be used for the purposes designated:

- 42 1. ADDICTIVE DISORDERS
- 43 For reducing the prevalence of use of tobacco,
- 44 alcohol, and other drugs, and treating individuals
- 45 affected by addictive behaviors, including gambling,
- 46 and for not more than the following full-time
- 47 equivalent positions:
- 48 \$ 20,703,190
- 49 FTEs 13.00

50 a. (1) Of the funds appropriated in this

Page 3

1 subsection, \$453,830 shall be transferred to the
2 alcoholic beverages division of the department of
3 commerce for enforcement of tobacco laws, regulations,
4 and ordinances in accordance with 2011 Iowa Acts, House
5 File 467, if enacted.

6 (2) Implementation of the tobacco use prevention
7 and control initiative for the fiscal year beginning
8 July 1, 2012, including efforts at the state and local
9 levels, as provided in chapter 142A, shall be limited
10 to the extent of the funding available.

11 b. Of the funds appropriated in this subsection,
12 \$20,249,360 shall be used for problem gambling and
13 substance abuse prevention, treatment, and recovery
14 services, including a 24-hour helpline, public
15 information resources, professional training, and
16 program evaluation.

17 (1) Of the funds allocated in this paragraph
18 "b", \$17,132,508 shall be used for substance abuse
19 prevention and treatment.

20 (a) Of the funds allocated in this subparagraph
21 (1), \$899,300 shall be used for the public purpose of
22 a grant program to provide substance abuse prevention
23 programming for children.

24 (i) Of the funds allocated in this subparagraph
25 division (a), \$427,539 shall be used for grant funding
26 for organizations that provide programming for
27 children by utilizing mentors. Programs approved for
28 such grants shall be certified or will be certified
29 within six months of receiving the grant award by the
30 Iowa commission on volunteer services as utilizing

31 the standards for effective practice for mentoring
32 programs.
33 (ii) Of the funds allocated in this subparagraph
34 division (a), \$426,839 shall be used for grant
35 funding for organizations that provide programming
36 that includes youth development and leadership. The
37 programs shall also be recognized as being programs
38 that are scientifically based with evidence of their
39 effectiveness in reducing substance abuse in children.
40 (iii) The department of public health shall utilize
41 a request for proposals process to implement the grant
42 program.
43 (iv) All grant recipients shall participate in a
44 program evaluation as a requirement for receiving grant
45 funds.
46 (v) Of the funds allocated in this subparagraph
47 subpart (a), up to \$44,922 may be used to administer
48 substance abuse prevention grants and for program
49 evaluations.
50 (b) Of the funds allocated in this subparagraph

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1 (1), \$273,062 shall be used for culturally competent
2 substance abuse treatment pilot projects.
3 (i) The department shall utilize the amount
4 allocated in this subparagraph subpart (b) for at least
5 three pilot projects to provide culturally competent
6 substance abuse treatment in various areas of the
7 state. Each pilot project shall target a particular
8 ethnic minority population. The populations targeted
9 shall include but are not limited to African American,
10 Asian, and Latino.
11 (ii) The pilot project requirements shall provide
12 for documentation or other means to ensure access
13 to the cultural competence approach used by a pilot
14 project so that such approach can be replicated and
15 improved upon in successor programs.
16 (2) Of the funds allocated in this paragraph "b",
17 up to \$3,116,852 may be used for problem gambling
18 prevention, treatment, and recovery services.
19 (a) Of the funds allocated in this subparagraph
20 (2), \$2,579,000 shall be used for problem gambling
21 prevention and treatment.
22 (b) Of the funds allocated in this subparagraph
23 (2), up to \$437,852 may be used for a 24-hour helpline,
24 public information resources, professional training,
25 and program evaluation.
26 (c) Of the funds allocated in this subparagraph
27 (2), up to \$100,000 may be used for the licensing of
28 problem gambling treatment programs.
29 (3) It is the intent of the general assembly that

30 from the moneys allocated in this paragraph "b",
31 persons with a dual diagnosis of substance abuse
32 and gambling addictions shall be given priority in
33 treatment services.

34 c. Notwithstanding any provision of law to the
35 contrary, to standardize the availability, delivery,
36 cost of delivery, and accountability of problem
37 gambling and substance abuse treatment services
38 statewide, the department shall continue implementation
39 of a process to create a system for delivery of
40 treatment services in accordance with the requirements
41 specified in 2008 Iowa Acts, chapter 1187, section
42 3, subsection 4. To ensure the system provides a
43 continuum of treatment services that best meets the
44 needs of Iowans, the problem gambling and substance
45 abuse treatment services in any area may be provided
46 either by a single agency or by separate agencies
47 submitting a joint proposal.

48 (1) The system for delivery of substance abuse
49 and problem gambling treatment shall include problem
50 gambling prevention by July 1, 2012. The department

Page 5

1 shall submit a proposed legislative bill in accordance
2 with section 2.16, for consideration during the 2012
3 legislative session, addressing any statutory revisions
4 necessary for full implementation of the system.

5 (2) The system for delivery of substance abuse and
6 problem gambling treatment shall include substance
7 abuse prevention by July 1, 2014.

8 (3) Of the funds allocated in paragraph "b", the
9 department may use up to \$100,000 for administrative
10 costs to continue developing and implementing the
11 process in accordance with this paragraph "c".

12 d. The requirement of section 123.53, subsection
13 5, is met by the appropriations and allocations made
14 in this Act for purposes of substance abuse treatment
15 and addictive disorders for the fiscal year beginning
16 July 1, 2011.

17 e. The department of public health shall work
18 with all other departments that fund substance
19 abuse prevention and treatment services and all
20 such departments shall, to the extent necessary,
21 collectively meet the state maintenance of effort
22 requirements for expenditures for substance abuse
23 services as required under the federal substance abuse
24 prevention and treatment block grant.

25 f. The department shall amend or otherwise
26 revise departmental policies and contract provisions
27 in order to eliminate free t-shirt distribution,
28 banner production, and other unnecessary promotional

29 expenditures.

30 2. HEALTHY CHILDREN AND FAMILIES

31 For promoting the optimum health status for
32 children, adolescents from birth through 21 years of
33 age, and families, and for not more than the following
34 full-time equivalent positions:

35 \$ 2,601,905

36 FTEs 10.00

37 a. Of the funds appropriated in this subsection,
38 not more than \$739,318 shall be used for the healthy
39 opportunities to experience success (HOPES)-healthy
40 families Iowa (HFI) program established pursuant to
41 section 135.106. The funding shall be distributed to
42 renew the grants that were provided to the grantees
43 that operated the program during the fiscal year ending
44 June 30, 2012.

45 b. Of the funds appropriated in this subsection,
46 \$287,520 shall be used to continue to address the
47 healthy mental development of children from birth
48 through five years of age through local evidence-based
49 strategies that engage both the public and private
50 sectors in promoting healthy development, prevention,

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1 and treatment for children.

2 c. Of the funds appropriated in this subsection,
3 \$31,597 shall be distributed to a statewide dental
4 carrier to provide funds to continue the donated dental
5 services program patterned after the projects developed
6 by the lifeline network to provide dental services to
7 indigent elderly and disabled individuals.

8 d. Of the funds appropriated in this subsection,
9 \$112,677 shall be used for childhood obesity
10 prevention.

11 e. Of the funds appropriated in this subsection,
12 \$163,760 shall be used to provide audiological services
13 and hearing aids for children. The department may
14 enter into a contract to administer this paragraph.

15 f. Of the funds appropriated in this subsection,
16 \$50,000 shall be used for a matching dental education
17 loan repayment program in conjunction with the primary
18 care provider recruitment and retention endeavor
19 established in section 135.107. The department shall
20 work with a dental nonprofit health service corporation
21 to develop the criteria for the loan repayment program.

22 3. CHRONIC CONDITIONS

23 For serving individuals identified as having chronic
24 conditions or special health care needs, and for not
25 more than the following full-time equivalent positions:

26 \$ 3,262,256

27 FTEs 4.00

28 a. Of the funds appropriated in this subsection,
29 \$136,808 shall be used for grants to individual
30 patients who have phenylketonuria (PKU) to assist with
31 the costs of necessary special foods.

32 b. Of the funds appropriated in this subsection,
33 \$383,600 is allocated for continuation of the contracts
34 for resource facilitator services in accordance with
35 section 135.22B, subsection 9, and for brain injury
36 training services and recruiting of service providers
37 to increase the capacity within this state to address
38 the needs of individuals with brain injuries and such
39 individuals' families.

40 c. Of the funds appropriated in this subsection,
41 \$468,874 shall be used as additional funding to
42 leverage federal funding through the federal Ryan
43 White Care Act, Tit. II, AIDS drug assistance program
44 supplemental drug treatment grants.

45 d. Of the funds appropriated in this subsection,
46 \$31,254 shall be used for the public purpose of
47 providing a grant to an existing national-affiliated
48 organization to provide education, client-centered
49 programs, and client and family support for people
50 living with epilepsy and their families.

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1 e. Of the funds appropriated in this subsection,
2 \$755,791 shall be used for child health specialty
3 clinics.

4 f. Of the funds appropriated in this subsection,
5 \$711,052 shall be used for the comprehensive cancer
6 control program to reduce the burden of cancer in
7 Iowa through prevention, early detection, effective
8 treatment, and ensuring quality of life. Of the funds
9 allocated in this lettered paragraph, \$363,987 shall
10 be used to support a melanoma research symposium,
11 a melanoma biorepository and registry, basic and
12 translational melanoma research, and clinical trials.

13 g. Of the funds appropriated in this subsection,
14 \$126,450 shall be used for cervical and colon cancer
15 screening.

16 h. Of the funds appropriated in this subsection,
17 \$421,782 shall be used for the center for congenital
18 and inherited disorders.

19 i. Of the funds appropriated in this subsection,
20 \$129,937 shall be used for the prescription drug
21 donation repository program created in chapter 135M.

22 4. COMMUNITY CAPACITY

23 For strengthening the health care delivery system at
24 the local level, and for not more than the following
25 full-time equivalent positions:

26 \$ 3,677,659

27 FTEs 14.00
 28 a. Of the funds appropriated in this subsection,
 29 \$100,000 is allocated for a child vision screening
 30 program implemented through the university of Iowa
 31 hospitals and clinics in collaboration with early
 32 childhood Iowa areas.
 33 b. Of the funds appropriated in this subsection,
 34 \$111,308 is allocated for continuation of an initiative
 35 implemented at the university of Iowa and \$100,493 is
 36 allocated for continuation of an initiative at the
 37 state mental health institute at Cherokee to expand
 38 and improve the workforce engaged in mental health
 39 treatment and services. The initiatives shall receive
 40 input from the university of Iowa, the department of
 41 human services, the department of public health, and
 42 the mental health, mental retardation, developmental
 43 disabilities, and brain injury commission to address
 44 the focus of the initiatives.
 45 c. Of the funds appropriated in this subsection,
 46 \$1,171,491 shall be used for essential public health
 47 services that promote healthy aging throughout the
 48 lifespan, contracted through a formula for local boards
 49 of health, to enhance health promotion and disease
 50 prevention services.

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1 d. Of the funds appropriated in this section,
 2 \$121,817 shall be deposited in the governmental public
 3 health system fund created in section 135A.8 to be used
 4 for the purposes of the fund.
 5 e. Of the funds appropriated in this subsection,
 6 \$106,279 shall be used for the mental health
 7 professional shortage area program implemented pursuant
 8 to section 135.80.
 9 f. Of the funds appropriated in this subsection,
 10 \$38,263 shall be used for a grant to a statewide
 11 association of psychologists that is affiliated
 12 with the American psychological association to be
 13 used for continuation of a program to rotate intern
 14 psychologists in placements in urban and rural mental
 15 health professional shortage areas, as defined in
 16 section 135.80.
 17 g. Of the funds appropriated in this subsection,
 18 the following amounts shall be allocated to the Iowa
 19 collaborative safety net provider network established
 20 pursuant to section 135.153 to be used for the purposes
 21 designated:
 22 (1) For distribution to the Iowa-Nebraska primary
 23 care association for statewide coordination of the Iowa
 24 collaborative safety net provider network:
 25 \$ 116,597

- 26 (2) For distribution to the local boards of health
- 27 that provide direct services for pilot programs in
- 28 three counties to assist patients in determining an
- 29 appropriate medical home:
- 30 \$ 68,332
- 31 (3) For distribution to maternal and child health
- 32 centers for pilot programs in three counties to assist
- 33 patients in determining an appropriate medical home:
- 34 \$ 68,332
- 35 (4) For distribution to free clinics for necessary
- 36 infrastructure, statewide coordination, provider
- 37 recruitment, service delivery, and provision of
- 38 assistance to patients in determining an appropriate
- 39 medical home:
- 40 \$ 113,754
- 41 (5) For distribution to rural health clinics for
- 42 necessary infrastructure, statewide coordination,
- 43 provider recruitment, service delivery, and provision
- 44 of assistance to patients in determining an appropriate
- 45 medical home:
- 46 \$ 101,264
- 47 (6) For continuation of the safety net provider
- 48 patient access to specialty health care initiative as
- 49 described in 2007 Iowa Acts, chapter 218, section 109:
- 50 \$ 238,420

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- 1 (7) For continuation of the pharmaceutical
- 2 infrastructure for safety net providers as described in
- 3 2007 Iowa Acts, chapter 218, section 108:
- 4 \$ 247,590
- 5 The Iowa collaborative safety net provider network
- 6 may continue to distribute funds allocated pursuant to
- 7 this lettered paragraph through existing contracts or
- 8 renewal of existing contracts.
- 9 h. The department shall utilize funds received
- 10 through the grant by the United States department
- 11 of health and human services, health resources and
- 12 services administration to develop and pilot a training
- 13 and credentialing model for direct care professionals,
- 14 to the extent allowable, to continue implementation
- 15 of the recommendations of the direct care worker task
- 16 force established pursuant to 2005 Iowa Acts, chapter
- 17 88, based upon the report submitted to the governor and
- 18 the general assembly in December 2006.
- 19 i. The department may utilize one of the full-time
- 20 equivalent positions authorized in this subsection for
- 21 administration of the activities related to the Iowa
- 22 collaborative safety net provider network.
- 23 j. Of the funds appropriated in this subsection,
- 24 the department may use up to \$60,000 for up to one

25 full-time equivalent position to administer the
 26 volunteer health care provider program pursuant to
 27 section 135.24.
 28 5. HEALTHY AGING
 29 To provide public health services that reduce risks
 30 and invest in promoting and protecting good health over
 31 the course of a lifetime with a priority given to older
 32 Iowans and vulnerable populations:
 33 \$ 7,297,142
 34 a. Of the funds appropriated in this subsection,
 35 \$2,009,187 shall be used for local public health
 36 nursing services.
 37 b. Of the funds appropriated in this subsection,
 38 \$5,287,955 shall be used for home care aide services.
 39 6. ENVIRONMENTAL HAZARDS
 40 For reducing the public's exposure to hazards in the
 41 environment, primarily chemical hazards, and for not
 42 more than the following full-time equivalent positions:
 43 \$ 813,777
 44 FTEs 4.00
 45 Of the funds appropriated in this subsection,
 46 \$544,377 shall be used for childhood lead poisoning
 47 provisions.
 48 7. INFECTIOUS DISEASES
 49 For reducing the incidence and prevalence of
 50 communicable diseases, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 1,345,847
 3 FTEs 4.00
 4 8. PUBLIC PROTECTION
 5 For protecting the health and safety of the
 6 public through establishing standards and enforcing
 7 regulations, and for not more than the following
 8 full-time equivalent positions:
 9 \$ 2,906,532
 10 FTEs 125.00
 11 a. Of the funds appropriated in this subsection,
 12 not more than \$424,146 shall be credited to the
 13 emergency medical services fund created in section
 14 135.25. Moneys in the emergency medical services fund
 15 are appropriated to the department to be used for the
 16 purposes of the fund.
 17 b. Of the funds appropriated in this subsection,
 18 \$210,619 shall be used for sexual violence prevention
 19 programming through a statewide organization
 20 representing programs serving victims of sexual
 21 violence through the department's sexual violence
 22 prevention program. The amount allocated in this
 23 lettered paragraph shall not be used to supplant

24 funding administered for other sexual violence
 25 prevention or victims assistance programs.
 26 c. Of the funds appropriated in this subsection,
 27 not more than \$436,582 shall be used for the state
 28 poison control center.

29 9. RESOURCE MANAGEMENT

30 For establishing and sustaining the overall
 31 ability of the department to deliver services to the
 32 public, and for not more than the following full-time
 33 equivalent positions:

34 \$ 819,554
 35 FTEs 7.00

36 The university of Iowa hospitals and clinics under
 37 the control of the state board of regents shall not
 38 receive indirect costs from the funds appropriated in
 39 this section. The university of Iowa hospitals and
 40 clinics billings to the department shall be on at least
 41 a quarterly basis.

42 DIVISION _____

43 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

44 Sec. ____ DEPARTMENT OF VETERANS AFFAIRS. There
 45 is appropriated from the general fund of the state to
 46 the department of veterans affairs for the fiscal year
 47 beginning July 1, 2012, and ending June 30, 2013, the
 48 following amounts, or so much thereof as is necessary,
 49 to be used for the purposes designated:

50 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

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1 For salaries, support, maintenance, and
 2 miscellaneous purposes, including the war orphans
 3 educational assistance fund created in section
 4 35.8, and for not more than the following full-time
 5 equivalent positions:

6 \$ 998,832
 7 FTEs 16.34

8 2. IOWA VETERANS HOME

9 For salaries, support, maintenance, and
 10 miscellaneous purposes:

11 \$ 9,952,151

12 a. The Iowa veterans home billings involving the
 13 department of human services shall be submitted to the
 14 department on at least a monthly basis.

15 b. If there is a change in the employer of
 16 employees providing services at the Iowa veterans home
 17 under a collective bargaining agreement, such employees
 18 and the agreement shall be continued by the successor
 19 employer as though there had not been a change in
 20 employer.

21 c. Within available resources and in conformance
 22 with associated state and federal program eligibility

23 requirements, the Iowa veterans home may implement
 24 measures to provide financial assistance to or on
 25 behalf of veterans or their spouses participating in
 26 the community reentry program.
 27 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
 28 DECEASED VETERANS
 29 For provision of educational assistance pursuant to
 30 section 35.9:
 31 \$ 12,416
 32 Sec. ____ LIMITATION OF COUNTY
 33 COMMISSION OF VETERANS AFFAIRS FUND STANDING
 34 APPROPRIATIONS. Notwithstanding the standing
 35 appropriation in the following designated section for
 36 the fiscal year beginning July 1, 2012, and ending June
 37 30, 2013, the amounts appropriated from the general
 38 fund of the state pursuant to that section for the
 39 following designated purposes shall not exceed the
 40 following amount:
 41 For the county commissions of veterans affairs fund
 42 under section 35A.16:
 43 \$ 990,000
 44 DIVISION _____
 45 DEPARTMENT OF HUMAN SERVICES — FY 2012-2013
 46 Sec. ____ TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
 47 BLOCK GRANT. There is appropriated from the fund
 48 created in section 8.41 to the department of human
 49 services for the fiscal year beginning July 1, 2012,
 50 and ending June 30, 2013, from moneys received under

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1 the federal temporary assistance for needy families
 2 (TANF) block grant pursuant to the federal Personal
 3 Responsibility and Work Opportunity Reconciliation
 4 Act of 1996, Pub. L. No. 104-193, and successor
 5 legislation, and from moneys received under the
 6 emergency contingency fund for temporary assistance
 7 for needy families state program established pursuant
 8 to the federal American Recovery and Reinvestment
 9 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
 10 legislation, the following amounts, or so much
 11 thereof as is necessary, to be used for the purposes
 12 designated:
 13 1. To be credited to the family investment program
 14 account and used for assistance under the family
 15 investment program under chapter 239B:
 16 \$ 21,500,738
 17 2. To be credited to the family investment program
 18 account and used for the job opportunities and
 19 basic skills (JOBS) program and implementing family
 20 investment agreements in accordance with chapter 239B:
 21 \$ 12,411,528

22 3. To be used for the family development and
 23 self-sufficiency grant program in accordance with
 24 section 216A.107:
 25 \$ 2,898,980
 26 Notwithstanding section 8.33, moneys appropriated in
 27 this subsection that remain unencumbered or unobligated
 28 at the close of the fiscal year shall not revert but
 29 shall remain available for expenditure for the purposes
 30 designated until the close of the succeeding fiscal
 31 year. However, unless such moneys are encumbered or
 32 obligated on or before September 30, 2013, the moneys
 33 shall revert.
 34 4. For field operations:
 35 \$ 31,296,232
 36 5. For general administration:
 37 \$ 3,744,000
 38 6. For state child care assistance:
 39 \$ 16,382,687
 40 The funds appropriated in this subsection shall be
 41 transferred to the child care and development block
 42 grant appropriation made by the Eighty-fourth General
 43 Assembly, 2012 Session, for the federal fiscal year
 44 beginning October 1, 2012, and ending September 30,
 45 2013. Of this amount, \$200,000 shall be used for
 46 provision of educational opportunities to registered
 47 child care home providers in order to improve services
 48 and programs offered by this category of providers and
 49 to increase the number of providers. The department
 50 may contract with institutions of higher education or

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1 child care resource and referral centers to provide the
 2 educational opportunities. Allowable administrative
 3 costs under the contracts shall not exceed 5 percent.
 4 The application for a grant shall not exceed two pages
 5 in length.
 6 7. For mental health and developmental disabilities
 7 community services:
 8 \$ 4,894,052
 9 8. For child and family services:
 10 \$ 32,084,430
 11 9. For child abuse prevention grants:
 12 \$ 125,000
 13 10. For pregnancy prevention grants on the
 14 condition that family planning services are funded:
 15 \$ 1,930,067
 16 Pregnancy prevention grants shall be awarded
 17 to pregnancy prevention programs that are based
 18 on existing models that have demonstrated positive
 19 outcomes. Grants shall comply with the requirements
 20 provided in 1997 Iowa Acts, chapter 208, section 14,

21 subsections 1 and 2, including the requirement that
22 grant programs must emphasize sexual abstinence.
23 Priority in the awarding of grants shall be given
24 to programs that serve areas of the state which
25 demonstrate the highest percentage of unplanned
26 pregnancies of females of childbearing age within the
27 geographic area to be served by the grant.

28 11. For technology needs and other resources
29 necessary to meet federal welfare reform reporting,
30 tracking, and case management requirements:
31 \$ 1,037,186

32 12. To be credited to the state child care
33 assistance appropriation made in this section to be
34 used for funding of community-based early childhood
35 programs targeted to children from birth through five
36 years of age developed by early childhood Iowa areas as
37 provided in section 256I.11:
38 \$ 6,350,000

39 The department shall transfer TANF block grant
40 funding appropriated and allocated in this subsection
41 to the child care and development block grant
42 appropriation in accordance with federal law as
43 necessary to comply with the provisions of this
44 subsection.

45 13. a. Notwithstanding any provision to the
46 contrary, including but not limited to requirements
47 in section 8.41 or provisions in 2011 or 2012 Iowa
48 Acts regarding the receipt and appropriation of
49 federal block grants, federal funds from the emergency
50 contingency fund for temporary assistance for needy

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1 families state program established pursuant to the
2 federal American Recovery and Reinvestment Act of
3 2009, Pub. L. No. 111-5 § 2101, received by the state
4 during the fiscal year beginning July 1, 2011, and
5 ending June 30, 2012, not otherwise appropriated in
6 this section and remaining available as of July 1,
7 2012, and received by the state during the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, are
9 appropriated to the extent as may be necessary to be
10 used in the following priority order: the family
11 investment program for the fiscal year and for state
12 child care assistance program payments for individuals
13 enrolled in the family investment program who are
14 employed. The federal funds appropriated in this
15 paragraph "a" shall be expended only after all other
16 funds appropriated in subsection 1 for the assistance
17 under the family investment program under chapter 239B
18 have been expended.

19 b. The department shall, on a quarterly basis,

20 advise the legislative services agency and department
21 of management of the amount of funds appropriated in
22 this subsection that was expended in the prior quarter.

23 14. Of the amounts appropriated in this section,
24 \$12,962,008 for the fiscal year beginning July 1,
25 2012, shall be transferred to the appropriation of
26 the federal social services block grant made for that
27 fiscal year.

28 15. For continuation of the program allowing the
29 department to maintain categorical eligibility for the
30 food assistance program as required under the section
31 of this division relating to the family investment
32 account:

33 \$ 146,072

34 16. The department may transfer funds allocated
35 in this section to the appropriations made in this
36 Act for general administration and field operations
37 for resources necessary to implement and operate the
38 services referred to in this section and those funded
39 in the appropriation made in this division of this Act
40 for the family investment program from the general fund
41 of the state.

42 Sec. ____ FAMILY INVESTMENT PROGRAM ACCOUNT.

43 1. Moneys credited to the family investment program
44 (FIP) account for the fiscal year beginning July
45 1, 2012, and ending June 30, 2013, shall be used to
46 provide assistance in accordance with chapter 239B.

47 2. The department may use a portion of the moneys
48 credited to the FIP account under this section as
49 necessary for salaries, support, maintenance, and
50 miscellaneous purposes.

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1 3. The department may transfer funds allocated
2 in this section to the appropriations in this Act
3 for general administration and field operations for
4 resources necessary to implement and operate the
5 services referred to in this section and those funded
6 in the appropriation made in this division of this Act
7 for the family investment program from the general fund
8 of the state.

9 4. Moneys appropriated in this division of this Act
10 and credited to the FIP account for the fiscal year
11 beginning July 1, 2012, and ending June 30, 2013, are
12 allocated as follows:

13 a. To be retained by the department of human
14 services to be used for coordinating with the
15 department of human rights to more effectively serve
16 participants in the FIP program and other shared
17 clients and to meet federal reporting requirements
18 under the federal temporary assistance for needy

19 families block grant:

20 \$ 20,000

21 b. To the department of human rights for staffing,
22 administration, and implementation of the family
23 development and self-sufficiency grant program in
24 accordance with section 216A.107:

25 \$ 5,342,834

26 (1) Of the funds allocated for the family
27 development and self-sufficiency grant program in this
28 lettered paragraph, not more than 5 percent of the
29 funds shall be used for the administration of the grant
30 program.

31 (2) The department of human rights may continue to
32 implement the family development and self-sufficiency
33 grant program statewide during fiscal year 2012-2013.

34 c. For the diversion subaccount of the FIP account:

35 \$ 1,698,400

36 A portion of the moneys allocated for the subaccount
37 may be used for field operations salaries, data
38 management system development, and implementation
39 costs and support deemed necessary by the director of
40 human services in order to administer the FIP diversion
41 program.

42 d. For the food stamp employment and training
43 program:

44 \$ 66,588

45 (1) The department shall amend the food stamp
46 employment and training state plan in order to maximize
47 to the fullest extent permitted by federal law the
48 use of the 50-50 match provisions for the claiming
49 of allowable federal matching funds from the United
50 States department of agriculture pursuant to the

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1 federal food stamp employment and training program for
2 providing education, employment, and training services
3 for eligible food assistance program participants,
4 including but not limited to related dependent care and
5 transportation expenses.

6 (2) The department shall continue the categorical
7 federal food assistance program eligibility at 160
8 percent of the federal poverty level and continue to
9 eliminate the asset test from eligibility requirements,
10 consistent with federal food assistance program
11 requirements. The department shall include as many
12 food assistance households as is allowed by federal
13 law. The eligibility provisions shall conform to all
14 federal requirements including requirements addressing
15 individuals who are incarcerated or otherwise
16 ineligible.

17 e. For the JOBS program:

18 \$ 20,235,905
 19 5. Of the child support collections assigned under
 20 FIP, an amount equal to the federal share of support
 21 collections shall be credited to the child support
 22 recovery appropriation made in this division of this
 23 Act. Of the remainder of the assigned child support
 24 collections received by the child support recovery
 25 unit, a portion shall be credited to the FIP account,
 26 a portion may be used to increase recoveries, and a
 27 portion may be used to sustain cash flow in the child
 28 support payments account. If as a consequence of the
 29 appropriations and allocations made in this section
 30 the resulting amounts are insufficient to sustain
 31 cash assistance payments and meet federal maintenance
 32 of effort requirements, the department shall seek
 33 supplemental funding. If child support collections
 34 assigned under FIP are greater than estimated or are
 35 otherwise determined not to be required for maintenance
 36 of effort, the state share of either amount may be
 37 transferred to or retained in the child support payment
 38 account.

39 6. The department may adopt emergency rules for
 40 the family investment, JOBS, food stamp, and medical
 41 assistance programs if necessary to comply with federal
 42 requirements.

43 Sec. ____ FAMILY INVESTMENT PROGRAM GENERAL
 44 FUND. There is appropriated from the general fund of
 45 the state to the department of human services for the
 46 fiscal year beginning July 1, 2012, and ending June 30,
 47 2013, the following amount, or so much thereof as is
 48 necessary, to be used for the purpose designated:
 49 To be credited to the family investment program
 50 (FIP) account and used for family investment program

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1 assistance under chapter 239B:
 2 \$ 50,421,027
 3 1. Of the funds appropriated in this section,
 4 \$7,824,377 is allocated for the JOBS program.
 5 2. Of the funds appropriated in this section,
 6 \$2,463,854 is allocated for the family development and
 7 self-sufficiency grant program.
 8 3. Notwithstanding section 8.39, for the fiscal
 9 year beginning July 1, 2012, if necessary to meet
 10 federal maintenance of effort requirements or to
 11 transfer federal temporary assistance for needy
 12 families block grant funding to be used for purposes
 13 of the federal social services block grant or to meet
 14 cash flow needs resulting from delays in receiving
 15 federal funding or to implement, in accordance with
 16 this division of this Act, activities currently funded

17 with juvenile court services, county, or community
 18 moneys and state moneys used in combination with such
 19 moneys, the department of human services may transfer
 20 funds within or between any of the appropriations made
 21 in this division of this Act and appropriations in law
 22 for the federal social services block grant to the
 23 department for the following purposes, provided that
 24 the combined amount of state and federal temporary
 25 assistance for needy families block grant funding for
 26 each appropriation remains the same before and after
 27 the transfer:

- 28 a. For the family investment program.
- 29 b. For child care assistance.
- 30 c. For child and family services.
- 31 d. For field operations.
- 32 e. For general administration.
- 33 f. MH/MR/DD/BI community services (local purchase).

34 This subsection shall not be construed to prohibit
 35 the use of existing state transfer authority for other
 36 purposes. The department shall report any transfers
 37 made pursuant to this subsection to the legislative
 38 services agency.

39 4. Of the funds appropriated in this section,
 40 \$195,678 shall be used for continuation of a grant to
 41 an Iowa-based nonprofit organization with a history
 42 of providing tax preparation assistance to low-income
 43 Iowans in order to expand the usage of the earned
 44 income tax credit. The purpose of the grant is to
 45 supply this assistance to underserved areas of the
 46 state.

47 Sec. ____. CHILD SUPPORT RECOVERY. There is
 48 appropriated from the general fund of the state to
 49 the department of human services for the fiscal year
 50 beginning July 1, 2012, and ending June 30, 2013, the

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1 following amount, or so much thereof as is necessary,
 2 to be used for the purposes designated:

3 For child support recovery, including salaries,
 4 support, maintenance, and miscellaneous purposes, and
 5 for not more than the following full-time equivalent
 6 positions:

7 \$ 13,219,255
 8 FTEs 475.00

9 1. The department shall expend up to \$24,329,
 10 including federal financial participation, for the
 11 fiscal year beginning July 1, 2012, for a child support
 12 public awareness campaign. The department and the
 13 office of the attorney general shall cooperate in
 14 continuation of the campaign. The public awareness
 15 campaign shall emphasize, through a variety of media

16 activities, the importance of maximum involvement of
17 both parents in the lives of their children as well as
18 the importance of payment of child support obligations.

19 2. Federal access and visitation grant moneys shall
20 be issued directly to private not-for-profit agencies
21 that provide services designed to increase compliance
22 with the child access provisions of court orders,
23 including but not limited to neutral visitation sites
24 and mediation services.

25 3. The appropriation made to the department for
26 child support recovery may be used throughout the
27 fiscal year in the manner necessary for purposes of
28 cash flow management, and for cash flow management
29 purposes the department may temporarily draw more
30 than the amount appropriated, provided the amount
31 appropriated is not exceeded at the close of the fiscal
32 year.

33 4. With the exception of the funding amount
34 specified, the requirements established under 2001
35 Iowa Acts, chapter 191, section 3, subsection 5,
36 paragraph "c", subparagraph (3), shall be applicable
37 to parental obligation pilot projects for the fiscal
38 year beginning July 1, 2012, and ending June 30,
39 2013. Notwithstanding 441 IAC 100.8, providing for
40 termination of rules relating to the pilot projects,
41 the rules shall remain in effect until June 30, 2013.

42 Sec. ____ HEALTH CARE TRUST FUND — MEDICAL
43 ASSISTANCE. Any funds remaining in the health care
44 trust fund created in section 453A.35A for the fiscal
45 year beginning July 1, 2012, and ending June 30,
46 2013, are appropriated to the department of human
47 services to supplement the medical assistance program
48 appropriations made in this Act, for medical assistance
49 reimbursement and associated costs, including
50 program administration and costs associated with

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1 implementation.

2 Sec. ____ MEDICAL ASSISTANCE. There is
3 appropriated from the general fund of the state to
4 the department of human services for the fiscal year
5 beginning July 1, 2012, and ending June 30, 2013, the
6 following amount, or so much thereof as is necessary,
7 to be used for the purpose designated:

8 For medical assistance reimbursement and associated
9 costs as specifically provided in the reimbursement
10 methodologies in effect on June 30, 2012, except as
11 otherwise expressly authorized by law, including
12 reimbursement for abortion services which shall be
13 available under the medical assistance program only for
14 those abortions which are medically necessary:

15 \$955,237,190
 16 1. Medically necessary abortions are those
 17 performed under any of the following conditions:
 18 a. The attending physician certifies that
 19 continuing the pregnancy would endanger the life of the
 20 pregnant woman.
 21 b. Any spontaneous abortion, commonly known as a
 22 miscarriage, if not all of the products of conception
 23 are expelled.
 24 2. The department shall utilize not more than
 25 \$60,000 of the funds appropriated in this section
 26 to continue the AIDS/HIV health insurance premium
 27 payment program as established in 1992 Iowa Acts,
 28 Second Extraordinary Session, chapter 1001, section
 29 409, subsection 6. Of the funds allocated in this
 30 subsection, not more than \$5,000 may be expended for
 31 administrative purposes.
 32 3. Of the funds appropriated in this Act to the
 33 department of public health for addictive disorders,
 34 \$950,000 for the fiscal year beginning July 1, 2012,
 35 shall be transferred to the department of human
 36 services for an integrated substance abuse managed care
 37 system. The department shall not assume management
 38 of the substance abuse system in place of the managed
 39 care contractor unless such a change in approach is
 40 specifically authorized in law. The departments of
 41 human services and public health shall work together
 42 to maintain the level of mental health and substance
 43 abuse services provided by the managed care contractor
 44 through the Iowa plan for behavioral health. Each
 45 department shall take the steps necessary to continue
 46 the federal waivers as necessary to maintain the level
 47 of services.
 48 4. a. The department shall aggressively pursue
 49 options for providing medical assistance or other
 50 assistance to individuals with special needs who become

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1 ineligible to continue receiving services under the
 2 early and periodic screening, diagnostic, and treatment
 3 program under the medical assistance program due
 4 to becoming 21 years of age who have been approved
 5 for additional assistance through the department's
 6 exception to policy provisions, but who have health
 7 care needs in excess of the funding available through
 8 the exception to policy provisions.
 9 b. Of the funds appropriated in this section,
 10 \$100,000 shall be used for participation in one or more
 11 pilot projects operated by a private provider to allow
 12 the individual or individuals to receive service in the
 13 community in accordance with principles established in

14 Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose
15 of providing medical assistance or other assistance to
16 individuals with special needs who become ineligible
17 to continue receiving services under the early and
18 periodic screening, diagnosis, and treatment program
19 under the medical assistance program due to becoming
20 21 years of age who have been approved for additional
21 assistance through the department's exception to policy
22 provisions, but who have health care needs in excess
23 of the funding available through the exception to the
24 policy provisions.

25 5. Of the funds appropriated in this section, up to
26 \$3,050,082 may be transferred to the field operations
27 or general administration appropriations in this Act
28 for operational costs associated with Part D of the
29 federal Medicare Prescription Drug Improvement and
30 Modernization Act of 2003, Pub. L. No. 108-173.

31 6. Of the funds appropriated in this section, up
32 to \$442,100 may be transferred to the appropriation
33 in this Act for medical contracts to be used for
34 clinical assessment services and prior authorization
35 of services.

36 7. A portion of the funds appropriated in this
37 section may be transferred to the appropriations in
38 this division of this Act for general administration,
39 medical contracts, the children's health insurance
40 program, or field operations to be used for the
41 state match cost to comply with the payment error
42 rate measurement (PERM) program for both the medical
43 assistance and children's health insurance programs
44 as developed by the centers for Medicare and Medicaid
45 services of the United States department of health and
46 human services to comply with the federal Improper
47 Payments Information Act of 2002, Pub. L. No. 107-300.

48 8. It is the intent of the general assembly
49 that the department continue to implement the
50 recommendations of the assuring better child health

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1 and development initiative II (ABCDII) clinical panel
2 to the Iowa early and periodic screening, diagnostic,
3 and treatment services healthy mental development
4 collaborative board regarding changes to billing
5 procedures, codes, and eligible service providers.

6 9. Of the funds appropriated in this section,
7 a sufficient amount is allocated to supplement
8 the incomes of residents of nursing facilities,
9 intermediate care facilities for persons with mental
10 illness, and intermediate care facilities for persons
11 with mental retardation, with incomes of less than \$50
12 in the amount necessary for the residents to receive a

13 personal needs allowance of \$50 per month pursuant to
14 section 249A.30A.

15 10. Of the funds appropriated in this section,
16 the following amounts shall be transferred to the
17 appropriations made in this division of this Act for
18 the state mental health institutes:

19 a. Cherokee mental health institute

20 \$ 9,098,425

21 b. Clarinda mental health institute

22 \$ 1,977,305

23 c. Independence mental health institute

24 \$ 9,045,894

25 d. Mount Pleasant mental health institute

26 \$ 5,752,587

27 11. a. Of the funds appropriated in this section,
28 \$7,425,684 is allocated for the state match for a
29 disproportionate share hospital payment of \$19,133,430
30 to hospitals that meet both of the conditions specified
31 in subparagraphs (1) and (2). In addition, the
32 hospitals that meet the conditions specified shall
33 either certify public expenditures or transfer to
34 the medical assistance program an amount equal to
35 provide the nonfederal share for a disproportionate
36 share hospital payment of \$7,500,000. The hospitals
37 that meet the conditions specified shall receive and
38 retain 100 percent of the total disproportionate share
39 hospital payment of \$26,633,430.

40 (1) The hospital qualifies for disproportionate
41 share and graduate medical education payments.

42 (2) The hospital is an Iowa state-owned hospital
43 with more than 500 beds and eight or more distinct
44 residency specialty or subspecialty programs recognized
45 by the American college of graduate medical education.

46 b. Distribution of the disproportionate share
47 payments shall be made on a monthly basis. The total
48 amount of disproportionate share payments including
49 graduate medical education, enhanced disproportionate
50 share, and Iowa state-owned teaching hospital payments

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1 shall not exceed the amount of the state's allotment
2 under Pub. L. No. 102-234. In addition, the total
3 amount of all disproportionate share payments shall not
4 exceed the hospital-specific disproportionate share
5 limits under Pub. L. No. 103-66.

6 12. The university of Iowa hospitals and clinics
7 shall either certify public expenditures or transfer to
8 the medical assistance appropriation an amount equal
9 to provide the nonfederal share for increased medical
10 assistance payments for inpatient and outpatient
11 hospital services of \$9,900,000. The university of

12 Iowa hospitals and clinics shall receive and retain 100
13 percent of the total increase in medical assistance
14 payments.

15 13. Of the funds appropriated in this section,
16 up to \$4,480,304 may be transferred to the IowaCare
17 account created in section 249J.24.

18 14. Of the funds appropriated in this section,
19 \$200,000 shall be used for the Iowa chronic care
20 consortium pursuant to 2003 Iowa Acts, chapter 112,
21 section 12, as amended by 2003 Iowa Acts, chapter 179,
22 sections 166 and 167.

23 15. One hundred percent of the nonfederal share of
24 payments to area education agencies that are medical
25 assistance providers for medical assistance-covered
26 services provided to medical assistance-covered
27 children, shall be made from the appropriation made in
28 this section.

29 16. Any new or renewed contract entered into by the
30 department with a third party to administer behavioral
31 health services under the medical assistance program
32 shall provide that any interest earned on payments
33 from the state during the state fiscal year shall be
34 remitted to the department and treated as recoveries to
35 offset the costs of the medical assistance program.

36 17. The department shall continue to implement the
37 provisions in 2007 Iowa Acts, chapter 218, section
38 124 and section 126, as amended by 2008 Iowa Acts,
39 chapter 1188, section 55, relating to eligibility for
40 certain persons with disabilities under the medical
41 assistance program in accordance with the federal
42 family opportunity Act.

43 18. A portion of the funds appropriated in this
44 section may be transferred to the appropriation in this
45 division of this Act for medical contracts to be used
46 for administrative activities associated with the money
47 follows the person demonstration project.

48 19. Of the funds appropriated in this section,
49 \$349,011 shall be used for the administration of the
50 health insurance premium payment program, including

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1 salaries, support, maintenance, and miscellaneous
2 purposes for the fiscal year beginning July 1, 2012.

3 20. a. The department may increase the amounts
4 allocated for salaries, support, maintenance, and
5 miscellaneous purposes associated with the medical
6 assistance program as necessary to implement cost
7 containment efforts in order to accomplish medical
8 assistance program savings. The department shall
9 report any such increase to the legislative services
10 agency and department of management.

11 b. If the savings to the medical assistance
 12 program exceed the cost, the department may transfer
 13 any savings generated for the fiscal year due to
 14 medical assistance program cost containment efforts
 15 initiated pursuant to 2010 Iowa Acts, chapter 1031,
 16 Executive Order No. 20, issued December 16, 2009, or
 17 cost containment efforts initiated by the department
 18 during fiscal year 2012-2013, to the appropriation made
 19 in this division of this Act for medical contracts or
 20 general administration to defray the increased contract
 21 costs associated with implementing such efforts.

22 21. The department may implement cost containment
 23 strategies recommended by the governor by using a sole
 24 source contract process or by expanding an existing
 25 contract without using a competitive process. The
 26 department may adopt emergency rules to implement
 27 the cost containment strategies recommended by the
 28 governor.

29 22. The department shall report the implementation
 30 of any cost containment strategies under this section
 31 to the individuals specified in this Act to receive
 32 reports on a quarterly basis.

33 23. Notwithstanding any provision of law to the
 34 contrary, the department of human services shall
 35 continue implementation of the amended section 1915(b)
 36 waiver and Iowa plan contract for inclusion of remedial
 37 services under the Iowa plan contract for the fiscal
 38 year beginning July 1, 2012.

39 Sec. ____ MEDICAL CONTRACTS. There is appropriated
 40 from the general fund of the state to the department of
 41 human services for the fiscal year beginning July 1,
 42 2012, and ending June 30, 2013, the following amount,
 43 or so much thereof as is necessary, to be used for the
 44 purpose designated:

45 For medical contracts:
 46 \$ 5,773,844

47 The department of inspections and appeals shall
 48 provide all state matching funds for survey and
 49 certification activities performed by the department
 50 of inspections and appeals. The department of human

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1 services is solely responsible for distributing the
 2 federal matching funds for such activities.

3 Sec. ____ STATE SUPPLEMENTARY ASSISTANCE.

4 1. There is appropriated from the general fund of
 5 the state to the department of human services for the
 6 fiscal year beginning July 1, 2012, and ending June 30,
 7 2013, the following amount, or so much thereof as is
 8 necessary, to be used for the purpose designated:

9 For the state supplementary assistance program:

10 \$ 17,850,747

11 2. The department shall increase the personal needs
12 allowance for residents of residential care facilities
13 by the same percentage and at the same time as federal
14 supplemental security income and federal social
15 security benefits are increased due to a recognized
16 increase in the cost of living. The department may
17 adopt emergency rules to implement this subsection.

18 3. If during the fiscal year beginning July 1,
19 2012, the department projects that state supplementary
20 assistance expenditures for a calendar year will not
21 meet the federal pass-through requirement specified
22 in Tit. XVI of the federal Social Security Act,
23 section 1618, as codified in 42 U.S.C. § 1382g,
24 the department may take actions including but not
25 limited to increasing the personal needs allowance
26 for residential care facility residents and making
27 programmatic adjustments or upward adjustments of the
28 residential care facility or in-home health-related
29 care reimbursement rates prescribed in this division of
30 this Act to ensure that federal requirements are met.
31 In addition, the department may make other programmatic
32 and rate adjustments necessary to remain within the
33 amount appropriated in this section while ensuring
34 compliance with federal requirements. The department
35 may adopt emergency rules to implement the provisions
36 of this subsection.

37 Sec. ____ CHILDREN'S HEALTH INSURANCE
38 PROGRAM. There is appropriated from the general
39 fund of the state to the department of human services
40 for the fiscal year beginning July 1, 2012, and ending
41 June 30, 2013, the following amount, or so much thereof
42 as is necessary, to be used for the purpose designated:
43 For maintenance of the healthy and well kids in Iowa
44 (hawk-i) program pursuant to chapter 514I, including
45 supplemental dental services, for receipt of federal
46 financial participation under Tit. XXI of the federal
47 Social Security Act, which creates the children's
48 health insurance program:

49 \$ 32,927,152

50 Sec. ____ CHILD CARE ASSISTANCE. There is

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1 appropriated from the general fund of the state to
2 the department of human services for the fiscal year
3 beginning July 1, 2012, and ending June 30, 2013, the
4 following amount, or so much thereof as is necessary,
5 to be used for the purpose designated:

6 For child care programs:
7 \$ 53,237,662

8 1. Of the funds appropriated in this section,

9 \$51,868,235 shall be used for state child care
10 assistance in accordance with section 237A.13.
11 2. Nothing in this section shall be construed or
12 is intended as or shall imply a grant of entitlement
13 for services to persons who are eligible for assistance
14 due to an income level consistent with the waiting
15 list requirements of section 237A.13. Any state
16 obligation to provide services pursuant to this section
17 is limited to the extent of the funds appropriated in
18 this section.
19 3. Of the funds appropriated in this section,
20 \$432,453 is allocated for the statewide program for
21 child care resource and referral services under section
22 237A.26. A list of the registered and licensed child
23 care facilities operating in the area served by a
24 child care resource and referral service shall be made
25 available to the families receiving state child care
26 assistance in that area.
27 4. Of the funds appropriated in this section,
28 \$936,974 is allocated for child care quality
29 improvement initiatives including but not limited to
30 the voluntary quality rating system in accordance with
31 section 237A.30. The \$2,000,000 reduction applied to
32 the combined state and federal funding allocated for
33 quality improvement in the prior fiscal year shall be
34 continued.
35 5. The department may use any of the funds
36 appropriated in this section as a match to obtain
37 federal funds for use in expanding child care
38 assistance and related programs. For the purpose of
39 expenditures of state and federal child care funding,
40 funds shall be considered obligated at the time
41 expenditures are projected or are allocated to the
42 department's service areas. Projections shall be based
43 on current and projected caseload growth, current and
44 projected provider rates, staffing requirements for
45 eligibility determination and management of program
46 requirements including data systems management,
47 staffing requirements for administration of the
48 program, contractual and grant obligations and any
49 transfers to other state agencies, and obligations for
50 decategorization or innovation projects.

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1 6. A portion of the state match for the federal
2 child care and development block grant shall be
3 provided as necessary to meet federal matching
4 funds requirements through the state general fund
5 appropriation made for child development grants and
6 other programs for at-risk children in section 279.51.
7 7. If a uniform reduction ordered by the governor

8 under section 8.31 or other operation of law,
 9 transfer, or federal funding reduction reduces the
 10 appropriation made in this section for the fiscal year,
 11 the percentage reduction in the amount paid out to or
 12 on behalf of the families participating in the state
 13 child care assistance program shall be equal to or
 14 less than the percentage reduction made for any other
 15 purpose payable from the appropriation made in this
 16 section and the federal funding relating to it. The
 17 percentage reduction to the other allocations made in
 18 this section shall be the same as the uniform reduction
 19 ordered by the governor or the percentage change of the
 20 federal funding reduction, as applicable. If there is
 21 an unanticipated increase in federal funding provided
 22 for state child care assistance, the entire amount
 23 of the increase shall be used for state child care
 24 assistance payments. If the appropriations made for
 25 purposes of the state child care assistance program for
 26 the fiscal year are determined to be insufficient, it
 27 is the intent of the general assembly to appropriate
 28 sufficient funding for the fiscal year in order to
 29 avoid establishment of waiting list requirements.

30 8. Notwithstanding section 8.33, moneys
 31 appropriated in this section or received from the
 32 federal appropriations made for the purposes of this
 33 section that remain unencumbered or unobligated at the
 34 close of the fiscal year shall not revert to any fund
 35 but shall remain available for expenditure for the
 36 purposes designated until the close of the succeeding
 37 fiscal year.

38 Sec. __. JUVENILE INSTITUTIONS. There is
 39 appropriated from the general fund of the state to
 40 the department of human services for the fiscal year
 41 beginning July 1, 2012, and ending June 30, 2013, the
 42 following amounts, or so much thereof as is necessary,
 43 to be used for the purposes designated:

44 1. For operation of the Iowa juvenile home at
 45 Toledo and for salaries, support, maintenance, and
 46 miscellaneous purposes, and for not more than the
 47 following full-time equivalent positions:

48 \$ 8,380,319
 49 FTEs 114.00

50 2. For operation of the state training school at

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1 Eldora and for salaries, support, maintenance, and
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:

4 \$ 10,733,590
 5 FTEs 164.30

6 Of the funds appropriated in this subsection,

7 \$91,150 shall be used for distribution to licensed
8 classroom teachers at this and other institutions under
9 the control of the department of human services based
10 upon the average student yearly enrollment at each
11 institution as determined by the department.

12 3. A portion of the moneys appropriated in this
13 section shall be used by the state training school and
14 by the Iowa juvenile home for grants for adolescent
15 pregnancy prevention activities at the institutions in
16 the fiscal year beginning July 1, 2012.

17 Sec. ____ CHILD AND FAMILY SERVICES.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For child and family services:
24 \$ 83,020,163

25 2. In order to address a reduction of \$5,200,000
26 from the amount allocated under the appropriation made
27 for the purposes of this section in prior years for
28 purposes of juvenile delinquent graduated sanction
29 services, up to \$5,200,000 of the amount of federal
30 temporary assistance for needy families block grant
31 funding appropriated in this division of this Act for
32 child and family services shall be made available for
33 purposes of juvenile delinquent graduated sanction
34 services.

35 3. The department may transfer funds appropriated
36 in this section as necessary to pay the nonfederal
37 costs of services reimbursed under the medical
38 assistance program, state child care assistance
39 program, or the family investment program which are
40 provided to children who would otherwise receive
41 services paid under the appropriation in this section.
42 The department may transfer funds appropriated in this
43 section to the appropriations made in this division
44 of this Act for general administration and for field
45 operations for resources necessary to implement and
46 operate the services funded in this section.

47 4. a. Of the funds appropriated in this section,
48 up to \$30,169,129 is allocated as the statewide
49 expenditure target under section 232.143 for group
50 foster care maintenance and services. If the

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1 department projects that such expenditures for the
2 fiscal year will be less than the target amount
3 allocated in this lettered paragraph, the department
4 may reallocate the excess to provide additional
5 funding for shelter care or the child welfare emergency

6 services addressed with the allocation for shelter
7 care.
8 b. If at any time after September 30, 2012,
9 annualization of a service area's current expenditures
10 indicates a service area is at risk of exceeding its
11 group foster care expenditure target under section
12 232.143 by more than 5 percent, the department and
13 juvenile court services shall examine all group
14 foster care placements in that service area in order
15 to identify those which might be appropriate for
16 termination. In addition, any aftercare services
17 believed to be needed for the children whose
18 placements may be terminated shall be identified. The
19 department and juvenile court services shall initiate
20 action to set dispositional review hearings for the
21 placements identified. In such a dispositional review
22 hearing, the juvenile court shall determine whether
23 needed aftercare services are available and whether
24 termination of the placement is in the best interest of
25 the child and the community.
26 5. In accordance with the provisions of section
27 232.188, the department shall continue the child
28 welfare and juvenile justice funding initiative during
29 fiscal year 2012-2013. Of the funds appropriated in
30 this section, \$1,717,753 is allocated specifically
31 for expenditure for fiscal year 2012-2013 through the
32 decategorization service funding pools and governance
33 boards established pursuant to section 232.188.
34 6. A portion of the funds appropriated in this
35 section may be used for emergency family assistance
36 to provide other resources required for a family
37 participating in a family preservation or reunification
38 project or successor project to stay together or to be
39 reunified.
40 7. Notwithstanding section 234.35 or any other
41 provision of law to the contrary, state funding for
42 shelter care and the child welfare emergency services
43 contracting implemented to provide for or prevent the
44 need for shelter care shall be limited to \$7,170,116.
45 The department may execute contracts that result from
46 the department's request for proposal, bid number
47 ACFS-11-114, to provide the range of child welfare
48 emergency services described in the request for
49 proposals, and any subsequent amendments to the request
50 for proposals.

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1 8. Federal funds received by the state during
2 the fiscal year beginning July 1, 2012, as the
3 result of the expenditure of state funds appropriated
4 during a previous state fiscal year for a service or

5 activity funded under this section are appropriated
6 to the department to be used as additional funding
7 for services and purposes provided for under this
8 section. Notwithstanding section 8.33, moneys
9 received in accordance with this subsection that remain
10 unencumbered or unobligated at the close of the fiscal
11 year shall not revert to any fund but shall remain
12 available for the purposes designated until the close
13 of the succeeding fiscal year.

14 9. Of the funds appropriated in this section, at
15 least \$3,696,285 shall be used for protective child
16 care assistance.

17 10. a. Of the funds appropriated in this section,
18 up to \$2,062,488 is allocated for the payment of
19 the expenses of court-ordered services provided to
20 juveniles who are under the supervision of juvenile
21 court services, which expenses are a charge upon the
22 state pursuant to section 232.141, subsection 4. Of
23 the amount allocated in this lettered paragraph,
24 up to \$1,556,287 shall be made available to provide
25 school-based supervision of children adjudicated under
26 chapter 232, of which not more than \$15,000 may be used
27 for the purpose of training. A portion of the cost of
28 each school-based liaison officer shall be paid by the
29 school district or other funding source as approved by
30 the chief juvenile court officer.

31 b. Of the funds appropriated in this section, up to
32 \$748,985 is allocated for the payment of the expenses
33 of court-ordered services provided to children who are
34 under the supervision of the department, which expenses
35 are a charge upon the state pursuant to section
36 232.141, subsection 4.

37 c. Notwithstanding section 232.141 or any other
38 provision of law to the contrary, the amounts allocated
39 in this subsection shall be distributed to the
40 judicial districts as determined by the state court
41 administrator and to the department's service areas as
42 determined by the administrator of the department's
43 division of child and family services. The state court
44 administrator and the division administrator shall make
45 the determination of the distribution amounts on or
46 before June 15, 2012.

47 d. Notwithstanding chapter 232 or any other
48 provision of law to the contrary, a district or
49 juvenile court shall not order any service which is
50 a charge upon the state pursuant to section 232.141

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1 if there are insufficient court-ordered services
2 funds available in the district court or departmental
3 service area distribution amounts to pay for the

4 service. The chief juvenile court officer and the
5 departmental service area manager shall encourage use
6 of the funds allocated in this subsection such that
7 there are sufficient funds to pay for all court-related
8 services during the entire year. The chief juvenile
9 court officers and departmental service area managers
10 shall attempt to anticipate potential surpluses and
11 shortfalls in the distribution amounts and shall
12 cooperatively request the state court administrator
13 or division administrator to transfer funds between
14 the judicial districts' or departmental service areas'
15 distribution amounts as prudent.

16 e. Notwithstanding any provision of law to the
17 contrary, a district or juvenile court shall not order
18 a county to pay for any service provided to a juvenile
19 pursuant to an order entered under chapter 232 which
20 is a charge upon the state under section 232.141,
21 subsection 4.

22 f. Of the funds allocated in this subsection, not
23 more than \$83,000 may be used by the judicial branch
24 for administration of the requirements under this
25 subsection.

26 g. Of the funds allocated in this subsection,
27 \$17,000 shall be used by the department of human
28 services to support the interstate commission for
29 juveniles in accordance with the interstate compact for
30 juveniles as provided in section 232.173.

31 11. Of the funds appropriated in this section,
32 \$4,522,602 is allocated for juvenile delinquent
33 graduated sanctions services. Any state funds saved as
34 a result of efforts by juvenile court services to earn
35 federal Tit. IV-E match for juvenile court services
36 administration may be used for the juvenile delinquent
37 graduated sanctions services.

38 12. Of the funds appropriated in this section,
39 \$988,285 shall be transferred to the department of
40 public health to be used for the child protection
41 center grant program in accordance with section
42 135.118.

43 13. If the department receives federal approval
44 to implement a waiver under Tit. IV-E of the federal
45 Social Security Act to enable providers to serve
46 children who remain in the children's families and
47 communities, for purposes of eligibility under the
48 medical assistance program, children who participate in
49 the waiver shall be considered to be placed in foster
50 care.

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1 14. Of the funds appropriated in this section,
2 \$3,069,832 is allocated for the preparation for adult

3 living program pursuant to section 234.46.
 4 15. Of the funds appropriated in this section,
 5 \$520,150 shall be used for juvenile drug courts.
 6 The amount allocated in this subsection shall be
 7 distributed as follows:

8 To the judicial branch for salaries to assist with
 9 the operation of juvenile drug court programs operated
 10 in the following jurisdictions:

- 11 a. Marshall county:
 12 \$ 62,708
- 13 b. Woodbury county:
 14 \$ 125,682
- 15 c. Polk county:
 16 \$ 195,892
- 17 d. The third judicial district:
 18 \$ 67,934
- 19 e. The eighth judicial district:
 20 \$ 67,934

21 16. Of the funds appropriated in this section,
 22 \$227,337 shall be used for the public purpose of
 23 providing a grant to a nonprofit human services
 24 organization providing services to individuals and
 25 families in multiple locations in southwest Iowa and
 26 Nebraska for support of a project providing immediate,
 27 sensitive support and forensic interviews, medical
 28 exams, needs assessments, and referrals for victims of
 29 child abuse and their nonoffending family members.

30 17. Of the funds appropriated in this section,
 31 \$125,590 is allocated for the elevate approach of
 32 providing a support network to children placed in
 33 foster care.

34 18. Of the funds appropriated in this section,
 35 \$202,000 is allocated for use pursuant to section
 36 235A.1 for continuation of the initiative to address
 37 child sexual abuse implemented pursuant to 2007 Iowa
 38 Acts, chapter 218, section 18, subsection 21.

39 19. Of the funds appropriated in this section,
 40 \$630,240 is allocated for the community partnership for
 41 child protection sites.

42 20. Of the funds appropriated in this section,
 43 \$371,250 is allocated for the department's minority
 44 youth and family projects under the redesign of the
 45 child welfare system.

46 21. Of the funds appropriated in this section,
 47 \$1,200,495 is allocated for funding of the state match
 48 for the federal substance abuse and mental health
 49 services administration (SAMHSA) system of care grant.

50 22. Of the funds appropriated in this section, at

1 least \$147,158 shall be used for the child welfare

2 training academy.
 3 23. Of the funds appropriated in this section,
 4 \$25,000 shall be used for the public purpose of
 5 providing a grant to a child welfare services provider
 6 headquartered in a county with a population between
 7 205,000 and 215,000 in the latest certified federal
 8 census that provides multiple services including but
 9 not limited to a psychiatric medical institution for
 10 children, shelter, residential treatment, after school
 11 programs, school-based programming, and an Asperger's
 12 syndrome program, to be used for support services
 13 for children with autism spectrum disorder and their
 14 families.

15 Sec. ____ ADOPTION SUBSIDY.

16 1. There is appropriated from the general fund of
 17 the state to the department of human services for the
 18 fiscal year beginning July 1, 2012, and ending June 30,
 19 2013, the following amount, or so much thereof as is
 20 necessary, to be used for the purpose designated:

21 For adoption subsidy payments and services:
 22 \$ 36,897,591

23 2. The department may transfer funds appropriated
 24 in this section to the appropriation made in this Act
 25 for general administration for costs paid from the
 26 appropriation relating to adoption subsidy.

27 3. Federal funds received by the state during the
 28 fiscal year beginning July 1, 2012, as the result of
 29 the expenditure of state funds during a previous state
 30 fiscal year for a service or activity funded under
 31 this section are appropriated to the department to
 32 be used as additional funding for the services and
 33 activities funded under this section. Notwithstanding
 34 section 8.33, moneys received in accordance with this
 35 subsection that remain unencumbered or unobligated at
 36 the close of the fiscal year shall not revert to any
 37 fund but shall remain available for expenditure for the
 38 purposes designated until the close of the succeeding
 39 fiscal year.

40 Sec. ____ JUVENILE DETENTION HOME FUND. Moneys
 41 deposited in the juvenile detention home fund
 42 created in section 232.142 during the fiscal year
 43 beginning July 1, 2012, and ending June 30, 2013, are
 44 appropriated to the department of human services for
 45 the fiscal year beginning July 1, 2012, and ending
 46 June 30, 2013, for distribution of an amount equal
 47 to a percentage of the costs of the establishment,
 48 improvement, operation, and maintenance of county or
 49 multicounty juvenile detention homes in the fiscal
 50 year beginning July 1, 2011. Moneys appropriated for

1 distribution in accordance with this section shall be
 2 allocated among eligible detention homes, prorated on
 3 the basis of an eligible detention home's proportion
 4 of the costs of all eligible detention homes in the
 5 fiscal year beginning July 1, 2011. The percentage
 6 figure shall be determined by the department based on
 7 the amount available for distribution for the fund.
 8 Notwithstanding section 232.142, subsection 3, the
 9 financial aid payable by the state under that provision
 10 for the fiscal year beginning July 1, 2012, shall be
 11 limited to the amount appropriated for the purposes of
 12 this section.

13 Sec. ____ FAMILY SUPPORT SUBSIDY PROGRAM.

14 1. There is appropriated from the general fund of
 15 the state to the department of human services for the
 16 fiscal year beginning July 1, 2012, and ending June 30,
 17 2013, the following amount, or so much thereof as is
 18 necessary, to be used for the purpose designated:

19 For the family support subsidy program subject
 20 to the enrollment restrictions in section 225C.37,
 21 subsection 3:

22 \$ 1,167,998

23 2. The department shall use at least \$385,500 of
 24 the moneys appropriated in this section for the family
 25 support center component of the comprehensive family
 26 support program under section 225C.47. Not more than
 27 \$25,000 of the amount allocated in this subsection
 28 shall be used for administrative costs.

29 3. If at any time during the fiscal year, the
 30 amount of funding available for the family support
 31 subsidy program is reduced from the amount initially
 32 used to establish the figure for the number of family
 33 members for whom a subsidy is to be provided at any one
 34 time during the fiscal year, notwithstanding section
 35 225C.38, subsection 2, the department shall revise the
 36 figure as necessary to conform to the amount of funding
 37 available.

38 Sec. ____ CONNER DECREE. There is appropriated
 39 from the general fund of the state to the department of
 40 human services for the fiscal year beginning July 1,
 41 2012, and ending June 30, 2013, the following amount,
 42 or so much thereof as is necessary, to be used for the
 43 purpose designated:

44 For building community capacity through the
 45 coordination and provision of training opportunities
 46 in accordance with the consent decree of Conner v.
 47 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):
 48 \$ 33,622

49 Sec. ____ MENTAL HEALTH INSTITUTES. There is
 50 appropriated from the general fund of the state to

1 the department of human services for the fiscal year
 2 beginning July 1, 2012, and ending June 30, 2013, the
 3 following amounts, or so much thereof as is necessary,
 4 to be used for the purposes designated:

5 1. For the state mental health institute at
 6 Cherokee for salaries, support, maintenance, and
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:

9 \$ 7,674,554
 10 FTEs 168.50

11 2. For the state mental health institute at
 12 Clarinda for salaries, support, maintenance, and
 13 miscellaneous purposes, and for not more than the
 14 following full-time equivalent positions:

15 \$ 6,510,702
 16 FTEs 86.10

17 3. For the state mental health institute at
 18 Independence for salaries, support, maintenance, and
 19 miscellaneous purposes, and for not more than the
 20 following full-time equivalent positions:

21 \$ 10,476,777
 22 FTEs 233.00

23 4. For the state mental health institute at Mount
 24 Pleasant for salaries, support, maintenance, and
 25 miscellaneous purposes, and for not more than the
 26 following full-time equivalent positions:

27 \$ 1,053,121
 28 FTEs 91.72

29 Sec. ____ STATE RESOURCE CENTERS.

30 1. There is appropriated from the general fund of
 31 the state to the department of human services for the
 32 fiscal year beginning July 1, 2012, and ending June 30,
 33 2013, the following amounts, or so much thereof as is
 34 necessary, to be used for the purposes designated:

35 a. For the state resource center at Glenwood for
 36 salaries, support, maintenance, and miscellaneous
 37 purposes:

38 \$ 19,450,698

39 b. For the state resource center at Woodward for
 40 salaries, support, maintenance, and miscellaneous
 41 purposes:

42 \$ 13,492,418

43 2. The department may continue to bill for state
 44 resource center services utilizing a scope of services
 45 approach used for private providers of ICFMR services,
 46 in a manner which does not shift costs between the
 47 medical assistance program, counties, or other sources
 48 of funding for the state resource centers.

49 3. The state resource centers may expand the
 50 time-limited assessment and respite services during the

1 fiscal year.
 2 4. If the department's administration and the
 3 department of management concur with a finding by a
 4 state resource center's superintendent that projected
 5 revenues can reasonably be expected to pay the salary
 6 and support costs for a new employee position, or
 7 that such costs for adding a particular number of new
 8 positions for the fiscal year would be less than the
 9 overtime costs if new positions would not be added, the
 10 superintendent may add the new position or positions.
 11 If the vacant positions available to a resource center
 12 do not include the position classification desired to
 13 be filled, the state resource center's superintendent
 14 may reclassify any vacant position as necessary to
 15 fill the desired position. The superintendents of the
 16 state resource centers may, by mutual agreement, pool
 17 vacant positions and position classifications during
 18 the course of the fiscal year in order to assist one
 19 another in filling necessary positions.

20 5. If existing capacity limitations are reached
 21 in operating units, a waiting list is in effect
 22 for a service or a special need for which a payment
 23 source or other funding is available for the service
 24 or to address the special need, and facilities for
 25 the service or to address the special need can be
 26 provided within the available payment source or other
 27 funding, the superintendent of a state resource center
 28 may authorize opening not more than two units or
 29 other facilities and begin implementing the service
 30 or addressing the special need during fiscal year
 31 2012-2013.

32 Sec. ____ MI/MR/DD STATE CASES.

33 1. There is appropriated from the general fund of
 34 the state to the department of human services for the
 35 fiscal year beginning July 1, 2012, and ending June 30,
 36 2013, the following amount, or so much thereof as is
 37 necessary, to be used for the purpose designated:

38 For distribution to counties for state case services
 39 for persons with mental illness, mental retardation,
 40 and developmental disabilities in accordance with
 41 section 331.440:

42 \$ 12,169,482

43 2. For the fiscal year beginning July 1, 2012,
 44 and ending June 30, 2013, \$200,000 is allocated for
 45 state case services from the amounts appropriated from
 46 the fund created in section 8.41 to the department
 47 of human services from the funds received from the
 48 federal government under 42 U.S.C. ch. 6A, subch. XVII,
 49 relating to the community mental health center block
 50 grant, for the federal fiscal years beginning October

1 1, 2010, and ending September 30, 2011, beginning
 2 October 1, 2011, and ending September 30, 2012, and
 3 beginning October 1, 2012, and ending September 30,
 4 2013. The allocation made in this subsection shall be
 5 made prior to any other distribution allocation of the
 6 appropriated federal funds.

7 3. Notwithstanding section 8.33, moneys
 8 appropriated in this section that remain unencumbered
 9 or unobligated at the close of the fiscal year shall
 10 not revert but shall remain available for expenditure
 11 for the purposes designated until the close of the
 12 succeeding fiscal year.

13 Sec. ____ MENTAL HEALTH AND DEVELOPMENTAL
 14 DISABILITIES — COMMUNITY SERVICES FUND. There is
 15 appropriated from the general fund of the state to the
 16 mental health and developmental disabilities community
 17 services fund created in section 225C.7 for the fiscal
 18 year beginning July 1, 2012, and ending June 30,
 19 2013, the following amount, or so much thereof as is
 20 necessary, to be used for the purpose designated:
 21 For mental health and developmental disabilities
 22 community services in accordance with this division of
 23 this Act:

24 \$ 14,211,100

25 1. Of the funds appropriated in this section,
 26 \$14,187,556 shall be allocated to counties for funding
 27 of community-based mental health and developmental
 28 disabilities services. The moneys shall be allocated
 29 to a county as follows:

30 a. Fifty percent based upon the county's proportion
 31 of the state's population of persons with an annual
 32 income which is equal to or less than the poverty
 33 guideline established by the federal office of
 34 management and budget.

35 b. Fifty percent based upon the county's proportion
 36 of the state's general population.

37 2. a. A county shall utilize the funding the
 38 county receives pursuant to subsection 1 for services
 39 provided to persons with a disability, as defined in
 40 section 225C.2. However, no more than 50 percent of
 41 the funding shall be used for services provided to any
 42 one of the service populations.

43 b. A county shall use at least 50 percent of
 44 the funding the county receives under subsection 1
 45 for contemporary services provided to persons with
 46 a disability, as described in rules adopted by the
 47 department.

48 3. Of the funds appropriated in this section,
 49 \$23,544 shall be used to support the Iowa compass
 50 program providing computerized information and referral

1 services for Iowans with disabilities and their
2 families.

3 4. a. Funding appropriated for purposes of the
4 federal social services block grant is allocated for
5 distribution to counties for local purchase of services
6 for persons with mental illness or mental retardation
7 or other developmental disability.

8 b. The funds allocated in this subsection shall be
9 expended by counties in accordance with the county's
10 county management plan approved by the board of
11 supervisors. A county without an approved county
12 management plan shall not receive allocated funds until
13 the county's management plan is approved.

14 c. The funds provided by this subsection shall be
15 allocated to each county as follows:

16 (1) Fifty percent based upon the county's
17 proportion of the state's population of persons with
18 an annual income which is equal to or less than the
19 poverty guideline established by the federal office of
20 management and budget.

21 (2) Fifty percent based upon the amount provided
22 to the county for local purchase of services in the
23 preceding fiscal year.

24 5. A county is eligible for funds under this
25 section if the county qualifies for a state payment as
26 described in section 331.439.

27 6. The most recent population estimates issued by
28 the United States bureau of the census shall be applied
29 for the population factors utilized in this section.

30 Sec. ____ SEXUALLY VIOLENT PREDATORS.

31 1. There is appropriated from the general fund of
32 the state to the department of human services for the
33 fiscal year beginning July 1, 2012, and ending June 30,
34 2013, the following amount, or so much thereof as is
35 necessary, to be used for the purpose designated:

36 For costs associated with the commitment and
37 treatment of sexually violent predators in the unit
38 located at the state mental health institute at
39 Cherokee, including costs of legal services and
40 other associated costs, including salaries, support,
41 maintenance, and miscellaneous purposes, and for not
42 more than the following full-time equivalent positions:
43 \$ 7,674,554
44 FTEs 89.50

45 2. Unless specifically prohibited by law, if the
46 amount charged provides for recoupment of at least
47 the entire amount of direct and indirect costs, the
48 department of human services may contract with other
49 states to provide care and treatment of persons placed
50 by the other states at the unit for sexually violent

1 predators at Cherokee. The moneys received under such
2 a contract shall be considered to be repayment receipts
3 and used for the purposes of the appropriation made in
4 this section.

5 Sec. ____ FIELD OPERATIONS. There is appropriated
6 from the general fund of the state to the department of
7 human services for the fiscal year beginning July 1,
8 2012, and ending June 30, 2013, the following amount,
9 or so much thereof as is necessary, to be used for the
10 purposes designated:

11 For field operations, including salaries, support,
12 maintenance, and miscellaneous purposes, and for not
13 more than the following full-time equivalent positions:

14 \$ 55,339,921
15 FTEs 1,781.00

16 Priority in filling full-time equivalent positions
17 shall be given to those positions related to child
18 protection services and eligibility determination for
19 low-income families.

20 Sec. ____ GENERAL ADMINISTRATION. There is
21 appropriated from the general fund of the state to
22 the department of human services for the fiscal year
23 beginning July 1, 2012, and ending June 30, 2013, the
24 following amount, or so much thereof as is necessary,
25 to be used for the purpose designated:

26 For general administration, including salaries,
27 support, maintenance, and miscellaneous purposes, and
28 for not more than the following full-time equivalent
29 positions:

30 \$ 15,146,745
31 FTEs 285.00

32 1. Of the funds appropriated in this section,
33 \$38,543 allocated for the prevention of disabilities
34 policy council established in section 225B.3.

35 2. The department shall report at least monthly
36 to the legislative services agency concerning the
37 department's operational and program expenditures.

38 3. Of the funds appropriated in this section,
39 \$150,000 shall be used to continue the program to
40 provide technical assistance, support, and consultation
41 to providers of habilitation services and home and
42 community-based waiver services for adults with
43 disabilities under the medical assistance program.

44 4. Of the funds appropriated in this section,
45 \$200,000 shall be used to expand the provision of
46 nationally accredited and recognized internet-based
47 training to include mental health and disability
48 services providers.

49 Sec. ____ VOLUNTEERS. There is appropriated from
50 the general fund of the state to the department of

1 human services for the fiscal year beginning July 1,
2 2012, and ending June 30, 2013, the following amount,
3 or so much thereof as is necessary, to be used for the
4 purpose designated:

5 For development and coordination of volunteer
6 services:

7 \$ 84,660

8 Sec. ____ MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
9 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
10 UNDER THE DEPARTMENT OF HUMAN SERVICES.

11 1. a. (1) For the fiscal year beginning July 1,
12 2012, the total state funding amount for the nursing
13 facility budget shall not exceed \$225,502,551.

14 (2) The department, in cooperation with nursing
15 facility representatives, shall review projections for
16 state funding expenditures for reimbursement of nursing
17 facilities on a quarterly basis and the department
18 shall determine if an adjustment to the medical
19 assistance reimbursement rate is necessary in order to
20 provide reimbursement within the state funding amount
21 for the fiscal year. Notwithstanding 2001 Iowa Acts,
22 chapter 192, section 4, subsection 2, paragraph "c",
23 and subsection 3, paragraph "a", subparagraph (2), if
24 the state funding expenditures for the nursing facility
25 budget for the fiscal year is projected to exceed the
26 amount specified in subparagraph (1), the department
27 shall adjust the reimbursement for nursing facilities
28 reimbursed under the case-mix reimbursement system to
29 maintain expenditures of the nursing facility budget
30 within the specified amount for the fiscal year.

31 (3) For the fiscal year beginning July 1, 2012,
32 special population nursing facilities shall be
33 reimbursed in accordance with the methodology in effect
34 on June 30, 2012.

35 b. For the fiscal year beginning July 1, 2012, the
36 department shall reimburse pharmacy dispensing fees
37 using a single rate of \$4.34 per prescription or the
38 pharmacy's usual and customary fee, whichever is lower.

39 c. (1) For the fiscal year beginning July 1, 2012,
40 reimbursement rates for outpatient hospital services
41 shall remain at the rates in effect on June 30, 2012.

42 (2) For the fiscal year beginning July 1, 2012,
43 reimbursement rates for inpatient hospital services
44 shall remain at the rates in effect on June 30, 2012.

45 (3) For the fiscal year beginning July 1, 2012, the
46 graduate medical education and disproportionate share
47 hospital fund shall remain at the amount in effect on
48 June 30, 2012.

49 (4) In order to ensure the efficient use of limited
50 state funds in procuring health care services for

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1 low-income Iowans, funds appropriated in this Act for
2 hospital services shall not be used for activities
3 which would be excluded from a determination of
4 reasonable costs under the federal Medicare program
5 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

6 d. For the fiscal year beginning July 1, 2012,
7 reimbursement rates for rural health clinics, hospices,
8 and acute mental hospitals shall be increased in
9 accordance with increases under the federal Medicare
10 program or as supported by their Medicare audited
11 costs.

12 e. For the fiscal year beginning July 1, 2012,
13 independent laboratories and rehabilitation agencies
14 shall be reimbursed using the same methodology in
15 effect on June 30, 2012.

16 f. For the fiscal year beginning July 1, 2012,
17 reimbursement rates for home health agencies shall
18 remain at the rates in effect on June 30, 2012, not to
19 exceed a home health agency's actual allowable cost.

20 g. For the fiscal year beginning July 1, 2012,
21 federally qualified health centers shall receive
22 cost-based reimbursement for 100 percent of the
23 reasonable costs for the provision of services to
24 recipients of medical assistance.

25 h. For the fiscal year beginning July 1, 2012, the
26 reimbursement rates for dental services shall remain at
27 the rates in effect on June 30, 2012.

28 i. For the fiscal year beginning July 1, 2012,
29 state-owned psychiatric medical institutions for
30 children shall be reimbursed in accordance with section
31 249A.31.

32 j. For the fiscal year beginning July 1,
33 2012, unless otherwise specified in this Act,
34 all noninstitutional medical assistance provider
35 reimbursement rates shall remain at the rates in effect
36 on June 30, 2012, except for area education agencies,
37 local education agencies, infant and toddler services
38 providers, and those providers whose rates are required
39 to be determined pursuant to section 249A.20.

40 k. Notwithstanding any provision to the contrary,
41 for the fiscal year beginning July 1, 2012, the
42 reimbursement rate for anesthesiologists shall remain
43 at the rate in effect on June 30, 2012.

44 l. Notwithstanding section 249A.20, for the fiscal
45 year beginning July 1, 2012, the average reimbursement
46 rate for health care providers eligible for use of the
47 federal Medicare resource-based relative value scale
48 reimbursement methodology under that section shall
49 remain at the rate in effect on June 30, 2012; however,
50 this rate shall not exceed the maximum level authorized

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1 by the federal government.

2 m. For the fiscal year beginning July 1, 2012, the
3 reimbursement rate for residential care facilities
4 shall not be less than the minimum payment level as
5 established by the federal government to meet the
6 federally mandated maintenance of effort requirement.
7 The flat reimbursement rate for facilities electing not
8 to file annual cost reports shall not be less than the
9 minimum payment level as established by the federal
10 government to meet the federally mandated maintenance
11 of effort requirement.

12 n. For the fiscal year beginning July 1, 2012,
13 inpatient mental health services provided at hospitals
14 shall remain at the rates in effect on June 30, 2012,
15 subject to Medicaid program upper payment limit rules;
16 community mental health centers and providers of mental
17 health services to county residents pursuant to a
18 waiver approved under section 225C.7, subsection 3,
19 shall be reimbursed at 100 percent of the reasonable
20 costs for the provision of services to recipients
21 of medical assistance; and psychiatrists shall be
22 reimbursed at the medical assistance program fee for
23 service rate.

24 o. For the fiscal year beginning July 1, 2012, the
25 reimbursement rate for consumer-directed attendant care
26 shall remain at the rates in effect on June 30, 2012.

27 p. For the fiscal year beginning July 1, 2012, the
28 reimbursement rate for providers of family planning
29 services that are eligible to receive a 90 percent
30 federal match shall remain at the rates in effect on
31 June 30, 2012.

32 2. For the fiscal year beginning July 1, 2012, the
33 reimbursement rate for providers reimbursed under the
34 in-home-related care program shall not be less than the
35 minimum payment level as established by the federal
36 government to meet the federally mandated maintenance
37 of effort requirement.

38 3. Unless otherwise directed in this section, when
39 the department's reimbursement methodology for any
40 provider reimbursed in accordance with this section
41 includes an inflation factor, this factor shall not
42 exceed the amount by which the consumer price index for
43 all urban consumers increased during the calendar year
44 ending December 31, 2002.

45 4. For the fiscal year beginning July 1, 2012,
46 notwithstanding section 234.38, the foster family basic
47 daily maintenance rate and the maximum adoption subsidy
48 rate for children ages 0 through 5 years shall be
49 \$15.74, the rate for children ages 6 through 11 years
50 shall be \$16.37, the rate for children ages 12 through

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1 15 years shall be \$17.92, and the rate for children
2 and young adults ages 16 and older shall be \$18.16.
3 The maximum supervised apartment living foster care
4 reimbursement rate shall be \$25.00 per day. For youth
5 ages 18 to 21 who have exited foster care, the maximum
6 preparation for adult living program maintenance rate
7 shall be \$574.00 per month. The maximum payment for
8 adoption subsidy nonrecurring expenses shall be limited
9 to \$500 and the disallowance of additional amounts
10 for court costs and other related legal expenses
11 implemented pursuant to 2010 Iowa Acts, chapter 1031,
12 section 408 shall be continued.

13 5. For the fiscal year beginning July 1, 2012,
14 the maximum reimbursement rates under the supervised
15 apartment living program and for social services
16 providers under contract shall remain at the rates
17 in effect on June 30, 2012, or the provider's actual
18 and allowable cost plus inflation for each service,
19 whichever is less. However, if a new service or
20 service provider is added after June 30, 2012, the
21 initial reimbursement rate for the service or provider
22 shall be based upon actual and allowable costs.
23 Providers may also be eligible for an additional
24 amount as specified under the department's request for
25 proposal, bid number ACFS-11-115.

26 6. For the fiscal year beginning July 1, 2012,
27 the reimbursement rates for family-centered service
28 providers, family foster care service providers, group
29 foster care service providers, and the resource family
30 recruitment and retention contractor shall remain at
31 the rates in effect on June 30, 2012.

32 7. The group foster care reimbursement rates
33 paid for placement of children out of state shall
34 be calculated according to the same rate-setting
35 principles as those used for in-state providers,
36 unless the director of human services or the director's
37 designee determines that appropriate care cannot be
38 provided within the state. The payment of the daily
39 rate shall be based on the number of days in the
40 calendar month in which service is provided.

41 8. a. For the fiscal year beginning July 1, 2012,
42 the reimbursement rate paid for shelter care and
43 the child welfare emergency services implemented to
44 provide or prevent the need for shelter care shall be
45 established in a contract based on the requirements
46 of the department's request for proposal, bid number
47 ACFS-11-114.

48 b. For the fiscal year beginning July 1, 2012,
49 the combined service and maintenance components of
50 the reimbursement rate paid for shelter care services

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1 shall be based on the financial and statistical report
2 submitted to the department. The maximum reimbursement
3 rate shall be \$92.36 per day. The department shall
4 reimburse a shelter care provider at the provider's
5 actual and allowable unit cost, plus inflation, not to
6 exceed the maximum reimbursement rate.

7 c. Notwithstanding section 232.141, subsection 8,
8 for the fiscal year beginning July 1, 2012, the amount
9 of the statewide average of the actual and allowable
10 rates for reimbursement of juvenile shelter care homes
11 that is utilized for the limitation on recovery of
12 unpaid costs shall remain at the amount in effect for
13 this purpose in the fiscal year beginning July 1, 2011.

14 9. For the fiscal year beginning July 1, 2012, the
15 department shall calculate reimbursement rates for
16 intermediate care facilities for persons with mental
17 retardation at the 80th percentile. Beginning July 1,
18 2012, the rate calculation methodology shall utilize
19 the consumer price index inflation factor applicable to
20 the fiscal year beginning July 1, 2012.

21 10. For the fiscal year beginning July 1, 2012,
22 for child care providers reimbursed under the state
23 child care assistance program, the department shall
24 set provider reimbursement rates based on the rate
25 reimbursement survey completed in December 2004.
26 Effective July 1, 2012, the child care provider
27 reimbursement rates shall remain at the rates in effect
28 on June 30, 2012. The department shall set rates in a
29 manner so as to provide incentives for a nonregistered
30 provider to become registered by applying the increase
31 only to registered and licensed providers.

32 11. The department may adopt emergency rules to
33 implement this section.

34 Sec. ____ EMERGENCY RULES.

35 1. If specifically authorized by a provision of
36 this division of this Act, the department of human
37 services or the mental health, and disability services
38 commission may adopt administrative rules under section
39 17A.4, subsection 3, and section 17A.5, subsection
40 2, paragraph "b", to implement the provisions and
41 the rules shall become effective immediately upon
42 filing or on a later effective date specified in the
43 rules, unless the effective date is delayed by the
44 administrative rules review committee. Any rules
45 adopted in accordance with this section shall not
46 take effect before the rules are reviewed by the
47 administrative rules review committee. The delay
48 authority provided to the administrative rules review
49 committee under section 17A.4, subsection 7, and
50 section 17A.8, subsection 9, shall be applicable to a

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1 delay imposed under this section, notwithstanding a
2 provision in those sections making them inapplicable
3 to section 17A.5, subsection 2, paragraph "b". Any
4 rules adopted in accordance with the provisions of this
5 section shall also be published as notice of intended
6 action as provided in section 17A.4.

7 2. If during the fiscal year beginning July 1,
8 2012, the department of human services is adopting
9 rules in accordance with this section or as otherwise
10 directed or authorized by state law, and the rules will
11 result in an expenditure increase beyond the amount
12 anticipated in the budget process or if the expenditure
13 was not addressed in the budget process for the
14 fiscal year, the department shall notify the persons
15 designated by this division of this Act for submission
16 of reports, the chairpersons and ranking members of
17 the committees on appropriations, and the department
18 of management concerning the rules and the expenditure
19 increase. The notification shall be provided at least
20 30 calendar days prior to the date notice of the rules
21 is submitted to the administrative rules coordinator
22 and the administrative code editor.

23 Sec. ____ REPORTS. Any reports or information
24 required to be compiled and submitted under this Act
25 shall be submitted to the chairpersons and ranking
26 members of the joint appropriations subcommittee on
27 health and human services, the legislative services
28 agency, and the legislative caucus staffs on or before
29 the dates specified for submission of the reports or
30 information.

31 Sec. ____ EFFECTIVE DATE. The following provision
32 of this division of this Act, being deemed of immediate
33 importance, take effect upon enactment:

34 The provision under the appropriation for child and
35 family services, relating to requirements of section
36 232.143 for representatives of the department of human
37 services and juvenile court services to establish a
38 plan for continuing group foster care expenditures for
39 fiscal year 2012-2013.

40 DIVISION _____
41 PHARMACEUTICAL SETTLEMENT ACCOUNT,
42 IOWACARE ACCOUNT, HEALTH CARE
43 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
44 QUALITY ASSURANCE TRUST FUND,
45 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY
46 2012-2013

47 Sec. ____ PHARMACEUTICAL SETTLEMENT ACCOUNT. There
48 is appropriated from the pharmaceutical settlement
49 account created in section 249A.33 to the department of
50 human services for the fiscal year beginning July 1,

1 2012, and ending June 30, 2013, the following amount,
2 or so much thereof as is necessary, to be used for the
3 purpose designated:

4 Notwithstanding any provision of law to the
5 contrary, to supplement the appropriations made in this
6 Act for medical contracts under the medical assistance
7 program:

8 \$ 5,433,613

9 Sec. ____ APPROPRIATIONS FROM IOWACARE ACCOUNT.

10 1. There is appropriated from the IowaCare account
11 created in section 249J.24 to the state board of
12 regents for distribution to the university of Iowa
13 hospitals and clinics for the fiscal year beginning
14 July 1, 2012, and ending June 30, 2013, the following
15 amount, or so much thereof as is necessary, to be used
16 for the purposes designated:

17 For salaries, support, maintenance, equipment, and
18 miscellaneous purposes, for the provision of medical
19 and surgical treatment of indigent patients, for
20 provision of services to members of the expansion
21 population pursuant to chapter 249J, and for medical
22 education:

23 \$ 27,284,584

24 a. Funds appropriated in this subsection shall
25 not be used to perform abortions except medically
26 necessary abortions, and shall not be used to operate
27 the early termination of pregnancy clinic except for
28 the performance of medically necessary abortions. For
29 the purpose of this subsection, medically necessary
30 abortions are those performed under any of the
31 following conditions:

32 (1) The attending physician certifies that
33 continuing the pregnancy would endanger the life of the
34 pregnant woman.

35 (2) Any spontaneous abortion, commonly known as a
36 miscarriage, if not all of the products of conception
37 are expelled.

38 b. Notwithstanding any provision of law to the
39 contrary, the amount appropriated in this subsection
40 shall be distributed based on claims submitted,
41 adjudicated, and paid by the Iowa Medicaid enterprise.

42 c. The university of Iowa hospitals and clinics
43 shall certify public expenditures in an amount equal
44 to provide the nonfederal share on total expenditures
45 not to exceed \$20,000,000.

46 2. There is appropriated from the IowaCare account
47 created in section 249J.24 to the state board of
48 regents for distribution to the university of Iowa
49 hospitals and clinics for the fiscal year beginning
50 July 1, 2012, and ending June 30, 2013, the following

1 amount, or so much thereof as is necessary, to be used
2 for the purposes designated:

3 For salaries, support, maintenance, equipment, and
4 miscellaneous purposes, for the provision of medical
5 and surgical treatment of indigent patients, for
6 provision of services to members of the expansion
7 population pursuant to chapter 249J, and for medical
8 education:

9 \$ 54,226,279

10 Notwithstanding any provision of law to the
11 contrary, the amount appropriated in this subsection
12 shall be distributed based on claims submitted,
13 adjudicated, and paid by the Iowa Medicaid enterprise.

14 3. There is appropriated from the IowaCare account
15 created in section 249J.24, to the state board
16 of regents for distribution to university of Iowa
17 physicians for the fiscal year beginning July 1, 2012,
18 and ending June 30, 2013, the following amount, or
19 so much thereof as is necessary to be used for the
20 purposes designated:

21 For salaries, support, maintenance, equipment, and
22 miscellaneous purposes for the provision of medical and
23 surgical treatment of indigent patients, for provision
24 of services to members of the expansion population
25 pursuant to chapter 249J, and for medical education:

26 \$ 14,000,000

27 Notwithstanding any provision of law to the
28 contrary, the amount appropriated in this subsection
29 shall be distributed based on claims submitted,
30 adjudicated, and paid by the Iowa Medicaid enterprise.

31 Once the entire amount appropriated in this subsection
32 has been distributed, claims shall continue to
33 be submitted and adjudicated by the Iowa Medicaid
34 enterprise; however, no payment shall be made based
35 upon such claims.

36 4. There is appropriated from the IowaCare account
37 created in section 249J.24 to the department of human
38 services for the fiscal year beginning July 1, 2012,
39 and ending June 30, 2013, the following amount, or
40 so much thereof as is necessary, to be used for the
41 purposes designated:

42 For distribution to a publicly owned acute care
43 teaching hospital located in a county with a population
44 over 350,000 for the provision of medical and surgical
45 treatment of indigent patients, for provision of
46 services to members of the expansion population
47 pursuant to chapter 249J, and for medical education:

48 \$ 51,500,000

49 a. Notwithstanding any provision of law to the
50 contrary, the amount appropriated in this subsection

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1 shall be distributed based on claims submitted,
2 adjudicated, and paid by the Iowa Medicaid enterprise
3 plus a monthly disproportionate share hospital payment.
4 Any amount appropriated in this subsection in excess
5 of \$48,500,000 shall be distributed only if the sum of
6 the expansion population claims adjudicated and paid
7 by the Iowa Medicaid enterprise plus the estimated
8 disproportionate share hospital payments exceeds
9 \$48,500,000. The amount paid in excess of \$48,500,000
10 shall not adjust the original monthly payment amount
11 but shall be distributed monthly based on actual claims
12 adjudicated and paid by the Iowa Medicaid enterprise
13 plus the estimated disproportionate share hospital
14 amount. Any amount appropriated in this subsection
15 in excess of \$48,500,000 shall be allocated only
16 if federal funds are available to match the amount
17 allocated.

18 b. Notwithstanding the total amount of proceeds
19 distributed pursuant to section 249J.24, subsection 6,
20 paragraph "a", unnumbered paragraph 1, for the fiscal
21 year beginning July 1, 2012, and ending June 30, 2013,
22 the county treasurer of a county with a population
23 of over 350,000 in which a publicly owned acute care
24 teaching hospital is located shall distribute the
25 proceeds collected pursuant to section 347.7 in a
26 total amount of \$38,000,000, which would otherwise be
27 distributed to the county hospital, to the treasurer of
28 state for deposit in the IowaCare account.

29 c. (1) Notwithstanding the amount collected
30 and distributed for deposit in the IowaCare account
31 pursuant to section 249J.24, subsection 6, paragraph
32 "a", subparagraph (1), the first \$19,000,000 in
33 proceeds collected pursuant to section 347.7 between
34 July 1, 2012, and December 31, 2012, shall be
35 distributed to the treasurer of state for deposit in
36 the IowaCare account and collections during this time
37 period in excess of \$19,000,000 shall be distributed
38 to the acute care teaching hospital identified in this
39 subsection.

40 (2) Notwithstanding the amount collected and
41 distributed for deposit in the IowaCare account
42 pursuant to section 249J.24, subsection 6, paragraph
43 "a", subparagraph (2), the first \$19,000,000 in
44 collections pursuant to section 347.7 between January
45 1, 2013, and June 30, 2013, shall be distributed to the
46 treasurer of state for deposit in the IowaCare account
47 and collections during this time period in excess of
48 \$19,000,000 shall be distributed to the acute care
49 teaching hospital identified in this subsection.

50 5. There is appropriated from the IowaCare account

1 created in section 249J.24 to the department of human
 2 services for the fiscal year beginning July 1, 2012,
 3 and ending June 30, 2013, the following amount, or so
 4 much thereof as is necessary to be used for the purpose
 5 designated:

6 For payment to the regional provider network
 7 specified by the department pursuant to section 249J.7
 8 for provision of covered services to members of the
 9 expansion population pursuant to chapter 249J:
 10 \$ 6,000,000

11 Notwithstanding any provision of law to the
 12 contrary, the amount appropriated in this subsection
 13 shall be distributed based on claims submitted,
 14 adjudicated, and paid by the Iowa Medicaid enterprise.
 15 Once the entire amount appropriated in this subsection
 16 has been distributed, claims shall continue to
 17 be submitted and adjudicated by the Iowa Medicaid
 18 enterprise; however, no payment shall be made based
 19 upon such claims.

20 6. There is appropriated from the IowaCare account
 21 created in section 249J.24 to the department of human
 22 services for the fiscal year beginning July 1, 2012,
 23 and ending June 30, 2013, the following amount, or
 24 so much thereof as is necessary to be used for the
 25 purposes designated:

26 For payment to nonparticipating providers for
 27 covered services provided in accordance with section
 28 249J.24A:
 29 \$ 2,000,000

30 Sec. ____ APPROPRIATIONS FROM ACCOUNT FOR HEALTH
 31 CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

32 Notwithstanding any provision to the contrary, there
 33 is appropriated from the account for health care
 34 transformation created in section 249J.23 to the
 35 department of human services for the fiscal year
 36 beginning July 1, 2012, and ending June 30, 2013, the
 37 following amounts, or so much thereof as is necessary,
 38 to be used for the purposes designated:

39 1. For the costs of medical examinations for the
 40 expansion population pursuant to section 249J.6:
 41 \$ 556,800

42 2. For the provision of an IowaCare nurse helpline
 43 for the expansion population as provided in section
 44 249J.6:
 45 \$ 100,000

46 3. For other health promotion partnership
 47 activities pursuant to section 249J.14:
 48 \$ 600,000

49 4. For the costs related to audits, performance
 50 evaluations, and studies required pursuant to chapter

Page 49

1 249J:
2 \$ 125,000
3 5. For administrative costs associated with chapter
4 249J:
5 \$ 1,132,412
6 6. For planning and development, in cooperation
7 with the department of public health, of a phased-in
8 program to provide a dental home for children in
9 accordance with section 249J.14:
10 \$ 1,000,000
11 7. For continuation of the establishment of the
12 tuition assistance for individuals serving individuals
13 with disabilities pilot program, as enacted in 2008
14 Iowa Acts, chapter 1187, section 130:
15 \$ 50,000
16 8. For medical contracts:
17 \$ 2,000,000
18 9. For payment to the publicly owned acute care
19 teaching hospital located in a county with a population
20 of over 350,000 that is a participating provider
21 pursuant to chapter 249J:
22 \$ 290,000
23 Disbursements under this subsection shall be made
24 monthly. The hospital shall submit a report following
25 the close of the fiscal year regarding use of the
26 funds appropriated in this subsection to the persons
27 specified in this Act to receive reports.
28 Notwithstanding section 8.39, subsection 1, without
29 the prior written consent and approval of the governor
30 and the director of the department of management, the
31 director of human services may transfer funds among
32 the appropriations made in this section as necessary
33 to carry out the purposes of the account for health
34 care transformation. The department shall report
35 any transfers made pursuant to this section to the
36 legislative services agency.
37 10. For the medical home system advisory council
38 established pursuant to section 135.159:
39 \$ 200,000
40 Sec. ____ MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
41 INSPECTIONS AND APPEALS. There is appropriated from
42 the Medicaid fraud account created in section 249A.7
43 to the department of inspections and appeals for the
44 fiscal year beginning July 1, 2012, and ending June 30,
45 2013, the following amount, or so much thereof as is
46 necessary, to be used for the purposes designated:
47 For the inspection and certification of assisted
48 living programs and adult day care services, including
49 program administration and costs associated with
50 implementation:

1 \$ 1,339,527
2 Sec. ____ MEDICAID FRAUD ACCOUNT — DEPARTMENT
3 OF HUMAN SERVICES. There is appropriated from the
4 Medicaid fraud account created in section 249A.7 to
5 the department of human services for the fiscal year
6 beginning July 1, 2012, and ending June 30, 2013, the
7 following amount, or so much thereof as is necessary,
8 to be used for the purposes designated:
9 To supplement the appropriation made in this Act
10 from the general fund of the state to the department of
11 human services for medical assistance:
12 \$ 2,000,000
13 Sec. ____ QUALITY ASSURANCE TRUST FUND —
14 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
15 any provision to the contrary and subject to the
16 availability of funds, there is appropriated from the
17 quality assurance trust fund created in section 249L.4
18 to the department of human services for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the
20 following amounts, or so much thereof as is necessary
21 for the purposes designated:
22 To supplement the appropriation made in this Act
23 from the general fund of the state to the department of
24 human services for medical assistance:
25 \$ 29,000,000
26 Sec. ____ HOSPITAL HEALTH CARE ACCESS TRUST FUND
27 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding
28 any provision to the contrary and subject to the
29 availability of funds, there is appropriated from
30 the hospital health care access trust fund created in
31 section 249M.4 to the department of human services for
32 the fiscal year beginning July 1, 2012, and ending June
33 30, 2013, the following amounts, or so much thereof as
34 is necessary, for the purposes designated:
35 1. To supplement the appropriation made in this Act
36 from the general fund of the state to the department of
37 human services for medical assistance:
38 \$ 39,223,800
39 2. For deposit in the nonparticipating provider
40 reimbursement fund created in section 249J.24A to be
41 used for the purposes of the fund:
42 \$ 776,200
43 Sec. ____ MEDICAL ASSISTANCE PROGRAM —
44 NONREVERSION FOR FY 2012-2013. Notwithstanding
45 section 8.33, if moneys appropriated for purposes of
46 the medical assistance program for the fiscal year
47 beginning July 1, 2012, and ending June 30, 2013, from
48 the general fund of the state, the Medicaid fraud
49 account, the quality assurance trust fund, and the
50 hospital health care access trust fund, are in excess

1 of actual expenditures for the medical assistance
2 program and remain unencumbered or unobligated at the
3 close of the fiscal year, the excess moneys shall not
4 revert but shall remain available for expenditure for
5 the purposes of the medical assistance program until
6 the close of the succeeding fiscal year.

7 DIVISION _____

8 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
9 YEAR 2012-2013

10 Sec. ____ MENTAL HEALTH, MENTAL RETARDATION, AND
11 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
12 RELIEF. Notwithstanding the standing appropriation
13 in section 426B.1, subsection 2, for the fiscal year
14 beginning July 1, 2012, and ending June 30, 2013,
15 the amount appropriated from the general fund of the
16 state pursuant to that provision shall not exceed the
17 following amount: \$
18 81,199,911

19 Sec. ____ ADULT MH/MR/DD SERVICES ALLOWED GROWTH
20 FUNDING — FY 2012-2013.

21 1. There is appropriated from the general fund of
22 the state to the department of human services for the
23 fiscal year beginning July 1, 2012, and ending June 30,
24 2013, the following amount, or so much thereof as is
25 necessary, to be used for the purpose designated:

26 For distribution to counties of the county mental
27 health, mental retardation, and developmental
28 disabilities allowed growth factor adjustment for
29 fiscal year 2012-2013 as provided in this section in
30 lieu of the allowed growth factor provisions of section
31 331.438, subsection 2, and section 331.439, subsection
32 3, and chapter 426B:
33 \$ 48,697,893

34 2. Of the amount appropriated in this section,
35 \$12,000,000 shall be distributed as provided in this
36 subsection.

37 a. To be eligible to receive a distribution under
38 this subsection, a county must meet the following
39 requirements:

40 (1) The county is levying for the maximum amount
41 allowed for the county's mental health, mental
42 retardation, and developmental disabilities services
43 fund under section 331.424A for taxes due and payable
44 in the fiscal year beginning July 1, 2012, or the
45 county is levying for at least 90 percent of the
46 maximum amount allowed for the county's services fund
47 and that levy rate is more than \$2 per \$1,000 of the
48 assessed value of all taxable property in the county.

49 (2) In the fiscal year beginning July 1, 2010,
50 the county's mental health, mental retardation, and

1 developmental disabilities services fund ending balance
 2 under generally accepted accounting principles was
 3 equal to or less than 15 percent of the county's actual
 4 gross expenditures for that fiscal year.

5 b. The amount of a county's distribution from the
 6 allocation made in this subsection shall be determined
 7 based upon the county's proportion of the general
 8 population of the counties eligible to receive a
 9 distribution under this subsection. The most recent
 10 population estimates issued by the United States
 11 bureau of the census shall be applied in determining
 12 population for the purposes of this paragraph.

13 c. The distributions made pursuant to this
 14 subsection are subject to the distribution provisions
 15 and withholding requirements established in this
 16 section for the county mental health, mental
 17 retardation, and developmental disabilities allowed
 18 growth factor adjustment for the fiscal year beginning
 19 July 1, 2012.

20 3. The following amount of the funding appropriated
 21 in this section is the allowed growth factor adjustment
 22 for fiscal year 2012-2013, and shall be credited to the
 23 allowed growth funding pool created in the property tax
 24 relief fund and for distribution in accordance with
 25 section 426B.5, subsection 1:

26 \$ 36,697,893

27 4. The following formula amounts shall be utilized
 28 only to calculate preliminary distribution amounts for
 29 the allowed growth factor adjustment for fiscal year
 30 2012-2013 under this section by applying the indicated
 31 formula provisions to the formula amounts and producing
 32 a preliminary distribution total for each county:

33 a. For calculation of a distribution amount for
 34 eligible counties from the allowed growth funding pool
 35 created in the property tax relief fund in accordance
 36 with the requirements in section 426B.5, subsection 1:
 37 \$ 49,773,346

38 b. For calculation of a distribution amount for
 39 counties from the mental health and developmental
 40 disabilities (MH/DD) community services fund
 41 in accordance with the formula provided in the
 42 appropriation made for the MH/DD community services
 43 fund for the fiscal year beginning July 1, 2012:
 44 \$ 14,187,556

45 5. a. After applying the applicable statutory
 46 distribution formulas to the amounts indicated in
 47 subsection 4 for purposes of producing preliminary
 48 distribution totals, the department of human services
 49 shall apply a withholding factor to adjust an eligible
 50 individual county's preliminary distribution total.

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1 In order to be eligible for a distribution under
2 this section, a county must be levying 90 percent or
3 more of the maximum amount allowed for the county's
4 mental health, mental retardation, and developmental
5 disabilities services fund under section 331.424A for
6 taxes due and payable in the fiscal year for which the
7 distribution is payable.

8 b. An ending balance percentage for each county
9 shall be determined by expressing the county's ending
10 balance on a modified accrual basis under generally
11 accepted accounting principles for the fiscal year
12 beginning July 1, 2010, in the county's mental health,
13 mental retardation, and developmental disabilities
14 services fund created under section 331.424A, as a
15 percentage of the county's gross expenditures from that
16 fund for that fiscal year. If a county borrowed moneys
17 for purposes of providing services from the county's
18 services fund on or before July 1, 2010, and the
19 county's services fund ending balance for that fiscal
20 year includes the loan proceeds or an amount designated
21 in the county budget to service the loan for the
22 borrowed moneys, those amounts shall not be considered
23 to be part of the county's ending balance for purposes
24 of calculating an ending balance percentage under this
25 subsection.

26 c. For purposes of calculating withholding
27 factors and for ending balance amounts used for other
28 purposes under law, the county ending balances shall
29 be adjusted, using forms developed for this purpose
30 by the county finance committee, to disregard the
31 temporary funding increase provided to the counties
32 for the fiscal year through the federal American
33 Recovery and Reinvestment Act of 2009, Pub. L. No.
34 111-5. In addition, a county may adjust the ending
35 balance amount by rebating to the department all or
36 a portion of the allowed growth and MH/DD services
37 fund moneys the county received for the fiscal year
38 beginning July 1, 2011, in accordance with this Act, or
39 from any other services fund moneys available to the
40 county. The rebate must be remitted to the department
41 on or before June 1, 2012, in order to be counted.
42 The amount rebated by a county shall be subtracted
43 dollar-for-dollar from the county's ending balance
44 amount for the fiscal year beginning July 1, 2010, for
45 purposes of calculating the withholding factor and
46 for other ending balance purposes for the fiscal year
47 beginning July 1, 2012. The rebates received by the
48 department shall be credited to the property tax relief
49 fund and distributed as additional funding for the
50 fiscal year beginning July 1, 2012, in accordance with

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1 the formula provisions in this section.

2 d. The withholding factor for a county shall be the
3 following applicable percent:

4 (1) For an ending balance percentage of less than
5 5 percent, a withholding factor of 0 percent. In
6 addition, a county that is subject to this lettered
7 paragraph shall receive an inflation adjustment equal
8 to 3 percent of the gross expenditures reported for the
9 county's services fund for the fiscal year.

10 (2) For an ending balance percentage of 5 percent
11 or more but less than 10 percent, a withholding factor
12 of 0 percent. In addition, a county that is subject
13 to this lettered paragraph shall receive an inflation
14 adjustment equal to 2 percent of the gross expenditures
15 reported for the county's services fund for the fiscal
16 year.

17 (3) For an ending balance percentage of 10 percent
18 or more but less than 25 percent, a withholding factor
19 of 25 percent. However, for counties with an ending
20 balance of 10 percent or more but less than 15 percent,
21 the amount withheld shall be limited to the amount by
22 which the county's ending balance was in excess of the
23 ending balance percentage of 10 percent.

24 (4) For an ending balance percentage of 25 percent
25 or more, a withholding percentage of 100 percent.

26 6. The total withholding amounts applied pursuant
27 to subsection 5 shall be equal to a withholding target
28 amount of \$13,075,453. If the department of human
29 services determines that the amount appropriated
30 is insufficient or the amount to be withheld in
31 accordance with subsection 5 is not equal to the target
32 withholding amount, the department shall adjust the
33 withholding factors listed in subsection 5 as necessary
34 to achieve the target withholding amount. However, in
35 making such adjustments to the withholding factors,
36 the department shall strive to minimize changes to the
37 withholding factors for those ending balance percentage
38 ranges that are lower than others and shall only adjust
39 the zero withholding factor or the inflation adjustment
40 percentages specified in subsection 5, paragraph "d",
41 when the amount appropriated is insufficient.>

42 10. By renumbering as necessary.

HEATON of Henry

H-1594

1 Amend House File 649 as follows:

2 1. Page 1, line 21, by striking <a.>

3 2. By striking page 1, line 30, through page 2,

4 line 1.
5 3. By striking page 3, line 22, through page 6,
6 line 19, and inserting:
7 <b. Of the funds appropriated in this subsection,
8 \$20,249,360 shall be used for problem gambling and
9 substance abuse prevention, treatment, and recovery
10 services, including a 24-hour helpline, public
11 information resources, professional training, and
12 program evaluation.
13 (1) Of the funds allocated in this paragraph
14 "b", \$17,132,508 shall be used for substance abuse
15 prevention and treatment.
16 (a) Of the funds allocated in this subparagraph
17 (1), \$899,300 shall be used for the public purpose of
18 a grant program to provide substance abuse prevention
19 programming for children.
20 (i) Of the funds allocated in this subparagraph
21 division (a), \$427,539 shall be used for grant funding
22 for organizations that provide programming for
23 children by utilizing mentors. Programs approved for
24 such grants shall be certified or will be certified
25 within six months of receiving the grant award by the
26 Iowa commission on volunteer services as utilizing
27 the standards for effective practice for mentoring
28 programs.
29 (ii) Of the funds allocated in this subparagraph
30 division (a), \$426,839 shall be used for grant
31 funding for organizations that provide programming
32 that includes youth development and leadership. The
33 programs shall also be recognized as being programs
34 that are scientifically based with evidence of their
35 effectiveness in reducing substance abuse in children.
36 (iii) The department of public health shall utilize
37 a request for proposals process to implement the grant
38 program.
39 (iv) All grant recipients shall participate in a
40 program evaluation as a requirement for receiving grant
41 funds.
42 (v) Of the funds allocated in this subparagraph
43 subpart (a), up to \$44,922 may be used to administer
44 substance abuse prevention grants and for program
45 evaluations.
46 (b) Of the funds allocated in this subparagraph
47 (1), \$273,062 shall be used for culturally competent
48 substance abuse treatment pilot projects.
49 (i) The department shall utilize the amount
50 allocated in this subparagraph subpart (b) for at least

Page 2

1 three pilot projects to provide culturally competent
2 substance abuse treatment in various areas of the

3 state. Each pilot project shall target a particular
4 ethnic minority population. The populations targeted
5 shall include but are not limited to African American,
6 Asian, and Latino.

7 (ii) The pilot project requirements shall provide
8 for documentation or other means to ensure access
9 to the cultural competence approach used by a pilot
10 project so that such approach can be replicated and
11 improved upon in successor programs.

12 (2) Of the funds allocated in this paragraph "b",
13 up to \$3,116,852 may be used for problem gambling
14 prevention, treatment, and recovery services.

15 (a) Of the funds allocated in this subparagraph
16 (2), \$2,579,000 shall be used for problem gambling
17 prevention and treatment.

18 (b) Of the funds allocated in this subparagraph
19 (2), up to \$437,852 may be used for a 24-hour helpline,
20 public information resources, professional training,
21 and program evaluation.

22 (c) Of the funds allocated in this subparagraph
23 (2), up to \$100,000 may be used for the licensing of
24 problem gambling treatment programs.

25 (3) It is the intent of the general assembly that
26 from the moneys allocated in this paragraph "b",
27 persons with a dual diagnosis of substance abuse
28 and gambling addictions shall be given priority in
29 treatment services.

30 c. Notwithstanding any provision of law to the
31 contrary, to standardize the availability, delivery,
32 cost of delivery, and accountability of problem
33 gambling and substance abuse treatment services
34 statewide, the department shall continue implementation
35 of a process to create a system for delivery of
36 treatment services in accordance with the requirements
37 specified in 2008 Iowa Acts, chapter 1187, section
38 3, subsection 4. To ensure the system provides a
39 continuum of treatment services that best meets the
40 needs of Iowans, the problem gambling and substance
41 abuse treatment services in any area may be provided
42 either by a single agency or by separate agencies
43 submitting a joint proposal.

44 (1) The system for delivery of substance abuse
45 and problem gambling treatment shall include problem
46 gambling prevention by July 1, 2012. The department
47 shall submit a proposed legislative bill in accordance
48 with section 2.16, for consideration during the 2012
49 legislative session, addressing any statutory revisions
50 necessary for full implementation of the system.

Page 3

1 (2) The system for delivery of substance abuse and
2 problem gambling treatment shall include substance
3 abuse prevention by July 1, 2014.

4 (3) Of the funds allocated in paragraph "b", the
5 department may use up to \$100,000 for administrative
6 costs to continue developing and implementing the
7 process in accordance with this paragraph "c".

8 d. The requirement of section 123.53, subsection
9 5, is met by the appropriations and allocations made
10 in this Act for purposes of substance abuse treatment
11 and addictive disorders for the fiscal year beginning
12 July 1, 2011.

13 e. The department of public health shall work
14 with all other departments that fund substance
15 abuse prevention and treatment services and all
16 such departments shall, to the extent necessary,
17 collectively meet the state maintenance of effort
18 requirements for expenditures for substance abuse
19 services as required under the federal substance abuse
20 prevention and treatment block grant.

21 f. The department shall amend or otherwise
22 revise departmental policies and contract provisions
23 in order to eliminate free t-shirt distribution,
24 banner production, and other unnecessary promotional
25 expenditures.>

26 4. Page 6, line 25, by striking <2,451,905> and
27 inserting <2,601,905>

28 5. Page 6, line 28, by striking <639,318> and
29 inserting <739,318>

30 6. Page 7, by striking lines 8 and 9 and inserting
31 <after the projects developed by the dental lifeline
32 network to provide dental services to>

33 7. Page 7, after line 16 by inserting:
34 <f. Of the funds appropriated in this subsection,
35 \$50,000 shall be used for a matching dental education
36 loan repayment program in conjunction with the primary
37 care provider recruitment and retention endeavor
38 established in section 135.107. The department shall
39 work with a dental nonprofit health service corporation
40 to develop the criteria for the loan repayment
41 program.>

42 8. Page 7, line 21, by striking <3,386,865> and
43 inserting <3,262,256>

44 9. Page 8, line 8, by striking <770,791> and
45 inserting <755,791>

46 10. Page 8, line 10, by striking <733,311> and
47 inserting <711,052>

48 11. Page 8, line 18, by striking <134,560> and
49 inserting <126,450>

50 12. Page 8, line 30, by striking <3,610,740> and

Page 4

1 inserting <3,677,659>
2 13. Page 8, line 32, by striking <33,081> and
3 inserting <100,000>
4 14. Page 9, line 1, by striking <118,981> and
5 inserting <111,308>
6 15. Page 9, line 3, by striking <107,420> and
7 inserting <100,493>
8 16. Page 9, line 21, by striking <113,605> and
9 inserting <106,279>
10 17. Page 9, line 25, by striking <40,900> and
11 inserting <38,263>
12 18. Page 11, line 32, by striking <575,631> and
13 inserting <544,377>
14 19. Page 12, line 27, by striking <House File 457>
15 and inserting <House File 658 or successor legislation>
16 20. Page 12, line 28, by striking <189,196> and
17 inserting <177,844>
18 21. Page 12, line 31, by striking <House File 457>
19 and inserting <House File 658 or successor legislation>
20 22. Page 15, by striking lines 10 through 19.
21 23. Page 22, line 24, by striking <12,811,565> and
22 inserting <13,119,255>
23 24. Page 23, line 15, after <2012.> by inserting
24 <Notwithstanding 441 IAC 100.8, providing for
25 termination of rules relating to the pilot projects,
26 the rules shall remain in effect until June 30, 2012.>
27 25. Page 25, by striking lines 26 and 27 and
28 inserting <contracts to be used for clinical assessment
29 services and prior authorization of services.>
30 26. Page 28, by striking lines 20 through 34.
31 27. Page 30, by striking lines 6 through 8 and
32 inserting:
33 <For medical contracts:>
34 28. Page 30, by striking line 10.
35 29. Page 31, line 13, by striking <1.>
36 30. Page 31, by striking lines 24 through 28.
37 31. Page 32, by striking lines 21 through 24 and
38 inserting <system in accordance with section 237.30.
39 The amount of funding designated for meeting the
40 federal requirement to expend at least 4 percent of
41 the federal child care and development fund moneys on
42 activities to improve the quality of child care shall
43 be reduced by \$2,000,000 from the amount designated for
44 such activities in the prior fiscal year.>
45 32. Page 34, line 10, by striking <125.00> and
46 inserting <114.00>
47 33. Page 34, line 16, by striking <202.70> and
48 inserting <164.30>
49 34. Page 34, after line 26 by inserting:
50 <4. For the fiscal year beginning July 1, 2011,

Page 5

1 notwithstanding section 232.52, subsection 2, and
2 section 907.3A, subsection 1, the court shall not order
3 the placement of a child at the Iowa juvenile home
4 or the state training school under section 232.52, if
5 that placement is not in accordance with the population
6 guidelines for the respective juvenile institution
7 established pursuant to section 233A.1 or 233B.1.>

8 35. Page 41, line 3, by striking <36,697,591> and
9 inserting <34,897,591>

10 36. Page 42, after line 2 by inserting:

11 <The department of human services shall work with
12 juvenile detention centers and other stakeholders to
13 review the current methodology for distribution of
14 moneys from the juvenile detention home fund, consider
15 alternative distribution methodologies, and report
16 findings and recommendations to the persons designated
17 by this division of this Act for the submission of
18 reports and to the division of criminal and juvenile
19 justice planning of the department of human rights by
20 December 15, 2011. It is the intent of the general
21 assembly to shift responsibility for administering
22 the fund from the department of human services to the
23 division of criminal and juvenile justice planning of
24 the department of human rights, effective with the
25 fiscal year beginning July 1, 2012.>

26 37. Page 43, line 1, by striking <1.>

27 38. Page 43, line 6, by striking <a.> and inserting
28 <1.>

29 39. Page 43, line 10, by striking <177.83> and
30 inserting <168.50>

31 40. Page 43, line 11, by striking <b.> and
32 inserting <2.>

33 41. Page 43, line 15, by striking <99.20> and
34 inserting <86.10>

35 42. Page 43, line 16, by striking <c.> and
36 inserting <3.>

37 43. Page 43, line 20, by striking <248.00> and
38 inserting <233.00>

39 44. Page 43, line 21, by striking <d.> and
40 inserting <4.>

41 45. Page 43, line 26, by striking <97.72> and
42 inserting <91.72>

43 46. By striking page 43, line 27, through page 44,
44 line 14.

45 47. Page 48, line 18, by striking <89.00> and
46 inserting <89.50>

47 48. Page 49, line 1, by striking <53,939,921> and
48 inserting <55,339,921>

49 49. Page 49, line 2, by striking <1,702.00> and
50 inserting <1,781.00>

Page 6

- 1 50. Page 49, line 15, by striking <282.00> and
2 inserting <285.00>
- 3 51. Page 49, line 16, by striking <43,700> and
4 inserting <38,543>
- 5 52. Page 49, line 22, by striking <150,000> and
6 inserting <132,300>
- 7 53. Page 49, line 27, by striking <200,000> and
8 inserting <176,400>
- 9 54. Page 49, before line 31 by inserting:
10 <__. Of the funds appropriated in this section,
11 \$500,000 shall be used for implementation of child
12 protection system improvements addressed in 2011 Iowa
13 Acts, House File 562, if enacted.>
- 14 55. Page 50, line 8, by striking <224,835,691> and
15 inserting <225,502,551>
- 16 56. Page 53, by striking lines 11 and 12 and
17 inserting <mental health services provided at hospitals
18 shall be rebased effective October 1, 2011, subject to
19 Medicaid>
- 20 57. Page 54, line 14, after <month.> by inserting
21 <The maximum payment for adoption subsidy nonrecurring
22 expenses shall be limited to \$500 and the disallowance
23 of additional amounts for court costs and other related
24 legal expenses implemented pursuant to 2010 Iowa Acts,
25 chapter 1031, section 408 shall be continued.>
- 26 58. Page 55, by striking lines 5 through 7.
- 27 59. Page 56, by striking lines 10 through 19.
- 28 60. Page 58, line 16, by striking <5,027,613> and
29 inserting <5,433,613>
- 30 61. Page 59, line 14, by striking <46,000,000> and
31 inserting <20,000,000>
- 32 62. Page 59, line 26, by striking <49,020,131> and
33 inserting <54,226,279>
- 34 63. Page 60, line 7, by striking <24,000,000> and
35 inserting <14,000,000>
- 36 64. Page 60, line 25, by striking <51,000,000> and
37 inserting <51,500,000>
- 38 65. Page 60, line 31, by striking <48,000,000> and
39 inserting <48,500,000>
- 40 66. Page 60, line 34, by striking <48,000,000> and
41 inserting <48,500,000>
- 42 67. Page 60, line 35, by striking <48,000,000> and
43 inserting <48,500,000>
- 44 68. Page 61, line 4, by striking <48,000,000> and
45 inserting <48,500,000>
- 46 69. Page 63, after line 31 by inserting:
47 <10. For the medical home system advisory council
48 established pursuant to section 135.159:
49 \$ 200,000>
- 50 70. Page 65, line 14, by striking <39,231,000> and

Page 7

1 inserting <39,223,800>

2 71. Page 65, line 18, by striking <769,000> and

3 inserting <776,200>

4 72. Page 68, line 19, by striking <49,772,936> and

5 inserting <49,773,346>

6 73. Page 70, line 23, by striking <for a county

7 that is subject to this subparagraph,> and inserting

8 <for counties with an ending balance percentage of 10

9 percent or more but less than 15 percent,>

10 74. Page 71, after line 26 by inserting:

11 <BEHAVIORAL HEALTH SERVICES

12 ACCOUNT – MEDICAL ASSISTANCE

13 Sec. ___. 2009 Iowa Acts, chapter 182, section 9,

14 subsection 16, paragraph b, as amended by 2010 Iowa

15 Acts, chapter 1192, section 63, is amended to read as

16 follows:

17 b. The department shall continue to maintain a

18 separate account within the medical assistance budget

19 for the deposit of all funds remitted pursuant to a

20 contract with a third party to administer behavioral

21 health services under the medical assistance program

22 established pursuant to 2008 Iowa Acts, chapter

23 1187, section 9, subsection 20. Notwithstanding

24 section 8.33, other than funds remaining from the

25 appropriation allocations made for implementation of

26 the emergency mental health crisis services and system,

27 for implementation of the mental health services

28 system for children and youth, and for training of

29 child welfare services providers in 2008 Iowa Acts,

30 chapter 1187, section 9, subsection 20, paragraph "c",

31 subparagraphs (1), (2), and (6), as authorized in 2009

32 Iowa Acts, chapter 182, section 72, funds remaining in

33 the account that remain unencumbered or unobligated

34 at the end of the fiscal year shall not revert but

35 shall remain available in succeeding fiscal years ~~and~~

36 ~~are appropriated to the department to be used for the~~

37 ~~medical assistance program to be used for purposes of~~

38 ~~crisis stabilization and other mental and behavioral~~

39 ~~health service improvements.~~

40 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 —

41 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY

42 Sec. ___. 2009 Iowa Acts, chapter 183, section 62,

43 subsection 3, is amended to read as follows:

44 3. For the purposes of this subsection, "federal

45 poverty level" means the poverty level defined by

46 the most recently revised poverty income guidelines

47 published by the United States department of health and

48 human services. The program shall provide financial

49 assistance to families with infants and toddlers less

50 than thirty-six months of age ~~two~~ that have a family

Page 8

1 income of more than 145 percent but not more than 185
2 percent of the federal poverty level. However, the
3 department may adjust the qualifying criteria or the
4 financial assistance purpose provisions specified in
5 this subsection or make other changes as necessary for
6 implementation to conform with federal requirements
7 for the funding. Outcome reporting and other grant
8 requirements shall be developed by the department in
9 cooperation with the Iowa empowerment board.

10 Sec. _____. 2009 Iowa Acts, chapter 183, section
11 62, subsection 4, paragraph b, is amended to read as
12 follows:

13 b. For providing sliding scale subsidies for
14 qualifying families for child care provided to the
15 families' infants and toddlers by providers who
16 are accredited by the national association for the
17 education of young children or the national association
18 for family child care, or who have a rating at level 3
19 2 or higher under the child care quality rating system
20 implemented pursuant to section 237A.30.>

21 75. Page 73, line 5, after <savings.> by inserting
22 <These amounts may be transferred to the appropriation
23 made in this division of this Act for the health
24 insurance premium payment program.>

25 76. Page 75, before line 24 by inserting:

26 <Sec. _____. ACCOUNTABLE CARE ORGANIZATION — PILOT.

27 1. a. If an entity applies for certification from
28 the secretary of the United States department of health
29 and human services prior to January 1, 2012, and is
30 subsequently certified to administer an accountable
31 care organization pilot project, pursuant to the
32 federal Patient Protection and Accountability Act, Pub.
33 L. No. 111-148, the department of human services shall
34 work with the entity to provide access to the complete
35 deidentified claims data of the medical assistance
36 recipients receiving health care services through the
37 pilot project for the purposes of identifying areas of
38 utilization, need, and potential cost savings to the
39 medical assistance program subject to all applicable
40 state and federal laws and regulations. The department
41 may also employ new payment models, information
42 technology, and data analytics provisions necessary to
43 the administration of the pilot project.

44 b. The department of human services shall work
45 with an entity to administer an accountable care
46 organization pilot project, only if the centers for
47 Medicare and Medicaid services of the United States
48 department of health and human services approves
49 participation of the medical assistance program in the
50 pilot project and the entity meets all of the following

Page 9

1 requirements:

2 (1) At a minimum, includes the participation of a
3 prospective payment system hospital, ten primary care
4 physicians, a home health care practice, a palliative
5 care services, a hospice service, and a community
6 mental health center, all of which agree to be paid
7 under a partial or global payment for identified
8 services.

9 (2) Requires all participating providers to utilize
10 electronic health records.

11 (3) Includes delivery of mental health services to
12 recipients of medical assistance through collaboration
13 with the regional community mental health center, a
14 federally qualified health center, and at least one
15 nursing facility as consistent with any other law
16 enacted by the Eighty-fourth general assembly, 2011
17 session, that redesigns the mental health delivery
18 system in the state.

19 c. The entity certified to implement the pilot
20 project shall report to the joint appropriations
21 subcommittee for health and human services during the
22 2012 legislative session detailing the progress and
23 expected outcomes of the pilot project.>

24 77. Page 75, after line 29 by inserting:

25 <DIVISION _____

26 PREVENTION AND CHRONIC CARE MANAGEMENT

27 Sec. ____ Section 135.159, subsection 10, Code
28 2011, is amended to read as follows:

29 10. The department shall integrate the
30 recommendations and policies developed by the
31 ~~prevention and chronic care management advisory~~
32 ~~council pursuant to section 135.161, Code 2011, into~~
33 ~~the medical home system and shall incorporate the~~
34 ~~development and implementation of the state initiative~~
35 ~~for prevention and chronic care management as developed~~
36 ~~pursuant to section 135.161, Code 2011, into the duties~~
37 ~~of the medical home system advisory council beginning~~
38 ~~January 1, 2012.~~

39 Sec. ____ Section 135.162, subsections 1 and 3,
40 Code 2011, are amended to read as follows:

41 1. The director shall convene a clinicians advisory
42 panel to advise and recommend to the department
43 clinically appropriate, evidence-based best practices
44 regarding the implementation of the medical home as
45 defined in section 135.157 ~~and the prevention and~~
46 ~~chronic care management initiative pursuant to section~~
47 ~~135.161.~~ The director shall act as chairperson of the
48 advisory panel.

49 3. The clinicians advisory panel shall meet on a
50 quarterly basis to receive updates from the director

Page 10

1 regarding strategic planning and implementation
2 progress on the medical home ~~and the prevention and~~
3 ~~chronic care management initiative~~ and shall provide
4 clinical consultation to the department regarding the
5 medical home ~~and the initiative.~~

6 Sec. ____ Section 136.3, subsection 14, Code 2011,
7 is amended to read as follows:

8 14. Perform those duties authorized pursuant to
9 sections 135.156, and 135.159, ~~and 135.161~~, and other
10 provisions of law.

11 Sec. ____ REPEAL. Section 135.161, Code 2011, is
12 repealed.

13 Sec. ____ EFFECTIVE DATE. This division of this
14 Act takes effect December 31, 2011.>

15 78. Page 75, after line 31 by inserting:

16 <Sec. ____ Section 147.136, Code 2011, is amended
17 to read as follows:

18 147.136 Scope of recovery.

19 1. In Except as otherwise provided in subsection 2,
20 in an action for damages for personal injury against
21 a physician and surgeon, osteopathic physician and
22 surgeon, dentist, podiatric physician, optometrist,
23 pharmacist, chiropractor, or nurse licensed to
24 practice that profession in this state, or against a
25 hospital licensed for operation in this state, based
26 on the alleged negligence of the practitioner in the
27 practice of the profession or occupation, or upon the
28 alleged negligence of the hospital in patient care,
29 in which liability is admitted or established, the
30 damages awarded shall not include actual economic
31 losses incurred or to be incurred in the future
32 by the claimant by reason of the personal injury,
33 including but not limited to, the cost of reasonable
34 and necessary medical care, rehabilitation services,
35 and custodial care, and the loss of services and loss
36 of earned income, to the extent that those losses
37 are replaced or are indemnified by insurance, or by
38 governmental, employment, or service benefit programs
39 or from any other source ~~except the assets of the~~
40 ~~claimant or of the members of the claimant's immediate~~
41 ~~family.~~

42 2. This section shall not bar recovery of economic
43 losses replaced or indemnified by any of the following:

44 a. Benefits received under the medical assistance
45 program under chapter 249A.

46 b. The assets of the claimant or of the members of
47 the claimant's immediate family.>

48 79. Page 76, after line 19 by inserting:

49 <Sec. ____ REPEAL. Section 135.27A, Code 2011, is
50 repealed December 31, 2011.>

Page 11

1 80. By renumbering as necessary.

HEATON of Henry

H-1595

1 Amend House File 649 as follows:
2 1. Page 71, after line 16 by inserting:
3 <VIETNAM CONFLICT VETERANS
4 BONUS FUND
5 Sec. ____ 2008 Iowa Acts, chapter 1187, section
6 68, as amended by 2009 Iowa Acts, chapter 182, section
7 82, and 2010 Iowa Acts, chapter 1192, section 55, is
8 amended to read as follows:
9 Notwithstanding section 8.33, moneys appropriated in
10 this section that remain unencumbered or unobligated
11 at the close of the fiscal year shall not revert but
12 shall remain available for expenditure for the purposes
13 designated until the close of the fiscal year beginning
14 July 1, 2010 repeal of section 35A.8A. Upon such
15 repeal, the remaining moneys shall be transferred to
16 the veterans trust fund and, notwithstanding section
17 35A.13, subsection 3, shall only be expended in
18 accordance with an appropriation for purposes of a
19 bonus enacted for veterans of the conflicts in Panama,
20 Grenada, or the Persian Gulf.>

21 2. By renumbering as necessary.

CHAMBERS of O'Brien

H-1596

1 Amend the amendment, H-1457, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, after line 18 by inserting:
5 <DESIGNATED APPROPRIATIONS – LOCAL FOOD AND FARM
6 COORDINATOR
7 Sec. ____ APPROPRIATION — DEPARTMENT OF
8 AGRICULTURE AND LAND STEWARDSHIP — LOCAL FOOD AND FARM
9 PROGRAM COORDINATOR.
10 1. If 2011 Iowa Acts, Senate File 441, is enacted,
11 there is appropriated from the general fund of the
12 state to the department of agriculture and land
13 stewardship for the fiscal year beginning July 1, 2011,
14 and ending June 30, 2012, the following amount, or
15 so much thereof as is necessary, to be used for the

16 purposes designated:
 17 For purposes of supporting a local food and farm
 18 program coordinator as provided in 2011 Iowa Acts,
 19 Senate File 441, for salaries, support, maintenance,
 20 and miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:
 22 \$ 75,000
 23 FTEs 1.00
 24 2. The department shall enter into a cost-sharing
 25 agreement with an accredited institution of higher
 26 education located in Iowa to support the coordinator.
 27 The coordinator shall be stationed at that state board
 28 of regents institution as provided in 2011 Iowa Acts,
 29 Senate File 441.>

ISENHART of Dubuque
 HANSON of Jefferson
 HAGER of Allamakee
 SWEENEY of Hardin
 MOORE of Jackson

WENTHE of Fayette
 KELLEY of Jasper
 HALL of Woodbury
 MUHLBAUER of Crawford
 LOFGREN of Muscatine

H-1597

1 Amend the amendment, H-1594, to House File 649 as
 2 follows:
 3 1. Page 4, line 22, by striking <13,119,255> and
 4 inserting <13,466,749>

HEDDENS of Story

H-1598

1 Amend the amendment, H-1594, to House File 649 as
 2 follows:
 3 1. Page 7, after line 3 by inserting:
 4 <__. Page 67, line 1, by striking <48.697,893> and
 5 inserting <67,849,072>
 6 __. Page 68, line 8, by striking <36,697,893> and
 7 inserting <55,849,072>>
 8 2. Page 7, line 5, by striking <49,773,346> and
 9 inserting <68,924,115>

HEDDENS of Story

H-1599

1 Amend the amendment, H-1594, to House File 649 as
 2 follows:
 3 1. Page 3, line 43, by striking <3,262,256> and
 4 inserting <3,562,970>
 5 2. Page 3, after line 43 by inserting:
 6 <__. Page 7, line 23, by striking <136,808> and

7 inserting <145,582>
8 _____. Page 7, line 27, by striking <383,600> and
9 inserting <408,203>>
10 3. Page 3, line 45, by striking <755,791> and
11 inserting <788,303>
12 4. Page 3, after line 49 by inserting:
13 <____. Page 8, line 20, by striking <421,782> and
14 inserting <448,834>
15 _____. Page 8, after line 25 by inserting:
16 <j. Of the funds appropriated in this subsection,
17 \$199,069 shall be used to support the prevention and
18 chronic care management advisory council established
19 pursuant to section 135.161 and the medical home system
20 advisory council established pursuant to section
21 135.159.
22 k. Of the funds appropriated in this subsection,
23 \$85,678 shall be used to support the neuromuscular and
24 related genetic disease program.>>
25 5. By renumbering as necessary.

HEDDENS of Story

H-1600

1 Amend the amendment, H-1594, to House File 649 as
2 follows:
3 1. Page 3, line 27, by striking <2,601,905> and
4 inserting <2,658,410>
5 2. Page 3, line 29, by striking <739,318> and
6 inserting <681,293>
7 3. Page 3, after line 29 by inserting:
8 <____. Page 6, line 34, by striking <287,520> and
9 inserting <306,397>>
10 4. Page 3, after line 32 by inserting:
11 <____. Page 7, line 11, by striking <112,677> and
12 inserting <120,075>
13 _____. Page 7, line 13, by striking <163,760> and
14 inserting <174,512>>
15 5. By renumbering as necessary.

HEDDENS of Story

H-1601

1 Amend the amendment, H-1594, to House File 649 as
2 follows:
3 1. Page 4, line 1, by striking <3,677,659> and
4 inserting <3,944,586>
5 2. Page 4, line 3, by striking <100,000> and
6 inserting <35,361>
7 3. Page 4, after line 11 by inserting:
8 <____. Page 10, after line 3 by inserting:

9 <(2) For distribution to the Iowa family planning
10 network agencies for necessary infrastructure,
11 statewide coordination, provider recruitment, service
12 delivery, and provision of assistance to patients in
13 determining an appropriate medical home:
14 \$ 68,332>
15 __. Page 11, after line 7 by inserting:
16 <(1) Of the funds appropriated in this subsection,
17 \$130,100 shall be used for allocation to an independent
18 statewide direct care worker association for education,
19 outreach, leadership development, mentoring, and
20 other initiatives intended to enhance the recruitment
21 and retention of direct care workers in health and
22 long-term care.
23 (2) Of the funds appropriated in this subsection,
24 \$58,000 shall be used to provide subsidized direct care
25 worker educational programs sponsored by an independent
26 statewide direct care worker association.>
27 __. Page 11, after line 15 by inserting:
28 <k. Of the funds appropriated in this subsection up
29 to \$143,466 shall be used to support the department's
30 activities relating to health and long-term care access
31 as specified pursuant to chapter 135, division XXIV.
32 1. The department shall initiate collaboration
33 between the prevention and chronic care management
34 advisory council and the medical home system advisory
35 council to enhance alignment of the goals, activities,
36 and resource usage of the advisory councils. The
37 department shall submit a plan to the persons specified
38 in this Act for submission of reports to combine the
39 advisory councils beginning July 1, 2012.>>
40 4. By renumbering as necessary.

HEDDENS of Story

H-1602

1 Amend the amendment, H-1594, to House File 649 as
2 follows:
3 1. Page 4, by striking lines 37 through 44 and
4 inserting:
5 <__. Page 32, by striking lines 21 through 24 and
6 inserting <system in accordance with section 237A.30.>>

HEDDENS of Story

H-1603

1 Amend the amendment, H-1594, to House File 649 as
2 follows:

3 1. Page 5, line 48, by striking <55,339,921> and
4 inserting <56,991,197>

HEDDENS of Story

H-1604

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, before line 1 by inserting:
5 <Sec. ____ GENERAL FUND – WATER QUALITY PROJECTS.

6 1. There is appropriated from the general fund of
7 the state to the department of natural resources for
8 the fiscal year beginning July 1, 2011, and ending June
9 30, 2012, the following amount, or so much thereof as
10 is necessary, to be used for the purposes designated:

11 For implementation of water quality projects related
12 to nonpoint sources and agricultural sources, including
13 salaries, support, maintenance, and miscellaneous
14 purposes:

15 \$ 2,300,000

16 2. Moneys appropriated in subsection 1 may be
17 used by the department for the calculation and
18 implementation of total maximum daily load requirements
19 for nonpoint sources and agricultural sources.>

20 2. Page 13, before line 18 by inserting:
21 <Sec. ____ GENERAL FUND – WATER QUALITY PROJECTS.

22 1. There is appropriated from the general fund of
23 the state to the department of natural resources for
24 the fiscal year beginning July 1, 2012, and ending June
25 30, 2013, the following amount, or so much thereof as
26 is necessary, to be used for the purposes designated:

27 For implementation of water quality projects related
28 to nonpoint sources and agricultural sources, including
29 salaries, support, maintenance, and miscellaneous
30 purposes:

31 \$ 2,300,000

32 2. Moneys appropriated in subsection 1 may be
33 used by the department for the calculation and
34 implementation of total maximum daily load requirements
35 for nonpoint sources and agricultural sources.>

36 3. By renumbering as necessary.

LENSING of Johnson

H-1605

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 14, before <purposes> by inserting

- 5 <various>
- 6 2. Page 9, by striking lines 19 through 39.
- 7 3. By striking page 19, line 50, through page 20,
- 8 line 20.
- 9 4. By renumbering as necessary.

COHOON of Des Moines

H-1606

- 1 Amend the amendment, H-1543, to Senate File 365,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 24 through 28 and
- 5 inserting <term of confinement of twenty-five years.>

J. TAYLOR of Woodbury
ANDERSON of Page

H-1607

- 1 Amend the amendment, H-1586, to Senate File 509,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, after line 43 by inserting:
- 5 <_. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)
- 6 a. For resource conservation and development
- 7 associated with the development of projects relating to
- 8 natural resource-based business opportunities:
- 9 \$ 150,000
- 10 b. Local resource conservation and development
- 11 groups sponsored by county governments or sponsored by
- 12 soil and water conservation districts shall be eligible
- 13 to receive moneys appropriated in paragraph "a" on the
- 14 condition that such groups receive the moneys on a
- 15 dollar-for-dollar matching basis.
- 16 c. Not more than 5 percent of the moneys
- 17 appropriated in paragraph "a" may be used for the costs
- 18 of implementing and administering this subsection.>
- 19 2. Page 19, after line 12 by inserting:
- 20 <_. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)
- 21 a. For resource conservation and development
- 22 associated with the development of projects relating to
- 23 natural resource-based business opportunities:
- 24 \$ 150,000
- 25 b. Local resource conservation and development
- 26 groups sponsored by county governments or sponsored by
- 27 soil and water conservation districts shall be eligible
- 28 to receive moneys appropriated in paragraph "a" on the
- 29 condition that such groups receive the moneys on a
- 30 dollar-for-dollar matching basis.
- 31 c. Not more than 5 percent of the moneys

32 appropriated in paragraph "a" may be used for the costs
33 of implementing and administering this subsection.>
34 3. By renumbering as necessary.

WENTHE of Fayette

H-1608

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, after line 18 by inserting:
5 <DESIGNATED APPROPRIATIONS — LOCAL FOOD AND FARM
6 COORDINATOR
7 Sec. __. APPROPRIATION — DEPARTMENT OF
8 AGRICULTURE AND LAND STEWARDSHIP — LOCAL FOOD AND FARM
9 PROGRAM COORDINATOR.
10 1. If 2011 Iowa Acts, Senate File 441, is enacted,
11 there is appropriated from the general fund of the
12 state to the department of agriculture and land
13 stewardship for the fiscal year beginning July 1, 2011,
14 and ending June 30, 2012, the following amount, or
15 so much thereof as is necessary, to be used for the
16 purposes designated:
17 For purposes of supporting a local food and farm
18 program coordinator as provided in 2011 Iowa Acts,
19 Senate File 441, for salaries, support, maintenance,
20 and miscellaneous purposes, and for not more than the
21 following full-time equivalent positions:
22 \$ 75,000
23 FTEs 1.00
24 2. The department shall enter into a cost-sharing
25 agreement with an accredited institution of higher
26 education located in Iowa to support the coordinator.
27 The coordinator shall be stationed at that state board
28 of regents institution as provided in 2011 Iowa Acts,
29 Senate File 441.>
30 2. By renumbering as necessary.

ISENHART of Dubuque
HANSON of Jefferson
HAGER of Allamakee
SWEENEY of Hardin
MOORE of Jackson

WENTHE of Fayette
KELLEY of Jasper
HALL of Woodbury
MUHLBAUER of Crawford
LOFGREN of Muscatine

H-1609

1 Amend House File 597, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 26 through 29 and
4 inserting <of coverage documents as excluded from
5 coverage.>

SENATE AMENDMENT

H-1610

1 Amend the amendment, H-1594, to House File 649 as
2 follows:
3 1. Page 3, line 43, by striking <3,262,256> and
4 inserting <3,360,361>
5 2. Page 3, after line 43 by inserting:
6 <__. Page 7, line 23, by striking <136,808> and
7 inserting <145,582>
8 __. Page 7, line 27, by striking <383,600> and
9 inserting <408,203>>
10 3. Page 3, line 45, by striking <755,791> and
11 inserting <788,303>
12 4. Page 3, after line 49 by inserting:
13 <__. Page 8, line 20, by striking <421,782> and
14 inserting <448,834>
15 __. Page 8, after line 25 by inserting:
16 <j. Of the funds appropriated in this subsection,
17 \$85,678 shall be used to support the neuromuscular and
18 related genetic disease program.>>
19 5. By renumbering as necessary.

HEDDENS of Story

H-1611

1 Amend the amendment, H-1594, to House File 649 as
2 follows:
3 1. Page 3, line 27, by striking <2,601,905> and
4 inserting <2,716,435>
5 2. Page 3, after line 29 by inserting:
6 <__. Page 6, line 34, by striking <287,520> and
7 inserting <306,397>>
8 3. Page 3, after line 32 by inserting:
9 <__. Page 7, line 11, by striking <112,677> and
10 inserting <120,075>
11 __. Page 7, line 13, by striking <163,760> and
12 inserting <174,512>>
13 4. By renumbering as necessary.

HEDDENS of Story

H-1612

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, after line 22 by inserting:
5 <Sec. __. VETERINARY DIAGNOSTIC LABORATORY —
6 FUTURE YEAR. This section applies if appropriations
7 made in this Act and all other Acts enacted by the
8 Eighty-fourth General Assembly during the 2011 regular

9 session and all extraordinary sessions, for the
10 fiscal year beginning July 1, 2011, and ending June
11 30, 2012, for purposes of supporting the operation
12 of the veterinary diagnostic laboratory associated
13 with the college of veterinary medicine at Iowa state
14 university, total less than \$4,000,000. It is the
15 intent of the general assembly that the amount of any
16 deficit will be appropriated by the general assembly
17 during its 2012 regular session for purposes of
18 supporting the operation of the veterinary diagnostic
19 laboratory for the fiscal year beginning July 1, 2012,
20 and ending June 30, 2013.>

21 2. Page 7, line 12, by striking <316,667> and
22 inserting <380,000>

23 3. Page 7, line 18, by striking <158,333> and
24 inserting <95,000>

25 4. By striking page 9, line 19, through page 10,
26 line 1, and inserting:

27 <Sec. ____ OPEN SPACE ACCOUNT —
28 ALLOCATIONS. Notwithstanding section 455A.19,
29 subsection 1, paragraph "a", for the fiscal year
30 beginning July 1, 2011, and ending June 30, 2012,
31 unobligated and unencumbered moneys allocated to the
32 open spaces account of the Iowa resources enhancement
33 and protection fund created pursuant to sections
34 455A.18 and 455A.19, subsection 1, paragraph "a", shall
35 be allocated only in the following priority order:

36 1. First, at least ten percent shall be made
37 available to match private funds for open space
38 projects on the cost-share basis of not less than
39 twenty-five percent private funds pursuant to the rules
40 adopted by the natural resource commission.

41 2. Second, five percent shall be used to fund the
42 protected waters program. This amount shall be used by
43 the department to implement the statewide open space
44 acquisition, protection, and development programs.

45 3. Third, any remaining amount shall be used to
46 reimburse political subdivisions of the state for
47 property tax dollars lost to open space acquisitions
48 based on the reimbursement formula provided for in
49 section 465A.4.

50 4. Fourth, any remaining amount shall be used to

Page 2

1 pay for debt service on bonds issued by the Honey creek
2 premier destination park authority as provided in
3 chapter 463C to the extent that the debt service cannot
4 be paid as provided in that chapter.

5 5. Fifth, of any remaining amount, \$100,000 shall
6 be transferred to the loess hills development and
7 conservation fund created in section 161D.2 for deposit

8 in the hungry canyons account as provided in that
 9 section.
 10 6. Sixth, of any remaining amount, \$375,000 shall
 11 be transferred to the soil conservation division of the
 12 department of agriculture and land stewardship for the
 13 administration and implementation of soil and water
 14 conservation practices as provided in chapter 161A.
 15 7. Seventh, of any remaining amount, not more than
 16 \$300,000 shall be used by the department of natural
 17 resources for expenses related to the maintenance and
 18 operation of state parks.
 19 8. Eighth, any remaining amount may be used by
 20 the department to implement statewide open space
 21 acquisition, protection, and development programs.>

22 5. Page 15, after line 31 by inserting:
 23 <Sec. ____ VETERINARY DIAGNOSTIC LABORATORY —
 24 FUTURE YEAR. This section applies if appropriations
 25 made in this Act and all other Acts enacted by the
 26 Eighty-fourth General Assembly during the 2012 regular
 27 session and all extraordinary sessions, for the
 28 fiscal year beginning July 1, 2012, and ending June
 29 30, 2013, for purposes of supporting the operation
 30 of the veterinary diagnostic laboratory associated
 31 with the college of veterinary medicine at Iowa state
 32 university, total less than \$4,000,000. It is the
 33 intent of the general assembly that the amount of any
 34 deficit will be appropriated by the general assembly
 35 during its 2013 regular session for purposes of
 36 supporting the operation of the veterinary diagnostic
 37 laboratory for the fiscal year beginning July 1, 2013,
 38 and ending June 30, 2014.>

39 6. Page 17, line 14, by striking <2,000,000> and
 40 inserting <2,200,000>

41 7. Page 17, line 31, by striking <516,667> and
 42 inserting <620,000>

43 8. Page 17, line 37, by striking <258,333> and
 44 inserting <155,000>

45 9. Page 18, after line 29 by inserting:
 46 <____ FORESTRY MANAGEMENT ACTIVITIES

- 47 a. For forestry management activities:
- 48 \$ 300,000
- 49 b. Of the amount appropriated in paragraph "a",
- 50 \$100,000 shall be used to provide for forestry health

Page 3

1 management programs.
 2 c. Of the amount appropriated in paragraph "a",
 3 \$200,000 shall be used for the purposes of planting
 4 trees not subject to imminent and serious threat by
 5 varieties of pests or diseases.>
 6 10. By striking page 19, line 50, through page 20,

7 line 32, and inserting:
 8 <Sec. _____. OPEN SPACE ACCOUNT —
 9 ALLOCATIONS. Notwithstanding section 455A.19,
 10 subsection 1, paragraph "a", for the fiscal year
 11 beginning July 1, 2012, and ending June 30, 2013,
 12 unobligated and unencumbered moneys allocated to the
 13 open spaces account of the Iowa resources enhancement
 14 and protection fund created pursuant to sections
 15 455A.18 and 455A.19, subsection 1, paragraph "a", shall
 16 be allocated only in the following priority order:
 17 1. First, at least ten percent shall be made
 18 available to match private funds for open space
 19 projects on the cost-share basis of not less than
 20 twenty-five percent private funds pursuant to the rules
 21 adopted by the natural resource commission.
 22 2. Second, five percent shall be used to fund the
 23 protected waters program. This amount shall be used by
 24 the department to implement the statewide open space
 25 acquisition, protection, and development programs.
 26 3. Third, any remaining amount shall be used to
 27 reimburse political subdivisions of the state for
 28 property tax dollars lost to open space acquisitions
 29 based on the reimbursement formula provided for in
 30 section 465A.4.
 31 4. Fourth, any remaining amount shall be used to
 32 pay for debt service on bonds issued by the Honey creek
 33 premier destination park authority as provided in
 34 chapter 463C to the extent that the debt service cannot
 35 be paid as provided in that chapter.
 36 5. Fifth, of any remaining amount, not more than
 37 \$300,000 shall be used by the department of natural
 38 resources for expenses related to the maintenance and
 39 operation of state parks.
 40 6. Sixth, any remaining amount may be used by
 41 the department to implement statewide open space
 42 acquisition, protection, and development programs.>
 43 11. By renumbering as necessary.

DRAKE of Cass

H-1613

1 Amend the amendment, H-1594, to House File 649 as
 2 follows:
 3 1. Page 10, after line 14 by inserting:
 4 <____. Page 75, before line 30 by inserting:
 5 <DIVISION _____
 6 BISPENOL A PROHIBITION
 7 Sec. _____. NEW SECTION. 135.181 Bisphenol A
 8 prohibition.
 9 1. As used in this section, unless the context
 10 otherwise requires:

11 a. "Infant pacifier" means a device designed to be
12 bitten or sucked by an infant for the sole purpose of
13 soothing or providing comfort to the infant, including
14 soothing discomfort caused by teething.

15 b. "Reusable beverage container" means a baby bottle
16 or spill-proof container primarily intended by the
17 manufacturer for use by a child three years of age or
18 younger.

19 1A. For purposes of this section, "reusable beverage
20 container" includes disposable baby bottle liners
21 designed to hold liquids in a baby bottle.

22 2. Beginning January 1, 2013, a person shall
23 not manufacture, sell, or distribute in commerce in
24 this state any infant pacifier or reusable beverage
25 container containing bisphenol A. A manufacturer or
26 wholesaler who sells or offers for sale in this state a
27 reusable beverage container that is intended for retail
28 sale shall do all of the following:

29 a. Ensure that the container is conspicuously
30 labeled as not containing bisphenol A.

31 b. Provide the retailer with affirmation that the
32 container does not contain bisphenol A.

33 3. A manufacturer shall use the least toxic
34 alternative when replacing bisphenol A in accordance
35 with this section.

36 4. In complying with this section, a manufacturer
37 shall not replace bisphenol A with a substance rated
38 by the United States environmental protection agency
39 as a class A, B, or C carcinogen or a substance listed
40 on the agency's list of chemicals evaluated for
41 carcinogenic potential as known or likely carcinogens,
42 known to be human carcinogens, or likely to be human
43 carcinogens.

44 5. In complying with this section, a manufacturer
45 shall not replace bisphenol A with a reproductive
46 toxicant that has been identified by the United States
47 environmental protection agency as causing birth
48 defects, reproductive harm, or developmental harm.

49 6. A person who violates this section is subject
50 to a civil penalty of five hundred dollars for each

Page 2

1 violation.

2 Sec. ____ EFFECTIVE DATE. This division of this
3 Act takes effect January 1, 2013.>>

4 2. By renumbering as necessary.

H-1614

1 Amend the amendment, H-1594, to House File 649 as
2 follows:

3 1. Page 4, line 1, by striking <3,677,659> and
4 inserting <4,077,577>

5 2. Page 4, after line 11 by inserting:

6 <_. Page 10, after line 3 by inserting:

7 <(2) For distribution to the Iowa family planning
8 network agencies for necessary infrastructure,
9 statewide coordination, provider recruitment, service
10 delivery, and provision of assistance to patients in
11 determining an appropriate medical home:

12 \$ 68,332>

13 _ Page 11, after line 7 by inserting:

14 <(1) Of the funds appropriated in this subsection,
15 \$130,100 shall be used for allocation to an independent
16 statewide direct care worker association for education,
17 outreach, leadership development, mentoring, and
18 other initiatives intended to enhance the recruitment
19 and retention of direct care workers in health and
20 long-term care.

21 (2) Of the funds appropriated in this subsection,
22 \$58,000 shall be used to provide subsidized direct care
23 worker educational programs sponsored by an independent
24 statewide direct care worker association.>

25 _ Page 11, after line 15 by inserting:

26 <k. Of the funds appropriated in this subsection up
27 to \$143,466 shall be used to support the department's
28 activities relating to health and long-term care access
29 as specified pursuant to chapter 135, division XXIV.

30 1. The department shall initiate collaboration
31 between the prevention and chronic care management
32 advisory council and the medical home system advisory
33 council to enhance alignment of the goals, activities,
34 and resource usage of the advisory councils. The
35 department shall submit a plan to the persons specified
36 in this Act for submission of reports to combine the
37 advisory councils beginning July 1, 2012.>>

38 3. By renumbering as necessary.

HEDDENS of Story

H-1615

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, before line 1 by inserting:

5 <Sec. __. GENERAL FUND — WATER QUALITY PROJECTS.

6 1. There is appropriated from the general fund of
7 the state to the department of natural resources for

8 the fiscal year beginning July 1, 2011, and ending June
9 30, 2012, the following amount, or so much thereof as
10 is necessary, to be used for the purposes designated:
11 For implementation of water quality projects
12 including projects related to nonpoint sources and
13 agricultural sources, and including salaries, support,
14 maintenance, and miscellaneous purposes:
15 \$ 2,300,000
16 2. Moneys appropriated in subsection 1 may be
17 used by the department for the calculation and
18 implementation of total maximum daily load requirements
19 for nonpoint sources and agricultural sources, and for
20 other water quality projects.>
21 2. Page 13, before line 18 by inserting:
22 <Sec. ____ GENERAL FUND — WATER QUALITY PROJECTS.
23 1. There is appropriated from the general fund of
24 the state to the department of natural resources for
25 the fiscal year beginning July 1, 2012, and ending June
26 30, 2013, the following amount, or so much thereof as
27 is necessary, to be used for the purposes designated:
28 For implementation of water quality projects
29 including projects related to nonpoint sources and
30 agricultural sources, and including salaries, support,
31 maintenance, and miscellaneous purposes:
32 \$ 2,300,000
33 2. Moneys appropriated in subsection 1 may be
34 used by the department for the calculation and
35 implementation of total maximum daily load requirements
36 for nonpoint sources and agricultural sources, and for
37 other water quality projects.>
38 3. By renumbering as necessary.

LENSING of Johnson

H-1616

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 8 and inserting:
5 <Sec. ____ GENERAL FUND APPROPRIATION –
6 DEPARTMENT>>
7 2. Page 1, line 16, before <divisions> by inserting
8 <various>
9 3. By striking page 10, line 48, through page 20,
10 line 32.
11 4. By renumbering as necessary.

HALL of Woodbury

H-1617

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 10, after line 47 by inserting:

5 <DIVISION _____

6 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011

7 NATURAL RESOURCES – MOURNING DOVES

8 Section 1. Section 484A.1, subsection 2, Code 2011,

9 is amended to read as follows:

10 2. "Migratory game bird" means any wild goose,
11 brant, wild duck, snipe, rail, mourning dove, woodcock,
12 or coot.>

13 2. By renumbering as necessary.

HALL of Woodbury

H-1618

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 6, by striking <STEWARDSHIP> and
5 inserting <STEWARDSHIP – APPROPRIATIONS>

6 2. Page 9, by striking lines 18 through 39 and
7 inserting:

8 <..... \$ 20,000,000>

9 3. By striking page 19, line 49, through page 20,
10 line 20, and inserting:

11 <..... \$ 20,000,000>

12 4. By renumbering as necessary.

HALL of Woodbury

H-1619

1 Amend the amendment, H-1586, to Senate File 509,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 21, by striking <365.00> and
5 inserting <386.00>

6 2. Page 1, after line 35 by inserting:

7 <____. Of the amount appropriated and full-time
8 equivalent positions authorized in this section,
9 \$4,800,000 shall be used to support 100 full-time
10 field office secretary I positions in soil and water
11 conservation districts as provided in chapter 161A.
12 One secretary I position shall be part of each soil and
13 water conservation district office.>

14 3. Page 11, line 14, by striking <365.00> and
15 inserting <386.00>

16 4. Page 11, after line 28 by inserting:
 17 <__. Of the amount appropriated and full-time
 18 equivalent positions authorized in this section,
 19 \$4,800,000 shall be used to support 100 full-time
 20 field office secretary I positions in soil and water
 21 conservation districts as provided in chapter 161A.
 22 One secretary I position shall be part of each soil and
 23 water conservation district office.>
 24 5. By renumbering as necessary.

WITTNEBEN of Emmet

H-1620

1 Amend the amendment, H-1594, to House File 649 as
 2 follows:
 3 1. Page 4, line 1, by striking <3,677,659> and
 4 inserting <4,077,577>
 5 2. Page 4, after line 11 by inserting:
 6 <__. Page 10, after line 3 by inserting:
 7 <(2) For distribution to the Iowa family planning
 8 network agencies for necessary infrastructure,
 9 statewide coordination, provider recruitment, service
 10 delivery, and provision of assistance to patients in
 11 determining an appropriate medical home:
 12 \$ 68,332>
 13 __. Page 11, after line 7 by inserting:
 14 <(1) Of the funds appropriated in this subsection,
 15 \$130,100 shall be used for allocation to an independent
 16 statewide direct care worker association for education,
 17 outreach, leadership development, mentoring, and
 18 other initiatives intended to enhance the recruitment
 19 and retention of direct care workers in health and
 20 long-term care.
 21 (2) Of the funds appropriated in this subsection,
 22 \$58,000 shall be used to provide subsidized direct care
 23 worker educational programs sponsored by an independent
 24 statewide direct care worker association.>
 25 __. Page 11, after line 15 by inserting:
 26 <k. Of the funds appropriated in this subsection up
 27 to \$143,466 shall be used to support the department's
 28 activities relating to health and long-term care access
 29 as specified pursuant to chapter 135, division XXIV.>>
 30 3. By renumbering as necessary.

HEDDENS of Story

H-1621

1 Amend House File 672 as follows:
 2 1. Page 1, line 5, by striking <fifty> and
 3 inserting <~~fifty~~ twenty-six>

4 2. Page 3, line 19, by striking <fifty-three> and
5 inserting <sixty-nine>
6 3. Page 3, line 30, after <purpose.> by inserting
7 <Of the maximum amount of energy production capacity
8 equivalent of all other facilities found eligible under
9 this chapter, an amount equivalent to sixteen megawatts
10 of nameplate generating capacity shall be reserved
11 for eligible renewable energy facilities incorporated
12 within or associated with an ethanol cogeneration
13 plant.>

QUIRK of Chickasaw

H-1622

1 Amend House File 660 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 455B.133, subsection 8,
5 paragraph a, Code 2011, is amended to read as follows:
6 a. (1) Adopt rules consistent with the federal
7 Clean Air Act Amendments of 1990, Pub. L. No.
8 101-549, which require the owner or operator of an
9 air contaminant source to obtain an operating permit
10 prior to operation of the source. The rules shall
11 specify the information required to be submitted with
12 the application for a permit and the conditions under
13 which a permit may be granted, modified, suspended,
14 terminated, revoked, reissued, or denied. For sources
15 subject to the provisions of Tit. IV of the federal
16 Clean Air Act Amendments of 1990, permit conditions
17 shall include emission allowances for sulfur dioxide
18 emissions. The commission may impose fees, including
19 fees upon regulated pollutants emitted from an air
20 contaminant source, in an amount sufficient to solely
21 cover, on an annual basis, all reasonable costs, direct
22 and indirect, required to develop and administer the
23 permit program in conformance with the federal Clean
24 Air Act Amendments of 1990, Pub. L. No. 101-549, as
25 further defined in subparagraph (2). Affected units
26 regulated under Tit. IV of the federal Clean Air Act
27 Amendments of 1990, Pub. L. No. 101-549, shall pay
28 operating permit fees in the same manner as other
29 sources subject to operating permit requirements,
30 except as provided in section 408 of the federal Act.
31 The fees collected pursuant to this subsection shall be
32 deposited in the air contaminant source fund created
33 pursuant to section 455B.133B, and shall be utilized
34 solely to cover all reasonable costs required to
35 develop and administer the programs required by Tit. V
36 of the federal Clean Air Act Amendments of 1990, Pub.
37 L. No. 101-549, including the permit program pursuant

38 to section 502 of the federal Act and the small
39 business stationary source technical and environmental
40 assistance program pursuant to section 507 of the
41 federal Act.

42 (2) Not later than July 1, 2012, fees assessed
43 under this subsection shall be sufficient solely to
44 provide for the costs of developing and administering
45 the operating permit program described in this
46 subsection, which costs are limited to all of the
47 following:

48 (a) Costs of preparing generally applicable
49 regulations or guidance regarding the permit program or
50 its implementation or enforcement.

Page 2

1 (b) Costs of reviewing and acting on any
2 application for a permit, permit revision, or permit
3 renewal, including the development of an applicable
4 requirement as part of the processing of a permit or
5 permit revision or renewal.

6 (c) General administrative costs of administering
7 the permit program, including the supporting and
8 tracking of operating permit applications, compliance
9 certification, and related data entry.

10 (d) Costs of implementing and enforcing the terms
11 of an operating permit, not including any court costs
12 or other costs associated with an enforcement action,
13 including adequate resources to determine which sources
14 are subject to the program.

15 (e) Costs of emissions and ambient monitoring.

16 (f) Costs of modeling, analyses, or demonstrations.

17 (g) Costs of preparing inventories and tracking
18 emissions.

19 (h) Costs of providing direct and indirect support
20 to sources under the federal Small Business Stationary
21 Source Technical and Environmental Compliance
22 Assistance Program pursuant to section 507 of the
23 federal Clean Air Act.

24 (3) The operating permit program described in this
25 subsection shall not include costs associated with
26 a construction permitting program including general
27 ambient air quality modeling and monitoring under such
28 a program.

29 (4) Fees shall not be assessed for any permitting
30 program under this subsection when the program exceeds
31 in any way the requirements of the federal Clean Air
32 Act Amendments of 1990, Pub. L. No. 101-549.

33 (5) Fees shall not be collected for greenhouse gas
34 emissions.

35 (6) For purposes of this paragraph "a", "permit"
36 means an operating permit under this subsection.

37 Sec. 2. REPORTING. For the fiscal year beginning
 38 July 1, 2011, the department of natural resources shall
 39 submit a report on a quarterly basis to the legislative
 40 services agency, the department of management, the
 41 members of the joint appropriations subcommittees on
 42 agriculture and natural resources, and the chairpersons
 43 and ranking members of the senate and house committees
 44 on appropriations. The report shall also be posted on
 45 the department's website. The report shall include all
 46 of the following:
 47 1. Detailed itemizations of the expenditure of all
 48 moneys appropriated to the department to support the
 49 department's administration, regulatory activities, and
 50 programs.

Page 3

1 2. Detailed itemizations of moneys expended during
 2 the previous calendar quarter on activities related to
 3 section 455B.133, subsection 8, paragraph "a".
 4 3. Detailed itemizations of time spent during the
 5 previous calendar quarter by employees on activities
 6 related to chapter 455B, division II, part 1.
 7 Sec. 3. EFFECTIVE DATE. The section of this Act
 8 amending section 455B.133, subsection 8, paragraph "a",
 9 takes effect July 1, 2012.>
 10 2. Title page, line 2, after <Act> by inserting
 11 <and including effective date provisions>
 12 3. By renumbering as necessary.

HAGER of Allamakee

H-1623

1 Amend House File 561 as follows:
 2 1. Page 1, line 9, after <476.53.> by inserting
 3 <In addition, the utility shall remain bound by the
 4 commitments described in the March 11, 1999, board
 5 order in Docket No. SPU-98-8, unless such restrictions
 6 are eased by subsequent board order.>
 7 2. Page 2, line 3, after <generation> by inserting
 8 <,at a reasonable cost to ratepayers>
 9 3. Page 2, line 18, after <investment> by inserting
 10 <,ongoing operating expenses, and decommissioning
 11 <expenses, including storage or disposal of used nuclear
 12 <fuel.>
 13 4. Page 5, line 30, after <application.> by
 14 inserting <The board, for good cause shown, may extend
 15 <the deadline for completing an annual proceeding for an
 16 <additional period not to exceed ninety days.>
 17 5. Page 6, line 25, after <securities> by inserting
 18 <or interest rate hedges as approved by the board as a

19 ratemaking principle>

20 6. Page 6, line 28, after <funds> by inserting <by
21 comparing returns on investments in other enterprises
22 having corresponding risks>

23 7. Page 6, line 30, after <utility> by inserting
24 <so as to maintain its credit and ability to attract
25 capital>

26 8. Page 6, line 34, after <service> by inserting
27 <, so long as the utility equity ratio does not exceed
28 fifty-five percent as determined in this subparagraph
29 division (c). If the rate-regulated utility's equity
30 ratio exceeds this cap, or it is anticipated it will
31 exceed this cap, the rate-regulated utility may provide
32 a rationale to the board as to why the actual capital
33 structure is reasonable for maintaining its credit,
34 attracting capital on reasonable terms, and results in
35 reasonable costs to the rate-regulated utility's retail
36 customers. The board shall rule upon any such request
37 in a contested case proceeding>

38 9. Page 7, by striking line 10 and inserting <any
39 coal-fired generating facility entered into service
40 prior to 1974 and owned by the utility as of January 1,
41 2010, that the utility commits to retire>

42 10. Page 8, after line 33 by inserting:
43 <i. The board shall issue an order on the merits of
44 a ratemaking application within one hundred eighty days
45 after the utility files an application for ratemaking
46 principles. The board, for good cause shown, may
47 extend the deadline for ruling on the merits of the
48 application for an additional period not to exceed one
49 hundred eighty days, and by such additional time beyond
50 that period that is agreed to by the utility.>

Page 2

1 11. Page 8, by striking line 35 and inserting
2 <additional ~~temporary~~ permanent staff, ~~or~~ and may
3 contract for professional>

4 12. Page 9, line 8, after <license.> by inserting
5 <The board and consumer advocate may also expend funds
6 they deem necessary to train such employees and provide
7 office space and equipment.>

8 13. Page 9, line 12, after <hire> by inserting <,
9 train, house, and equip>

10 14. Page 9, line 15, after <475A.6.> by inserting
11 <The utilities board and consumer advocate may
12 each hire up to five permanent employees capable of
13 performing functions required by this section. Any
14 persons employed by the board or consumer advocate to
15 carry out the duties of this section related to nuclear
16 generating facilities shall be paid at compensation
17 rates consistent with current standards in the nuclear

18 energy industry, and new salary classifications shall
 19 be established to set pay ranges for skilled personnel
 20 in the nuclear engineering, nuclear construction,
 21 and any other professional categories in the nuclear
 22 energy industry the board and consumer advocate deem
 23 appropriate, including but not limited to legal,
 24 accounting, and skilled examiners and inspectors.>

25 15. By renumbering as necessary.

SODERBERG of Plymouth

H-1624

1 Amend Senate File 466, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 17 and 18 and
 4 inserting <a catastrophe which you agreed to in
 5 writing, will be returned to you within>

6 2. Page 3, by striking lines 34 and 35 and
 7 inserting <catastrophe, agreed to by the person in
 8 writing, the residential contractor>

BALTIMORE of Boone

H-1625

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:

3 1. Page 2, line 43, by striking <41,031,283> and
 4 inserting <41,345,606>

5 2. Page 3, line 17, by striking <24,639,518> and
 6 inserting <24,482,356>

KEARNS of Lee
 T. TAYLOR of Linn

H-1626

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:

3 1. Page 1, after line 4 by inserting:

4 <DIVISION _____
 5 SUPPLEMENTAL APPROPRIATION FY 2010-2011

6 Sec. ____ STATE PUBLIC DEFENDER. After applying
 7 the reductions made pursuant to 2010 Iowa Acts, chapter
 8 1193, section 27, to the appropriations made for the
 9 following designated purposes, there is appropriated
 10 from the general fund of the state to the office of the
 11 state public defender of the department of inspections
 12 and appeals for the fiscal year beginning July 1,
 13 2010, and ending June 30, 2011, the following amounts,
 14 or so much thereof as is necessary, to supplement

15 the appropriations made for the following designated
 16 purposes:
 17 1. For the office of the state public defender, in
 18 2010 Iowa Acts, chapter 1190, section 10, subsection 1:
 19 \$ 2,551,500
 20 2. For the fees of court-appointed attorneys for
 21 indigent adults and juveniles, in accordance with
 22 section 232.141 and chapter 815, in 2010 Iowa Acts,
 23 chapter 1190, section 10, subsection 2:
 24 \$ 16,000,000
 25 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 26 of this Act, being deemed of immediate importance,
 27 takes effect upon enactment.
 28 2. Page 28, after line 10 by inserting:
 29 <____. Title page, line 2, after <system> by
 30 inserting <, and including effective date provisions>>

WOLFE of Clinton
 SWAIM of Davis
 T. TAYLOR of Linn

H-1627

1 Amend Senate File 424, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 15, after <university.> by
 4 inserting <Each school district wishing to participate
 5 in a consortium shall, not less than twenty days
 6 prior to requesting approval from the department of
 7 education, publish a notice of the school district's
 8 intent to participate in the consortium in a newspaper
 9 of general circulation in the school district. The
 10 notice shall include a description of the consortium's
 11 proposed efforts and a description of the funding to be
 12 used by the proposed consortium.>
 13 2. Page 1, line 27, after <subsection 3.> by
 14 inserting <Each consortium participating in the pilot
 15 program shall submit a report to the general assembly
 16 on or before January 1, 2014. The report shall include
 17 a summary of the consortium's efforts, the consortium's
 18 findings and conclusions relating to the operations
 19 of the consortium, and recommendations related to the
 20 continuation, modification, or expansion of the pilot
 21 program authorized in this section.>

HANUSA of Pottawattamie

H-1628

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:
 3 ____ Page 5, line 48, by striking <12,020,098> and

4 inserting <12,592,764>
5 _____. Page 6, line 20, by striking <6,731,055> and
6 inserting <6,879,715>

T. TAYLOR of Linn

H-1629

1 Amend the amendment, H-1558, to Senate File 510, as
2 passed by the Senate, as follows:
3 1. Page 14, by striking lines 26 through 28 and
4 inserting <1, 2011, the department of public safety
5 shall be exempt from the target>

T. TAYLOR of Linn

H-1630

1 Amend the amendment, H-1558, to Senate File 510, as
2 passed by the Senate, as follows:
3 1. Page 9, after line 23 by inserting:
4 <Sec. _____. ADMINISTRATIVE HEARINGS DIVISION. There
5 is appropriated from the general fund of the state to
6 the administrative hearings division of the department
7 of inspections and appeals for the fiscal year
8 beginning July 1, 2011, and ending June 30, 2012, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:
11 For an administrative law judge to conduct
12 proceedings involving the board of parole:
13 \$ 114,000
14 FTEs 1.00>
15 2. Page 9, line 33, by striking <1,053,835> and
16 inserting <939,835>
17 3. Page 9, line 34, by striking <12.50> and
18 inserting <11.50>
19 4. By renumbering as necessary.

R. OLSON of Polk
T. TAYLOR of Linn

H-1631

1 Amend the amendment, H-1558, to Senate File 510, as
2 passed by the Senate, as follows:
3 1. Page 1, line 21, by striking <7,292,930> and
4 inserting <7,942,930>

T. TAYLOR of Linn

H-1632

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:
 3 1. Page 5, after line 36 by inserting:
 4 <__. For a pilot project establishing a geriatric
 5 and psychiatric unit for persons under the care,
 6 custody, and control of the state:
 7 \$ 800,000>

T. TAYLOR of LINN

H-1633

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:
 3 1. Page 1, line 44, by striking <1,000,000> and
 4 inserting <1,814,831>

WILLEMS of Linn
T. TAYLOR of Linn

H-1634

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 5 and 6.
 4 2. By striking page 14, line 50, through page 28,
 5 line 10.

T. TAYLOR of Linn

H-1635

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:
 3 1. Page 13, after line 39 by inserting:
 4 <Sec. __. Section 654.4B, subsection 2, paragraph
 5 b, Code 2011, is amended to read as follows:
 6 b. This subsection is repealed July 1, ~~2011~~ 2012.>

T. TAYLOR of Linn

H-1636

1 Amend the amendment, H-1558, to Senate File 510, as
 2 passed by the Senate, as follows:
 3 1. Page 12, line 12, by striking <575,520> and
 4 inserting <725,520>

THOMAS of Clayton
JACOBY of Johnson

H-1637

1 Amend House File 675 as follows:

2 1. Page 4, line 29, after <property> by inserting
3 <if the property cannot be reasonably identified by an
4 address>

5 2. Page 5, by striking lines 18 through 31 and
6 inserting:

7 <572.10 Perfecting lien after lapse of ninety days.
8 A general contractor or a subcontractor may perfect
9 a mechanic's lien pursuant to section 572.8 beyond
10 ninety days after the date on which the last of the
11 material was furnished or the last of the labor was
12 performed by ~~filing a claim with the clerk of the
13 district court posting a lien to the state construction
14 registry internet website~~ and giving written notice
15 thereof to the owner. Such notice may be served by
16 any person in the manner original notices are required
17 to be served. If the party to be served is out of
18 the county wherein the property is situated, a return
19 of that fact by the person charged with making such
20 service shall constitute sufficient service from
21 and after the time it was ~~filed with the clerk of
22 the district court~~ posted to the state construction
23 registry internet website.>

24 3. Page 7, by striking lines 24 through 31 and
25 inserting:

26 <a. The name and address of the owner.
27 b. The name, address, and telephone number of the
28 general contractor or owner-builder.
29 c. The address of the property or a description of
30 the location of the property if the property cannot be
31 reasonably identified by an address.
32 d. The legal description of the property.>
33 4. Page 8, line 7, after <572.13B.> by inserting <A
34 notice of commencement of work must be posted to the
35 state construction registry internet website before
36 preliminary notices pursuant to section 572.13B may be
37 posted.>

38 5. Page 8, line 10, after <shall> by inserting
39 <assign a state construction registry number and>

40 6. Page 9, line 4, after <property> by inserting
41 <if the property cannot be reasonably identified by an
42 address>

43 7. Page 9, by striking lines 5 and 6 and inserting:

44 <g. The legal description of the property.
45 h. The date the material or materials were first
46 furnished or the labor was first performed.
47 i. The tax parcel identification number.
48 j. Any other information required by the
49 administrator pursuant to rule.>

50 8. Page 9, line 13, after <shall> by inserting

Page 2

- 1 <not>
2 9. Page 9, line 16, by striking <mechanics> and
3 inserting <mechanic's>
4 10. Page 9, line 25, by striking <mechanics'> and
5 inserting <mechanic's>
6 11. Page 12, after line 31 by inserting:
7 <7. The address of the property or a description of
8 the location of the property if the property cannot be
9 reasonably identified by an address.>
10 12. Page 14, line 9, by striking <file for record>
11 and inserting <file for record post>
12 13. Page 14, line 16, by striking <filing> and
13 inserting <filing posting>
14 14. Page 19, line 16, by striking <day> and
15 inserting <days>
16 15. By renumbering as necessary.

BYRNES of Mitchell

H-1638

- 1 Amend House File 653 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 427A.1, subsection 1, paragraph
4 h, Code 2011, is amended to read as follows:
5 h. Property assessed by the department of revenue
6 pursuant to sections 428.24 to 428.29, ~~or chapters~~
7 ~~433, chapter 433 if such property is not owned by~~
8 a qualifying local exchange carrier, as defined in
9 section 433.16, or chapters 434, 437, 437A, and 438.>
10 2. By striking page 1, line 25, through page 2,
11 line 13, and inserting:
12 <Sec. ____ **NEW SECTION.** 433.16 Qualifying local
13 exchange carriers — assessment.
14 1. For assessment years beginning on or after
15 January 1, 2012, the property of qualifying local
16 exchange carriers shall be assessed for taxation
17 according to this section. For purposes of this
18 section, "qualifying local exchange carrier" means a
19 telecommunications company that provides local exchange
20 service and has less than fifty thousand customer
21 access lines located in this state.
22 2. a. For assessment years beginning on or after
23 January 1, 2012, but before January 1, 2018, the
24 director of revenue shall on or before October 31
25 of each year and using information from statements
26 required under this chapter or otherwise acquired
27 from the local assessors, determine the value of the
28 qualifying local exchange carrier's land, buildings,
29 structures, and improvements.

30 b. For the assessment years beginning on or after
31 January 1, 2012, but before January 1, 2018, the
32 value of such property shall equal the sum of the
33 value of the qualifying local exchange carrier's land,
34 buildings, structures, and improvements, assessed
35 in the same manner as all other commercial property
36 pursuant to chapters 427, 427A, 427B, 428, and 441, and
37 the qualifying local exchange carrier adjustment for
38 the applicable assessment year.

39 c. The qualifying local exchange carrier base value
40 shall be the total assessed value of the qualifying
41 local exchange carrier's property assessed pursuant
42 to section 433.4, Code 2011, for the assessment year
43 beginning January 1, 2011. However, if the qualifying
44 local exchange carrier adds or disposes of property in
45 an amount exceeding ten percent of the local exchange
46 carrier's total assessed value for the assessment year
47 beginning January 1, 2011, or ten percent of the base
48 value most recently adjusted under this paragraph, the
49 qualifying local exchange carrier's base value shall be
50 adjusted to reflect those additions or dispositions.

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1 d. The qualifying local exchange carrier adjustment
2 shall be determined as follows:

3 (1) For the assessment year beginning January 1,
4 2012, the qualifying local exchange carrier adjustment
5 shall equal eighty-five percent of the difference
6 between the qualifying local exchange carrier's base
7 value and the assessed value of the qualifying local
8 exchange carrier's land, buildings, structures, and
9 improvements assessed in the same manner as all other
10 property assessed as commercial property pursuant to
11 chapters 427, 427A, 427B, 428, and 441.

12 (2) For the assessment year beginning January 1,
13 2013, the qualifying local exchange carrier adjustment
14 shall equal seventy percent of the difference between
15 the qualifying local exchange carrier's base value and
16 the assessed value of the qualifying local exchange
17 carrier's land, buildings, structures, and improvements
18 assessed in the same manner as all other property
19 assessed as commercial property pursuant to chapters
20 427, 427A, 427B, 428, and 441.

21 (3) For the assessment year beginning January 1,
22 2014, the qualifying local exchange carrier adjustment
23 shall equal fifty-five percent of the difference
24 between the qualifying local exchange carrier's base
25 value and the assessed value of the qualifying local
26 exchange carrier's land, buildings, structures, and
27 improvements assessed in the same manner as all other
28 property assessed as commercial property pursuant to

29 chapters 427, 427A, 427B, 428, and 441.

30 (4) For the assessment year beginning January 1,
31 2015, the qualifying local exchange carrier adjustment
32 shall equal forty percent of the difference between
33 the qualifying local exchange carrier's base value and
34 the assessed value of the qualifying local exchange
35 carrier's land, buildings, structures, and improvements
36 assessed in the same manner as all other property
37 assessed as commercial property pursuant to chapters
38 427, 427A, 427B, 428, and 441.

39 (5) For the assessment year beginning January 1,
40 2016, the qualifying local exchange carrier adjustment
41 shall equal twenty-five percent of the difference
42 between the qualifying local exchange carrier's base
43 value and the assessed value of the qualifying local
44 exchange carrier's land, buildings, structures, and
45 improvements assessed in the same manner as all other
46 property assessed as commercial property pursuant to
47 chapters 427, 427A, 427B, 428, and 441.

48 (6) For the assessment year beginning January 1,
49 2017, the qualifying local exchange carrier adjustment
50 shall equal ten percent of the difference between the

Page 3

1 qualifying local exchange carrier's base value and
2 the assessed value of the qualifying local exchange
3 carrier's land, buildings, structures, and improvements
4 assessed in the same manner as all other property
5 assessed as commercial property pursuant to chapters
6 427, 427A, 427B, 428, and 441.

7 3. For valuations established on or after January
8 1, 2018, the local assessor shall determine the value
9 of the land, buildings, structures, and improvements of
10 qualifying local exchange carriers in the same manner
11 as all other property assessed as commercial property
12 pursuant to chapters 427, 427A, 427B, 428, and 441,
13 and all reporting, protest, and appeal procedures for
14 qualifying local exchange carriers shall be determined
15 according to those provisions.

16 4. Notwithstanding any other provision of this
17 chapter or chapter 427, 427A, 427B, 428, or 441 to
18 the contrary, telephone wires, fiber optic cables,
19 electronics, and similar items used by qualifying local
20 exchange carriers to transmit sounds or data shall not
21 be included when determining the value of a qualifying
22 local exchange carrier's land, buildings, structures,
23 and improvements for purposes of this section.>

24 3. By renumbering as necessary.

BYRNES of Mitchell

H-1639

- 1 Amend House File 654, as passed by the House, as
2 follows:
- 3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 468.190 Farm mediation
5 not applicable.
6 A case, dispute, or other controversy arising
7 under this chapter shall not be subject to any of the
8 requirements of mediation provided in chapter 654A,
9 654B, or 654C.>
 - 10 2. Title page, line 1, before <moneys> by inserting
11 <drainage or levee districts, including>
 - 12 3. By renumbering as necessary.

SENATE AMENDMENT

H-1640

- 1 Amend House File 493, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 70A.27 Leave of absence
6 for charge of a crime — civil penalty.
7 1. For the purposes of this section:
8 a. "Convicted" means convicted of an indictable
9 offense and includes a guilty plea or other finding of
10 guilt by a court of competent jurisdiction.
11 b. "Public employee" means any individual employed
12 by a public employer. "Public employee" includes heads
13 of executive branch agencies.
14 c. "Public employer" means the state, its boards,
15 commissions, agencies, and departments, and its
16 political subdivisions including school districts and
17 other special purpose districts. "Public employer"
18 includes the general assembly and the governor.
 - 19 2. a. A public employee on a leave of absence
20 with full or partial compensation because the public
21 employee is charged, by indictment or information,
22 with the commission of a public offense classified as
23 a class "D" felony or greater offense shall pay to
24 the public employer employing the public employee a
25 civil penalty equal to the cash wages that the public
26 employee received during the period of the leave of
27 absence if the public employee is convicted of a public
28 offense classified as a class "D" felony or greater
29 offense.
30 b. A public employee shall pay to the public
31 employer employing the public employee a civil
32 penalty equal to any payments that the public employee
33 received pursuant to the terms of the public employee's

34 employment contract that result from the termination
 35 of the contract, if the termination was caused by the
 36 employee being charged, by indictment or information,
 37 with the commission of a public offense classified as a
 38 class "D" felony or greater offense, and if the public
 39 employee is convicted of a public offense classified as
 40 a class "D" felony or greater offense.>

41 2. Title page, by striking lines 1 through 4 and
 42 inserting <An Act requiring public employees charged
 43 with a felony to pay a civil penalty equal to the cash
 44 wages received during a paid leave of absence and any
 45 contract termination payments if convicted.>

SENATE AMENDMENT

H-1641

1 Amend Senate File 482, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, after line 3 by inserting:
 4 <DIVISION _____
 5 SIBLING VISITATION
 6 Sec. ____ SUBSIDIZED GUARDIANSHIP PROGRAM —
 7 SIBLING VISITATION. The department of human services
 8 shall adapt the provisions of section 232.108 for
 9 application to the subsidized guardianship program in
 10 order to facilitate frequent visitation or ongoing
 11 interaction between children participating in the
 12 subsidized guardianship program for application to the
 13 subsidized guardianship program and the siblings of
 14 those children. However, the visitation or ongoing
 15 interaction shall not be facilitated if the department
 16 determines the visitation or ongoing interaction
 17 would be detrimental to the child's well-being or is
 18 suspended or terminated by the court.
 19 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 20 of this Act, being deemed of immediate importance,
 21 takes effect upon enactment.>
 22 2. Title page, line 2, after <families> by
 23 inserting <and including effective date provisions>
 24 3. By renumbering as necessary.

HEATON of Henry

H-1642

1 Amend Senate File 365, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, after line 28 by inserting:
 4 <Sec. ____ Section 654.4B, subsection 2, paragraph
 5 b, Code 2011, is amended to read as follows:
 6 b. This subsection is repealed July 1, ~~2011~~ 2012.>

7 2. Page 6, after line 1 by inserting:
8 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
9 of this Act amending section 654.4B, being deemed of
10 immediate importance, takes effect upon enactment.>
11 3. Title page, line 2, by striking <in district
12 court> and inserting <and mediation in district court
13 and including effective date provisions>

GARRETT of Warren

H-1643

1 Amend the amendment, H-1627, to Senate File 424,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 7 and inserting
5 <education, hold a public hearing on the question of
6 participation in the proposed consortium. The school
7 district shall publish a notice of the public hearing
8 and a statement of the school district's>
9 2. Page 1, line 9, by striking <district. The> and
10 inserting <district at least ten days prior to the date
11 of the hearing. In addition to the date, time, and
12 location of the hearing, the>
13 3. Page 1, line 15, after <assembly> by inserting
14 <and the department of education>
15 4. Page 1, line 16, after <include> by inserting
16 <but shall not be limited to>
17 5. Page 1, line 19, after <consortium,> by
18 inserting <information relating to measureable outcomes
19 of student achievement and access to coursework within
20 the consortium,>

WINCKLER of Scott

H-1644

1 Amend the amendment, H-1642, to Senate File 365,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 6 by inserting:
5 <_. Page 6, after line 1 by inserting:
6 <Sec. ____ Section 907.9, subsection 4, Code 2011,
7 is amended to read as follows:
8 4. At the expiration of the period of probation
9 if the fees imposed under section 905.14 and court
10 debt collected pursuant to section 602.8107 have been
11 paid, the court shall order the discharge of the person
12 from probation. If portions of the court debt remain
13 unpaid, the person shall establish a payment plan with
14 the clerk of the district court or the county attorney
15 prior to the discharge. The court shall forward to the

16 governor a recommendation for or against restoration
 17 of citizenship rights to that person upon discharge.
 18 A person who has been discharged from probation shall
 19 no longer be held to answer for the person's offense.
 20 Upon discharge from probation, if judgment has been
 21 deferred under section 907.3, the court's criminal
 22 record with reference to the deferred judgment and any
 23 counts dismissed by the court, which were contained in
 24 the indictment, information, or complaint that resulted
 25 in the deferred judgement, shall be expunged. The
 26 record maintained by the state court administrator
 27 as required by section 907.4 shall not be expunged.
 28 The court's record shall not be expunged in any other
 29 circumstances.>>

30 2. Page 1, line 12, by striking <and mediation
 31 in district court> and inserting <, expungement of
 32 records, and mediation in court proceedings,>

WOLFE of Clinton

H-1645

1 Amend Senate File 456, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 232.52, subsection 2, paragraph
 5 a, subparagraph (4), subparagraph division (a),
 6 subparagraph subdivision (viii), Code 2011, is amended
 7 to read as follows:

8 (viii) Section 724.4, if the child ~~carried the~~
 9 ~~dangerous weapon used the knife in the commission of~~
 10 a crime on school grounds.

11 Sec. ____ Section 708.8, Code 2011, is amended to
 12 read as follows:

13 708.8 Going armed with intent.

14 A person who goes armed with any dangerous weapon
 15 with the intent to use without justification such
 16 weapon against the person of another commits a class
 17 "D" felony. The intent required for a violation
 18 of this section shall not be inferred from the mere
 19 carrying or concealment of any dangerous weapon itself,
 20 whether in a vehicle or on or about a person's body
 21 including the carrying of a loaded firearm.

22 Sec. ____ Section 724.4, Code 2011, is amended by
 23 striking the section and inserting in lieu thereof the
 24 following:

25 724.4 Use of a knife in the commission of a crime.

26 A person who goes armed with a knife concealed
 27 on or about the person, if the person uses the knife
 28 in the commission of a crime, commits an aggravated
 29 misdemeanor.

30 Sec. ____ Section 724.4B, Code 2011, is amended by

31 striking the section and inserting in lieu thereof the
32 following:
33 724.4B Carrying weapons on school grounds — penalty
34 — exceptions.
35 1. A person who goes armed with, carries, or
36 transports a firearm of any kind, whether concealed or
37 not, on the grounds of a school commits a class "D"
38 felony. For the purposes of this section, "school"
39 means a public or nonpublic school as defined in
40 section 280.2.
41 2. Subsection 1 does not apply to the following:
42 a. A person who has been specifically authorized by
43 the school to go armed, carry, or transport a firearm
44 on the school grounds, including for purposes of
45 conducting an instructional program regarding firearms.
46 b. A peace officer, when the officer's duties
47 require the person to carry a firearm.
48 c. A member of the armed forces of the United
49 States or of the national guard or person in the
50 service of the United States, when the firearms are

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1 carried in connection with the person's duties as such.
2 d. A correctional officer, when the officer's
3 duties require, serving under the authority of the Iowa
4 department of corrections.
5 e. A person who for any lawful purpose carries an
6 unloaded pistol, revolver, or other dangerous weapon
7 inside a closed and fastened container or securely
8 wrapped package which is too large to be concealed on
9 the person.
10 f. A person who for any lawful purpose carries or
11 transports an unloaded pistol or revolver in a vehicle
12 inside a closed and fastened container or securely
13 wrapped package which is too large to be concealed on
14 the person or inside a cargo or luggage compartment
15 where the pistol or revolver will not be readily
16 accessible to any person riding in the vehicle or
17 common carrier.
18 g. A law enforcement officer from another state
19 when the officer's duties require the officer to carry
20 the firearm and the officer is in this state for any
21 of the following reasons:
22 (1) The extradition or other lawful removal of a
23 prisoner from this state.
24 (2) Pursuit of a suspect in compliance with chapter
25 806.
26 (3) Activities in the capacity of a law enforcement
27 officer with the knowledge and consent of the chief
28 of police of the city or the sheriff of the county in
29 which the activities occur or of the commissioner of

30 public safety.
31 Sec. ____ Section 724.4C, Code 2011, is amended to
32 read as follows:
33 724.4C Possession or carrying of firearms while
34 under the influence.
35 1. A permit issued under this chapter is invalid if
36 the person to whom the permit is issued is who carries
37 a dangerous weapon on or about the person while in an
38 intoxicated condition as provided in section 321J.2,
39 subsection 1, commits a simple misdemeanor.
40 2. This section shall not apply to any of the
41 following:
42 a. A person who carries or possesses a dangerous
43 weapon while in the person's own dwelling or place of
44 business or on land owned or lawfully possessed by the
45 person.
46 b. The transitory possession or use of a firearm
47 during an act of justified self-defense or justified
48 defense of another, provided that the possession lasts
49 no longer than is immediately necessary to resolve the
50 emergency.

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1 Sec. ____ NEW SECTION. 724.5A Availability of
2 permit not to be construed as prohibition on unlicensed
3 carrying of weapons.
4 The availability of a professional or
5 nonprofessional permit to carry weapons under
6 this chapter shall not be construed to impose a general
7 prohibition on the unlicensed carrying, whether openly
8 or concealed, of a deadly weapon, including a loaded
9 firearm.
10 Sec. ____ Section 724.7, Code 2011, is amended to
11 read as follows:
12 724.7 Nonprofessional permit to carry weapons.
13 1. Any person who is not disqualified under
14 section 724.8, who satisfies the training requirements
15 of section 724.9, and who files an application in
16 accordance with section 724.10 shall be issued a
17 nonprofessional permit to carry weapons. Such permits
18 shall be on a form prescribed and published by the
19 commissioner of public safety, which shall be readily
20 distinguishable from the professional permit, and shall
21 identify the holder of the permit. Such permits shall
22 not be issued for a particular weapon and shall not
23 contain information about a particular weapon including
24 the make, model, or serial number of the weapon or any
25 ammunition used in that weapon. All permits so issued
26 shall be for a period of five years ~~and shall be valid~~
27 ~~throughout the state except where the possession or~~
28 ~~carrying of a firearm is prohibited by state or federal~~

29 law except as provided in subsection 2.
30 2. The commissioner of public safety shall
31 develop a process to allow service members deployed
32 for military service to submit a renewal of a
33 nonprofessional permit to carry weapons early and by
34 mail. In addition, a permit issued to a service member
35 who is deployed for military service, as defined in
36 section 29A.90, that would otherwise expire during the
37 period of deployment shall remain valid for ninety days
38 after the end of the service member's deployment.
39 3. Notwithstanding section 321G.13, subsection
40 2, section 321I.14, subsection 2, sections 461A.42
41 and 481A.7, section 481A.93, subsection 1, or any
42 regulation issued pursuant to chapter 481A, a permit
43 issued under this section or recognized under section
44 724.11A shall be valid throughout the state. This
45 section shall not be construed to authorize the
46 carrying of a weapon where prohibited by federal law
47 or to authorize the taking of a game animal or the
48 discharge of a weapon in violation of any law of this
49 state, except where justified in accordance with the
50 provisions of chapter 704.

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1 Sec. ____ Section 724.8, subsections 2 and 3, Code
2 2011, are amended by striking the subsections.
3 Sec. ____ Section 724.9, subsection 1, Code 2011,
4 is amended by adding the following new paragraphs:
5 NEW PARAGRAPH. f. Holding or having previously
6 held a license or permit to carry a firearm in any
7 state or a locality thereof, unless such license or
8 permit has been suspended or revoked for cause.
9 NEW PARAGRAPH. g. Completion of any firearms
10 training or safety course or class, including an
11 electronic, video, or internet course, conducted by a
12 state certified or national rifle association certified
13 firearms instructor.
14 NEW PARAGRAPH. h. Completion of a hunter education
15 or hunter safety course approved by the department of
16 natural resources or a similar agency of another state.
17 Sec. ____ Section 724.9, subsection 2, Code 2011,
18 is amended by adding the following new paragraph:
19 NEW PARAGRAPH. d. A current or expired license
20 or permit to carry firearms, issued by any state or a
21 locality thereof, except one that has been suspended
22 or revoked for cause.
23 Sec. ____ Section 724.10, subsection 1, Code 2011,
24 is amended to read as follows:
25 1. A person shall not be issued a permit to carry
26 weapons unless the person has completed and signed an
27 application on a form to be prescribed and published

28 by the commissioner of public safety. ~~The Except as~~
29 ~~provided in subsection 724.11, subsection 2, paragraph~~
30 ~~"b", the application shall require only the full name,~~
31 ~~driver's license or nonoperator's identification card~~
32 ~~number, residence, place of birth, and date of birth of~~
33 ~~the applicant, and shall state whether the applicant~~
34 ~~meets the criteria specified in sections 724.8 and~~
35 ~~724.9. An applicant may provide the applicant's~~
36 ~~social security number if the applicant so chooses.~~
37 ~~The applicant shall also display an identification~~
38 ~~card that bears a distinguishing number assigned to~~
39 ~~the cardholder, the full name, date of birth, sex,~~
40 ~~residence address, and a brief description and colored~~
41 ~~photograph of the cardholder.~~

42 Sec. ____ Section 724.11, Code 2011, is amended to
43 read as follows:

44 724.11 Issuance of permit to carry weapons.

45 1. Applications for permits to carry weapons
46 shall be made to the sheriff of the county in which
47 the applicant resides. Applications for professional
48 permits to carry weapons for persons who are
49 nonresidents of the state, or whose need to go armed
50 arises out of employment by the state, shall be made

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1 to the commissioner of public safety. In either case,
2 the sheriff or commissioner, before issuing the permit,
3 shall determine that the applicable requirements
4 of sections 724.6 to 724.10 have been satisfied,
5 except that the training requirements of section
6 724.9 shall not apply to a renewal application for a
7 nonprofessional permit to carry weapons. However, for
8 renewal of a permit the training program requirements
9 in section 724.9, subsection 1, shall apply or the
10 renewal applicant may choose to qualify on a firing
11 range under the supervision of an instructor certified
12 by the national rifle association or the department of
13 public safety or another state's department of public
14 safety, state police department, or similar certifying
15 body. Such training or qualification must occur within
16 the twelve-month period prior to the expiration of the
17 applicant's current permit.

18 2. a. Neither the sheriff nor the commissioner
19 shall require an applicant for a permit to carry
20 weapons to provide information identifying a particular
21 weapon in the application including the make, model,
22 or serial number of the weapon or any ammunition used
23 in that particular weapon.

24 b. The sheriff shall not require an applicant for
25 a nonprofessional permit to carry weapons to provide
26 any information, documentation, or evidence of identity

27 beyond that specified in sections 724.9 and 724.10,
28 except that an alien who has been admitted to the
29 United States under a nonimmigrant visa may be required
30 to demonstrate eligibility to receive or possess a
31 firearm under the provisions of 18 U.S.C. § 922(y).

32 3. The issuing officer shall collect a fee of fifty
33 dollars, except from a duly appointed peace officer
34 or correctional officer, for each nonprofessional
35 permit issued. ~~Renewal permits~~ Nonprofessional
36 renewal or duplicate permits shall be issued for a
37 fee of twenty-five dollars, provided the application
38 for such renewal permit is received by the issuing
39 officer at least thirty days prior to the expiration of
40 the applicant's current permit. The issuing officer
41 shall collect a fee of ten dollars for the issuance,
42 renewal, or duplication of a professional permit.

43 The issuing officer shall notify the commissioner of
44 public safety of the issuance of any permit at least
45 monthly and forward to the commissioner an amount
46 equal to ten dollars for each permit issued and five
47 dollars for each renewal or duplicate permit issued.
48 All such fees received by the commissioner shall be
49 paid to the treasurer of state and deposited in the
50 operating account of the department of public safety

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1 to offset the cost of administering this chapter.
2 Notwithstanding section 8.33, any unspent balance
3 as of June 30 of each year shall not revert to the
4 general fund of the state, but shall be maintained in
5 a separate fund for the sole purpose of administering
6 this chapter.

7 4. The sheriff or commissioner of public safety
8 shall approve or deny an initial or renewal application
9 submitted under this section within thirty seven
10 days of receipt of the application. A person whose
11 application for a permit under this chapter is denied
12 may seek review of the denial under section 724.21A.
13 ~~The failure to approve or deny an initial or renewal~~
14 ~~application shall result in a decision of approval~~ If
15 the issuing officer has not received any disqualifying
16 information within the requisite seven-day period, the
17 issuing officer shall approve the application. An
18 issuing officer who refuses to accept or act upon an
19 application filed under this chapter shall be subject
20 to removal from office pursuant to section 66.1A.

21 Sec. ____ Section 724.15, subsection 3, Code 2011,
22 is amended to read as follows:

23 3. The annual permit to acquire pistols or
24 revolvers shall authorize the permit holder to acquire
25 one or more pistols or revolvers during the period

26 that the permit remains valid. ~~If the issuing officer~~
27 ~~determines that the applicant has become disqualified~~
28 ~~under the provisions of subsection 1, the issuing~~
29 ~~officer may immediately revoke the permit and shall~~
30 ~~provide a written statement of the reasons for~~
31 ~~revocation, and the applicant shall have the right to~~
32 ~~appeal the revocation as provided in section 724.21A.~~

33 The issuing officer shall not limit the number of
34 pistols or revolvers that may be acquired.

35 Sec. ____ Section 724.21A, subsection 5, Code 2011,
36 is amended to read as follows:

37 5. The standard of review under this section shall
38 ~~be clear and convincing evidence that the issuing~~
39 ~~officer's written statement of the reasons for the~~
40 ~~denial, suspension, or revocation constituted probable~~
41 ~~cause to deny an application or to suspend or revoke~~
42 ~~a permit~~ clear and convincing evidence that, as of
43 the date of the adverse decision, the applicant or
44 permittee was, under the applicable standards set
45 forth in this chapter, subject to prosecution or any
46 other proceeding that could result in the applicant or
47 permittee becoming ineligible for a permit to carry
48 weapons.

49 Sec. ____ Section 724.23, Code 2011, is amended to
50 read as follows:

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1 724.23 Records kept by commissioner.

2 1. The commissioner of public safety shall maintain
3 a permanent record of all valid permits to carry
4 weapons and of current permit revocations.

5 2. a. Notwithstanding any other law or rule to the
6 contrary, an issuing officer shall keep confidential
7 information that would personally identify applicants
8 for or holders of nonprofessional permits to carry
9 weapons, including but not limited to the applicant's
10 or permit holder's name, social security number, date
11 of birth, driver's license or other identification
12 number, and residential or business address.

13 b. This subsection shall not prohibit the release
14 of any of the following:

15 (1) Numerical statistics pertaining to the
16 issuance, denial, revocation, or administration of
17 applicants for or holders of nonprofessional permits,
18 provided that the release of such information does not
19 reveal the identity of any individual permit holder.

20 (2) The release of information to any law
21 enforcement agency, or an employee or agent thereof,
22 when necessary for an investigation of a possible
23 violation of law or for conducting a lawfully
24 authorized background investigation.

25 Sec. ____ Section 724.25, subsection 1, Code 2011,
26 is amended to read as follows:
27 1. As used in section 724.26, the word "felony"
28 means any offense punishable in the jurisdiction where
29 it occurred by imprisonment for a term exceeding one
30 year, but does not include any offense, ~~other than an~~
31 ~~offense involving a firearm or explosive~~, classified
32 as a misdemeanor under the laws of the state and
33 punishable by a term of imprisonment of two years or
34 less.>
35 2. Page 2, after line 30 by inserting:
36 <Sec. ____ REPEAL. Section 724.5, Code 2011, is
37 repealed.>
38 3. Page 3, by striking lines 13 and 14 and
39 inserting:
40 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
41 of this Act amending section 724.31, being deemed of
42 immediate importance, takes effect upon enactment.>
43 4. Title page, line 1, after <to> by inserting
44 <acquiring, carrying, and possessing weapons,
45 including>
46 5. Title page, line 4, after <prohibitions,> by
47 inserting <providing a penalty and a fee,>
48 6. By renumbering as necessary.

SHAW of Pocahontas

H-1646

1 Amend House File 595 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 103A.71 Residential
5 contractors.
6 1. As used in this section:
7 a. "Catastrophe" means a natural occurrence
8 including but not limited to fire, flood, drought,
9 earthquake, tornado, windstorm, or hailstorm, which
10 damages or destroys residential real estate.
11 b. "Residential contractor" means a person in the
12 business of contracting to repair or replace roof
13 systems or perform any other exterior repair, exterior
14 replacement, or exterior reconstruction work resulting
15 from a catastrophe on residential real estate or a
16 person offering to contract with an owner or possessor
17 of residential real estate to carry out such work.
18 c. "Residential real estate" means a new or existing
19 building, including a detached garage, constructed for
20 habitation by one to four families.
21 d. "Roof system" includes roof coverings, roof
22 sheathing, roof weatherproofing, and roof insulation.
23 2. A residential contractor shall not advertise

24 or promise to rebate any insurance deductible or
25 any portion thereof as an inducement to the sale of
26 goods or services. A promise to rebate any insurance
27 deductible includes granting any allowance or offering
28 any discount against the fees to be charged or
29 paying an insured or a person directly or indirectly
30 associated with the property any form of compensation,
31 except for items of nominal value. A residential
32 contractor may display a sign or other advertisement
33 on a person's residential property provided that the
34 person consents to the display and the person receives
35 no compensation from the residential contractor for the
36 placement of the sign or advertising.

37 3. A person who has entered into a written contract
38 with a residential contractor providing goods or
39 services to be paid from the proceeds of a property
40 and casualty insurance policy may cancel the contract
41 prior to midnight on the earlier of the third business
42 day after the person has received written notice from
43 the person's insurer that all or part of the claim or
44 contract is not a covered loss under the insurance
45 policy or the thirtieth business day after receipt
46 of properly executed proofs of loss by the insurer
47 from the insured. Cancellation shall be evidenced by
48 the person giving written notice of the cancellation
49 to the residential contractor at the address of the
50 residential contractor's place of business as stated

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1 in the contract. Written notice of cancellation
2 may be given by delivering or mailing a signed and
3 dated copy of the written notice of cancellation
4 to the residential contractor at the address of the
5 residential contractor's place of business as stated in
6 the contract. The notice of cancellation shall include
7 a copy of the written notice from the person's insurer
8 to the effect that all or part of the claim or contract
9 is not a covered loss under the insurance policy.
10 Notice of cancellation given by mail shall be effective
11 upon deposit into the United States mail with prepaid
12 postage, if properly addressed to the residential
13 contractor. Notice of cancellation need not take
14 a particular form, and is sufficient if the notice
15 indicates, by any form of written expression, the
16 intent of the insured not to be bound by the contract.

17 4. Before entering into a contract to provide goods
18 or services to be paid from the proceeds of a property
19 and casualty insurance policy, a residential contractor
20 shall provide the insured along with the contract
21 all of the following documents in substantially the
22 following form:

23 a. The following statement in at least ten-point
 24 bold type:
 25 **RIGHT OF CANCELLATION**
 26 You may cancel this contract at any time prior to
 27 midnight on the earlier of the third business day
 28 after you have received written notification from your
 29 insurer that all or any part of the claim or contract
 30 is not a covered loss under your insurance policy or
 31 the thirtieth business day after your insurer has
 32 received properly executed proofs of loss from you.
 33 See the attached notice of cancellation form for an
 34 explanation of this right.

35 b. A fully completed duplicate form which shall
 36 accompany the contract, shall be easily detachable, and
 37 which shall contain the following statement in at least
 38 ten-point bold type:
 39 **NOTICE OF CANCELLATION**
 40 You may cancel the contract by mailing or delivering
 41 a signed and dated copy of this cancellation notice
 42 or any other written notice of cancellation to (name
 43 of contractor) at (address of contractor's place of
 44 business) at any time prior to midnight on the earlier
 45 of the third business day after you have received
 46 notice from your insurer that all or any part of the
 47 claim or contract is not a covered loss under your
 48 insurance policy or the thirtieth business day after
 49 your insurer has received properly executed proofs
 50 of loss from you. If you cancel the contract, any

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1 payments made by you under the contract, other than
 2 payments for goods or services related to a catastrophe
 3 which you agreed in writing to be necessary to prevent
 4 damage to your property, will be returned to you within
 5 ten business days following receipt by the contractor
 6 of your cancellation notice.
 7 I hereby cancel this contract.

8 _____
 9 Date

10 _____
 11 Consumer's signature

12 5. Within ten days after a contract to provide
 13 goods or services to be paid from the proceeds of
 14 a property and casualty insurance policy has been
 15 canceled by notification pursuant to this section,
 16 the residential contractor shall tender to the person
 17 canceling the contract any payments, partial payments,
 18 or deposits made by the person and any note or other
 19 evidence of indebtedness. However, if the residential
 20 contractor has provided any goods or services related
 21 to a catastrophe, agreed by the person in writing to

22 be necessary to prevent damage to the premises, the
 23 residential contractor shall be entitled to be paid
 24 the reasonable value of such goods or services. Any
 25 provision in a contract to provide goods or services to
 26 be paid from the proceeds of a property and casualty
 27 insurance policy that requires the payment of any
 28 fee which is not for goods or services related to a
 29 catastrophe shall not be enforceable against any person
 30 who has canceled a contract pursuant to this section.

31 6. A residential contractor shall not represent
 32 or negotiate on behalf of, or offer or advertise
 33 to represent or negotiate on behalf of, an owner or
 34 possessor of residential real estate on any insurance
 35 claim in connection with the repair or replacement
 36 of roof systems, or the performance of any other
 37 exterior repair, exterior replacement, or exterior
 38 reconstruction work on the residential real estate.

39 7. A residential contractor violating this section
 40 is subject to the penalties and remedies prescribed by
 41 this chapter.

42 Sec. 2. APPLICABILITY. This Act applies to
 43 contracts entered into on or after the effective date
 44 of this Act.>

IVERSON of Wright

H-1647

1 Amend Senate File 482, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, after line 3 by inserting:

4 <DIVISION _____
 5 REPRESENTATION BY COUNTY ATTORNEY IN JUVENILE
 6 PROCEEDINGS

7 Sec. ____ LEGAL REPRESENTATION OF THE DEPARTMENT
 8 OF HUMAN SERVICES – STUDY. The department of human
 9 services shall consult with representatives of county
 10 attorneys, the office of the attorney general, and
 11 other stakeholders in performing a review of the role
 12 of the county attorney in representing the department
 13 of human services in juvenile proceedings under chapter
 14 232. The review shall include the issues addressed
 15 in House File 608, introduced by the committee on
 16 judiciary of the house of representatives during
 17 the 2011 Session, and other issues identified by
 18 stakeholders. The department shall report the results
 19 of the review along with findings and recommendations
 20 to the chairpersons and ranking members of the
 21 joint appropriations subcommittee on health and
 22 human services and of the committees on judiciary
 23 of the senate and house of representatives, and the

24 legislative services agency on or before December 15,
25 2011.>
26 2. By renumbering as necessary.

SCHULTE of Linn

H-1648

1 Amend Senate File 482, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by striking lines 3 and 4 and inserting:
4 <Sec. ____ Section 232.81, subsection 4, Code 2011,
5 is amended to read as follows:
6 4. A person or agency ~~shall not maintain any~~
7 possessing records with regard to a complaint filed
8 under division III of this chapter which is dismissed
9 without the filing of a petition ~~shall not retain the~~
10 records beyond the time the records are retained by
11 the court. This subsection does not apply to records
12 maintained pursuant to chapter 235A.>

SCHULTE of Linn

H-1649

1 Amend House File 682 as follows:
2 1. Page 22, line 17, by striking <thirty-fourth> and
3 inserting <thirty-fourth>
4 2. Page 23, line 10, by striking <avenue> and
5 inserting <street>
6 3. Page 57, line 4, after <Lincoln,> by inserting
7 <Madison,>
8 4. Page 61, line 3, after <along> by inserting <the
9 corporate limits of>

COWNIE of Polk

H-1650

1 Amend Senate File 261, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, before line 19 by inserting:
4 <Sec. ____ Section 423.1, subsection 37, paragraphs
5 b and c, Code 2011, are amended to read as follows:
6 b. The property is transferred to the user of
7 the service in connection with the performance of
8 the service in a form or quantity capable of a fixed
9 or definite price value, or the property is entirely
10 consumed in connection with the performance of the
11 service purchased by the ultimate user.
12 c. The sale is evidenced by a separate charge for
13 the identifiable piece of property unless the property

14 is entirely consumed in connection with the performance
15 of the service purchased by the ultimate user.>

16 2. Page 6, before line 13 by inserting:

17 <Sec. ____ Section 423.37, Code 2011, is amended to
18 read as follows:

19 423.37 Failure to file sales or use tax returns —
20 incorrect returns — auditing of records.

21 1. As soon as practicable after a return is filed
22 and in any event within three years after the return
23 is filed, the department shall examine it, assess and
24 determine the tax due if the return is found to be
25 incorrect, and give notice to the person liable for the
26 tax of the assessment and determination as provided
27 in subsection 2. The period for the examination and
28 determination of the correct amount of tax is ~~unlimited~~
29 ~~in the case of a false or fraudulent return made with~~
30 ~~the intent to evade tax or in the case of a failure to~~
31 ~~file a return~~ subject to the limitations in subsection
32 4.

33 2. a. If a return required by this subchapter is
34 not filed, or if a return when filed is incorrect or
35 insufficient and the maker fails to file a corrected
36 or sufficient return within twenty days after the
37 same is required by notice from the department, the
38 department shall determine the amount of tax due from
39 information as the department may be able to obtain
40 and, if necessary, may estimate the tax on the basis of
41 external indices, such as number of employees of the
42 person concerned, rentals paid by the person, stock on
43 hand, or other factors.

44 b. The determination may be made using any
45 generally recognized valid and reliable sampling
46 technique, whether or not the person being audited
47 has complete records, as mutually agreed upon by the
48 department and the taxpayer. The department shall give
49 notice of the determination to the person liable for
50 the tax.

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1 c. The determination shall fix the tax unless the
2 person against whom it is assessed shall, within sixty
3 days after the giving of notice of the determination,
4 apply to the director for a hearing or unless the
5 taxpayer contests the determination by paying the
6 tax, interest, and penalty and timely filing a claim
7 for refund. At the hearing, evidence may be offered
8 to support the determination or to prove that it is
9 incorrect. After the hearing the director shall give
10 notice of the decision to the person liable for the
11 tax.

12 3. a. The three-year period of limitation provided

13 in subsection 1 may be extended by a taxpayer by
14 signing a waiver agreement form to be provided by the
15 department.

16 b. The agreement shall stipulate the period of
17 extension and the tax period to which the extension
18 applies.

19 c. The agreement shall also provide that a claim
20 for refund may be filed by the taxpayer at any time
21 during the period of extension.

22 4. Subject to the limitations of paragraphs "a"
23 and "b", the department shall have the right and duty
24 to examine or cause to be examined the books, papers,
25 records, memoranda, or documents of a taxpayer to
26 verify the correctness of a return filed, estimate the
27 tax liability, and assess tax of any taxpayer.

28 a. If a return is filed as required under this
29 chapter, the right and duty of the department to
30 examined records and assess tax under this subsection
31 4 is limited to:

32 (1) The period beginning three years prior to and
33 ending on the due date of the return if there was
34 not willful neglect of the filing requirements by the
35 taxpayer.

36 (2) The period beginning seven years prior to and
37 ending three years after the due date of the return if
38 there was willful neglect of the filing requirements
39 by the taxpayer.

40 b. If a return is filed as required under this
41 chapter, the right and duty of the department to
42 examine records and assess tax is limited to:

43 (1) The period beginning one year prior to and
44 ending on the due date of the return if there was
45 no willful neglect of the filing requirements or no
46 substantial understatement of tax due by the taxpayer.

47 (2) The period beginning seven years prior to and
48 ending three years after the due date of the return if
49 there was willful neglect of the filing requirements or
50 substantial understatement of tax due by the taxpayer.

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1 c. For purposes of this subsection:

2 (1) "Willful neglect of the filing requirements by
3 the taxpayer" means action or inaction by the taxpayer
4 with the intent to evade tax.

5 (2) "Substantial understatement of tax by the
6 taxpayer" means the tax liability reported by the
7 taxpayer is 50 percent or less than the tax assessed
8 by the department.>

9 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS

H-1651

1 Amend House File 652 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 422.7, subsection 40, Code
4 2011, is amended to read as follows:
5 40. Subtract, to the extent included, active duty
6 pay received by a person in the national guard or armed
7 forces military reserve for service performed on or
8 after January 1, 2003, pursuant to military orders
9 related to Operation Iraqi Freedom, Operation New Dawn,
10 Operation Noble Eagle, and Operation Enduring Freedom.>
11 2. Page 1, by striking lines 8 through 10 and
12 inserting:
13 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
14 APPLICABILITY.
15 1. This Act, being deemed of immediate importance,
16 takes effect upon enactment.
17 2. The section of this Act amending section 422.7,
18 subsection 40, applies retroactively to January 1,
19 2010, for tax years beginning on or after that date.
20 3. The section of this Act enacting section 422.7,
21 subsection 42A, applies retroactively to January 1,
22 2011, for tax years beginning on or after that date.>
23 3. Title page, line 3, after <service> by inserting
24 <and service in Operation New Dawn>
25 4. Title page, line 3, after <including> by
26 inserting <effective date and>
27 5. By renumbering as necessary.

SANDS of Louisa

H-1652

1 Amend House File 254, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 8D.9, subsection 2, Code 2011,
6 is amended to read as follows:
7 2. a. A private or public agency, other than
8 a private college or university or a nonpublic
9 school, which certifies to the commission pursuant to
10 subsection 1 that the agency is a part of or intends
11 to become a part of the network shall use the network
12 for all video, data, and voice requirements of the
13 agency unless the private or public agency petitions
14 the commission for a waiver and one of the following
15 applies:
16 (1) The costs to the authorized user for services
17 provided on the network are not competitive with the
18 same services provided by another provider.

19 (2) The authorized user is under contract with
 20 another provider for such services, provided the
 21 contract was entered into prior to April 1, 1994. The
 22 agency shall use the network for video, data, and voice
 23 requirements which are not provided pursuant to such
 24 contract.

25 (3) The authorized user has entered into an
 26 agreement with the commission to become part of the
 27 network prior to June 1, 1994, which does not provide
 28 for use of the network for all video, data, and voice
 29 requirements of the agency. The commission may enter
 30 into an agreement described in this subparagraph upon
 31 a determination that the use of the network for all
 32 video, data, and voice requirements of the agency would
 33 not be in the best interests of the agency.

34 b. A private or public agency, other than a private
 35 college or university or a nonpublic school, shall
 36 petition the commission for a waiver of the requirement
 37 to use the network as provided in paragraph "a", if the
 38 agency determines that paragraph "a", subparagraph (1)
 39 or (2) applies. The commission shall establish by rule
 40 a review process for determining, upon application of
 41 an authorized user, whether paragraph "a", subparagraph
 42 (1) or (2) applies. An authorized user found by the
 43 commission to be under contract for such services as
 44 provided in paragraph "a", subparagraph (2), shall not
 45 enter into another contract upon the expiration of
 46 such contract, but shall utilize the network for such
 47 services as provided in this section unless paragraph
 48 "a", subparagraph (1), applies. A waiver approved by
 49 the commission may be for a period as requested by the
 50 private or public agency of up to three years.

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1 c. A private college or university or a nonpublic
 2 school which certifies to the commission pursuant to
 3 subsection 1 that the private college, university, or
 4 nonpublic school is a part of or intends to become
 5 a part of the network may use the network for its
 6 video, data, or voice requirements as determined by the
 7 private college or university or nonpublic school.>

8 2. Title page, by striking lines 1 and 2 and
 9 inserting <An Act modifying provisions relating to
 10 utilization of the Iowa communications network.>

SENATE AMENDMENT

H-1653

1 Amend House File 392, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 3, by striking lines 10 through 21.
 4 2. Page 3, lines 26 and 27, by striking
 5 <residential property> and inserting <principal
 6 residence>
 7 3. Page 3, after line 35 by inserting:
 8 <Sec. ____ Section 105.18, subsection 4, unnumbered
 9 paragraph 1, Code 2011, is amended to read as follows:
 10 Notwithstanding section 17A.9A, the board
 11 shall through December 31, 2009, waive the written
 12 examination requirements and prior experience
 13 requirements in subsection 2, paragraph "b",
 14 subparagraph (1), ~~subparagraph division (e), and~~
 15 subsection 2, paragraph "c", ~~subparagraph (3),~~ for a
 16 journeyperson or master license if the applicant meets
 17 either of the following requirements:
 18 Sec. ____ Section 105.18, Code 2011, is amended by
 19 adding the following new subsection:
 20 NEW SUBSECTION. 5. Waiver for military service.
 21 Notwithstanding section 17A.9A, the board shall
 22 waive the written examination requirements and prior
 23 experience requirements in subsection 2, paragraph "b",
 24 subparagraph (1), and subsection 2, paragraph "c", for
 25 a journeyperson or master license if the applicant
 26 meets all of the following requirements:
 27 a. Is an active or retired member of the United
 28 States military.
 29 b. Provides documentation that the applicant was
 30 deployed on active duty during any portion of the time
 31 period of July 1, 2008, through December 31, 2009.
 32 c. Provides documentation that shows the applicant
 33 has previously passed an examination which the board
 34 deems substantially similar to the examination
 35 for a journeyperson license or a master license,
 36 as applicable, issued by the board, or provides
 37 documentation that shows the applicant has previously
 38 been licensed by a state or local governmental
 39 jurisdiction in the same trade and trade level.>
 40 4. By renumbering as necessary.

SENATE AMENDMENT

H-1654

- 1 Amend Senate File 236, as passed by the Senate, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 80B.6, subsection 1, Code 2011,
 5 is amended to read as follows:
 6 1. ~~There is created the An Iowa law enforcement~~
 7 ~~academy council which shall consist is created~~
 8 consisting of the following ~~seven~~ thirteen voting
 9 members appointed by the governor, subject to

10 confirmation by the senate, to terms of four years
 11 commencing as provided in section 69.19:
 12 a. Three residents of the state.
 13 b. A sheriff of a county with a population of fifty
 14 thousand persons or more who is a member of the Iowa
 15 state sheriffs and deputies association.
 16 c. A sheriff of a county with a population of less
 17 than fifty thousand persons who is a member of the Iowa
 18 state sheriffs and deputies association.
 19 d. A deputy sheriff of a county who is a member of
 20 the Iowa state sheriffs and deputies association.
 21 e. A member of the Iowa peace officers association.
 22 f. A member of the Iowa state police association.
 23 g. A member of the Iowa police chiefs association.
 24 e. h. A police officer who is a member of a police
 25 department of a city with a population ~~larger than~~ of
 26 fifty thousand persons or more.
 27 ~~e.~~ i. A police officer who is a member of a police
 28 department of a city with a population of less than
 29 fifty thousand persons.
 30 e. j. A member of the department of public safety.
 31 k. A member of the office of motor vehicle
 32 enforcement of the department of transportation.>
 33 2. Title page, lines 1 and 2, by striking <the
 34 practices and procedures of the department of public
 35 safety including> and inserting <public safety
 36 including the Iowa law enforcement academy council,>
 37 3. By renumbering as necessary.

HAGENOW of Polk

H-1655

1 Amend House File 561 as follows:
 2 1. Page 1, by striking lines 19 through 22 and
 3 inserting <to consider altering existing electric
 4 generating facilities, where reasonable, to manage
 5 carbon emission intensity in order to facilitate
 6 the transition to a carbon-constrained environment
 7 facilities for improved emissions, where reasonable and
 8 economically feasible.>

WATTS of Dallas

H-1656

1 Amend the amendment, H-1621, to House File 672 as
 2 follows:
 3 1. Page 1, after line 3 by inserting:
 4 <___. Page 3, line 12, after <4.> by inserting <a.>
 5 ___. Page 3, line 16, before <The> by inserting
 6 <b.>>

7 2. Page 1, line 13, after <plant> by inserting
 8 <_ provided such a facility becomes operational on or
 9 before July 1, 2016. Notwithstanding subsection 3, in
 10 the event such a facility does not become operational
 11 on or before July 1, 2016, the sixteen megawatts
 12 of nameplate generating capacity reserved for such
 13 facilities shall cease to be reserved>

PAUSTIAN of Scott

H-1657

1 Amend the amendment, H-1356, to House File 561 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 20 and
 4 inserting:
 5 <__. Page 9, after line 23 by inserting:
 6 <Sec. __. Section 476A.7, subsection 1, paragraph
 7 b, Code 2011, is amended to read as follows:
 8 b. Gives the applicant the power of eminent domain
 9 to the extent and under such conditions as the board
 10 may approve, prescribe and find necessary for the
 11 public convenience, use and necessity, proceeding
 12 in the manner of works of internal improvement under
 13 chapter 6B. The burden of proving the necessity for the
 14 exercise of the power of eminent domain shall be on the
 15 person issued the certificate. This paragraph shall
 16 apply to an applicant for the construction of a nuclear
 17 generating facility to the same extent as an applicant
 18 for the construction of any other nonnuclear generating
 19 facility.>>

20 2. By renumbering as necessary.

KAUFMANN of Cedar

H-1658

1 Amend Senate File 517, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 FY 2011-2012
 7 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There
 8 is appropriated from the general fund of the state to
 9 the department of cultural affairs for the fiscal year
 10 beginning July 1, 2011, and ending June 30, 2012, the
 11 following amounts, or so much thereof as is necessary,
 12 to be used for the purposes designated:
 13 1. ADMINISTRATION
 14 a. For salaries, support, maintenance,
 15 miscellaneous purposes, and for not more than the

16 following full-time equivalent positions for the
 17 department:
 18 \$ 171,813
 19 FTEs 69.87
 20 b. The department of cultural affairs shall
 21 coordinate activities with the tourism office of
 22 the department of economic development to promote
 23 attendance at the state historical building and at this
 24 state's historic sites.
 25 c. Full-time equivalent positions authorized under
 26 this subsection shall be funded, in full or in part,
 27 using moneys appropriated under this subsection and
 28 subsections 2, 3, 4, 5, 6, and 8.
 29 2. HISTORICAL DIVISION
 30 For the support of the historical division:
 31 \$ 2,267,701
 32 3. HISTORIC SITES
 33 For the administration and support of historic
 34 sites:
 35 \$ 426,398
 36 4. ARTS DIVISION
 37 For the support of the arts division:
 38 \$ 933,764
 39 5. GREAT PLACES
 40 For the great places program:
 41 \$ 150,000
 42 6. ARCHIVE IOWA GOVERNORS' RECORDS
 43 For archiving the records of Iowa governors:
 44 \$ 5,000
 45 7. RECORDS CENTER RENT
 46 For payment of rent for the state records center:
 47 \$ 227,243
 48 8. BATTLE FLAGS
 49 For continuation of the project recommended by the
 50 Iowa battle flag advisory committee to stabilize the

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1 condition of the battle flag collection:
 2 \$ 5,000
 3 Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC
 4 DEVELOPMENT.
 5 1. For the fiscal year beginning July 1, 2011, the
 6 goals for the department of economic development shall
 7 be to expand and stimulate the state economy, increase
 8 the wealth of Iowans, and increase the population of
 9 the state.
 10 2. To achieve the goals in subsection 1, the
 11 department of economic development shall do all of the
 12 following for the fiscal year beginning July 1, 2011:
 13 a. Concentrate its efforts on programs and
 14 activities that result in commercially viable products

- 15 and services.
- 16 b. Adopt practices and services consistent with
- 17 free market, private sector philosophies.
- 18 c. Ensure economic growth and development
- 19 throughout the state.
- 20 d. Work with businesses and communities to
- 21 continually improve the economic development climate
- 22 along with the economic well-being and quality of life
- 23 for Iowans.
- 24 e. Coordinate with other state agencies to
- 25 ensure that they are attentive to the needs of an
- 26 entrepreneurial culture.
- 27 f. Establish a strong and aggressive marketing
- 28 image to showcase Iowa's workforce, existing industry,
- 29 and potential. A priority shall be placed on
- 30 recruiting new businesses, business expansion, and
- 31 retaining existing Iowa businesses. Emphasis shall be
- 32 placed on entrepreneurial development through helping
- 33 entrepreneurs secure capital, and developing networks
- 34 and a business climate conducive to entrepreneurs and
- 35 small businesses.
- 36 g. Encourage the development of communities and
- 37 quality of life to foster economic growth.
- 38 h. Prepare communities for future growth and
- 39 development through development, expansion, and
- 40 modernization of infrastructure.
- 41 i. Develop public-private partnerships with
- 42 Iowa businesses in the tourism industry, Iowa tour
- 43 groups, Iowa tourism organizations, and political
- 44 subdivisions in this state to assist in the development
- 45 of advertising efforts.
- 46 j. Develop, to the fullest extent possible,
- 47 cooperative efforts for advertising with contributions
- 48 from other sources.
- 49 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.
- 50 1. APPROPRIATION

Page 3

1 There is appropriated from the general fund of the
 2 state to the department of economic development for the
 3 fiscal year beginning July 1, 2011, and ending June
 4 30, 2012, the following amounts, or so much thereof as
 5 is necessary, to be used for the purposes designated
 6 in subsection 2, and for not more than the following
 7 full-time equivalent positions:

8	\$ 9,928,058
9	FTEs 149.00

10 2. DESIGNATED PURPOSES

- 11 a. For salaries, support, miscellaneous purposes,
- 12 programs, and the maintenance of an administration
- 13 division, a business development division, and a

14 community development division.

15 b. The full-time equivalent positions authorized
16 under this section shall be funded, in whole or in
17 part, by the moneys appropriated under subsection 1 or
18 by other moneys received by the department, including
19 certain federal moneys.

20 c. For transfer to the Iowa state commission grant
21 program.

22 d. For business development operations and
23 programs, the film office, international trade, export
24 assistance, workforce recruitment, and the partner
25 state program.

26 e. For transfer to the strategic investment fund.

27 f. For community economic development programs,
28 tourism operations, community assistance, plans
29 for Iowa green corps and summer youth programs,
30 the mainstreet and rural mainstreet programs, the
31 school-to-career program, the community development
32 block grant, and housing and shelter-related programs.

33 g. For achieving the goals and accountability,
34 fulfilling the requirements, and doing all other things
35 required under this Act.

36 3. NONREVERSION

37 Notwithstanding section 8.33, moneys appropriated in
38 subsection 1 that remain unencumbered or unobligated
39 at the close of the fiscal year shall not revert but
40 shall remain available for expenditure for the purposes
41 designated in subsection 2 until the close of the
42 succeeding fiscal year.

43 4. FINANCIAL ASSISTANCE RESTRICTIONS

44 a. A business creating jobs with economic
45 development assistance through moneys appropriated in
46 this section shall be subject to contract provisions
47 stating that new and retained jobs shall be filled
48 by individuals who are citizens of the United States
49 who reside within the United States or any person
50 authorized to work in the United States pursuant to

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1 federal law, including legal resident aliens in the
2 United States.

3 b. Any vendor who receives such public moneys shall
4 adhere to such contract provisions and provide periodic
5 assurances as the state shall require that the jobs
6 are filled solely by citizens of the United States
7 who reside within the United States or any person
8 authorized to work in the United States pursuant to
9 federal law, including legal resident aliens in the
10 United States.

11 c. A business that receives financial assistance
12 from the department from moneys appropriated in this

13 Act shall only employ individuals legally authorized
14 to work in this state. In addition to all other
15 applicable penalties provided by current law, all or
16 a portion of the assistance received by a business
17 which is found to knowingly employ individuals not
18 legally authorized to work in this state is subject to
19 recapture by the department.

20 5. USES OF APPROPRIATIONS

21 a. From the moneys appropriated in this section,
22 the department may provide financial assistance in the
23 form of a grant to a community economic development
24 entity for conducting a local workforce recruitment
25 effort designed to recruit former citizens of the state
26 and former students at colleges and universities in the
27 state to meet the needs of local employers.

28 b. From the moneys appropriated in this section,
29 the department may provide financial assistance to
30 early stage industry companies being established by
31 women entrepreneurs.

32 c. From the moneys appropriated in this section,
33 the department may provide financial assistance in the
34 form of grants, loans, or forgivable loans for advanced
35 research and commercialization projects involving
36 value-added agriculture, advanced technology, or
37 biotechnology.

38 6. WORLD FOOD PRIZE AWARD

39 a. Notwithstanding the standing limited
40 appropriation provided under section 15.368, subsection
41 1, an appropriation from the general fund of the state
42 to the department of economic development for the
43 fiscal year beginning July 1, 2011, and ending June 30,
44 2012, shall not be made for purposes of the world food
45 prize.

46 b. It is the intent of the general assembly to
47 reconsider in a future fiscal year the allocation of
48 moneys for the support of the world food prize award.

49 Sec. 4. VISION IOWA PROGRAM — FTE

50 AUTHORIZATION. For purposes of administrative duties

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1 associated with the vision Iowa program, the department
2 of economic development is authorized an additional
3 2.25 FTEs above those otherwise authorized in this Act.

4 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From
5 the moneys collected by the division of insurance in
6 excess of the anticipated gross revenues under section
7 505.7, subsection 3, during the fiscal year beginning
8 July 1, 2011, \$100,000 shall be transferred to the
9 department of economic development for insurance
10 economic development and international insurance
11 economic development.

12 Sec. 6. COMMUNITY DEVELOPMENT LOAN
 13 FUND. Notwithstanding section 15E.120, subsection
 14 5, there is appropriated from the Iowa community
 15 development loan fund all moneys available during the
 16 fiscal year beginning July 1, 2011, and ending June 30,
 17 2012, to the department of economic development for
 18 purposes of the community development program.

19 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is
 20 appropriated from the workforce development fund
 21 account created in section 15.342A to the workforce
 22 development fund created in section 15.343 for the
 23 fiscal year beginning July 1, 2011, and ending June
 24 30, 2012, the following amount, for purposes of the
 25 workforce development fund, and for not more than the
 26 following full-time equivalent positions:

27 \$ 4,000,000
 28 FTEs 4.00

29 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From
 30 moneys appropriated or transferred to or receipts
 31 credited to the workforce development fund created in
 32 section 15.343, up to \$400,000 for the fiscal year
 33 beginning July 1, 2011, and ending June 30, 2012, are
 34 appropriated to the department of economic development
 35 for the administration of workforce development
 36 activities including salaries, support, maintenance,
 37 and miscellaneous purposes, and for not more than the
 38 following full-time equivalent positions:

39 FTEs 4.00

40 Sec. 9. JOB TRAINING FUND. Notwithstanding section
 41 15.251, all moneys in the job training fund on July 1,
 42 2011, and any moneys appropriated or credited to the
 43 fund during the fiscal year beginning July 1, 2011,
 44 shall be transferred to the workforce development fund
 45 established pursuant to section 15.343.

46 Sec. 10. IOWA STATE UNIVERSITY.

47 1. There is appropriated from the general fund
 48 of the state to Iowa state university of science
 49 and technology for the fiscal year beginning July
 50 1, 2011, and ending June 30, 2012, the following

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1 amount, or so much thereof as is necessary, to be used
 2 for small business development centers, the science
 3 and technology research park, and the institute for
 4 physical research and technology, and for not more than
 5 the following full-time equivalent positions:

6 \$ 935,233
 7 FTEs 56.63

8 2. Of the moneys appropriated in subsection 1,
 9 Iowa state university of science and technology shall
 10 allocate at least \$935,233 for purposes of funding

11 small business development centers.
12 3. Iowa state university of science and technology
13 shall do all of the following:
14 a. Direct expenditures for research toward projects
15 that will provide economic stimulus for Iowa.
16 b. Provide emphasis to providing services to
17 Iowa-based companies.
18 4. a. It is the intent of the general assembly
19 that the industrial incentive program focus on Iowa
20 industrial sectors and seek contributions and in-kind
21 donations from businesses, industrial foundations, and
22 trade associations, and that moneys for the institute
23 for physical research and technology industrial
24 incentive program shall be allocated only for projects
25 which are matched by private sector moneys for directed
26 contract research or for nondirected research. The
27 match required of small businesses as defined in
28 section 15.102, subsection 6, for directed contract
29 research or for nondirected research shall be \$1 for
30 each \$3 of state funds. The match required for other
31 businesses for directed contract research or for
32 nondirected research shall be \$1 for each \$1 of state
33 funds. The match required of industrial foundations
34 or trade associations shall be \$1 for each \$1 of state
35 funds.
36 b. Iowa state university of science and technology
37 shall report annually to the joint appropriations
38 subcommittee on economic development and the
39 legislative services agency the total amount of
40 private contributions, the proportion of contributions
41 from small businesses and other businesses, and
42 the proportion for directed contract research and
43 nondirected research of benefit to Iowa businesses and
44 industrial sectors.
45 5. Notwithstanding section 8.33, moneys
46 appropriated in this section that remain unencumbered
47 or unobligated at the close of the fiscal year shall
48 not revert but shall remain available for expenditure
49 for the purposes designated until the close of the
50 succeeding fiscal year.

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1 Sec. 11. UNIVERSITY OF NORTHERN IOWA.
2 1. There is appropriated from the general fund of
3 the state to the university of northern Iowa for the
4 fiscal year beginning July 1, 2011, and ending June
5 30, 2012, the following amount, or so much thereof as
6 is necessary, to be used for the MyEntreNet internet
7 application, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions:

10 \$ 273,064
11 FTEs 3.06

12 2. The university of northern Iowa shall do all of
13 the following:

14 a. Direct expenditures for research toward projects
15 that will provide economic stimulus for Iowa.

16 b. Provide emphasis to providing services to
17 Iowa-based companies.

18 3. Notwithstanding section 8.33, moneys
19 appropriated in this section that remain unencumbered
20 or unobligated at the close of the fiscal year shall
21 not revert but shall remain available for expenditure
22 for the purposes designated until the close of the
23 succeeding fiscal year.

24 Sec. 12. BOARD OF REGENTS REPORT. By January
25 15, 2012, the state board of regents shall submit a
26 report on the progress of regents institutions in
27 meeting the strategic plan for technology transfer and
28 economic development to the secretary of the senate,
29 the chief clerk of the house of representatives, and
30 the legislative services agency.

31 Sec. 13. DEPARTMENT OF WORKFORCE
32 DEVELOPMENT. There is appropriated from the general
33 fund of the state to the department of workforce
34 development for the fiscal year beginning July 1, 2011,
35 and ending June 30, 2012, the following amounts, or
36 so much thereof as is necessary, for the purposes
37 designated:

38 1. DIVISION OF LABOR SERVICES

39 a. For the division of labor services, including
40 salaries, support, maintenance, miscellaneous
41 purposes, and for not more than the following full-time
42 equivalent positions:

43 \$ 3,495,440
44 FTEs 62.75

45 b. From the contractor registration fees, the
46 division of labor services shall reimburse the
47 department of inspections and appeals for all costs
48 associated with hearings under chapter 91C, relating
49 to contractor registration.

50 2. DIVISION OF WORKERS' COMPENSATION

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1 a. For the division of workers' compensation,
2 including salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:

5 \$ 2,267,788
6 FTEs 29.00

7 b. The division of workers' compensation shall
8 charge a \$100 filing fee for workers' compensation

9 cases. The filing fee shall be paid by the petitioner
10 of a claim. However, the fee can be taxed as a cost
11 and paid by the losing party, except in cases where
12 it would impose an undue hardship or be unjust under
13 the circumstances. The moneys generated by the filing
14 fee allowed under this subsection are appropriated to
15 the department of workforce development to be used for
16 purposes of administering the division of workers'
17 compensation.

18 3. WORKFORCE DEVELOPMENT OPERATIONS

19 a. For the operation of field offices, the
20 workforce development board, and for not more than the
21 following full-time equivalent positions:

22 \$ 9,707,042

23 FTEs 130.00

24 b. The department shall not reduce the number of
25 field offices being operated as of January 1, 2009.

26 4. OFFENDER REENTRY PROGRAM

27 a. For the development and administration of an
28 offender reentry program to provide offenders with
29 employment skills, and for not more than the following
30 full-time equivalent positions:

31 \$ 284,464

32 FTEs 3.00

33 b. The department shall partner with the department
34 of corrections to provide staff within the correctional
35 facilities to improve offenders' abilities to find and
36 retain productive employment.

37 5. Notwithstanding section 8.33, moneys
38 appropriated in this section that remain unencumbered
39 or unobligated at the close of the fiscal year shall
40 not revert but shall remain available for expenditure
41 for the purposes designated until the close of the
42 succeeding fiscal year.

43 Sec. 14. ACCOUNTABILITY — AUDIT. The auditor of
44 state shall annually conduct an audit of the department
45 of workforce development and shall report the findings
46 of such annual audit, including the accountability
47 of programs of the department, to the chairpersons
48 and ranking members of the joint appropriations
49 subcommittee on economic development. The department
50 shall pay for the costs associated with the audit.

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1 Sec. 15. EMPLOYMENT SECURITY CONTINGENCY FUND —
2 DIVISION OF WORKERS' COMPENSATION.

3 1. There is appropriated from the special
4 employment security contingency fund to the department
5 of workforce development for the fiscal year beginning
6 July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, for the

8 division of workers' compensation, salaries, support,
 9 maintenance, and miscellaneous purposes:
 10 \$ 471,000
 11 2. Any remaining additional penalty and interest
 12 revenue is appropriated to the department of
 13 workforce development to accomplish the mission of the
 14 department.

15 Sec. 16. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
 16 FUND — FIELD OFFICES. There is appropriated from the
 17 special employment security contingency fund to the
 18 department of workforce development for the fiscal year
 19 beginning July 1, 2011, and ending June 30, 2012, the
 20 following amount, or so much thereof as is necessary,
 21 to be used for field offices:

22 \$ 662,427

23 Sec. 17. UNEMPLOYMENT COMPENSATION RESERVE FUND
 24 — FIELD OFFICES. Notwithstanding section 96.9,
 25 subsection 8, paragraph "e", there is appropriated
 26 from interest earned on the unemployment compensation
 27 reserve fund to the department of workforce development
 28 for the fiscal year beginning July 1, 2011, and ending
 29 June 30, 2012, the following amount or so much thereof
 30 as is necessary, for the operation of field offices:

31 \$ 4,238,260

32 Sec. 18. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
 33 PROGRAM. There is appropriated from the general fund
 34 of the state to the department of workforce development
 35 for the fiscal year beginning July 1, 2011, and ending
 36 June 30, 2012, the following amount, or so much thereof
 37 as is necessary, to be used for enhancing efforts to
 38 investigate employers that misclassify workers and
 39 for not more than the following full-time equivalent
 40 positions:

41 \$ 451,458

42 FTEs 8.10

43 Sec. 19. APPROPRIATIONS RESTRICTED. The department
 44 of workforce development shall not use any of the
 45 moneys appropriated pursuant to this Act for purposes
 46 of the national career readiness certificate program.

47 Sec. 20. PUBLIC EMPLOYMENT RELATIONS BOARD.

48 1. There is appropriated from the general fund
 49 of the state to the public employment relations board
 50 for the fiscal year beginning July 1, 2011, and ending

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1 June 30, 2012, the following amount, or so much thereof
 2 as is necessary, for salaries, support, maintenance,
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions:
 5 \$ 1,057,871
 6 FTEs 9.00

7 2. Of the moneys appropriated in this section,
8 the board shall allocate \$15,000 for maintaining a
9 website that allows searchable access to a database of
10 collective bargaining information.

11 Sec. 21. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
12 section 96.9, subsection 4, paragraph "a", moneys
13 credited to the state by the secretary of the treasury
14 of the United States pursuant to section 903 of
15 the Social Security Act are appropriated to the
16 department of workforce development and shall be
17 used by the department for the administration of
18 the unemployment compensation program only. This
19 appropriation shall not apply to any fiscal year
20 beginning after December 31, 2011.

21 DIVISION II
22 FY 2012-2013

23 Sec. 22. DEPARTMENT OF CULTURAL AFFAIRS. There
24 is appropriated from the general fund of the state to
25 the department of cultural affairs for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the
27 following amounts, or so much thereof as is necessary,
28 to be used for the purposes designated:

29 1. ADMINISTRATION

30 a. For salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the
32 following full-time equivalent positions for the
33 department:

34 \$ 171,813
35 FTEs 69.87

36 b. The department of cultural affairs shall
37 coordinate activities with the tourism office of
38 the department of economic development to promote
39 attendance at the state historical building and at this
40 state's historic sites.

41 c. Full-time equivalent positions authorized under
42 this subsection shall be funded, in full or in part,
43 using moneys appropriated under this subsection and
44 subsections 2, 3, 4, 5, 6, and 8.

45 2. HISTORICAL DIVISION

46 For the support of the historical division:

47 \$ 1,767,701

48 3. HISTORIC SITES

49 For the administration and support of historic
50 sites:

Page 11

1 \$ 426,398

2 4. ARTS DIVISION

3 For the support of the arts division:

4 \$ 993,366

5 5. GREAT PLACES

6 For the great places program:
7 \$ 193,823
8 6. ARCHIVE IOWA GOVERNORS' RECORDS
9 For archiving the records of Iowa governors:
10 \$ 5,000
11 7. RECORDS CENTER RENT
12 For payment of rent for the state records center:
13 \$ 227,243
14 8. BATTLE FLAGS
15 For continuation of the project recommended by the
16 Iowa battle flag advisory committee to stabilize the
17 condition of the battle flag collection:
18 \$ 5,000
19 Sec. 23. GOALS AND ACCOUNTABILITY — ECONOMIC
20 DEVELOPMENT.
21 1. For the fiscal year beginning July 1, 2012, the
22 goals for the department of economic development shall
23 be to expand and stimulate the state economy, increase
24 the wealth of Iowans, and increase the population of
25 the state.
26 2. To achieve the goals in subsection 1, the
27 department of economic development shall do all of the
28 following for the fiscal year beginning July 1, 2012:
29 a. Concentrate its efforts on programs and
30 activities that result in commercially viable products
31 and services.
32 b. Adopt practices and services consistent with
33 free market, private sector philosophies.
34 c. Ensure economic growth and development
35 throughout the state.
36 d. Work with businesses and communities to
37 continually improve the economic development climate
38 along with the economic well-being and quality of life
39 for Iowans.
40 e. Coordinate with other state agencies to
41 ensure that they are attentive to the needs of an
42 entrepreneurial culture.
43 f. Establish a strong and aggressive marketing
44 image to showcase Iowa's workforce, existing industry,
45 and potential. A priority shall be placed on
46 recruiting new businesses, business expansion, and
47 retaining existing Iowa businesses. Emphasis shall be
48 placed on entrepreneurial development through helping
49 entrepreneurs secure capital, and developing networks
50 and a business climate conducive to entrepreneurs and

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1 small businesses.
2 g. Encourage the development of communities and
3 quality of life to foster economic growth.
4 h. Prepare communities for future growth and

5 development through development, expansion, and
6 modernization of infrastructure.

7 i. Develop public-private partnerships with
8 Iowa businesses in the tourism industry, Iowa tour
9 groups, Iowa tourism organizations, and political
10 subdivisions in this state to assist in the development
11 of advertising efforts.

12 j. Develop, to the fullest extent possible,
13 cooperative efforts for advertising with contributions
14 from other sources.

15 Sec. 24. DEPARTMENT OF ECONOMIC DEVELOPMENT.

16 1. APPROPRIATION

17 There is appropriated from the general fund of the
18 state to the department of economic development for the
19 fiscal year beginning July 1, 2012, and ending June
20 30, 2013, the following amounts, or so much thereof as
21 is necessary, to be used for the purposes designated
22 in subsection 2, and for not more than the following
23 full-time equivalent positions:

24 \$ 9,928,058

25 FTEs 149.00

26 2. DESIGNATED PURPOSES

27 a. For salaries, support, miscellaneous purposes,
28 programs, and the maintenance of an administration
29 division, a business development division, and a
30 community development division.

31 b. The full-time equivalent positions authorized
32 under this section shall be funded, in whole or in
33 part, by the moneys appropriated under subsection 1 or
34 by other moneys received by the department, including
35 certain federal moneys.

36 c. For transfer to the Iowa state commission grant
37 program.

38 d. For business development operations and
39 programs, the film office, international trade, export
40 assistance, workforce recruitment, and the partner
41 state program.

42 e. For transfer to the strategic investment fund.

43 f. For community economic development programs,
44 tourism operations, community assistance, plans
45 for Iowa green corps and summer youth programs,
46 the mainstreet and rural mainstreet programs, the
47 school-to-career program, the community development
48 block grant, and housing and shelter-related programs.

49 g. For achieving the goals and accountability,
50 fulfilling the requirements, and doing all other things

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1 required under this Act.

2 3. NONREVERSION

3 Notwithstanding section 8.33, moneys appropriated in

4 subsection 1 that remain unencumbered or unobligated
5 at the close of the fiscal year shall not revert but
6 shall remain available for expenditure for the purposes
7 designated in subsection 2 until the close of the
8 succeeding fiscal year.

9 4. FINANCIAL ASSISTANCE RESTRICTIONS

10 a. A business creating jobs with economic
11 development assistance through moneys appropriated in
12 this section shall be subject to contract provisions
13 stating that new and retained jobs shall be filled
14 by individuals who are citizens of the United States
15 who reside within the United States or any person
16 authorized to work in the United States pursuant to
17 federal law, including legal resident aliens in the
18 United States.

19 b. Any vendor who receives such public moneys shall
20 adhere to such contract provisions and provide periodic
21 assurances as the state shall require that the jobs
22 are filled solely by citizens of the United States
23 who reside within the United States or any person
24 authorized to work in the United States pursuant to
25 federal law, including legal resident aliens in the
26 United States.

27 c. A business that receives financial assistance
28 from the department from moneys appropriated in this
29 Act shall only employ individuals legally authorized
30 to work in this state. In addition to all other
31 applicable penalties provided by current law, all or
32 a portion of the assistance received by a business
33 which is found to knowingly employ individuals not
34 legally authorized to work in this state is subject to
35 recapture by the department.

36 5. USES OF APPROPRIATIONS

37 a. From the moneys appropriated in this section,
38 the department may provide financial assistance in the
39 form of a grant to a community economic development
40 entity for conducting a local workforce recruitment
41 effort designed to recruit former citizens of the state
42 and former students at colleges and universities in the
43 state to meet the needs of local employers.

44 b. From the moneys appropriated in this section,
45 the department may provide financial assistance to
46 early stage industry companies being established by
47 women entrepreneurs.

48 c. From the moneys appropriated in this section,
49 the department may provide financial assistance in the
50 form of grants, loans, or forgivable loans for advanced

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1 research and commercialization projects involving
2 value-added agriculture, advanced technology, or

3 biotechnology.

4 6. WORLD FOOD PRIZE

5 For allocating moneys for the world food prize and
6 notwithstanding the standing appropriation in section
7 15.368, subsection 1:

8 \$ 150,000

9 Sec. 25. VISION IOWA PROGRAM — FTE

10 AUTHORIZATION. For purposes of administrative duties
11 associated with the vision Iowa program, the department
12 of economic development is authorized an additional
13 2.25 FTEs above those otherwise authorized in this Act.

14 Sec. 26. INSURANCE ECONOMIC DEVELOPMENT. From

15 the moneys collected by the division of insurance in
16 excess of the anticipated gross revenues under section
17 505.7, subsection 3, during the fiscal year beginning
18 July 1, 2012, \$100,000 shall be transferred to the
19 department of economic development for insurance
20 economic development and international insurance
21 economic development.

22 Sec. 27. COMMUNITY DEVELOPMENT LOAN

23 FUND. Notwithstanding section 15E.120, subsection
24 5, there is appropriated from the Iowa community
25 development loan fund all moneys available during the
26 fiscal year beginning July 1, 2012, and ending June 30,
27 2013, to the department of economic development for
28 purposes of the community development program.

29 Sec. 28. WORKFORCE DEVELOPMENT FUND. There is

30 appropriated from the workforce development fund
31 account created in section 15.342A to the workforce
32 development fund created in section 15.343 for the
33 fiscal year beginning July 1, 2012, and ending June
34 30, 2013, the following amount, for purposes of the
35 workforce development fund, and for not more than the
36 following full-time equivalent positions:

37 \$ 4,000,000

38 FTEs 4.00

39 Sec. 29. WORKFORCE DEVELOPMENT

40 ADMINISTRATION. From moneys appropriated or
41 transferred to or receipts credited to the workforce
42 development fund created in section 15.343, up to
43 \$400,000 for the fiscal year beginning July 1,
44 2012, and ending June 30, 2013, are appropriated
45 to the department of economic development for the
46 administration of workforce development activities
47 including salaries, support, maintenance, and
48 miscellaneous purposes, and for not more than the
49 following full-time equivalent positions:

50 FTEs 4.00

1 Sec. 30. JOB TRAINING FUND. Notwithstanding
 2 section 15.251, all moneys in the job training fund on
 3 July 1, 2012, and any moneys appropriated or credited
 4 to the fund during the fiscal year beginning July 1,
 5 2012, shall be transferred to the workforce development
 6 fund established pursuant to section 15.343.

7 Sec. 31. IOWA STATE UNIVERSITY.

8 1. There is appropriated from the general fund
 9 of the state to Iowa state university of science
 10 and technology for the fiscal year beginning July
 11 1, 2012, and ending June 30, 2013, the following
 12 amount, or so much thereof as is necessary, to be used
 13 for small business development centers, the science
 14 and technology research park, and the institute for
 15 physical research and technology, and for not more than
 16 the following full-time equivalent positions:

17	\$ 935,233
18	FTEs 56.63

19 2. Of the moneys appropriated in subsection 1,
 20 Iowa state university of science and technology shall
 21 allocate at least \$935,233 for purposes of funding
 22 small business development centers.

23 3. Iowa state university of science and technology
 24 shall do all of the following:

- 25 a. Direct expenditures for research toward projects
- 26 that will provide economic stimulus for Iowa.
- 27 b. Provide emphasis to providing services to
- 28 Iowa-based companies.

29 4. a. It is the intent of the general assembly
 30 that the industrial incentive program focus on Iowa
 31 industrial sectors and seek contributions and in-kind
 32 donations from businesses, industrial foundations, and
 33 trade associations, and that moneys for the institute
 34 for physical research and technology industrial
 35 incentive program shall be allocated only for projects
 36 which are matched by private sector moneys for directed
 37 contract research or for nondirected research. The
 38 match required of small businesses as defined in
 39 section 15.102, subsection 6, for directed contract
 40 research or for nondirected research shall be \$1 for
 41 each \$3 of state funds. The match required for other
 42 businesses for directed contract research or for
 43 nondirected research shall be \$1 for each \$1 of state
 44 funds. The match required of industrial foundations
 45 or trade associations shall be \$1 for each \$1 of state
 46 funds.

47 b. Iowa state university of science and technology
 48 shall report annually to the joint appropriations
 49 subcommittee on economic development and the
 50 legislative services agency the total amount of

1 private contributions, the proportion of contributions
 2 from small businesses and other businesses, and
 3 the proportion for directed contract research and
 4 nondirected research of benefit to Iowa businesses and
 5 industrial sectors.

6 5. Notwithstanding section 8.33, moneys
 7 appropriated in this section that remain unencumbered
 8 or unobligated at the close of the fiscal year shall
 9 not revert but shall remain available for expenditure
 10 for the purposes designated until the close of the
 11 succeeding fiscal year.

12 Sec. 32. UNIVERSITY OF NORTHERN IOWA.

13 1. There is appropriated from the general fund of
 14 the state to the university of northern Iowa for the
 15 fiscal year beginning July 1, 2012, and ending June
 16 30, 2013, the following amount, or so much thereof as
 17 is necessary, to be used for the MyEntreNet internet
 18 application, including salaries, support, maintenance,
 19 miscellaneous purposes, and for not more than the
 20 following full-time equivalent positions:

21	\$ 273,064
22	FTEs 3.06

23 2. The university of northern Iowa shall do all of
 24 the following:

- 25 a. Direct expenditures for research toward projects
- 26 that will provide economic stimulus for Iowa.
- 27 b. Provide emphasis to providing services to
- 28 Iowa-based companies.

29 3. Notwithstanding section 8.33, moneys
 30 appropriated in this section that remain unencumbered
 31 or unobligated at the close of the fiscal year shall
 32 not revert but shall remain available for expenditure
 33 for the purposes designated until the close of the
 34 succeeding fiscal year.

35 Sec. 33. BOARD OF REGENTS REPORT. By January
 36 15, 2013, the state board of regents shall submit a
 37 report on the progress of regents institutions in
 38 meeting the strategic plan for technology transfer and
 39 economic development to the secretary of the senate,
 40 the chief clerk of the house of representatives, and
 41 the legislative services agency.

42 Sec. 34. DEPARTMENT OF WORKFORCE
 43 DEVELOPMENT. There is appropriated from the general
 44 fund of the state to the department of workforce
 45 development for the fiscal year beginning July 1, 2012,
 46 and ending June 30, 2013, the following amounts, or
 47 so much thereof as is necessary, for the purposes
 48 designated:

49 1. DIVISION OF LABOR SERVICES

- 50 a. For the division of labor services, including

1 salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-time
3 equivalent positions:

4 \$ 3,495,440
5 FTEs 62.75

6 b. From the contractor registration fees, the
7 division of labor services shall reimburse the
8 department of inspections and appeals for all costs
9 associated with hearings under chapter 91C, relating
10 to contractor registration.

11 2. DIVISION OF WORKERS' COMPENSATION

12 a. For the division of workers' compensation,
13 including salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-time
15 equivalent positions:

16 \$ 2,718,540
17 FTEs 29.00

18 b. The division of workers' compensation shall
19 charge a \$100 filing fee for workers' compensation
20 cases. The filing fee shall be paid by the petitioner
21 of a claim. However, the fee can be taxed as a cost
22 and paid by the losing party, except in cases where
23 it would impose an undue hardship or be unjust under
24 the circumstances. The moneys generated by the filing
25 fee allowed under this subsection are appropriated to
26 the department of workforce development to be used for
27 purposes of administering the division of workers'
28 compensation.

29 3. WORKFORCE DEVELOPMENT OPERATIONS

30 a. For the operation of field offices, the
31 workforce development board, and for not more than the
32 following full-time equivalent positions:

33 \$ 10,207,042
34 FTEs 130.00

35 b. The department shall not reduce the number of
36 field offices being operated as of January 1, 2009.

37 4. OFFENDER REENTRY PROGRAM

38 a. For the development and administration of an
39 offender reentry program to provide offenders with
40 employment skills, and for not more than the following
41 full-time equivalent positions:

42 \$ 284,464
43 FTEs 3.00

44 b. The department shall partner with the department
45 of corrections to provide staff within the correctional
46 facilities to improve offenders' abilities to find and
47 retain productive employment.

48 5. Notwithstanding section 8.33, moneys
49 appropriated in this section that remain unencumbered
50 or unobligated at the close of the fiscal year shall

1 not revert but shall remain available for expenditure
2 for the purposes designated until the close of the
3 succeeding fiscal year.

4 Sec. 35. ACCOUNTABILITY — AUDIT. The auditor of
5 state shall annually conduct an audit of the department
6 of workforce development and shall report the findings
7 of such annual audit, including the accountability
8 of programs of the department, to the chairpersons
9 and ranking members of the joint appropriations
10 subcommittee on economic development. The department
11 shall pay for the costs associated with the audit.

12 Sec. 36. EMPLOYMENT SECURITY CONTINGENCY FUND —
13 DIVISION OF WORKERS' COMPENSATION.

14 1. There is appropriated from the special
15 employment security contingency fund to the department
16 of workforce development for the fiscal year beginning
17 July 1, 2012, and ending June 30, 2013, the following
18 amount, or so much thereof as is necessary, for the
19 division of workers' compensation, salaries, support,
20 maintenance, and miscellaneous purposes:
21 \$ 471,000

22 2. Any remaining additional penalty and interest
23 revenue is appropriated to the department of
24 workforce development to accomplish the mission of the
25 department.

26 Sec. 37. SPECIAL EMPLOYMENT SECURITY CONTINGENCY

27 FUND — FIELD OFFICES. There is appropriated from the
28 special employment security contingency fund to the
29 department of workforce development for the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, the
31 following amount, or so much thereof as is necessary,
32 to be used for field offices:

33 \$ 662,427

34 Sec. 38. UNEMPLOYMENT COMPENSATION RESERVE FUND

35 — FIELD OFFICES. Notwithstanding section 96.9,
36 subsection 8, paragraph "e", there is appropriated
37 from interest earned on the unemployment compensation
38 reserve fund to the department of workforce development
39 for the fiscal year beginning July 1, 2012, and ending
40 June 30, 2013, the following amount or so much thereof
41 as is necessary, for the operation of field offices:

42 \$ 1,200,000

43 Sec. 39. GENERAL FUND — EMPLOYEE MISCLASSIFICATION

44 PROGRAM. There is appropriated from the general fund
45 of the state to the department of workforce development
46 for the fiscal year beginning July 1, 2012, and ending
47 June 30, 2013, the following amount, or so much thereof
48 as is necessary, to be used for enhancing efforts to
49 investigate employers that misclassify workers and
50 for not more than the following full-time equivalent

1 positions:
 2 \$ 521,458
 3 FTEs 9.10
 4 Sec. 40. APPROPRIATIONS RESTRICTED. The department
 5 of workforce development shall not use any of the
 6 moneys appropriated pursuant to this Act for purposes
 7 of the national career readiness certificate program.

8 Sec. 41. PUBLIC EMPLOYMENT RELATIONS BOARD.
 9 1. There is appropriated from the general fund
 10 of the state to the public employment relations board
 11 for the fiscal year beginning July 1, 2012, and ending
 12 June 30, 2013, the following amount, or so much thereof
 13 as is necessary, for salaries, support, maintenance,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:
 16 \$ 1,210,871
 17 FTEs 10.00

18 2. Of the moneys appropriated in this section,
 19 the board shall allocate \$15,000 for maintaining a
 20 website that allows searchable access to a database of
 21 collective bargaining information.

22 Sec. 42. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 23 section 96.9, subsection 4, paragraph "a", moneys
 24 credited to the state by the secretary of the treasury
 25 of the United States pursuant to section 903 of
 26 the Social Security Act are appropriated to the
 27 department of workforce development and shall be
 28 used by the department for the administration of
 29 the unemployment compensation program only. This
 30 appropriation shall not apply to any fiscal year
 31 beginning after December 31, 2012.>

32 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

H-1659

1 Amend Senate Concurrent Resolution 7, as passed by
 2 the Senate, as follows:

3 1. Page 2, by striking lines 11 through 19 and
 4 inserting:

5 <1. All lobbyists shall register with the chief
 6 clerk of the house and secretary of the senate on or
 7 before the day their lobbying activity begins. In>

8 2. Page 2, line 23, after <interested,> by
 9 inserting <and a declaration of>

10 3. By striking page 2, line 30, through page 3,
 11 line 5, and inserting:

12 <2. A declaration on a bill, resolution, or study
 13 bill shall be filed prior to the lobbyist advocating

14 for or against the bill, resolution, or study bill
 15 or stating that the lobbyist's client is undecided.
 16 If such a prior declaration is impracticable, a
 17 declaration shall be made within one working day
 18 of the commencement of advocating for or against
 19 the bill, resolution, or study bill or stating that
 20 the lobbyist's client is undecided. A change to a
 21 declaration for a bill, resolution, or study bill shall
 22 be filed within one working day of when the change
 23 becomes effective.>

COMMITTEE ON ETHICS

H-1660

1 Amend the amendment, H-1658, to Senate File 517,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 5 and 6.
 5 2. By striking page 10, line 21, through page 19,
 6 line 31.
 7 3. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1661

1 Amend House File 673 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 427A.1, subsection 1, paragraph
 5 h, Code 2011, is amended by striking the paragraph and
 6 inserting in lieu thereof the following:
 7 h. Property assessed by the department of revenue
 8 pursuant to any of the following:
 9 (1) Sections 428.24 to 428.29.
 10 (2) Chapter 433 if such property is owned by a
 11 qualifying local exchange carrier, as defined in
 12 section 433.16.
 13 (3) Chapter 433 if such property is not owned by
 14 a qualifying local exchange carrier, as defined in
 15 section 433.16, and was first assessed for taxation in
 16 this state before January 1, 1996.
 17 (4) Chapter 434.
 18 (5) Chapter 437.
 19 (6) Chapter 437A.
 20 (7) Chapter 438.
 21 Sec. 2. Section 433.4, Code 2011, is amended to
 22 read as follows:
 23 433.4 Assessment.
 24 1. The Except as otherwise provided in section
 25 433.16, the director of revenue shall on or before
 26 October 31 each year, proceed to find the actual value

27 of the property of these companies in this state that
28 are not qualifying local exchange carriers as defined
29 in section 433.16, taking into consideration the
30 information obtained from the statements required, and
31 any further information the director can obtain, ~~using~~
32 ~~the same as a means for determining the actual cash~~
33 ~~value of the property of these companies within this~~
34 ~~state.~~

35 2. The For company property that was first assessed
36 for taxation in this state before January 1, 1996,
37 the director shall also take into consideration
38 the information described in subsection 1 and
39 the valuation of all property of these companies,
40 including franchises and the use of the property in
41 connection with lines outside the state, and making
42 these deductions as may be necessary on account of
43 extra value of property outside the state as compared
44 with the value of property in the state, in order
45 that the actual cash value of the property of the
46 company within this state may be ascertained. The
47 assessment shall include all property of every kind and
48 character whatsoever, real, personal, or mixed, used
49 by the companies in the transaction of telegraph and
50 telephone business; and the property so included in the

Page 2

1 assessment shall not be taxed in any other manner than
2 as provided in this chapter.

3 3. For company property that was first assessed for
4 taxation in this state on or after January 1, 1996, and
5 not otherwise assessed under section 476.1D, subsection
6 10, the director shall determine the value of such
7 property within this state as follows:

8 a. For the assessment years beginning on or after
9 January 1, 2012, but before January 1, 2018, the value
10 of such property for each company shall equal the sum
11 of the value of the property assessed in the manner
12 as all other property assessed as commercial property
13 pursuant to chapters 427, 427A, 427B, 428, and 441,
14 and the telecommunications company adjustment for the
15 applicable assessment year.

16 b. Each company's base value shall be the total
17 assessed value of such company property assessed
18 pursuant to section 433.4, Code 2011, for the
19 assessment year beginning January 1, 2011. However,
20 if the company adds or disposes of an amount of
21 such property exceeding ten percent of the company's
22 assessed value of such property for the assessment year
23 beginning January 1, 2011, or ten percent of the base
24 value most recently adjusted under this paragraph, the
25 company's base value shall be adjusted to reflect those

26 additions or dispositions.

27 c. The telecommunications company adjustment shall
28 be determined as follows:

29 (1) For the assessment year beginning January 1,
30 2012, the telecommunications company adjustment shall
31 equal eighty-five percent of the difference between
32 the company's base value and the assessed value of
33 such company property when assessed in the same manner
34 as all other property assessed as commercial property
35 under chapters 427, 427A, 427B, 428, and 441.

36 (2) For the assessment year beginning January 1,
37 2013, the telecommunications company adjustment shall
38 equal seventy percent of the difference between the
39 company's base value and the assessed value of such
40 company property when assessed in the same manner as
41 all other property assessed as commercial property
42 under chapters 427, 427A, 427B, 428, and 441.

43 (3) For the assessment year beginning January 1,
44 2014, the telecommunications company adjustment shall
45 equal fifty-five percent of the difference between the
46 company's base value and the assessed value of such
47 company property when assessed in the same manner as
48 all other property assessed as commercial property
49 under chapters 427, 427A, 427B, 428, and 441.

50 (4) For the assessment year beginning January 1,

Page 3

1 2015, the telecommunications company adjustment shall
2 equal forty percent of the difference between the
3 company's base value and the assessed value of such
4 company property when assessed in the same manner as
5 all other property assessed as commercial property
6 under chapters 427, 427A, 427B, 428, and 441.

7 (5) For the assessment year beginning January 1,
8 2016, the telecommunications company adjustment shall
9 equal twenty-five percent of the difference between
10 the company's base value and the assessed value of
11 such company property when assessed in the same manner
12 as all other property assessed as commercial property
13 under chapters 427, 427A, 427B, 428, and 441.

14 (6) For the assessment year beginning January
15 1, 2017, the telecommunications company adjustment
16 shall equal ten percent of the difference between the
17 company's base value and the assessed value of such
18 company property when assessed in the same manner as
19 all other property assessed as commercial property
20 under chapters 427, 427A, 427B, 428, and 441.

21 d. For the assessment year beginning January
22 1, 2018, and each assessment year thereafter, such
23 property shall be assessed by the director of revenue
24 in the same manner as all other property assessed

25 as commercial property by the local assessor under
 26 chapters 427, 427A, 427B, 428, and 441.
 27 Sec. 3. NEW SECTION. 433.16 Qualifying local
 28 exchange carriers — assessment.
 29 For assessment years beginning on or after January
 30 1, 2012, the property of qualifying local exchange
 31 carriers shall be assessed for taxation by the director
 32 of revenue under the provisions of section 433.4, Code
 33 2011. For purposes of this section, "qualifying local
 34 exchange carrier" means a telecommunications company
 35 that provides local exchange service and has less than
 36 fifty thousand customer access lines located in this
 37 state.
 38 Sec. 4. Section 476.1D, subsection 10, unnumbered
 39 paragraph 2, Code 2011, is amended by striking the
 40 unnumbered paragraph.
 41 Sec. 5. EFFECTIVE DATE.
 42 1. Except as provided in subsection 2, this Act
 43 takes effect July 1, 2011.
 44 2. The section of this Act amending section 476.1D
 45 takes effect July 1, 2017.
 46 Sec. 6. APPLICABILITY.
 47 1. Except as provided in subsection 2, this Act
 48 applies to assessment years beginning on or after
 49 January 1, 2012.
 50 2. The section of this Act amending section 476.1D

Page 4

1 applies to assessment years beginning on or after
 2 January 1, 2018.>
 3 2. Title page, by striking lines 1 through 3
 4 and inserting <An Act relating to the assessment of
 5 telecommunications company property for purposes of
 6 property taxation, and including effective date and
 7 applicability provisions.>

SANDS of Louisa

H-1662

1 Amend House File 651, as passed by the House, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <DIVISION I
 5 CIVIL WAR SESQUICENTENNIAL AND FALLEN PEACE OFFICERS
 6 PLATES>
 7 2. Page 1, line 2, by striking <subsection> and
 8 inserting <subsections>
 9 3. Page 1, after line 20 by inserting:
 10 <NEW SUBSECTION. 26. Fallen peace officers plates.
 11 a. Upon application and payment of the proper fees,

12 the director may issue fallen peace officers plates to
13 an owner of a motor vehicle referred to in subsection
14 12.

15 b. Fallen peace officers plates shall be designed
16 by the department in consultation with the department
17 of public safety and concerns of police survivors, inc.

18 c. The special fee for letter-number designated
19 fallen peace officers plates is thirty-five dollars.
20 The fee for personalized fallen peace officers
21 plates is twenty-five dollars, which shall be paid
22 in addition to the special fallen peace officers
23 fee of thirty-five dollars. The fees collected by
24 the director under this subsection shall be paid
25 monthly to the treasurer of state and deposited in
26 the road use tax fund. The treasurer of state shall
27 transfer monthly from the statutory allocations fund
28 created under section 321.145, subsection 2, to the
29 department of public safety the amount of the special
30 fees collected in the previous month for the fallen
31 peace officers plates and such funds are appropriated
32 to the department of public safety. The department
33 of public safety shall distribute one hundred percent
34 of the funds received monthly in the form of grants
35 to nonprofit organizations that provide resources to
36 assist in the rebuilding of the lives of surviving
37 families and affected coworkers of law enforcement
38 officers killed in the line of duty. In the awarding
39 of grants, the department of public safety shall give
40 first consideration to concerns of police survivors,
41 inc., and similar nonprofit organizations providing
42 such resources. Notwithstanding section 8.33, moneys
43 transferred under this subsection shall not revert to
44 the general fund of the state.

45 d. Upon receipt of the special registration plates,
46 the applicant shall surrender the current registration
47 plates to the county treasurer. The county treasurer
48 shall validate the special registration plates in
49 the same manner as regular registration plates are
50 validated under this section. The annual special

Page 2

1 fallen peace officers fee for letter-number designated
2 plates is ten dollars, which shall be paid in addition
3 to the regular annual registration fee. The annual
4 special fee for personalized fallen peace officers
5 plates is five dollars, which shall be paid in addition
6 to the annual special fallen peace officers fee and
7 the regular annual registration fee. The annual
8 special fallen peace officers fee shall be credited and
9 transferred as provided under paragraph "c".>
10 4. Page 1, line 27, by striking <and 25> and

11 inserting <25, and 26>

12 5. Page 1, after line 28 by inserting:

13 <DIVISION _____

14 MILITARY COMBAT PLATES

15 Sec. ____ Section 35A.11, Code 2011, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 8A. Combat infantryman badge,
18 combat action badge, combat action ribbon, air force
19 combat action medal, and combat medical badge plates
20 issued pursuant to section 321.34, subsection 20C.

21 Sec. ____ Section 321.34, Code 2011, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 20C. Combat infantryman badge,
24 combat action badge, combat action ribbon, air force
25 combat action medal, and combat medical badge plates.

26 a. An owner referred to in subsection 12 who was
27 awarded a combat infantryman badge, combat action
28 badge, combat action ribbon, air force combat action
29 medal, or combat medical badge by the United States
30 government may, upon written application to the
31 department and presentation of satisfactory proof of
32 the award, order special registration plates with a
33 combat infantryman badge, combat action badge, combat
34 action ribbon, air force combat action medal, or combat
35 medical badge processed emblem. The emblems shall be
36 designed by the department in consultation with the
37 adjutant general. The special plate fees collected
38 by the director under subsection 12, paragraphs "a"
39 and "c", from the issuance and annual validation of
40 letter-number designated and personalized combat
41 infantryman badge, combat action badge, combat action
42 ribbon, air force combat action medal, and combat
43 medical badge plates shall be paid monthly to the
44 treasurer of state and deposited in the road use tax
45 fund. The treasurer of state shall transfer monthly
46 from the statutory allocations fund created under
47 section 321.145, subsection 2, to the veterans license
48 fee fund created in section 35A.11 the amount of the
49 special fees collected under subsection 12, paragraph
50 "a", in the previous month for combat infantryman

Page 3

1 badge, combat action badge, combat action ribbon, air
2 force combat action medal, and combat medical badge
3 plates.

4 b. The surviving spouse of a person who was issued
5 special plates under this subsection may continue
6 to use or apply for and use the special plates
7 subject to registration of the special plates in
8 the surviving spouse's name and upon payment of the
9 annual five-dollar special plate fee and the regular

10 annual registration fee for the vehicle. If the
 11 surviving spouse remarries, the surviving spouse shall
 12 return the special plates to the department and the
 13 department shall issue regular registration plates to
 14 the surviving spouse.

15 Sec. ____ Section 321.145, subsection 2, paragraph
 16 b, subparagraph (3), Code 2011, is amended to read as
 17 follows:

18 (3) The amounts required to be transferred pursuant
 19 to section 321.34 from revenues available under
 20 this subsection shall be transferred and credited as
 21 provided in section 321.34, subsections 7, 10, 10A, 11,
 22 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, ~~20C~~, 21,
 23 22, 23, and 24 for the various purposes specified in
 24 those subsections.

25 Sec. ____ EFFECTIVE DATE. This division of this
 26 Act takes effect January 1, 2012.>

27 6. Title page, line 2 and 3, by striking <plate,
 28 establishing fees, and making an appropriation> and
 29 inserting <plate, special fallen peace officers plates,
 30 and special military combat plates, establishing fees,
 31 making appropriations, and including effective date
 32 provisions>

33 7. By renumbering as necessary.

SENATE AMENDMENT

H-1663

1 Amend Senate File 493, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. Section 499B.15, subsection 2, Code
 6 2011, is amended to read as follows:

7 2. a. If the form of administration is a board
 8 of administration, board meetings must be open to
 9 all apartment owners except for meetings between the
 10 board and its attorney with respect to proposed or
 11 pending litigation where the contents of the discussion
 12 would otherwise be governed by the attorney-client
 13 privilege. Notice of each board meeting must be mailed
 14 or delivered to each apartment owner and to each member
 15 of the board at least seven days before the meeting.
 16 Each notice shall contain the date, time, place, and
 17 purpose of the meeting. Minutes of meetings of the
 18 board of administration must be maintained in written
 19 form or in another form that can be converted into
 20 written form within a reasonable time. The official
 21 records of the board of administration must be open to
 22 inspection and available for photocopying at reasonable
 23 times and places. Any action taken by a board of

24 administration at a meeting that is in violation of any
25 of the provisions of this subsection is not valid or
26 enforceable.
27 b. An apartment owner may seek judicial enforcement
28 of the requirements of this subsection within six
29 months of the alleged violation. Suits to enforce
30 this subsection shall be brought in the district court
31 for the county in which the declaration under section
32 499B.3 was filed. In any judicial action, the board
33 shall have the burden of proving that the requirements
34 of this subsection have been met. If a board fails to
35 prove by a preponderance of the evidence that the board
36 complied with the requirements of this subsection, the
37 court shall:
38 (1) Award costs and reasonable attorney fees to the
39 prevailing party.
40 (2) Issue an order declaring any action taken by
41 the board at a meeting that violated this subsection
42 invalid and unenforceable.
43 (3) If the court determines that a violation of
44 this subsection is likely or about to occur, enjoin the
45 board from committing the violation.
46 Sec. 2. Section 504.823, Code 2011, is amended to
47 read as follows:
48 504.823 Call and notice of meetings.
49 1. Unless the articles or bylaws of a corporation,
50 or subsection 3 or 5, ~~provide~~ provides otherwise,

Page 2

1 regular meetings of the board may be held without
2 notice.
3 2. Unless the articles, bylaws, or subsection 3 or
4 ~~5 provide~~ provides otherwise, special meetings of the
5 board must be preceded by at least two days' notice to
6 each director of the date, time, and place, but not the
7 purpose, of the meeting.
8 3. In corporations without members, any board
9 action to remove a director or to approve a matter
10 which would require approval by the members if the
11 corporation had members shall not be valid unless each
12 director is given at least seven days' written notice
13 that the matter will be voted upon at a directors'
14 meeting or unless notice is waived pursuant to section
15 504.824.
16 4. Unless the articles or bylaws provide otherwise,
17 the presiding officer of the board, the president, or
18 twenty percent of the directors then in office may call
19 and give notice of a meeting of the board.
20 5. a. Notwithstanding any provision of this
21 chapter to the contrary, homeowners' association
22 board meetings shall be open to all members except

23 for meetings between the board and its attorney with
24 respect to proposed or pending litigation where the
25 contents of the discussion would otherwise be governed
26 by the attorney-client privilege. Notice of each board
27 meeting shall be mailed or delivered to each member
28 and to each director at least seven days before the
29 meeting. Each notice shall contain the date, time,
30 place, and purpose of the meeting. Any action taken
31 by a board at a meeting that is in violation of any
32 of the provisions of this subsection is not valid or
33 enforceable.

34 b. A member may seek judicial enforcement of the
35 requirements of this subsection within six months
36 of the alleged violation. Suits to enforce this
37 subsection shall be brought in the district court
38 for the county in which a majority of the area of
39 real estate governed by the homeowners' association
40 is located. In any judicial action, the homeowners'
41 association board shall have the burden of proving
42 that the requirements of this subsection have been
43 met. If a homeowners' association fails to prove by
44 a preponderance of the evidence that the homeowners'
45 association complied with the requirements of this
46 subsection, the court shall:

47 (1) Award costs and reasonable attorney fees to the
48 prevailing party.

49 (2) Issue an order declaring any action taken by
50 the homeowners' association board at a meeting that

Page 3

1 violated this subsection invalid and unenforceable.
2 (3) If the court determines that a violation of
3 this subsection is likely or about to occur, enjoin the
4 homeowners' association from committing the violation.
5 c. For purposes of this subsection, "homeowners'
6 association" means a corporation responsible for
7 the administration and operation of an area of real
8 property comprised of land and buildings used primarily
9 for human habitation, whose membership consists of
10 parcel owners or their agents, and, as a condition
11 of parcel ownership, membership in the corporation is
12 mandatory.

13 Sec. 3. APPLICABILITY. This Act applies to
14 homeowners' association board meetings and horizontal
15 property regime board of administration meetings
16 occurring on or after July 8, 2011.>

17 2. Title page, by striking lines 1 and 2 and
18 inserting <An Act relating to the meetings and

19 actions of the governing boards of certain nonprofit
20 corporations and horizontal property regimes and
21 including applicability provisions.>

HAGENOW of Polk

H-1664

1 Amend House File 456 as follows:
2 1. Page 4, line 33, by striking <paragraph> and
3 inserting <paragraphs>
4 2. Page 5, after line 3 by inserting:
5 <NEW PARAGRAPH. 1. Require a public library that
6 receives state funds to adopt a policy that addresses
7 limiting access to electronic media, videos, or video
8 game resources by a child under seventeen years of age
9 if the media, video, or resource has been assigned
10 a rating of R or NC-17, or a comparable rating, by
11 the motion picture association of America, the film
12 advisory board, or the entertainment software rating
13 board.>
14 3. Page 10, line 5, by striking <co-operate> and
15 inserting <co-operate cooperate>
16 4. By renumbering as necessary.

KOESTER of Polk

H-1665

1 Amend Senate File 410, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, after line 10 by inserting:
4 <NEW PARAGRAPH. m. Allow a public library that
5 receives state assistance under section 256.57, or
6 financial support from a city or county pursuant
7 to section 256.69, to dispose of, through sale,
8 conveyance, or exchange, any library materials that may
9 be obsolete or worn out or that may no longer be needed
10 or appropriate to the mission of the public library.
11 These materials may be sold by the public library
12 directly or the governing body of the public library
13 may sell the materials by consignment to a public
14 agency or to a private agency organized to raise funds
15 solely for support of the public library. Proceeds
16 from the sale of the library materials may be remitted
17 to the public library and may be used by the public
18 library for the purchase of books and other library
19 materials or equipment, or for the provision of library
20 services.>
21 2. By renumbering as necessary.

COWNIE of Polk

H-1666

- 1 Amend Senate File 410, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 6, after <librarian.> by inserting
 4 <In the event that the remaining assets and liabilities
 5 cannot be transferred to the state librarian, the board
 6 of directors of a library service area shall liquidate
 7 all assets, settle existing liabilities, and transfer
 8 remaining moneys to the general fund of the state. In
 9 addition, all fund balances from appropriations of
 10 state funds allocated to the library service areas
 11 remaining unobligated and unencumbered on the date of
 12 the transfer shall be transferred to the general fund
 13 of the state.>
- 14 2. Page 8, line 12, after <office.> by inserting
 15 <However, the number of district offices established
 16 to provide services pursuant to this section shall not
 17 exceed six.>
- 18 3. Page 11, after line 29 by inserting:
 19 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 20 being deemed of immediate importance, takes effect upon
 21 enactment.>
- 22 4. Title page, line 3, after <areas> by inserting
 23 <, and including effective date provisions>
- 24 5. By renumbering as necessary.

KOESTER of Polk

H-1667

- 1 Amend House File 671 as follows:
- 2 1. Page 7, after line 26 by inserting:
- 3 <DIVISION _____
 4 MUNICIPAL UTILITY REPLACEMENT TAX APPLICATION
 5 Sec. ____ MUNICIPAL UTILITIES — REPLACEMENT TAX —
 6 IMPLEMENTATION STUDY.
- 7 1. The department of revenue shall conduct an
 8 evaluation and analysis regarding applying the
 9 replacement tax on electricity and natural gas
 10 providers established in chapter 437A to municipal
 11 utilities not currently subject to the tax, in an
 12 effort to address inequities in the application of the
 13 foundation property tax imposed pursuant to section
 14 257.3.
- 15 2. The evaluation shall be conducted with the
 16 assistance of the utility replacement tax task force
 17 and shall include but not be limited to determination
 18 of the following:
- 19 a. Equitable delivery rates for municipal utilities
 20 not currently subject to the tax.
- 21 b. Phased-in implementation of tax imposition

22 subject to the following specified percentages of full
23 replacement tax liability:
24 (1) For the tax year beginning January 1, 2011,
25 zero percent.
26 (2) For the tax year beginning January 1, 2012,
27 fourteen percent.
28 (3) For the tax year beginning January 1, 2013,
29 twenty-eight percent.
30 (4) For the tax year beginning January 1, 2014,
31 forty-two percent.
32 (5) For the tax year beginning January 1, 2015,
33 sixty-four percent.
34 (6) For the tax year beginning January 1, 2016,
35 seventy-eight percent.
36 (7) For the tax year beginning January 1, 2017,
37 ninety-two percent.
38 (8) For the tax year beginning January 1, 2018, and
39 succeeding tax years, one hundred percent.
40 3. The department shall submit proposed legislation
41 during the 2012 legislative session reflecting the
42 results of the evaluation.>
43 2. Title page, line 3, after <limitations,> by
44 inserting <providing for an evaluation of applying
45 the replacement tax on electricity and natural gas
46 providers to municipal utilities,>

WATTS of Dallas

H-1668

1 Amend the amendment, H-1666, to Senate File 410,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 15 through 17 and
5 inserting <The number of district offices established
6 to provide services pursuant to this section shall be
7 six.>

STECKMAN of Cerro Gordo
RAYHONS of Hancock
H. MILLER of Webster
IVERSON of Wright
UPMEYER of Hancock

H-1669

1 Amend the amendment, H-1658, to Senate File 517,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, line 6, by striking <935,233> and
5 inserting <2,421,424>
6 2. Page 7, before line 1 by inserting:

7 <Sec. ____ UNIVERSITY OF IOWA.

8 1. There is appropriated from the general fund
9 of the state to the state university of Iowa for the
10 fiscal year beginning July 1, 2011, and ending June
11 30, 2012, the following amount, or so much thereof
12 as is necessary, to be used for the state university
13 of Iowa research park and for the advanced drug
14 development program at the Oakdale research park,
15 including salaries, support, maintenance, equipment,
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18 \$ 222,372
19 FTEs 6.00

20 2. The state university of Iowa shall do all of the
21 following:

- 22 a. Direct expenditures for research toward projects
- 23 that will provide economic stimulus for Iowa.
- 24 b. Provide emphasis to providing services to
- 25 Iowa-based companies.

26 3. Notwithstanding section 8.33, moneys
27 appropriated in this section that remain unencumbered
28 or unobligated at the close of the fiscal year shall
29 not revert but shall remain available for expenditure
30 for the purposes designated until the close of the
31 succeeding fiscal year.>

32 3. Page 7, line 10, by striking <273,064> and
33 inserting <610,674>

34 4. Page 7, line 11, by striking <3.06> and
35 inserting <6.75>

36 5. Page 16, before line 12 by inserting:
37 <Sec. ____ UNIVERSITY OF IOWA.

38 1. There is appropriated from the general fund
39 of the state to the state university of Iowa for the
40 fiscal year beginning July 1, 2012, and ending June
41 30, 2013, the following amount, or so much thereof
42 as is necessary, to be used for the state university
43 of Iowa research park and for the advanced drug
44 development program at the Oakdale research park,
45 including salaries, support, maintenance, equipment,
46 miscellaneous purposes, and for not more than the
47 following full-time equivalent positions:

48 \$ 222,372
49 FTEs 6.00

50 2. The state university of Iowa shall do all of the

Page 2

1 following:

- 2 a. Direct expenditures for research toward projects
- 3 that will provide economic stimulus for Iowa.
- 4 b. Provide emphasis to providing services to
- 5 Iowa-based companies.

6 3. Notwithstanding section 8.33, moneys
 7 appropriated in this section that remain unencumbered
 8 or unobligated at the close of the fiscal year shall
 9 not revert but shall remain available for expenditure
 10 for the purposes designated until the close of the
 11 succeeding fiscal year.>
 12 6. Page 16, line 21, by striking <273,064> and
 13 inserting <610,674>
 14 7. Page 16, line 22, by striking <3.06> and
 15 inserting <6.75>
 16 8. By renumbering, redesignating, and correcting
 17 internal references as necessary.

RUNNING-MARQUARDT of Linn
 KAJTAZOVIC of Black Hawk
 KRESSIG of Black Hawk
 WESSEL-KROESCHELL of Story

HEDDENS of Story
 MASCHER of Johnson
 LENSING of Johnson

H-1670

1 Amend the amendment, H-1658, to Senate File 517,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 8, line 5, by striking <2,267,788> and
 5 inserting <3,066,768>
 6 2. Page 17, line 16, by striking <2,718,540> and
 7 inserting <3,066,768>
 8 3. Page 19, after line 31 by inserting:
 9 <DIVISION III
 10 WORKERS' COMPENSATION
 11 Sec. ____ Section 86.9, Code 2011, is amended by
 12 adding the following new unnumbered paragraph:
 13 NEW UNNUMBERED PARAGRAPH The commissioner shall
 14 compile a monthly report containing the number of
 15 final decisions, rulings, and orders processed by
 16 the division in the preceding month. The report may
 17 contain other matters or information the commissioner
 18 considers necessary. The report shall be submitted to
 19 the legislative services agency within ten days of the
 20 last calendar day of each month.
 21 Sec. ____ Section 86.17, subsection 1, Code 2011,
 22 is amended to read as follows:
 23 1. a. Notwithstanding the provisions of section
 24 17A.11, the workers' compensation commissioner or a
 25 deputy workers' compensation commissioner shall preside
 26 over any contested case proceeding brought under this
 27 chapter, chapter 85, 85A, or 85B in the manner provided
 28 by chapter 17A.
 29 b. After consulting with the parties to a
 30 contested case proceeding, the workers' compensation
 31 commissioner, or a deputy workers' compensation
 32 commissioner, shall schedule a hearing date for the

33 proceeding within twelve months following the date on
 34 which the petition is filed, or as soon thereafter as
 35 is reasonably practicable. If a party to the contested
 36 case fails to agree to a hearing date, the commissioner
 37 or the deputy commissioner may select a date without
 38 the prior approval of the parties to the contested
 39 case.

40 c. The deputy commissioner or the commissioner may
 41 make such inquiries in contested case proceedings as
 42 shall be deemed necessary, so long as such inquiries do
 43 not violate any of the provisions of section 17A.17.>

44 4. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1671

1 Amend the amendment, H-1658, to Senate File 517,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 19, after line 31 by inserting:

5 <DIVISION III

6 BLOCK GRANT FUNDING

7 Sec. ____ Section 15.108, subsection 1, paragraph
 8 a, Code 2011, is amended to read as follows:

9 a. Expend federal funds received as community
 10 development block grants as provided in section 8.41.

11 (1) Of the funds related to disaster recovery
 12 received by the department under this paragraph
 13 that may, under federal law, be used for purposes
 14 of administrative expenses, the department shall
 15 distribute three percent to those local governments
 16 that receive block grant funding. The department may
 17 use the amount remaining after the distribution to
 18 local governments for the department's administrative
 19 expenses.

20 (2) The department shall submit a plan for the
 21 expenditure of the funds designated for administrative
 22 expenses to the general assembly and the legislative
 23 services agency each year on or before July 1.

24 (3) The department shall communicate to local
 25 governments the amount of their eligibility for the
 26 funds described in subparagraph (1), how such amount
 27 was calculated, and how they may apply for it.

28 Sec. ____ RETROACTIVE APPLICABILITY. This
 29 division of this Act applies retroactively to all the
 30 department's unexpended and unobligated funds arising
 31 under federal disaster-related block grants.>

32 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1672

1 Amend the amendment, H-1658, to Senate File 517,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 19, after line 31 by inserting:

5 <DIVISION III

6 AGENCY APPEARANCES BEFORE APPROPRIATIONS SUBCOMMITTEE

7 Sec. ____ AGENCY APPEARANCES BEFORE APPROPRIATIONS

8 SUBCOMMITTEE. The directors, or the directors'

9 designees, of the Iowa finance authority and the

10 department of economic development, and any successor

11 entities, shall annually appear before the members

12 of the joint subcommittee on economic development

13 appropriations and present a proposed budget. The

14 proposed budget shall include a detailed accounting of

15 all moneys received, from any source, and all moneys

16 expended, for any purpose, during the current fiscal

17 year and the prior fiscal year. The proposed budget

18 shall also include a detailed expenditure plan for such

19 moneys during the next fiscal year.>

20 2. By renumbering as necessary.

RUNNING-MARQUARDT of Linn

H-1673

1 Amend House File 678 as follows:

2 1. Page 5, by striking lines 19 through 23 and
3 inserting <maintained by the governing board of the
4 organization and required or authorized to be kept
5 confidential by law.

6 (2) Discussions with, or the work product of, an
7 attorney of the governing board of the organization
8 required or authorized to be kept confidential by law.>

9 2. By renumbering as necessary.

HAGENOW of Polk
PETERSEN of Polk

H-1674

1 Amend Senate File 313, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 MEDICAL ASSISTANCE – GENERAL PROVISIONS>

6 2. Page 5, after line 10 by inserting:

7 <DIVISION II

8 MEDICAID PRESCRIPTION DRUGS

9 Sec. ____ Section 249A.20A, subsection 4, Code

10 2011, is amended to read as follows:

11 4. With the exception of drugs prescribed for the
 12 treatment of human immunodeficiency virus or acquired
 13 immune deficiency syndrome, transplantation, or cancer
 14 and drugs prescribed for mental illness with the
 15 exception of drugs and drug compounds that do not
 16 have a significant variation in a therapeutic profile
 17 or side effect profile within a therapeutic class,
 18 prescribing and dispensing of prescription drugs not
 19 included on the preferred drug list shall be subject to
 20 prior authorization.

21 Sec. ____ REPEAL. 2010 Iowa Acts, chapter 1031,
 22 sections 348 and 349, are repealed.

23 Sec. ____ RESCINDING AND ADOPTION OF RULES. The
 24 department of human services shall rescind the rules
 25 adopted pursuant to 2010 Iowa Acts, chapter 1031,
 26 sections 347 through 349, and shall instead adopt
 27 emergency rules under section 17A.4, subsection
 28 3, and section 17A.5, subsection 2, paragraph "b",
 29 to implement section 249A.20A, as amended in this
 30 division of this Act, and the rules shall be effective
 31 immediately upon filing and retroactively applicable to
 32 January 1, 2011, unless a later date is specified in
 33 the rules. Any rules adopted in accordance with this
 34 section shall also be published as a notice of intended
 35 action as provided in section 17A.4.

36 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 37 APPLICABILITY. This division of this Act, being deemed
 38 of immediate importance, takes effect upon enactment
 39 and applies retroactively to January 1, 2011.>

40 3. Title page, line 2, after <provisions> by
 41 inserting <and providing effective date and retroactive
 42 applicability provisions>

43 4. By renumbering as necessary.

SCHULTE of Linn

H-1675

1 Amend Senate File 313, as passed by the Senate, as
 2 follows:

3 1. Page 3, after line 5 by inserting:
 4 <Sec. ____ Section 249A.3, Code 2011, is amended by
 5 adding the following new subsection:

6 NEW SUBSECTION. 15. In determining eligibility
 7 of an applicant for medical assistance and in
 8 order to ensure program integrity and compliance
 9 with federal law and regulations while minimizing
 10 unnecessary barriers to enrollment, the department
 11 shall require verification of residency in the state.
 12 The department shall establish or continue cooperative
 13 arrangements with the United States social security
 14 administration, the secretary of state, the department

15 of revenue, the department of workforce development,
16 and any other appropriate entity to gain electronic
17 access, to the extent allowed by law, to information
18 available to those entities that may be appropriate
19 for electronically verifying an applicant's residency.
20 The information provided shall be provided for no
21 other purpose than to verify residency and the data
22 requested shall be requested and provided only to
23 the extent necessary to determine an applicant's
24 residency. A recipient of medical assistance shall be
25 subject to verification of residency upon renewal of
26 eligibility. This subsection shall not be implemented
27 if the department determines that such implementation
28 would violate federal maintenance of effort or federal
29 financial participation requirements.

30 Sec. __. NEW SECTION. 249A.8A Civil penalty —
31 residency requirement.

32 In addition to any other penalties applicable, an
33 applicant for medical assistance under this chapter who
34 knowingly makes or causes to be made a false statement
35 or a misrepresentation of a material fact or knowingly
36 fails to disclose a material fact regarding the
37 applicant's residency as required pursuant to section
38 249A.3, subsection 15, is subject to a civil penalty
39 of two thousand dollars.>

40 2. Title page, line 2, after <provisions> by
41 inserting <and providing penalties>

42 3. By renumbering as necessary.

SCHULTE of Linn

H-1676

1 Amend House File 678 as follows:

2 1. Page 1, line 10, by striking <the> and inserting
3 <a>

4 2. Page 1, line 11, after <fees> by inserting <for
5 products or services>

6 3. Page 1, line 12, after <2.> by inserting
7 <"Organization" includes a related for-profit or
8 not-for-profit subsidiary of an organization.>

9 4. Page 1, line 15, by striking <and> and inserting
10 <or>

11 5. Page 1, line 21, after <fees> by inserting <for
12 products or services>

13 6. Page 1, by striking lines 29 through 33 and
14 inserting <in annual dues, fees, or assessments for
15 products or services received from the organization,
16 and the total amount of any revenue or dividend
17 payments received from the organization. The
18 information shall be submitted to the>

19 7. Page 3, line 11, after <4.> by inserting

20 <In addition, the organization shall not allow any
21 other entity to pay an employee or officer of the
22 organization, a member of the organization's governing
23 board, or a legislative representative or lobbyist for
24 the organization for services performed on behalf of
25 the organization. However, the organization may pay
26 an employee a commission if the terms for paying the
27 commission are in writing under an agreement which is
28 a public document and the employee's compensation,
29 which shall list the amount of the commission, is
30 published and reported in the same manner as provided
31 in subsection 4.>

32 8. Title page, line 1, by striking <membership in
33 and membership dues paid to>

34 9. By renumbering as necessary.

HAGENOW of Polk

H-1677

1 Amend the amendment, H-1658, to Senate File 517,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 41, by striking <150,000> and
5 inserting <206,195>

H. MILLER of Webster

H-1678

1 Amend the amendment, H-1658, to Senate File 517,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, before line 38 by inserting:

5 <d. The department shall not use any moneys
6 appropriated in this section for purposes of providing
7 financial assistance for the Iowa green streets pilot
8 project or for any other program or project that
9 involves the installation of geothermal systems for
10 melting snow and ice from streets or sidewalks.>

11 2. Page 14, before line 4 by inserting:

12 <d. The department shall not use any moneys
13 appropriated in this section for purposes of providing
14 financial assistance for the Iowa green streets pilot
15 project or for any other program or project that
16 involves the installation of geothermal systems for
17 melting snow and ice from streets or sidewalks.>

18 3. By renumbering as necessary.

SODERBERG of Plymouth

H-1679

1 Amend the amendment, H-1658, to Senate File 517,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, before line 46 by inserting:
5 <Sec. ____ GREEN INITIATIVES EXPENDITURE
6 REPORT. By January 1, 2012, the department of economic
7 development shall compile a report on all expenditures
8 made during the previous fiscal year for purposes of
9 green initiatives, sustainability programs, and all
10 such similar efforts. The report shall identify such
11 expenditures with a level of specificity sufficient
12 to allow the general assembly to evaluate and assess
13 the propriety of such expenditures under the spending
14 authority given to the department for such purposes.>
15 2. By renumbering as necessary.

SCHULTZ of Crawford

H-1680

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 9 and 10, by striking <or to the
4 administrators of a school district>
5 2. Page 1, by striking lines 14 through 26 and
6 inserting:
7 <2. a. The board of directors of a school district
8 and its duly elected members may join or participate
9 in organizations, including but not limited to
10 organizations such as the Iowa association of school
11 boards, the urban education network, and Iowa school
12 finance information services. The school board may pay
13 out of funds available to the school board reasonable
14 monetary fees for products or services or annual
15 dues for membership of the school board or a board
16 member or for the entire school district in such an
17 organization. Such an organization that receives fees
18 or dues for membership from a school board shall be
19 considered a taxpayer-funded organization. A school
20 district may pay out of funds available to the school
21 board annual dues for membership in an entity for
22 school administrators, students, teachers, or other
23 individuals who are not school board members but the
24 entity to which the school district pays dues on behalf
25 of school administrators, students, teachers, or other
26 individuals who are not school board members, shall
27 not be considered an organization for purposes of this

28 section and the provisions of this section shall not
29 apply to such an entity.>
30 3. By renumbering as necessary.

HAGENOW of Polk

H-1681

1 Amend House File 561 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. BASELOAD ELECTRICAL GENERATION
5 STUDY. It is the intent of the general assembly to
6 encourage the prudent development of baseload electric
7 power generation. The utilities board of the utilities
8 division of the department of commerce shall conduct
9 a study of baseload electrical generation options and
10 costs. The board shall review information regarding
11 baseload generation options, including nuclear power
12 and potential retrofits of existing generation plants,
13 based on evidence regarding system benefits, rate
14 impact, financing options, and any risks of delay,
15 cancellation, or cost overruns. The board shall
16 determine a long-term demand forecast for the state and
17 identify whether existing baseload generation, purchase
18 power agreements, and demand-side management programs
19 in this state are sufficient to meet the forecast.
20 In conducting the study, the board shall solicit
21 participation and comments from the consumer advocate,
22 industrial consumers, groups representing residential
23 consumers, investor-owned utilities, rural electric
24 cooperatives, and municipal utilities. The board shall
25 submit a final report regarding the results of the
26 study to the general assembly on or before January 1,
27 2012.>
28 2. Title page, by striking lines 1 and 2 and
29 inserting <An Act providing for a baseload electrical
30 generation study.>

WILLEMS of Linn

H-1682

1 Amend House File 646, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 DIVISION I
6 FY 2011-2012
7 <Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
8 1. There is appropriated from the general fund of
9 the state to the department of administrative services

10 for the fiscal year beginning July 1, 2011, and ending
 11 June 30, 2012, the following amounts, or so much
 12 thereof as is necessary, to be used for the purposes
 13 designated, and for not more than the following
 14 full-time equivalent positions:

15 a. For salaries, support, maintenance, and
 16 miscellaneous purposes:

17 \$ 4,210,319
 18 FTEs 84.18

19 b. For the payment of utility costs:

20 \$ 2,739,460
 21 FTEs 1.00

22 Notwithstanding section 8.33, any excess funds
 23 appropriated for utility costs in this lettered
 24 paragraph shall not revert to the general fund of the
 25 state at the end of the fiscal year but shall remain
 26 available for expenditure for the purposes of this
 27 lettered paragraph during the succeeding fiscal year.

28 c. For Terrace Hill operations:

29 \$ 405,914
 30 FTEs 6.88

31 d. For the I3 distribution account:

32 \$ 3,328,000

33 e. For operations and maintenance of the Iowa
 34 building:

35 \$ 1,018,185
 36 FTEs 4.00

37 2. Members of the general assembly serving as
 38 members of the deferred compensation advisory board
 39 shall be entitled to receive per diem and necessary
 40 travel and actual expenses pursuant to section 2.10,
 41 subsection 5, while carrying out their official duties
 42 as members of the board.

43 3. Any funds and premiums collected by the
 44 department for workers' compensation shall be
 45 segregated into a separate workers' compensation
 46 fund in the state treasury to be used for payment of
 47 state employees' workers' compensation claims and
 48 administrative costs. Notwithstanding section 8.33,
 49 unencumbered or unobligated moneys remaining in this
 50 workers' compensation fund at the end of the fiscal

Page 2

1 year shall not revert but shall be available for
 2 expenditure for purposes of the fund for subsequent
 3 fiscal years.

4 Sec. 2. REVOLVING FUNDS. There is appropriated
 5 to the department of administrative services for the
 6 fiscal year beginning July 1, 2011, and ending June
 7 30, 2012, from the revolving funds designated in
 8 chapter 8A and from internal service funds created

9 by the department such amounts as the department
10 deems necessary for the operation of the department
11 consistent with the requirements of chapter 8A.

12 Sec. 3. FUNDING FOR IOWACCESS.

13 1. Notwithstanding section 321A.3, subsection
14 1, for the fiscal year beginning July 1, 2011, and
15 ending June 30, 2012, the first \$750,000 collected
16 and transferred by the department of transportation
17 to the treasurer of state with respect to the fees
18 for transactions involving the furnishing of a
19 certified abstract of a vehicle operating record under
20 section 321A.3, subsection 1, shall be transferred
21 to the IowAccess revolving fund for the purposes of
22 developing, implementing, maintaining, and expanding
23 electronic access to government records as provided by
24 law.

25 2. All fees collected with respect to transactions
26 involving IowAccess shall be deposited in the IowAccess
27 revolving fund and shall be used only for the support
28 of IowAccess projects.

29 3. For the fiscal year beginning July 1, 2011,
30 and ending June 30, 2012, there is appropriated from
31 the IowAccess revolving fund, to the office of the
32 secretary of state \$75,000 for costs associated with
33 decennial redistricting.

34 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE
35 ADMINISTRATION CHARGE. For the fiscal year beginning
36 July 1, 2011, and ending June 30, 2012, the monthly per
37 contract administrative charge which may be assessed by
38 the department of administrative services shall be \$2
39 per contract on all health insurance plans administered
40 by the department.

41 Sec. 5. AUDITOR OF STATE.

42 1. There is appropriated from the general fund of
43 the state to the office of the auditor of state for the
44 fiscal year beginning July 1, 2011, and ending June
45 30, 2012, subject to subsection 3 of this section, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated, and for not
48 more than the following full-time equivalent positions:

49 For salaries, support, maintenance, and
50 miscellaneous purposes:

Page 3

1 \$ 814,921
2 FTEs 103.00

3 2. The auditor of state may retain additional
4 full-time equivalent positions as is reasonable and
5 necessary to perform governmental subdivision audits
6 which are reimbursable pursuant to section 11.20
7 or 11.21, to perform audits which are requested by

8 and reimbursable from the federal government, and
9 to perform work requested by and reimbursable from
10 departments or agencies pursuant to section 11.5A
11 or 11.5B. The auditor of state shall notify the
12 department of management, the legislative fiscal
13 committee, and the legislative services agency of the
14 additional full-time equivalent positions retained.

15 3. The auditor of state shall allocate sufficient
16 resources from the appropriation in this section for
17 the completion of the audit of the comprehensive annual
18 financial report to the extent that it ensures that
19 sufficient audit procedures were followed for the
20 entire fiscal year to satisfy the auditor that revenues
21 and expenditures were recorded properly.

22 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE
23 BOARD. There is appropriated from the general fund of
24 the state to the Iowa ethics and campaign disclosure
25 board for the fiscal year beginning July 1, 2011, and
26 ending June 30, 2012, the following amount, or so much
27 thereof as is necessary, for the purposes designated:

28 For salaries, support, maintenance, and
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:

31 \$ 525,000
32 FTEs 5.00

33 Sec. 7. DEPARTMENT OF COMMERCE.

34 1. There is appropriated from the general fund
35 of the state to the department of commerce for the
36 fiscal year beginning July 1, 2011, and ending June 30,
37 2012, the following amounts, or so much thereof as is
38 necessary, for the purposes designated:

39 a. ALCOHOLIC BEVERAGES DIVISION

40 (1) For salaries, support, maintenance, and
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:

43 \$ 1,370,391
44 FTEs 23.00

45 (2) Of the funds appropriated pursuant to this
46 paragraph, up to \$60,000 shall be used to establish
47 and implement a web-based alcohol compliance employee
48 training program for alcoholic beverage sales
49 personnel.

50 (3) Two of the full-time equivalent positions

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1 authorized pursuant to subparagraph (1) shall
2 be allocated for purposes associated with the
3 implementation of 2011 Iowa Acts, House File 617.

4 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

5 For salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the

7 following full-time equivalent positions:

8 \$ 609,353

9 FTEs 12.00

10 2. There is appropriated from the department of
11 commerce revolving fund created in section 546.12
12 to the department of commerce for the fiscal year
13 beginning July 1, 2011, and ending June 30, 2012, the
14 following amounts, or so much thereof as is necessary,
15 for the purposes designated:

16 a. BANKING DIVISION

17 For salaries, support, maintenance, and
18 miscellaneous purposes, and for not more than the
19 following full-time equivalent positions:

20 \$ 8,851,670

21 FTEs 80.00

22 b. CREDIT UNION DIVISION

23 For salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26 \$ 1,727,995

27 FTEs 19.00

28 c. INSURANCE DIVISION

29 (1) For salaries, support, maintenance, and
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:

32 \$ 4,983,244

33 FTEs 106.50

34 (2) The insurance division may reallocate
35 authorized full-time equivalent positions as necessary
36 to respond to accreditation recommendations or
37 requirements. The insurance division expenditures
38 for examination purposes may exceed the projected
39 receipts, refunds, and reimbursements, estimated
40 pursuant to section 505.7, subsection 7, including the
41 expenditures for retention of additional personnel,
42 if the expenditures are fully reimbursable and the
43 division first does both of the following:

44 (a) Notifies the department of management, the
45 legislative services agency, and the legislative fiscal
46 committee of the need for the expenditures.

47 (b) Files with each of the entities named in
48 subparagraph division (a) the legislative and
49 regulatory justification for the expenditures, along
50 with an estimate of the expenditures.

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1 d. UTILITIES DIVISION

2 (1) For salaries, support, maintenance, and
3 miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:

5 \$ 8,173,069

6 FTEs 79.00

7 (2) The utilities division may expend additional
8 funds, including funds for additional personnel, if
9 those additional expenditures are actual expenses which
10 exceed the funds budgeted for utility regulation and
11 the expenditures are fully reimbursable. Before the
12 division expends or encumbers an amount in excess of
13 the funds budgeted for regulation, the division shall
14 first do both of the following:

15 (a) Notify the department of management, the
16 legislative services agency, and the legislative fiscal
17 committee of the need for the expenditures.

18 (b) File with each of the entities named in
19 subparagraph division (a) the legislative and
20 regulatory justification for the expenditures, along
21 with an estimate of the expenditures.

22 (3) Notwithstanding sections 8.33 and 476.10 or
23 any other provisions to the contrary, any unencumbered
24 or unobligated balance of the appropriation made in
25 this paragraph for the utilities division or any other
26 operational appropriation made for the fiscal year
27 beginning July 1, 2011, and ending June 30, 2012,
28 that remains unused, unencumbered, or unobligated
29 at the close of the fiscal year shall not revert but
30 shall remain available to be used for purposes of the
31 energy-efficient building project authorized under
32 section 476.10B, or for relocation costs in succeeding
33 fiscal years.

34 3. CHARGES. Each division and the office of
35 consumer advocate shall include in its charges
36 assessed or revenues generated an amount sufficient
37 to cover the amount stated in its appropriation and
38 any state-assessed indirect costs determined by the
39 department of administrative services.

40 Sec. 8. DEPARTMENT OF COMMERCE — PROFESSIONAL
41 LICENSING AND REGULATION BUREAU. There is appropriated
42 from the housing trust fund of the Iowa finance
43 authority created in section 16.181, to the bureau of
44 professional licensing and regulation of the banking
45 division of the department of commerce for the fiscal
46 year beginning July 1, 2011, and ending June 30,
47 2012, the following amount, or so much thereof as is
48 necessary, to be used for the purposes designated:
49 For salaries, support, maintenance, and
50 miscellaneous purposes:

Page 6

1 \$ 62,317

2 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is
3 appropriated from the general fund of the state to the
4 offices of the governor and the lieutenant governor for

5 the fiscal year beginning July 1, 2011, and ending June
6 30, 2012, the following amounts, or so much thereof as
7 is necessary, to be used for the purposes designated:

8 1. GENERAL OFFICE

9 For salaries, support, maintenance, and
10 miscellaneous purposes for the general office of the
11 governor and the general office of the lieutenant
12 governor, and for not more than the following full-time
13 equivalent positions:

14 \$ 2,163,492
15 FTEs 21.00

16 2. TERRACE HILL QUARTERS

17 For salaries, support, maintenance, and
18 miscellaneous purposes for the governor's quarters
19 at Terrace Hill, and for not more than the following
20 full-time equivalent positions:

21 \$ 69,533
22 FTEs 0.88

23 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL
24 POLICY. There is appropriated from the general fund
25 of the state to the governor's office of drug control
26 policy for the fiscal year beginning July 1, 2011, and
27 ending June 30, 2012, the following amount, or so much
28 thereof as is necessary, to be used for the purposes
29 designated:

30 For salaries, support, maintenance, and
31 miscellaneous purposes, including statewide
32 coordination of the drug abuse resistance education
33 (D.A.R.E.) programs or similar programs, and for not
34 more than the following full-time equivalent positions:

35 \$ 326,043
36 FTEs 8.00

37 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is
38 appropriated from the general fund of the state to
39 the department of human rights for the fiscal year
40 beginning July 1, 2011, and ending June 30, 2012, the
41 following amounts, or so much thereof as is necessary,
42 to be used for the purposes designated:

43 1. CENTRAL ADMINISTRATION DIVISION

44 For salaries, support, maintenance, and
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:

47 \$ 206,103
48 FTEs 7.00

49 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

50 For salaries, support, maintenance, and

Page 7

1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:

3 \$ 1,056,792

4 FTEs 17.00
5 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
6 For salaries, support, maintenance, and
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:
9 \$ 1,073,892
10 FTEs 10.00
11 The criminal and juvenile justice planning advisory
12 council and the juvenile justice advisory council
13 shall coordinate their efforts in carrying out their
14 respective duties relative to juvenile justice.
15 Sec. 12. DEPARTMENT OF INSPECTIONS AND
16 APPEALS. There is appropriated from the general fund
17 of the state to the department of inspections and
18 appeals for the fiscal year beginning July 1, 2011, and
19 ending June 30, 2012, the following amounts, or so much
20 thereof as is necessary, for the purposes designated:
21 1. ADMINISTRATION DIVISION
22 For salaries, support, maintenance, and
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:
25 \$ 1,611,061
26 FTEs 37.40
27 2. ADMINISTRATIVE HEARINGS DIVISION
28 For salaries, support, maintenance, and
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:
31 \$ 553,973
32 FTEs 23.00
33 3. INVESTIGATIONS DIVISION
34 a. For salaries, support, maintenance, and
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:
37 \$ 1,168,639
38 FTEs 58.50
39 b. The department, in coordination with the
40 investigations division, shall provide a report to
41 the general assembly by January 10, 2012, concerning
42 the fiscal impact of additional full-time equivalent
43 positions on the department's efforts relative to the
44 Medicaid divestiture program under chapter 249F.
45 4. HEALTH FACILITIES DIVISION
46 a. For salaries, support, maintenance, and
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:
49 \$ 3,562,739
50 FTEs 134.75

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1 b. The department shall, in coordination with
2 the health facilities division, make the following

3 information available to the public in a timely
4 manner, to include providing the information on the
5 department's internet website, during the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012:

7 (1) The number of inspections conducted by the
8 division annually by type of service provider and type
9 of inspection.

10 (2) The total annual operations budget for the
11 division, including general fund appropriations and
12 federal contract dollars received by type of service
13 provider inspected.

14 (3) The total number of full-time equivalent
15 positions in the division, to include the number of
16 full-time equivalent positions serving in a supervisory
17 capacity, and serving as surveyors, inspectors, or
18 monitors in the field by type of service provider
19 inspected.

20 (4) Identification of state and federal survey
21 trends, cited regulations, the scope and severity of
22 deficiencies identified, and federal and state fines
23 assessed and collected concerning nursing and assisted
24 living facilities and programs.

25 c. It is the intent of the general assembly that
26 the department and division continuously solicit input
27 from facilities regulated by the division to assess and
28 improve the division's level of collaboration and to
29 identify new opportunities for cooperation.

30 5. EMPLOYMENT APPEAL BOARD

31 a. For salaries, support, maintenance, and
32 miscellaneous purposes, and for not more than the
33 following full-time equivalent positions:

34 \$ 42,215
35 FTEs 14.00

36 b. The employment appeal board shall be reimbursed
37 by the labor services division of the department
38 of workforce development for all costs associated
39 with hearings conducted under chapter 91C, related
40 to contractor registration. The board may expend,
41 in addition to the amount appropriated under this
42 subsection, additional amounts as are directly billable
43 to the labor services division under this subsection
44 and to retain the additional full-time equivalent
45 positions as needed to conduct hearings required
46 pursuant to chapter 91C.

47 6. CHILD ADVOCACY BOARD

48 a. For foster care review and the court appointed
49 special advocate program, including salaries, support,
50 maintenance, and miscellaneous purposes, and for not

1 more than the following full-time equivalent positions:
 2 \$ 2,794,473
 3 FTEs 40.80

4 b. The department of human services, in
 5 coordination with the child advocacy board and the
 6 department of inspections and appeals, shall submit an
 7 application for funding available pursuant to Tit. IV-E
 8 of the federal Social Security Act for claims for child
 9 advocacy board administrative review costs.

10 c. The court appointed special advocate program
 11 shall investigate and develop opportunities for
 12 expanding fund-raising for the program.

13 d. Administrative costs charged by the department
 14 of inspections and appeals for items funded under this
 15 subsection shall not exceed 4 percent of the amount
 16 appropriated in this subsection.

17 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS
 18 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
 19 fiscal year beginning July 1, 2011, and ending June 30,
 20 2012, the department of inspections and appeals shall
 21 retain any license fees generated during the fiscal
 22 year as a result of actions under section 137F.3A
 23 occurring during the period beginning July 1, 2009, and
 24 ending June 30, 2011, for the purpose of enforcing the
 25 provisions of chapters 137C, 137D, and 137F.

26 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS —
 27 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
 28 any provision of section 135C.16 to the contrary,
 29 inspections of health care facilities that are only
 30 state-licensed and not certified under the Medicare
 31 or Medicaid programs shall not be inspected by the
 32 department of inspections and appeals every thirty
 33 months, but only as provided pursuant to sections
 34 135C.9 and 135C.38.

35 Sec. 15. DEPARTMENT OF INSPECTIONS AND
 36 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
 37 APPROPRIATION. There is appropriated from the Medicaid
 38 fraud fund created in section 249A.7 to the department
 39 of inspections and appeals for the fiscal year
 40 beginning July 1, 2011, and ending June 30, 2012, the
 41 following amount, or so much thereof as is necessary,
 42 to be used for the purposes designated:

43 For additional health facility surveyors, compliance
 44 officers, and residential care facility surveyors:
 45 \$ 650,000

46 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS
 47 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
 48 APPROPRIATION. There is appropriated from the Medicaid
 49 fraud fund created in section 249A.7 to the department
 50 of inspections and appeals for the fiscal year

1 beginning July 1, 2011, and ending June 30, 2012, the
 2 amounts necessary for the purposes designated:
 3 1. To cover the cost of any state match to draw
 4 down matching federal funds through the department of
 5 human services for additional full-time equivalent
 6 positions for conducting investigations of alleged
 7 fraud and overpayments of food assistance benefits
 8 through electronic benefits transfer.

9 2. For the state financial match requirement
 10 for meeting the federal mandates connected with the
 11 department's Medicaid fraud and abuse activities, and
 12 the amount necessary to cover costs incurred by the
 13 department or other agencies in providing regulation,
 14 responding to allegations, or other activity involving
 15 chapter 135O.

16 Sec. 17. DEPARTMENT OF INSPECTIONS AND APPEALS
 17 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND
 18 APPROPRIATION. There is appropriated from the Medicaid
 19 fraud fund created in section 249A.7 to the department
 20 of inspections and appeals for the fiscal year
 21 beginning July 1, 2011, and ending June 30, 2012, the
 22 following amount, or so much thereof as is necessary,
 23 to be used for the purposes designated:

24 For salaries, support, maintenance, miscellaneous
 25 purposes, administration, and other costs associated
 26 with implementation of 2010 Iowa Acts, chapter 1177:
 27

27 \$ 250,000

28 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
 29 — FOOD ESTABLISHMENT INSPECTIONS. Notwithstanding
 30 any contrary provisions of section 137F.3A or other
 31 applicable law, if within 90 calendar days of the
 32 effective date of this section of this Act a city
 33 with a population of not less than 58,900 or more
 34 than 59,000 as of the 2010 decennial federal census
 35 operating pursuant to a chapter 28E agreement with
 36 the department of inspections and appeals to enforce
 37 chapters 137C, 137D, and 137F, elects to continue
 38 the agreement and the department has determined
 39 that the quality of service provided by the contract
 40 holder has been acceptable or better, the department
 41 shall enter into an agreement with the city for the
 42 city to continue such enforcement activity for the
 43 food establishments, home food establishments, food
 44 processing plants, and hotels located within the city.

45 Sec. 19. RACING AND GAMING COMMISSION.

46 1. RACETRACK REGULATION

47 There is appropriated from the gaming regulatory
 48 revolving fund established in section 99F.20 to the
 49 racing and gaming commission of the department of
 50 inspections and appeals for the fiscal year beginning

1 July 1, 2011, and ending June 30, 2012, the following
2 amount, or so much thereof as is necessary, to be used
3 for the purposes designated:

4 For salaries, support, maintenance, and
5 miscellaneous purposes for the regulation of
6 pari-mutuel racetracks, and for not more than the
7 following full-time equivalent positions:

8 \$ 2,511,440
9 FTEs 28.53

10 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

11 There is appropriated from the gaming regulatory
12 revolving fund established in section 99F.20 to the
13 racing and gaming commission of the department of
14 inspections and appeals for the fiscal year beginning
15 July 1, 2011, and ending June 30, 2012, the following
16 amount, or so much thereof as is necessary, to be used
17 for the purposes designated:

18 For salaries, support, maintenance, and
19 miscellaneous purposes for administration and
20 enforcement of the excursion boat gambling and gambling
21 structure laws, and for not more than the following
22 full-time equivalent positions:

23 \$ 3,078,100
24 FTEs 44.22

25 Sec. 20. ROAD USE TAX FUND APPROPRIATION —
26 DEPARTMENT OF INSPECTIONS AND APPEALS. There is

27 appropriated from the road use tax fund created in
28 section 312.1 to the administrative hearings division
29 of the department of inspections and appeals for the
30 fiscal year beginning July 1, 2011, and ending June 30,
31 2012, the following amount, or so much thereof as is
32 necessary, for the purposes designated:

33 For salaries, support, maintenance, and
34 miscellaneous purposes:
35 \$ 1,623,897

36 Sec. 21. DEPARTMENT OF MANAGEMENT.

37 1. There is appropriated from the general fund
38 of the state to the department of management for the
39 fiscal year beginning July 1, 2011, and ending June 30,
40 2012, the following amounts, or so much thereof as is
41 necessary, to be used for the purposes designated:

42 For salaries, support, maintenance, and
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:
45 \$ 2,163,998
46 FTEs 25.00

47 2. Of the moneys appropriated in this section, the
48 department shall use a portion for enterprise resource
49 planning, providing for a salary model administrator,
50 conducting performance audits, and for the department's

1 LEAN process.

2 Sec. 22. ROAD USE TAX APPROPRIATION — DEPARTMENT
3 OF MANAGEMENT. There is appropriated from the road use
4 tax fund created in section 312.1 to the department
5 of management for the fiscal year beginning July 1,
6 2011, and ending June 30, 2012, the following amount,
7 or so much thereof as is necessary, to be used for the
8 purposes designated:

9 For salaries, support, maintenance, and
10 miscellaneous purposes:

11 \$ 56,000

12 Sec. 23. DEPARTMENT OF REVENUE.

13 1. There is appropriated from the general fund
14 of the state to the department of revenue for the
15 fiscal year beginning July 1, 2011, and ending June 30,
16 2012, the following amounts, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 For salaries, support, maintenance, and
19 miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:

21 \$ 17,805,459

22 FTEs 303.48

23 2. Of the funds appropriated pursuant to this
24 section, \$400,000 shall be used to pay the direct
25 costs of compliance related to the collection and
26 distribution of local sales and services taxes imposed
27 pursuant to chapters 423B and 423E.

28 3. The director of revenue shall prepare and issue
29 a state appraisal manual and the revisions to the
30 state appraisal manual as provided in section 421.17,
31 subsection 17, without cost to a city or county.

32 Sec. 24. MOTOR VEHICLE FUEL TAX
33 APPROPRIATION. There is appropriated from the motor
34 fuel tax fund created by section 452A.77 to the
35 department of revenue for the fiscal year beginning
36 July 1, 2011, and ending June 30, 2012, the following
37 amount, or so much thereof as is necessary, to be used
38 for the purposes designated:

39 For salaries, support, maintenance, miscellaneous
40 purposes, and for administration and enforcement of the
41 provisions of chapter 452A and the motor vehicle use
42 tax program:

43 \$ 1,305,775

44 Sec. 25. SECRETARY OF STATE.

45 1. There is appropriated from the general fund of
46 the state to the office of the secretary of state for
47 the fiscal year beginning July 1, 2011, and ending June
48 30, 2012, the following amounts, or so much thereof as
49 is necessary, to be used for the purposes designated:

50 For salaries, support, maintenance, and miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

3 \$ 2,895,585

4 FTEs 45.00

5 2. The state department or state agency which
6 provides data processing services to support voter
7 registration file maintenance and storage shall provide
8 those services without charge.

9 Sec. 26. SECRETARY OF STATE FILING FEES REFUND.

10 Notwithstanding the obligation to collect fees pursuant
11 to the provisions of section 490.122, subsection 1,
12 paragraphs "a" and "s", and section 504.113, subsection
13 1, paragraphs "a", "c", "d", "j", "k", "l", and
14 "m", for the fiscal year beginning July 1, 2011, the
15 secretary of state may refund these fees to the filer
16 pursuant to rules established by the secretary of
17 state. The decision of the secretary of state not to
18 issue a refund under rules established by the secretary
19 of state is final and not subject to review pursuant
20 to chapter 17A.

21 Sec. 27. TREASURER.

22 1. There is appropriated from the general fund of
23 the state to the office of treasurer of state for the
24 fiscal year beginning July 1, 2011, and ending June 30,
25 2012, the following amount, or so much thereof as is
26 necessary, to be used for the purposes designated:

27 For salaries, support, maintenance, and

28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:

30 \$ 854,289

31 FTEs 28.80

32 2. The office of treasurer of state shall supply
33 clerical and secretarial support for the executive
34 council.

35 Sec. 28. ROAD USE TAX APPROPRIATION — OFFICE
36 OF TREASURER OF STATE. There is appropriated from

37 the road use tax fund created in section 312.1 to
38 the office of treasurer of state for the fiscal year
39 beginning July 1, 2011, and ending June 30, 2012, the
40 following amount, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 For enterprise resource management costs related to
43 the distribution of road use tax funds:

44 \$ 93,148

45 Sec. 29. IPERS — GENERAL OFFICE. There is
46 appropriated from the Iowa public employees' retirement
47 system fund to the Iowa public employees' retirement
48 system for the fiscal year beginning July 1, 2011, and
49 ending June 30, 2012, the following amount, or so much
50 thereof as is necessary, to be used for the purposes

1 designated:

2 For salaries, support, maintenance, and other
3 operational purposes to pay the costs of the Iowa
4 public employees' retirement system, and for not more
5 than the following full-time equivalent positions:

6 \$ 17,686,968
7 FTEs 90.13

8 Sec. 30. STATE CAPITOL SIDEWALK HEATING —
9 DISCONNECTION. The department of administrative
10 services shall disconnect electricity to the heated
11 sidewalk installed in the entry walkway on the east
12 side of the state capitol building, and shall not
13 reconnect the electricity without the authorization of
14 the general assembly.

15 Sec. 31. Section 8A.111, subsection 4, Code 2011,
16 is amended by striking the subsection.

17 Sec. 32. Section 8A.311, subsection 15, Code 2011,
18 is amended to read as follows:

19 15. a. A bidder ~~awarded, to be considered for an~~
20 ~~award of a state construction contract, shall disclose~~
21 ~~to the state agency awarding the contract~~ the names of
22 all subcontractors, ~~and suppliers~~ who will work on the
23 project being bid, within forty-eight hours after the
24 ~~award of the contract~~ published date and time by which
25 ~~bids must submitted.~~

26 ~~b. A bidder shall not replace a subcontractor or~~
27 ~~supplier disclosed under paragraph "a" without the~~
28 ~~approval of the state agency awarding the contract.~~

29 ~~c. A bidder, prior to an award or who is awarded a~~
30 ~~state construction contract, shall disclose all of the~~
31 ~~following, as applicable:~~

32 ~~b. (1) If a subcontractor named or supplier~~
33 ~~disclosed under paragraph "a" by a bidder awarded~~
34 ~~a state construction contract is replaced, or if~~
35 ~~the reason for replacement and the name of the new~~
36 ~~subcontractor or supplier.~~

37 ~~(2) If the cost of work to be done by a~~
38 ~~subcontractor or supplier is reduced, the bidder shall~~
39 ~~disclose the name of the new subcontractor or changed~~
40 ~~or if the replacement of a subcontractor or supplier~~
41 ~~results in a change in the cost, the amount of the~~
42 ~~reduced change in cost.~~

43 Sec. 33. Section 8A.315, subsection 1, paragraph d,
44 Code 2011, is amended by striking the paragraph.

45 Sec. 34. Section 8A.321, subsection 6, Code 2011,
46 is amended to read as follows:

47 6. a. Lease all buildings and office space
48 necessary to carry out the provisions of this
49 subchapter or necessary for the proper functioning of
50 any state agency ~~at the seat of government~~ wherever

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1 located throughout the state. For state agencies
2 at the seat of government, the director may lease
3 buildings and office space in Polk county or in a
4 county contiguous to Polk county. If no specific
5 appropriation has been made, the proposed lease
6 shall be submitted to the executive council for
7 approval. The cost of any lease for which no specific
8 appropriation has been made shall be paid from the fund
9 provided in section 7D.29. Additionally, the director
10 shall also develop cooperative relationships with the
11 state board of regents in order to promote colocation
12 of state agencies.

13 b. When the general assembly is not in session,
14 the director may request moneys from the executive
15 council for moving state agencies ~~located at the seat~~
16 ~~of government~~ from one location to another. The
17 request may include moving costs, telecommunications
18 costs, repair costs, or any other costs relating to the
19 move. The executive council may approve and shall pay
20 the costs from funds provided in section 7D.29 if it
21 determines the agency or department has no available
22 funds for these expenses.

23 ~~e. Coordinate the leasing of buildings and office~~
24 ~~space by state agencies throughout the state and~~
25 ~~develop cooperative relationships with the state board~~
26 ~~of regents in order to promote the colocation of state~~
27 ~~agencies.~~

28 Sec. 35. Section 8A.327, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. A rent revolving fund is created in the state
31 treasury under the control of the department to be used
32 by the department to pay the lease or rental costs of
33 all buildings and office space necessary for the proper
34 functioning of any state agency ~~at the seat of state~~
35 ~~government wherever located throughout the state as~~
36 provided in section 8A.321, subsection 6, except that
37 this fund shall not be used to pay the rental or lease
38 costs of a state agency which has not received funds
39 budgeted for rental or lease purposes.

40 Sec. 36. Section 8A.361, Code 2011, is amended to
41 read as follows:

42 8A.361 Vehicle assignment — authority in
43 department.

44 The department shall provide for the assignment of
45 all ~~state-owned~~ motor vehicles to utilized by all state
46 officers and employees, and ~~to by~~ all state offices,
47 departments, bureaus, and commissions, except the state
48 department of transportation, institutions under the
49 control of the state board of regents, the department
50 for the blind, and any other agencies exempted by law.

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1 Sec. 37. Section 8A.362, subsection 4, paragraphs a
2 through c, Code 2011, are amended to read as follows:

3 a. The director shall provide for the purchase
4 of ~~all~~ motor vehicles for all branches of the
5 state government, except the state department of
6 transportation, institutions under the control of the
7 state board of regents, the department for the blind,
8 and any other state agency exempted by law, which are
9 not rented or leased pursuant to section 8A.367. The
10 director shall purchase new vehicles in accordance with
11 competitive bidding procedures for items or services as
12 provided in this subchapter. The director may purchase
13 used or preowned vehicles at governmental or dealer
14 auctions if the purchase is determined to be in the
15 best interests of the state.

16 b. The director, and any other state agency,
17 which for purposes of this subsection includes but is
18 not limited to community colleges and institutions
19 under the control of the state board of regents, or
20 local governmental subdivisions purchasing new motor
21 vehicles, shall purchase ~~new passenger motor~~ vehicles
22 and light trucks, which are not rented or leased
23 pursuant to section 8A.367, so that the average fuel
24 efficiency for the fleet of new passenger vehicles and
25 light trucks purchased in that year equals or exceeds
26 the average fuel economy standard for the vehicles'
27 model year as established by the United States
28 secretary of transportation under 15 U.S.C. § 2002.
29 This paragraph does not apply to vehicles purchased
30 for law enforcement purposes or used for off-road
31 maintenance work, or work vehicles used to pull loaded
32 trailers.

33 c. Not later than June 15 of each year, the
34 director shall report compliance with the corporate
35 average fuel economy standards published by the United
36 States secretary of transportation for ~~new assigned~~
37 motor vehicles, other than motor vehicles purchased by
38 the state department of transportation, institutions
39 under the control of the state board of regents, the
40 department for the blind, and any other state agency
41 exempted from the requirements of this subsection.
42 The report of compliance shall classify the vehicles
43 ~~purchased~~ assigned for the current vehicle model year
44 using the following categories: passenger automobiles,
45 enforcement automobiles, vans, and light trucks.
46 The director shall deliver a copy of the report to
47 the office of energy independence. As used in this
48 paragraph, "corporate average fuel economy" means the
49 corporate average fuel economy as defined in 49 C.F.R.
50 § 533.5.

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1 Sec. 38. Section 8A.362, subsections 7 through 9,
2 Code 2011, are amended to read as follows:

3 7. The director may authorize the establishment
4 of motor pools consisting of a number of ~~state-owned~~
5 ~~state-assigned~~ motor vehicles under the director's
6 supervision. The director may store the motor vehicles
7 in a public or private garage. If the director
8 establishes a motor pool, any state officer or employee
9 desiring the use of a ~~state-owned~~ ~~state-assigned~~ motor
10 vehicle on state business shall notify the director
11 of the need for a vehicle within a reasonable time
12 prior to actual use of the motor vehicle. The director
13 may assign a motor vehicle from the motor pool to the
14 state officer or employee, or from the vendor awarded
15 a contract pursuant to section 8A.367. If two or
16 more state officers or employees desire the use of a
17 ~~state-owned~~ ~~state-assigned~~ motor vehicle for a trip to
18 the same destination for the same length of time, the
19 director may assign one vehicle to make the trip.

20 8. The director shall require that a sign be placed
21 on each state-owned motor vehicle in a conspicuous
22 place which indicates its ownership by the state.
23 This requirement shall not apply to motor vehicles
24 requested to be exempt by the director or by the
25 commissioner of public safety. All state-owned motor
26 vehicles shall display registration plates bearing the
27 word "official" except motor vehicles requested to be
28 furnished with ordinary plates by the director or by
29 the commissioner of public safety pursuant to section
30 321.19. The director shall keep an accurate record
31 of the registration plates used on all state-owned
32 motor vehicles. This subsection shall not apply to an
33 assigned vehicle rented or leased pursuant to section
34 8A.367.

35 9. All fuel used in ~~state-owned~~ ~~state-assigned~~
36 automobiles shall be purchased at cost from the various
37 installations or garages of the state department of
38 transportation, state board of regents, department of
39 human services, or state motor pools throughout the
40 state, unless the state-owned sources for the purchase
41 of fuel are not reasonably accessible. If the director
42 determines that state-owned sources for the purchase of
43 fuel are not reasonably accessible, the director shall
44 authorize the purchase of fuel from other sources. The
45 director may prescribe a manner, other than the use
46 of the revolving fund, in which the purchase of fuel
47 from state-owned sources is charged to the state agency
48 responsible for the use of the motor vehicle. The
49 director shall prescribe the manner in which oil and
50 other normal motor vehicle maintenance for state-owned

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1 motor vehicles may be purchased from private sources,
2 if they cannot be reasonably obtained from a state
3 motor pool. The director may advertise for bids and
4 award contracts in accordance with competitive bidding
5 procedures for items and services as provided in
6 this subchapter for furnishing fuel, oil, grease, and
7 vehicle replacement parts for all state-owned motor
8 vehicles. The director and other state agencies, when
9 advertising for bids for gasoline, shall also seek bids
10 for ethanol blended gasoline.

11 Sec. 39. Section 8A.363, subsection 1, Code 2011,
12 is amended to read as follows:

13 1. A state officer or employee shall not use a
14 ~~state-owned~~ state-assigned motor vehicle for personal
15 private use. A state officer or employee shall not be
16 compensated for driving a privately owned motor vehicle
17 unless it is done on state business with the approval
18 of the director. In that case the state officer or
19 employee shall receive an amount to be determined by
20 the director. The amount shall not exceed the maximum
21 allowable under the federal internal revenue service
22 rules per mile, notwithstanding established mileage
23 requirements or depreciation allowances. However, the
24 director may authorize private motor vehicle rates in
25 excess of the rate allowed under the federal internal
26 revenue service rules for state business use of
27 substantially modified or specially equipped privately
28 owned vehicles required by persons with disabilities.
29 A statutory provision establishing reimbursement for
30 necessary mileage, travel, or actual expenses to a
31 state officer falls under the private motor vehicle
32 mileage rate limitation provided in this section
33 unless specifically provided otherwise. Any peace
34 officer employed by the state as defined in section
35 801.4 who is required to use a private motor vehicle
36 in the performance of official duties shall receive
37 the private vehicle mileage rate at the rate provided
38 in this section. However, the director may delegate
39 authority to officials of the state, and department
40 heads, for the use of private vehicles on state
41 business up to a yearly mileage figure established
42 by the director. If a ~~state~~ motor vehicle has been
43 assigned to a state officer or employee, the officer
44 or employee shall not collect mileage for the use of a
45 privately owned motor vehicle unless the ~~state~~ motor
46 vehicle assigned is not usable.

47 Sec. 40. NEW SECTION. 8A.367 State-owned passenger
48 vehicles — disposition and sale — fleet privatization.

49 1. For purposes of this section, "passenger
50 vehicles" means United States environmental protection

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1 agency designated compact sedans, compact wagon,
2 midsize sedans, midsize wagons, full-size sedans,
3 and passenger minivans, and additional vehicle
4 classes determined by the department to be able to be
5 reasonably supported by a private entity for rental or
6 leasing. "Passenger vehicles" does not mean utility
7 vehicles, vans other than passenger minivans, fire
8 trucks, ambulances, motor homes, buses, medium-duty and
9 heavy-duty trucks, heavy construction equipment, and
10 other highway maintenance vehicles, vehicles assigned
11 for law enforcement purposes, and any other classes
12 of vehicles of limited application approved by the
13 director of the department of administrative services.

14 2. On or before September 30, 2011, the department
15 shall implement a request for proposal process to enter
16 into a contract for the purpose of state passenger
17 vehicle rental or leasing from a private entity.
18 Prior to awarding a contract, a private entity shall
19 demonstrate the following:

20 a. Existence of sufficient inventory of passenger
21 vehicles within this state to accommodate the needs of
22 the state in assigning passenger vehicles.

23 b. Existence of adequate personnel in any county
24 within the state where rental and leasing activity can
25 be supported to satisfy the terms of the contract in
26 renting or leasing state-assigned vehicles.

27 c. Existence of adequate personnel to facilitate
28 the sale and disposition of the existing state-owned
29 passenger vehicles returned to the department pursuant
30 to subsection 3 or otherwise under the control of the
31 department. Notwithstanding the provisions of section
32 8A.364 to the contrary, proceeds from the sale of
33 motor vehicles as provided by this subsection shall be
34 credited to the fund from which the motor vehicles were
35 purchased.

36 3. By March 1, 2012, the department shall award
37 a vehicle rental or leasing contract to a private
38 entity, and shall assign passenger vehicles for rental
39 or lease pursuant to that contract, to the extent the
40 department determines doing so would be economically
41 feasible and financially advantageous. By March 1,
42 2012, all state-assigned passenger vehicles designated
43 for use by multiple drivers, and located in any county
44 of this state which can support the operation of a
45 private entity for rental and leasing purposes, which
46 the department determines would be suitable for rental
47 or leasing shall be returned to the department for use
48 and disposition as provided in this section.

49 4. Notwithstanding any other provision of state law
50 to the contrary, a private entity awarded a contract

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1 pursuant to this section shall not be required to
2 indemnify or hold harmless the state for any liability
3 the state might have to any third party due to the
4 negligence of the state or any of its employees.

5 5. The department shall conduct an ongoing
6 evaluation regarding the economic advantages of
7 renting or leasing state-assigned vehicles versus state
8 ownership of such vehicles, and shall accordingly
9 adjust the number of vehicles subject to the rental and
10 leasing contract pursuant to this section at intervals
11 specified in the contract.

12 Sec. 41. Section 22.3A, subsection 1, paragraph e,
13 Code 2011, is amended to read as follows:

14 e. "Data processing software" means an ordered set
15 of instructions or statements that, when executed by
16 a computer, causes the computer to process data, and
17 includes any program or set of programs, procedures,
18 or routines used to employ and control capabilities of
19 computer hardware. As used in this paragraph "data
20 processing software" includes but is not limited to an
21 operating system, compiler, assembler, utility, library
22 resource, maintenance routine, application, ~~or~~ computer
23 networking program, or the associated documentation.

24 Sec. 42. Section 99D.14, subsection 2, paragraph b,
25 Code 2011, is amended to read as follows:

26 b. Notwithstanding sections 8.60 and 99D.17, the
27 portion of the fee paid pursuant to paragraph "a"
28 relating to the costs of special agents plus any
29 direct and indirect support costs for the agents, for
30 the division of criminal investigation's racetrack
31 activities, shall not be deposited in the general fund
32 of the state but instead shall be deposited into either
33 the gaming enforcement revolving fund established in
34 section 80.43 or the gaming regulatory revolving fund
35 established in section 99F.20, as determined by the
36 department.

37 Sec. 43. Section 99F.10, subsection 4, paragraph b,
38 Code 2011, is amended to read as follows:

39 b. Notwithstanding sections 8.60 and 99F.4, the
40 portion of the fee paid pursuant to paragraph "a"
41 relating to the costs of special agents and officers
42 plus any direct and indirect support costs for the
43 agents and officers, for the division of criminal
44 investigation's excursion gambling boat or gambling
45 structure activities, shall not be deposited in
46 the general fund of the state but instead shall be
47 deposited into either the gaming enforcement revolving
48 fund established in section 80.43 or the gaming
49 regulatory revolving fund established in section
50 99F.20, as determined by the department.

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1 Sec. 44. NEW SECTION. 99F.20 Gaming regulatory
2 revolving fund.

3 1. A gaming regulatory revolving fund is created in
4 the state treasury under the control of the department.
5 The fund shall consist of fees collected and deposited
6 into the fund paid by licensees pursuant to section
7 99D.14, subsection 2, paragraph "b", and fees paid
8 by licensees pursuant to section 99F.10, subsection
9 4, paragraph "b". All costs relating to racetrack,
10 excursion boat, and gambling structure regulation shall
11 be paid from the fund as provided in appropriations
12 made for this purpose by the general assembly.

13 2. To meet the department's cash flow needs, the
14 department may temporarily use funds from the general
15 fund of the state to pay expenses in excess of moneys
16 available in the revolving fund if those additional
17 expenditures are fully reimbursable and the department
18 reimburses the general fund of the state and ensures
19 all moneys are repaid in full by the close of the
20 fiscal year. Because any general fund moneys used
21 shall be fully reimbursed, such temporary use of funds
22 from the general fund of the state shall not constitute
23 an appropriation for purposes of calculating the state
24 general fund expenditure limitation pursuant to section
25 8.54.

26 3. Section 8.33 does not apply to any moneys
27 credited or appropriated to the revolving fund from
28 any other fund and, notwithstanding section 12C.7,
29 subsection 2, earnings or interest on moneys deposited
30 in the revolving fund shall be credited to the
31 revolving fund.

32 4. The establishment of the revolving fund pursuant
33 to this section shall not be interpreted in any
34 manner to compromise or impact the accountability
35 of, and limitation of authority with respect to, the
36 department under state law. Any provision applicable
37 to, or responsibility of, the department shall not be
38 altered or impacted by the existence of the fund and
39 shall remain applicable to the same extent as if the
40 department were receiving moneys pursuant to a general
41 fund appropriation.

42 Sec. 45. Section 249A.7, Code 2011, is amended to
43 read as follows:

44 249A.7 Fraudulent practices — investigations and
45 audits — Medicaid fraud ~~account~~ fund.

46 1. A person who obtains assistance or payments for
47 medical assistance under this chapter by knowingly
48 making or causing to be made, a false statement or a
49 misrepresentation of a material fact or by knowingly
50 failing to disclose a material fact required of an

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1 applicant for aid under the provisions of this chapter
2 and a person who knowingly makes or causes to be made,
3 a false statement or a misrepresentation of a material
4 fact or knowingly fails to disclose a material fact
5 concerning the applicant's eligibility for aid under
6 this chapter commits a fraudulent practice.

7 2. The department of inspections and appeals
8 shall conduct investigations and audits as deemed
9 necessary to ensure compliance with the medical
10 assistance program administered under this chapter.
11 The department of inspections and appeals shall
12 cooperate with the department of human services
13 on the development of procedures relating to such
14 investigations and audits to ensure compliance with
15 federal and state single state agency requirements.

16 3. A Medicaid fraud ~~account fund~~ is created ~~in the~~
17 ~~general fund of the state~~ under the authority of the
18 department of inspections and appeals. Moneys from
19 penalties and other amounts received as a result of
20 prosecutions involving the department of inspections
21 and appeals investigations and audits to ensure
22 compliance with the medical assistance program that
23 are not credited to the program may be credited to
24 the ~~account fund~~. Notwithstanding sections 8.33 and
25 8.39, moneys credited to the ~~account fund~~ shall not
26 revert to any other account or fund and are not subject
27 to transfer except as specifically provided by law.
28 Moneys in the fund shall be used for costs associated
29 with the department of inspections and appeals'
30 efforts to address medical assistance program fraud
31 and abuse and for costs incurred by the department of
32 inspections and appeals or other agencies in providing
33 regulation, responding to allegations, or other
34 activity involving chapter 135O. The department of
35 inspections and appeals and other agencies receiving
36 moneys from the ~~account fund~~ shall provide a joint
37 annual report to the governor and general assembly
38 detailing the expenditures from the ~~account fund~~ and
39 activities performed relating to the expenditures.
40 ~~This subsection is repealed on July 1, 2012. Any~~
41 remaining balance of unencumbered or unallocated moneys
42 in the Medicaid fraud account in existence prior to
43 July 1, 2011, shall not revert but shall be deposited
44 into the Medicaid fraud fund and used as provided in
45 this section.

46 Sec. 46. Section 546.12, Code 2011, is amended by
47 adding the following new subsection:

48 **NEW SUBSECTION.** 3. The establishment of the
49 revolving fund pursuant to this section shall not be
50 interpreted in any manner to compromise or impact

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1 the accountability of, and limitation of authority
2 with respect to, an agency or entity under state law.
3 Any provision applicable to, or responsibility of, a
4 division or office collecting moneys for deposit into
5 the fund established pursuant to this section shall not
6 be altered or impacted by the existence of the fund and
7 shall remain applicable to the same extent as if the
8 division or office were receiving moneys pursuant to a
9 general fund appropriation.

10 Sec. 47. Section 715C.2, subsection 1, Code 2011,
11 is amended to read as follows:

12 1. Any person who owns or licenses computerized
13 data that includes a consumer's personal information
14 that is used in the course of the person's business,
15 vocation, occupation, or volunteer activities and
16 that was subject to a breach of security shall give
17 notice of the breach of security following discovery
18 of such breach of security, or receipt of notification
19 under subsection 2, to any consumer whose personal
20 information was included in the information that was
21 breached. The consumer notification shall be made
22 in the most expeditious manner possible and without
23 unreasonable delay, consistent with the legitimate
24 needs of law enforcement as provided in subsection
25 3, and consistent with any measures necessary to
26 sufficiently determine contact information for the
27 affected consumers, determine the scope of the breach,
28 and restore the reasonable integrity, security, and
29 confidentiality of the data. A person required to
30 provide notice of a breach of security under this
31 section shall also notify the attorney general as to
32 the timing, content, and distribution of the notice
33 to consumers and an approximate number of affected
34 consumers.

35 Sec. 48. REPEAL. 2009 Iowa Acts, chapter 179,
36 section 146, is repealed.

37 Sec. 49. 2009 Iowa Acts, chapter 169, section 4,
38 subsection 2, is amended to read as follows:

39 2. From the moneys appropriated in this section,
40 there is transferred to the department of human rights
41 two hundred fifty thousand dollars for deposit in the
42 individual development account state match fund created
43 in section 541A.7. Notwithstanding other provisions to
44 the contrary in section 541A.3, subsection 1, moneys
45 appropriated to the individual development account
46 state match fund under this subsection ~~shall~~ may be
47 used to provide the state match to account holders
48 affected by a natural disaster occurring in 2008 for
49 which the president of the United States declared a
50 disaster area, and who have a household income that

1 is equal to or less than three hundred percent of the
 2 federal poverty level as defined by the most recently
 3 revised poverty income guidelines published by the
 4 United States department of health and human services.
 5 Sec. 50. CODE EDITOR DIRECTIVE. The Code editor
 6 is directed to change the words "state-owned" to
 7 "state-assigned", to the extent not otherwise changed
 8 pursuant to this Act, in Code sections 8A.362, 8A.363,
 9 8A.364, and 8A.366.

10 Sec. 51. EFFECTIVE UPON ENACTMENT.

11 1. The section of this division of this Act
 12 directing the department of administrative services
 13 to disconnect electricity to the heated sidewalk
 14 installed at the state capitol building, being deemed
 15 of immediate importance, takes effect upon enactment.

16 2. The section of this division of this Act
 17 amending 2009 Iowa Acts, chapter 169, section 4, in
 18 relation to utilization of moneys appropriated to the
 19 individual development account state match fund, being
 20 deemed of immediate importance, takes effect upon
 21 enactment.

22 3. The section of this Act relating to the
 23 continuance of a chapter 28E agreement to conduct
 24 inspections between a city with a specified population
 25 and the department of inspections and appeals, being
 26 deemed of immediate importance, takes effect upon
 27 enactment.

28 DIVISION II
 29 FY 2012-2013

30 Sec. 52. DEPARTMENT OF ADMINISTRATIVE SERVICES.

31 1. There is appropriated from the general fund of
 32 the state to the department of administrative services
 33 for the fiscal year beginning July 1, 2012, and ending
 34 June 30, 2013, the following amounts, or so much
 35 thereof as is necessary, to be used for the purposes
 36 designated, and for not more than the following
 37 full-time equivalent positions:

- 38 a. For salaries, support, maintenance, and
- 39 miscellaneous purposes:
- 40 \$ 2,105,160
- 41 FTEs 84.18
- 42 b. For the payment of utility costs:
- 43 \$ 1,369,730
- 44 FTEs 1.00

45 Notwithstanding section 8.33, any excess funds
 46 appropriated for utility costs in this lettered
 47 paragraph shall not revert to the general fund of the
 48 state at the end of the fiscal year but shall remain
 49 available for expenditure for the purposes of this
 50 lettered paragraph during the succeeding fiscal year.

1 c. For Terrace Hill operations:
 2 \$ 202,957
 3 FTEs 6.88

4 d. For the I3 distribution account:
 5 \$ 1,664,000

6 e. For operations and maintenance of the Iowa
 7 building:
 8 \$ 509,093
 9 FTEs 4.00

10 2. Members of the general assembly serving as
 11 members of the deferred compensation advisory board
 12 shall be entitled to receive per diem and necessary
 13 travel and actual expenses pursuant to section 2.10,
 14 subsection 5, while carrying out their official duties
 15 as members of the board.

16 3. Any funds and premiums collected by the
 17 department for workers' compensation shall be
 18 segregated into a separate workers' compensation
 19 fund in the state treasury to be used for payment of
 20 state employees' workers' compensation claims and
 21 administrative costs. Notwithstanding section 8.33,
 22 unencumbered or unobligated moneys remaining in this
 23 workers' compensation fund at the end of the fiscal
 24 year shall not revert but shall be available for
 25 expenditure for purposes of the fund for subsequent
 26 fiscal years.

27 Sec. 53. REVOLVING FUNDS. There is appropriated
 28 to the department of administrative services for the
 29 fiscal year beginning July 1, 2012, and ending June
 30 30, 2013, from the revolving funds designated in
 31 chapter 8A and from internal service funds created
 32 by the department such amounts as the department
 33 deems necessary for the operation of the department
 34 consistent with the requirements of chapter 8A.

35 Sec. 54. FUNDING FOR IOWACCESS.

36 1. Notwithstanding section 321A.3, subsection
 37 1, for the fiscal year beginning July 1, 2012, and
 38 ending June 30, 2013, the first \$750,000 collected
 39 and transferred by the department of transportation
 40 to the treasurer of state with respect to the fees
 41 for transactions involving the furnishing of a
 42 certified abstract of a vehicle operating record under
 43 section 321A.3, subsection 1, shall be transferred
 44 to the IowAccess revolving fund for the purposes of
 45 developing, implementing, maintaining, and expanding
 46 electronic access to government records as provided by
 47 law.

48 2. All fees collected with respect to transactions
 49 involving IowAccess shall be deposited in the IowAccess
 50 revolving fund and shall be used only for the support

1 of lowAccess projects.
 2 Sec. 55. STATE EMPLOYEE HEALTH INSURANCE
 3 ADMINISTRATION CHARGE. For the fiscal year beginning
 4 July 1, 2012, and ending June 30, 2013, the monthly per
 5 contract administrative charge which may be assessed by
 6 the department of administrative services shall be \$2
 7 per contract on all health insurance plans administered
 8 by the department.

9 Sec. 56. AUDITOR OF STATE.

10 1. There is appropriated from the general fund of
 11 the state to the office of the auditor of state for the
 12 fiscal year beginning July 1, 2012, and ending June
 13 30, 2013, subject to subsection 3 of this section, the
 14 following amount, or so much thereof as is necessary,
 15 to be used for the purposes designated, and for not
 16 more than the following full-time equivalent positions:
 17 For salaries, support, maintenance, and
 18 miscellaneous purposes:

19 \$ 407,461
 20 FTEs 103.00

21 2. The auditor of state may retain additional
 22 full-time equivalent positions as is reasonable and
 23 necessary to perform governmental subdivision audits
 24 which are reimbursable pursuant to section 11.20
 25 or 11.21, to perform audits which are requested by
 26 and reimbursable from the federal government, and
 27 to perform work requested by and reimbursable from
 28 departments or agencies pursuant to section 11.5A
 29 or 11.5B. The auditor of state shall notify the
 30 department of management, the legislative fiscal
 31 committee, and the legislative services agency of the
 32 additional full-time equivalent positions retained.

33 Sec. 57. IOWA ETHICS AND CAMPAIGN DISCLOSURE

34 BOARD. There is appropriated from the general fund of
 35 the state to the Iowa ethics and campaign disclosure
 36 board for the fiscal year beginning July 1, 2012, and
 37 ending June 30, 2013, the following amount, or so much
 38 thereof as is necessary, for the purposes designated:

39 For salaries, support, maintenance, and
 40 miscellaneous purposes, and for not more than the
 41 following full-time equivalent positions:
 42 \$ 262,500
 43 FTEs 5.00

44 Sec. 58. DEPARTMENT OF COMMERCE.

45 1. There is appropriated from the general fund
 46 of the state to the department of commerce for the
 47 fiscal year beginning July 1, 2012, and ending June 30,
 48 2013, the following amounts, or so much thereof as is
 49 necessary, for the purposes designated:

50 a. ALCOHOLIC BEVERAGES DIVISION

1 (1) For salaries, support, maintenance, and
2 miscellaneous purposes, and for not more than the
3 following full-time equivalent positions:

4 \$ 685,196
5 FTEs 23.00

6 (2) Two of the full-time equivalent positions
7 authorized pursuant to subparagraph (1) shall
8 be allocated for purposes associated with the
9 implementation of 2011 Iowa Acts, House File 617.

10 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

11 For salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:

14 \$ 304,677
15 FTEs 12.00

16 2. There is appropriated from the department of
17 commerce revolving fund created in section 546.12
18 to the department of commerce for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the
20 following amounts, or so much thereof as is necessary,
21 for the purposes designated:

22 a. BANKING DIVISION

23 For salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26 \$ 4,425,835
27 FTEs 80.00

28 b. CREDIT UNION DIVISION

29 For salaries, support, maintenance, and
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:

32 \$ 863,998
33 FTEs 19.00

34 c. INSURANCE DIVISION

35 (1) For salaries, support, maintenance, and
36 miscellaneous purposes, and for not more than the
37 following full-time equivalent positions:

38 \$ 2,491,622
39 FTEs 106.50

40 (2) The insurance division may reallocate
41 authorized full-time equivalent positions as necessary
42 to respond to accreditation recommendations or
43 requirements. The insurance division expenditures
44 for examination purposes may exceed the projected
45 receipts, refunds, and reimbursements, estimated
46 pursuant to section 505.7, subsection 7, including the
47 expenditures for retention of additional personnel,
48 if the expenditures are fully reimbursable and the
49 division first does both of the following:

50 (a) Notifies the department of management, the

1 legislative services agency, and the legislative fiscal
2 committee of the need for the expenditures.

3 (b) Files with each of the entities named in
4 subparagraph division (a) the legislative and
5 regulatory justification for the expenditures, along
6 with an estimate of the expenditures.

7 d. UTILITIES DIVISION

8 (1) For salaries, support, maintenance, and
9 miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:

11	\$ 4,086,535
12	FTEs 79.00

13 (2) The utilities division may expend additional
14 funds, including funds for additional personnel, if
15 those additional expenditures are actual expenses which
16 exceed the funds budgeted for utility regulation and
17 the expenditures are fully reimbursable. Before the
18 division expends or encumbers an amount in excess of
19 the funds budgeted for regulation, the division shall
20 first do both of the following:

21 (a) Notify the department of management, the
22 legislative services agency, and the legislative fiscal
23 committee of the need for the expenditures.

24 (b) File with each of the entities named in
25 subparagraph division (a) the legislative and
26 regulatory justification for the expenditures, along
27 with an estimate of the expenditures.

28 (3) Notwithstanding sections 8.33 and 476.10 or
29 any other provisions to the contrary, any unencumbered
30 or unobligated balance of the appropriation made in
31 this paragraph for the utilities division or any other
32 operational appropriation made for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013,
34 that remains unused, unencumbered, or unobligated
35 at the close of the fiscal year shall not revert but
36 shall remain available to be used for purposes of the
37 energy-efficient building project authorized under
38 section 476.10B, or for relocation costs in succeeding
39 fiscal years.

40 3. CHARGES. Each division and the office of
41 consumer advocate shall include in its charges
42 assessed or revenues generated an amount sufficient
43 to cover the amount stated in its appropriation and
44 any state-assessed indirect costs determined by the
45 department of administrative services.

46 Sec. 59. DEPARTMENT OF COMMERCE — PROFESSIONAL
47 LICENSING AND REGULATION BUREAU. There is appropriated
48 from the housing trust fund of the Iowa finance
49 authority created in section 16.181, to the bureau of
50 professional licensing and regulation of the banking

1 division of the department of commerce for the fiscal
2 year beginning July 1, 2012, and ending June 30,
3 2013, the following amount, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 For salaries, support, maintenance, and
6 miscellaneous purposes:

7 \$ 31,159

8 Sec. 60. GOVERNOR AND LIEUTENANT GOVERNOR. There
9 is appropriated from the general fund of the state to
10 the offices of the governor and the lieutenant governor
11 for the fiscal year beginning July 1, 2012, and ending
12 June 30, 2013, the following amounts, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:

15 1. GENERAL OFFICE

16 For salaries, support, maintenance, and
17 miscellaneous purposes for the general office of the
18 governor and the general office of the lieutenant
19 governor, and for not more than the following full-time
20 equivalent positions:

21 \$ 1,081,746

22 FTEs 21.00

23 2. TERRACE HILL QUARTERS

24 For salaries, support, maintenance, and
25 miscellaneous purposes for the governor's quarters
26 at Terrace Hill, and for not more than the following
27 full-time equivalent positions:

28 \$ 34,767

29 FTEs 0.88

30 Sec. 61. GOVERNOR'S OFFICE OF DRUG CONTROL
31 POLICY. There is appropriated from the general fund
32 of the state to the governor's office of drug control
33 policy for the fiscal year beginning July 1, 2012, and
34 ending June 30, 2013, the following amount, or so much
35 thereof as is necessary, to be used for the purposes
36 designated:

37 For salaries, support, maintenance, and
38 miscellaneous purposes, including statewide
39 coordination of the drug abuse resistance education
40 (D.A.R.E.) programs or similar programs, and for not
41 more than the following full-time equivalent positions:

42 \$ 163,022

43 FTEs 8.00

44 Sec. 62. DEPARTMENT OF HUMAN RIGHTS. There is
45 appropriated from the general fund of the state to
46 the department of human rights for the fiscal year
47 beginning July 1, 2012, and ending June 30, 2013, the
48 following amounts, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 1. CENTRAL ADMINISTRATION DIVISION

1 For salaries, support, maintenance, and
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:
 4 \$ 103,052
 5 FTEs 7.00

6 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

7 For salaries, support, maintenance, and
 8 miscellaneous purposes, and for not more than the
 9 following full-time equivalent positions:
 10 \$ 528,396
 11 FTEs 17.00

12 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

13 For salaries, support, maintenance, and
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:
 16 \$ 536,946
 17 FTEs 10.00

18 The criminal and juvenile justice planning advisory
 19 council and the juvenile justice advisory council
 20 shall coordinate their efforts in carrying out their
 21 respective duties relative to juvenile justice.

22 Sec. 63. DEPARTMENT OF INSPECTIONS AND
 23 APPEALS. There is appropriated from the general fund
 24 of the state to the department of inspections and
 25 appeals for the fiscal year beginning July 1, 2012, and
 26 ending June 30, 2013, the following amounts, or so much
 27 thereof as is necessary, for the purposes designated:

28 1. ADMINISTRATION DIVISION

29 For salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:
 32 \$ 805,531
 33 FTEs 37.40

34 2. ADMINISTRATIVE HEARINGS DIVISION

35 For salaries, support, maintenance, and
 36 miscellaneous purposes, and for not more than the
 37 following full-time equivalent positions:
 38 \$ 276,987
 39 FTEs 23.00

40 3. INVESTIGATIONS DIVISION

41 a. For salaries, support, maintenance, and
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:
 44 \$ 584,320
 45 FTEs 58.50

46 b. The department, in coordination with the
 47 investigations division, shall provide a report to
 48 the general assembly by January 10, 2013, concerning
 49 the fiscal impact of additional full-time equivalent
 50 positions on the department's efforts relative to the

1 Medicaid divestiture program under chapter 249F.

2 4. HEALTH FACILITIES DIVISION

3 a. For salaries, support, maintenance, and
4 miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:

6 \$ 1,781,370
7 FTEs 134.75

8 b. The department shall, in coordination with
9 the health facilities division, make the following
10 information available to the public in a timely
11 manner, to include providing the information on the
12 department's internet website, during the fiscal year
13 beginning July 1, 2012, and ending June 30, 2013:

14 (1) The number of inspections conducted by the
15 division annually by type of service provider and type
16 of inspection.

17 (2) The total annual operations budget for the
18 division, including general fund appropriations and
19 federal contract dollars received by type of service
20 provider inspected.

21 (3) The total number of full-time equivalent
22 positions in the division, to include the number of
23 full-time equivalent positions serving in a supervisory
24 capacity, and serving as surveyors, inspectors, or
25 monitors in the field by type of service provider
26 inspected.

27 (4) Identification of state and federal survey
28 trends, cited regulations, the scope and severity of
29 deficiencies identified, and federal and state fines
30 assessed and collected concerning nursing and assisted
31 living facilities and programs.

32 c. It is the intent of the general assembly that
33 the department and division continuously solicit input
34 from facilities regulated by the division to assess and
35 improve the division's level of collaboration and to
36 identify new opportunities for cooperation.

37 5. EMPLOYMENT APPEAL BOARD

38 a. For salaries, support, maintenance, and
39 miscellaneous purposes, and for not more than the
40 following full-time equivalent positions:

41 \$ 21,108
42 FTEs 14.00

43 b. The employment appeal board shall be reimbursed
44 by the labor services division of the department
45 of workforce development for all costs associated
46 with hearings conducted under chapter 91C, related
47 to contractor registration. The board may expend,
48 in addition to the amount appropriated under this
49 subsection, additional amounts as are directly billable
50 to the labor services division under this subsection

1 and to retain the additional full-time equivalent
2 positions as needed to conduct hearings required
3 pursuant to chapter 91C.

4 6. CHILD ADVOCACY BOARD

5 a. For foster care review and the court appointed
6 special advocate program, including salaries, support,
7 maintenance, and miscellaneous purposes, and for not
8 more than the following full-time equivalent positions:

9 \$ 1,397,237
10 FTEs 40.80

11 b. The department of human services, in
12 coordination with the child advocacy board and the
13 department of inspections and appeals, shall submit an
14 application for funding available pursuant to Tit. IV-E
15 of the federal Social Security Act for claims for child
16 advocacy board administrative review costs.

17 c. The court appointed special advocate program
18 shall investigate and develop opportunities for
19 expanding fund-raising for the program.

20 d. Administrative costs charged by the department
21 of inspections and appeals for items funded under this
22 subsection shall not exceed 4 percent of the amount
23 appropriated in this subsection.

24 Sec. 64. DEPARTMENT OF INSPECTIONS AND APPEALS
25 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the

26 fiscal year beginning July 1, 2012, and ending June 30,
27 2013, the department of inspections and appeals shall
28 retain any license fees generated during the fiscal
29 year as a result of actions under section 137F.3A
30 occurring during the period beginning July 1, 2009, and
31 ending June 30, 2011, for the purpose of enforcing the
32 provisions of chapters 137C, 137D, and 137F.

33 Sec. 65. DEPARTMENT OF INSPECTIONS AND APPEALS —
34 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding

35 any provision of section 135C.16 to the contrary,
36 inspections of health care facilities that are only
37 state-licensed and not certified under the Medicare
38 or Medicaid programs shall not be inspected by the
39 department of inspections and appeals every thirty
40 months, but only as provided pursuant to sections
41 135C.9 and 135C.38.

42 Sec. 66. DEPARTMENT OF INSPECTIONS AND
43 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND

44 APPROPRIATION. There is appropriated from the Medicaid
45 fraud fund created in section 249A.7 to the department
46 of inspections and appeals for the fiscal year
47 beginning July 1, 2012, and ending June 30, 2013, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 For additional health facility surveyors, compliance

1 officers, and residential care facility surveyors:
2 \$ 325,000

3 Sec. 67. DEPARTMENT OF INSPECTIONS AND APPEALS
4 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND

5 APPROPRIATION. There is appropriated from the Medicaid
6 fraud fund created in section 249A.7 to the department
7 of inspections and appeals for the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, the
9 amounts necessary for the purposes designated:

10 1. To cover the cost of any state match to draw
11 down matching federal funds through the department of
12 human services for additional full-time equivalent
13 positions for conducting investigations of alleged
14 fraud and overpayments of food assistance benefits
15 through electronic benefits transfer.

16 2. For the state financial match requirement
17 for meeting the federal mandates connected with the
18 department's Medicaid fraud and abuse activities, and
19 the amount necessary to cover costs incurred by the
20 department or other agencies in providing regulation,
21 responding to allegations, or other activity involving
22 chapter 135O.

23 Sec. 68. DEPARTMENT OF INSPECTIONS AND APPEALS
24 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND

25 APPROPRIATION. There is appropriated from the Medicaid
26 fraud fund created in section 249A.7 to the department
27 of inspections and appeals for the fiscal year
28 beginning July 1, 2012, and ending June 30, 2013, the
29 following amount, or so much thereof as is necessary,
30 to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
32 purposes, administration, and other costs associated
33 with implementation of 2010 Iowa Acts, chapter 1177:
34 \$ 125,000

35 Sec. 69. RACING AND GAMING COMMISSION.

36 1. RACETRACK REGULATION

37 There is appropriated from the gaming regulatory
38 revolving fund established in section 99F.20 to the
39 racing and gaming commission of the department of
40 inspections and appeals for the fiscal year beginning
41 July 1, 2012, and ending June 30, 2013, the following
42 amount, or so much thereof as is necessary, to be used
43 for the purposes designated:

44 For salaries, support, maintenance, and
45 miscellaneous purposes for the regulation of
46 pari-mutuel racetracks, and for not more than the
47 following full-time equivalent positions:

48 \$ 1,255,720

49 FTEs 28.53

50 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

1 There is appropriated from the gaming regulatory
 2 revolving fund established in section 99F.20 to the
 3 racing and gaming commission of the department of
 4 inspections and appeals for the fiscal year beginning
 5 July 1, 2012, and ending June 30, 2013, the following
 6 amount, or so much thereof as is necessary, to be used
 7 for the purposes designated:

8 For salaries, support, maintenance, and
 9 miscellaneous purposes for administration and
 10 enforcement of the excursion boat gambling and gambling
 11 structure laws, and for not more than the following
 12 full-time equivalent positions:

13 \$ 1,539,050
 14 FTEs 44.22

15 Sec. 70. ROAD USE TAX FUND APPROPRIATION —
 16 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 17 appropriated from the road use tax fund created in
 18 section 312.1 to the administrative hearings division
 19 of the department of inspections and appeals for the
 20 fiscal year beginning July 1, 2012, and ending June 30,
 21 2013, the following amount, or so much thereof as is
 22 necessary, for the purposes designated:

23 For salaries, support, maintenance, and
 24 miscellaneous purposes:

25 \$ 811,949

26 Sec. 71. DEPARTMENT OF MANAGEMENT.

27 1. There is appropriated from the general fund
 28 of the state to the department of management for the
 29 fiscal year beginning July 1, 2012, and ending June 30,
 30 2013, the following amounts, or so much thereof as is
 31 necessary, to be used for the purposes designated:

32 For salaries, support, maintenance, and
 33 miscellaneous purposes, and for not more than the
 34 following full-time equivalent positions:

35 \$ 1,081,999
 36 FTEs 25.00

37 2. Of the moneys appropriated in this section, the
 38 department shall use a portion for enterprise resource
 39 planning, providing for a salary model administrator,
 40 conducting performance audits, and for the department's
 41 LEAN process.

42 Sec. 72. ROAD USE TAX APPROPRIATION — DEPARTMENT
 43 OF MANAGEMENT. There is appropriated from the road use
 44 tax fund created in section 312.1 to the department
 45 of management for the fiscal year beginning July 1,
 46 2012, and ending June 30, 2013, the following amount,
 47 or so much thereof as is necessary, to be used for the
 48 purposes designated:

49 For salaries, support, maintenance, and
 50 miscellaneous purposes:

1 \$ 28,000
2 Sec. 73. DEPARTMENT OF REVENUE.
3 1. There is appropriated from the general fund
4 of the state to the department of revenue for the
5 fiscal year beginning July 1, 2012, and ending June 30,
6 2013, the following amounts, or so much thereof as is
7 necessary, to be used for the purposes designated:
8 For salaries, support, maintenance, and
9 miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:
11 \$ 8,902,730
12 FTEs 303.48
13 2. Of the funds appropriated pursuant to this
14 section, \$400,000 shall be used to pay the direct
15 costs of compliance related to the collection and
16 distribution of local sales and services taxes imposed
17 pursuant to chapters 423B and 423E.
18 3. The director of revenue shall prepare and issue
19 a state appraisal manual and the revisions to the
20 state appraisal manual as provided in section 421.17,
21 subsection 17, without cost to a city or county.
22 Sec. 74. MOTOR VEHICLE FUEL TAX
23 APPROPRIATION. There is appropriated from the motor
24 fuel tax fund created by section 452A.77 to the
25 department of revenue for the fiscal year beginning
26 July 1, 2012, and ending June 30, 2013, the following
27 amount, or so much thereof as is necessary, to be used
28 for the purposes designated:
29 For salaries, support, maintenance, miscellaneous
30 purposes, and for administration and enforcement of the
31 provisions of chapter 452A and the motor vehicle use
32 tax program:
33 \$ 652,888
34 Sec. 75. SECRETARY OF STATE.
35 1. There is appropriated from the general fund of
36 the state to the office of the secretary of state for
37 the fiscal year beginning July 1, 2012, and ending June
38 30, 2013, the following amounts, or so much thereof as
39 is necessary, to be used for the purposes designated:
40 For salaries, support, maintenance, and miscellaneous
41 purposes, and for not more than the following full-time
42 equivalent positions:
43 \$ 1,447,793
44 FTEs 45.00
45 2. The state department or state agency which
46 provides data processing services to support voter
47 registration file maintenance and storage shall provide
48 those services without charge.
49 Sec. 76. SECRETARY OF STATE FILING FEES REFUND.
50 Notwithstanding the obligation to collect fees pursuant

1 to the provisions of section 490.122, subsection 1,
 2 paragraphs "a" and "s", and section 504.113, subsection
 3 1, paragraphs "a", "c", "d", "j", "k", "l", and
 4 "m", for the fiscal year beginning July 1, 2012, the
 5 secretary of state may refund these fees to the filer
 6 pursuant to rules established by the secretary of
 7 state. The decision of the secretary of state not to
 8 issue a refund under rules established by the secretary
 9 of state is final and not subject to review pursuant
 10 to chapter 17A.

11 Sec. 77. TREASURER.

12 1. There is appropriated from the general fund of
 13 the state to the office of treasurer of state for the
 14 fiscal year beginning July 1, 2012, and ending June 30,
 15 2013, the following amount, or so much thereof as is
 16 necessary, to be used for the purposes designated:

17 For salaries, support, maintenance, and
 18 miscellaneous purposes, and for not more than the
 19 following full-time equivalent positions:

20 \$ 427,145
 21 FTEs 28.80

22 2. The office of treasurer of state shall supply
 23 clerical and secretarial support for the executive
 24 council.

25 Sec. 78. ROAD USE TAX APPROPRIATION — OFFICE
 26 OF TREASURER OF STATE. There is appropriated from

27 the road use tax fund created in section 312.1 to
 28 the office of treasurer of state for the fiscal year
 29 beginning July 1, 2012, and ending June 30, 2013, the
 30 following amount, or so much thereof as is necessary,
 31 to be used for the purposes designated:

32 For enterprise resource management costs related to
 33 the distribution of road use tax funds:

34 \$ 46,574

35 Sec. 79. IPERS — GENERAL OFFICE. There is
 36 appropriated from the Iowa public employees' retirement
 37 system fund to the Iowa public employees' retirement
 38 system for the fiscal year beginning July 1, 2012, and
 39 ending June 30, 2013, the following amount, or so much
 40 thereof as is necessary, to be used for the purposes
 41 designated:

42 For salaries, support, maintenance, and other
 43 operational purposes to pay the costs of the Iowa
 44 public employees' retirement system, and for not more
 45 than the following full-time equivalent positions:

46 \$ 8,843,484
 47 FTEs 90.13

H-1683

1 Amend the House amendment, S-3220, to Senate File
2 511, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 4 through 9 and
5 inserting:
6 <__. It is the intent of the general assembly that
7 the offices of the clerks of the district court operate
8 in all 99 counties and be accessible to the public as
9 much as is reasonably possible in order to address the
10 relative needs of the citizens of each county.>

11 2. Page 4, line 22, by striking <157,311,822> and
12 inserting <77,055,911>

13 3. Page 4, line 28, by striking <2,300,000> and
14 inserting <1,150,000>

15 4. By striking page 4, line 49, through page 5,
16 line 4, and inserting:

17 <__. It is the intent of the general assembly that
18 the offices of the clerks of the district court operate
19 in all 99 counties and be accessible to the public as
20 much as is reasonably possible in order to address the
21 relative needs of the citizens of each county.>

22 5. By renumbering as necessary.

SENATE AMENDMENT

H-1684

1 Amend House File 561 as follows:

2 1. Page 9, after line 23 by inserting:
3 <Sec. __. **NEW SECTION.** 476A.9A Nuclear facilities
4 – financial liability – oversight.

5 In the event of an accident, natural disaster,
6 or other circumstance, condition, or occurrence
7 which compromises the safety and security of a
8 nuclear generating facility and poses a potential or
9 actual threat to public health, safety, or welfare,
10 the utility owning such facility shall bear sole
11 responsibility for the costs associated with the
12 cleanup and disposal of any radioactive material and
13 for resulting damages sustained by individuals and
14 entities. The utility shall not recover such costs
15 through any form of rate increase, and taxpayers
16 shall not bear any responsibility for such costs.
17 The board may establish a commission to provide
18 oversight regarding the aftermath of an incident
19 described in this section and to ensure adherence to
20 the requirements of this section regarding cleanup,
21 disposal, and damages.>

22 2. By renumbering as necessary.

WESSEL-KROESCHELL of Story

H-1685

1 Amend Senate File 313, as passed by the Senate, as
 2 follows:
 3 1. Page 5, after line 10 by inserting:
 4 <Sec. ____ Section 514I.5, subsection 3, Code 2011,
 5 is amended to read as follows:
 6 3. Members appointed by the governor shall
 7 serve two-year staggered terms as designated by the
 8 governor, and legislative members of the board shall
 9 serve two-year terms. The filling of positions
 10 reserved for the public representatives, vacancies,
 11 membership terms, payment of compensation and expenses,
 12 and removal of the members are governed by chapter
 13 69. Members of the board are entitled to receive
 14 reimbursement of actual expenses incurred in the
 15 discharge of their duties. Public members of the
 16 board are also eligible to receive compensation as
 17 provided in section 7E.6. A majority of the voting
 18 members constitutes a quorum and the affirmative vote
 19 of a majority of the voting members is necessary for
 20 any substantive action to be taken by the board. The
 21 members shall select a chairperson on an annual basis
 22 from among the membership of the board.>
 23 2. By renumbering as necessary.

L. MILLER of Scott

H-1686

1 Amend Senate File 313, as passed by the Senate, as
 2 follows:
 3 1. Page 5, after line 10 by inserting:
 4 <Sec. ____ Section 249J.24A, subsection 1, Code
 5 2011, is amended to read as follows:
 6 1. A nonparticipating provider may be reimbursed
 7 for covered expansion population services provided to
 8 an expansion population member ~~by a nonparticipating~~
 9 ~~provider if the nonparticipating provider contacts the~~
 10 ~~appropriate participating provider prior to providing~~
 11 ~~covered services to verify consensus regarding one of~~
 12 ~~the following courses of action if any of the following~~
 13 ~~conditions is met:~~
 14 a. ~~If the nonparticipating provider and the~~
 15 ~~participating provider agree that the medical status~~
 16 ~~of the expansion population member indicates it~~
 17 ~~is medically possible to postpone provision of~~
 18 ~~services, the nonparticipating provider shall direct~~
 19 ~~the expansion population member to the appropriate~~
 20 ~~participating provider for services.~~
 21 b. ~~a.~~ If the nonparticipating provider and the
 22 participating provider agree determines that the

23 medical status of the expansion population member
 24 indicates it is not medically ~~possible~~ advisable to
 25 postpone provision of services, the nonparticipating
 26 provider shall provide medically necessary services.
 27 e. ~~b.~~ If the nonparticipating provider and the
 28 participating provider agree that transfer of the
 29 expansion population member is not possible due to lack
 30 of available inpatient capacity, the nonparticipating
 31 provider shall provide medically necessary services.
 32 ~~d.~~ c. If the medical status of the expansion
 33 population member indicates a medical emergency and the
 34 nonparticipating provider is not able to contact the
 35 appropriate participating provider prior to providing
 36 medically necessary services, the nonparticipating
 37 provider shall document the medical emergency
 38 and inform the appropriate participating provider
 39 immediately after the member has been stabilized of any
 40 covered services provided.
 41 Sec. ____ Section 249J.24A, subsection 2, paragraph
 42 a, Code 2011, is amended to read as follows:
 43 a. If the nonparticipating provider meets
 44 the requirements specified in subsection 1, the
 45 nonparticipating provider shall be reimbursed for
 46 covered expansion population services, limited to
 47 emergency and other inpatient hospital services
 48 provided to the expansion population member up to the
 49 point of transfer to another provider, discharge,
 50 or transfer to another level of care, through the

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1 nonparticipating provider reimbursement fund in
 2 accordance with rules adopted by the department of
 3 human services. However, any funds received from
 4 participating providers, appropriated to participating
 5 providers, or deposited in the IowaCare account
 6 pursuant to section 249J.24, shall not be transferred
 7 or appropriated to the nonparticipating provider
 8 reimbursement fund or otherwise used to reimburse
 9 nonparticipating providers.>
 10 2. By renumbering as necessary.

HEATON of Henry

H-1687

1 Amend House File 686 as follows:
 2 1. Page 2, by striking lines 10 through 20 and
 3 inserting <2011. The task force shall adopt rules
 4 for the operation of the task force. The task force
 5 shall determine any possible efficiencies in marketing
 6 or advertising expenditures, and upon a unanimous

7 vote of the task force may agree to collaborations in
 8 marketing or advertising expenditures if the task force
 9 determines that marketing or advertising efficiencies
 10 can be reached by such collaboration. A state agency
 11 that is a member of the task force may, subject to any
 12 other provision or limitation of law, implement such
 13 collaborations agreed to by a unanimous vote of the
 14 task force.>

WAGNER of Linn
 RUNNING-MARQUARDT of Linn

H-1688

1 Amend Senate File 313, as passed by the Senate, as
 2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 MEDICAL ASSISTANCE — GENERAL PROVISIONS>

6 2. Page 5, after line 10 by inserting:

7 <DIVISION II

8 MEDICAID PRESCRIPTION DRUGS

9 Sec. __. Section 249A.20A, subsection 4, Code

10 2011, is amended to read as follows:

11 4. With the exception of drugs prescribed for the
 12 treatment of human immunodeficiency virus or acquired
 13 immune deficiency syndrome, transplantation, or cancer
 14 and drugs prescribed for mental illness with the
 15 exception of drugs and drug compounds that do not
 16 have a significant variation in a therapeutic profile
 17 or side effect profile within a therapeutic class,
 18 prescribing and dispensing of prescription drugs not
 19 included on the preferred drug list shall be subject to
 20 prior authorization.

21 Sec. __. 2010 Iowa Acts, chapter 1031, section

22 348, is amended to read as follows:

23 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
 24 PRESCRIBING.

25 ~~1. The department shall adopt rules pursuant~~
 26 ~~to chapter 17A to restrict physicians and other~~
 27 ~~prescribers to prescribing not more than a 72-hour~~
 28 ~~or three-day supply of a prescription drug not~~
 29 ~~included on the medical assistance preferred drug list~~
 30 ~~while seeking approval to continue prescribing the~~
 31 ~~medication.~~

32 ~~2. Notwithstanding subsection 1, the department~~
 33 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
 34 ~~physician or other prescriber prescribing a chemically~~
 35 ~~unique mental health prescription drug to prescribing~~
 36 ~~not more than a seven-day supply of the prescription~~
 37 ~~drug while requesting approval to continue to prescribe~~
 38 ~~the medication. The rules shall provide that if~~

39 ~~an approval or disapproval is not received by the~~
 40 ~~physician or other prescriber within 48 hours of the~~
 41 ~~request, the request is deemed approved.~~
 42 Sec. ____ REPEAL. 2010 Iowa Acts, chapter 1031,
 43 section 349, is repealed.
 44 Sec. ____ RESCINDING AND ADOPTION OF RULES. The
 45 department of human services shall rescind the rules
 46 adopted pursuant to 2010 Iowa Acts, chapter 1031,
 47 section 347, chapter 1031, section 349, subsection
 48 2, and chapter 1031, section 349, and shall instead
 49 adopt emergency rules under section 17A.4, subsection
 50 3, and section 17A.5, subsection 2, paragraph "b",

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1 to implement section 249A.20A, as amended in this
 2 division of this Act, and the rules shall be effective
 3 immediately upon filing and retroactively applicable to
 4 January 1, 2011, unless a later date is specified in
 5 the rules. Any rules adopted in accordance with this
 6 section shall also be published as a notice of intended
 7 action as provided in section 17A.4.
 8 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 9 APPLICABILITY. This division of this Act, being deemed
 10 of immediate importance, takes effect upon enactment
 11 and applies retroactively to January 1, 2011.>
 12 3. Title page, line 2, after <provisions> by
 13 inserting <and providing effective date and retroactive
 14 applicability provisions>
 15 4. By renumbering as necessary.

SCHULTE of Linn

H-1689

1 Amend House File 561 as follows:
 2 1. By striking page 6, line 35, through page 7,
 3 line 8.
 4 2. Page 7, after line 16 by inserting:
 5 < (f) Notwithstanding any other provision to the
 6 contrary, cost recovery under the ratemaking principles
 7 established in this section shall be limited to a
 8 revenue increase applied in the same percentage amount
 9 to each customer class and designed to recover, on
 10 an annual basis, not more than five-tenths of one
 11 percent of the electric utility's previous calendar
 12 year revenues attributable to billed base rates in this
 13 state.>
 14 3. By renumbering as necessary.

KAJTAZOVIC of Black Hawk

H-1690

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by striking lines 28 through 32 and
4 inserting <maintained by the governing board of the
5 organization and required or authorized to be kept
6 confidential by law.
7 (2) Discussions with, or the work product of, an
8 attorney of the governing board of the organization
9 required or authorized to be kept confidential by law.>
10 2. By renumbering as necessary.

HAGENOW of Polk
PETERSEN of Polk

H-1691

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, lines 1 and 2, by striking <in the same
4 manner as school corporations>

HAGENOW of Polk

H-1692

1 Amend House File 561 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. RISK ASSESSMENT INQUIRY. The utilities
5 board of the utilities division of the department
6 of commerce shall conduct an inquiry to identify
7 and analyze the risks associated with financing
8 nuclear power plants and the assignment of those
9 risks, and safety risks associated with traditional
10 nuclear facility and small modular reactor technology
11 construction. The board shall submit a report
12 containing a summary of the inquiry and resulting
13 recommendations to the general assembly by January
14 9, 2012. Any costs associated with the inquiry
15 shall be assigned by the board to a rate-regulated
16 electric utility that was subject to a revenue-sharing
17 settlement agreement with regard to its electric base
18 rates as of January 1, 2010.>
19 2. By renumbering as necessary.

PETERSEN of Polk

H-1693

1 Amend the amendment, H-1689, to House File 561 as
2 follows:

3 1. Page 1, by striking lines 10 through 13 and
4 inserting <an annual basis, not more than one percent
5 of the applicable rate for each customer class for
6 the previous calendar year. The limitation in this
7 subparagraph division shall be applicable for the
8 longer of a period of ten years from the date the
9 ratemaking principles order is issued or the period of
10 construction of the facility.>>

KAJTAZOVIC of Black Hawk

H-1694

1 Amend the amendment, H-1623, to House File 561 as
2 follows:

3 1. Page 1, line 31, by striking <may> and inserting
4 <shall>

ISENHART of Dubuque

H-1695

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 10 and 11, by striking <allocate
4 at least> and inserting <not allocate more than>
5 2. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS

H-1696

1 Amend the amendment, H-1459, to House File 561 as
2 follows:

3 1. Page 1, by striking lines 5 through 19 and
4 inserting:
5 <NEW SUBSECTION. 4. In the case of an application
6 to construct a nuclear generation facility, the
7 applicant commits to prepare plans addressing
8 United States nuclear regulatory commission and
9 federal emergency management agency public emergency
10 preparedness and response strategy requirements in
11 the event of an accident, natural disaster, or other
12 circumstance, condition, or occurrence compromising
13 the safety and security of the facility and posing a
14 potential threat to public health, safety, or welfare.
15 The plans shall also address coordination with state
16 emergency planning departments, public safety drills,
17 and emergency response testing in response to a

18 simulated nuclear disaster as required by the rules of
19 the United States nuclear regulatory commission and the
20 federal emergency management agency.>>

SODERBERG of Plymouth

H-1697

1 Amend House File 561 as follows:

2 1. Page 8, after line 33 by inserting:

3 <3A. A utility that files an application pursuant
4 to section 476A.3 to build a nuclear generating
5 facility including but not limited to small modular
6 reactor technology, or seeks authority pursuant to a
7 combined construction and operating license or an early
8 site permit from the United States nuclear regulatory
9 commission, or a utility which partners with a utility
10 filing an application or seeking authority, or a
11 utility which enters into a purchase agreement to buy
12 power generated by a nuclear facility, shall be subject
13 to a minimum capacity and energy savings performance
14 standard of a one and one-half percent annual reduction
15 in projected energy use based upon anticipated demand
16 and population shifts within the utility's service
17 area. The board shall determine a date by which the
18 utility shall annually submit energy savings results
19 achieved during the preceding twelve months documenting
20 the extent to which the one and one-half percent
21 reduction standard has been met. Application of the
22 reduction standard shall be subject to the following
23 requirements:

24 a. A utility subject to this subsection which
25 documents a kilowatt-hour or cubic foot energy usage
26 reduction which exceeds the level corresponding to
27 the reduction standard by more than one-tenth of one
28 percent shall be entitled to recover an additional
29 one percent of the costs of its energy efficiency
30 plan through the automatic adjustment mechanism under
31 section 476.6, subsection 8, for each one-tenth of one
32 percent by which the reduction standard is exceeded.

33 b. A utility subject to this subsection which
34 documents a reduction that fails to meet the reduction
35 standard by more than one-tenth of one percent shall
36 be subject to an assessment imposed by the board.
37 The electric utility shall be assessed two cents for
38 each kilowatt-hour of energy savings achieved below
39 the level corresponding to the reduction standard,
40 and shall be subject to an assessment of twenty
41 cents for each hundred cubic feet of energy savings
42 achieved below the level corresponding to the reduction
43 standard. Amounts assessed shall be remitted to
44 the board for allocation to an independent energy

45 efficiency administrator selected by the board on a
 46 competitive basis to improve energy efficiency in a
 47 manner established by the board by rule in the service
 48 area of the utility.
 49 c. The board shall designate by rule qualifying
 50 energy savings or reduction activities in forms

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1 other than that primarily sold by a utility which
 2 may be counted toward compliance with the reduction
 3 standard, including but not limited to the promotion
 4 of customer-owned renewable energy or plug-in hybrid
 5 electric motor vehicles, and may permit allocation
 6 of energy efficiency expenditures that do not have a
 7 demonstrated cost-effectiveness if the board determines
 8 the expenditures contribute to achievement of the
 9 standard. The board may allocate additional weighting
 10 to energy efficiency programs for qualified low-income
 11 persons in achieving the reduction standard.
 12 d. A utility otherwise subject to the reduction
 13 standard may elect to opt out of compliance with the
 14 standard by agreeing to an assessment determined by
 15 the board in an amount corresponding to or sufficient
 16 to attain the standard, which shall be remitted to
 17 the board for allocation to an independent energy
 18 efficiency administrator selected by the board as
 19 provided in paragraph "b".>

ISENHART of Dubuque

H-1698

1 Amend House File 564 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <DIVISION I
 5 UNIFORM COMMON INTEREST OWNERSHIP ACT
 6 Section 1. NEW SECTION. 499C.101 Title.
 7 This chapter shall be known and cited as the
 8 "Uniform Common Interest Ownership Act".
 9 Sec. 2. NEW SECTION. 499C.102 Public policy.
 10 The general assembly declares that it is the public
 11 policy of the state that the management and affairs of
 12 common interest communities be conducted openly, and
 13 this chapter shall be construed, to provide open access
 14 to the management of the common interest community to
 15 the unit owners.
 16 Sec. 3. NEW SECTION. 499C.103 Definitions.
 17 As used in this chapter, unless the context
 18 otherwise requires:
 19 1. "Assessment" means a sum attributable to each

20 unit and due to the unit owners association as may be
21 provided in a declaration or in the bylaws.
22 2. "Bylaws" means the instruments, however
23 denominated, that contain the procedures for conducting
24 the affairs of the unit owners association or the
25 executive board regardless of the form in which the
26 association is organized, including any amendments to
27 such instruments.
28 3. "Common element" means:
29 a. For a cooperative under chapter 499A or a
30 horizontal property regime under chapter 499B, all
31 portions of the common interest community other than
32 the units.
33 b. For a planned community, any real estate within
34 the planned community which is owned or leased by the
35 unit owners association, other than a unit.
36 c. For all common interest communities, any other
37 interests in real estate for the benefit of unit owners
38 which are subject to the declaration.
39 4. "Common expense liability" means the liability
40 for common expenses allocated to each unit pursuant to
41 a declaration or bylaws.
42 5. "Common expenses" means expenditures made by, or
43 financial liabilities of, the unit owners association
44 or the executive board, together with any allocations
45 to reserves.
46 6. a. "Common interest community" means real estate
47 described in a declaration with respect to which a
48 person, by virtue of the person's ownership of a unit,
49 is obligated to pay for a share of real estate taxes,
50 insurance premiums, maintenance, or improvement of, or

Page 2

1 services or other expenses related to, common elements,
2 other units, or other real estate described in the
3 declaration. "Common interest community" includes
4 a cooperative under chapter 499A and a horizontal
5 property regime under chapter 499B.
6 b. Common interest community does not include:
7 (1) A covenant that requires the owners of separate
8 parcels of real estate to share costs or other
9 obligations related to a wall, driveway, well, or other
10 similar structure, unless all such owners consent in
11 writing to the creation of a common interest community.
12 (2) Real estate described in paragraph "a" if all
13 units are owned by a single unit owner.
14 7. "Declarant" means any person or group of persons
15 who, as the record title owner of real estate, by
16 a declaration, initially creates a common interest
17 community.
18 8. "Declaration" means the instrument, however

19 denominated, that creates a common interest community,
20 including any amendments to the instrument.

21 9. "Executive board" means the body, regardless of
22 name, designated in the declaration or bylaws to act on
23 behalf of the unit owners association.

24 10. "Planned community" means a common interest
25 community that is not a cooperative under chapter 499A
26 or a horizontal property regime under chapter 499B,
27 and includes property owner or homeowner associations.
28 However, a cooperative under chapter 499A or a
29 horizontal property regime under chapter 499B may be
30 part of a planned community.

31 11. "Rule" means a policy, guideline, restriction,
32 procedure, or regulation, however denominated, which is
33 not set forth in the declaration or bylaws.

34 12. "Unit" means a physical portion of the common
35 interest community designated for separate ownership or
36 occupancy or as otherwise defined in the statute under
37 which the common interest community is organized.

38 13. "Unit owner" means a declarant or other person
39 that owns a unit, but does not include a person
40 having an interest in a unit solely as security for
41 an obligation. In a horizontal property regime under
42 chapter 499B or a planned community, the declarant is
43 the owner of any unit created by the declaration. In
44 a cooperative under chapter 499A, the declarant is
45 the owner of any unit to which an interest has been
46 allocated until that unit has been conveyed to another
47 person.

48 14. "Unit owners association" means a unit owners
49 association organized under section 499C.201.

50 Sec. 4. NEW SECTION. 499C.104 Variation by

Page 3

1 agreement.

2 Except as expressly provided in this chapter,
3 the provisions of this chapter may not be varied
4 by agreement, and rights conferred by it may not be
5 waived.

6 Sec. 5. NEW SECTION. 499C.105 Applicability.

7 Unless otherwise provided by law:

8 1. This chapter applies to all common interest
9 communities established within this state on or after
10 July 1, 2011.

11 2. This chapter does not apply to common interest
12 communities of three or fewer units.

13 3. Sections 499C.301, 499C.302, 499C.401, 499C.402,
14 499C.403, and 499C.501 apply to common interest
15 communities established before July 1, 2011. Any
16 portion of a declaration, bylaws, covenant, or
17 other contractual provision existing prior to July

18 1, 2011, that violates section 499C.301, 499C.302,
19 499C.401, 499C.402, or 499C.403 is not enforceable.
20 However, nothing in this chapter shall be construed to
21 invalidate other provisions of the declaration, bylaws,
22 plats, or plans of those common interest communities
23 established before July 1, 2011.

24 Sec. 6. NEW SECTION. 499C.201 Unit owners
25 association.

26 1. A unit owners association shall be organized
27 not later than the date the first unit in the common
28 interest community is conveyed.

29 2. Membership of a unit owners association shall at
30 all times consist exclusively of all unit owners except
31 following termination of the common interest community,
32 at which time the unit owners association shall consist
33 of all former unit owners entitled to distributions of
34 proceeds or their heirs, successors, or assigns.

35 3. A unit owners association shall have an
36 executive board.

37 4. A unit owners association shall be organized
38 as a profit or nonprofit corporation, trust, limited
39 liability company, partnership, unincorporated
40 association, or any other form of organization
41 authorized by the law of this state. The requirements
42 of this chapter relating to a unit owners association
43 shall preempt any conflicting provision of the statute
44 under which the unit owner association is organized.

45 Sec. 7. NEW SECTION. 499C.202 Unit owners
46 association — powers and duties.

47 1. Except as otherwise provided in this chapter, a
48 unit owners association shall do all of the following:

49 a. Adopt bylaws which may be amended subject to the
50 provisions of section 499C.301.

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1 b. Adopt budgets, collect assessments for common
2 expenses from unit owners, and invest funds of the
3 association, if applicable.

4 2. Unless otherwise limited by a declaration or
5 bylaws, a unit owners association shall have authority
6 to do any of the following:

7 a. Adopt and amend rules for operation of the unit
8 owners association.

9 b. Hire, employ, and discharge employees, agents,
10 and independent contractors.

11 c. Institute, defend, or intervene in litigation,
12 arbitration, mediation, or administrative proceedings
13 on behalf of the unit owners association or for two
14 or more unit owners on matters affecting the common
15 interest community.

16 d. Make contracts and incur liabilities.

17 e. Regulate the use, maintenance, repair,
18 replacement, and modification of common elements.
19 f. Cause additional improvements to be made to the
20 common elements of the common interest community.
21 g. Acquire, hold, encumber, and convey any right,
22 title, or interest to real estate or personal property.
23 h. Grant easements, leases, licenses, and
24 concessions through or over the common elements of the
25 common interest community.
26 i. Impose and receive any payments, fees, or
27 charges for the use, rental, or operation of the common
28 elements, other than limited common elements as defined
29 in section 499B.2, and for services provided to unit
30 owners.
31 j. Impose charges for late payment of assessments
32 and, after notice and an opportunity to be heard,
33 impose reasonable monetary penalties for violations of
34 the declaration, bylaws, and rules of the association.
35 k. Impose reasonable charges for the preparation
36 and recording of statements of unpaid assessments.
37 l. Provide for the indemnification of its officers
38 and executive board, including maintenance of liability
39 insurance for directors and officers of the unit owners
40 association.
41 m. Assign its right to future income, including the
42 right to receive assessments.
43 n. Exercise powers conferred by the declaration or
44 bylaws.
45 o. Exercise all other powers that may be exercised
46 in this state by organizations of the same type as the
47 unit owners association.
48 p. Suspend any right or privilege of a unit owner
49 who fails to pay an assessment. The unit owners
50 association shall not, however, deny a unit owner or

Page 5

1 other occupant access to the owner's unit, suspend
2 a unit owner's right to vote, prevent a unit owner
3 from seeking election as a director or officer of
4 the association, or withhold services provided to a
5 unit or a unit owner by the association if the effect
6 of withholding the service would be to endanger the
7 health, safety, or property of any person.
8 q. Exercise any other powers necessary and proper
9 for the governance and operation of the association.
10 3. If a tenant of a unit owner violates the
11 declaration, bylaws, or rules of the association,
12 in addition to exercising any of its powers against
13 the unit owner, the association may do any of the
14 following:
15 a. Exercise the powers described in subsection 2,

16 paragraph "j", against the offending tenant.

17 b. After giving notice to the tenant and the unit
18 owner and providing each an opportunity to be heard,
19 levy reasonable monetary penalties against the tenant
20 for the violation.

21 c. Take other action against the tenant for the
22 violation in the same manner as the unit owner, acting
23 as landlord, could have exercised under the lease or
24 in the manner that the unit owners association could
25 lawfully have taken action directly against the unit
26 owner, or both. Action under this paragraph may only
27 be taken if the tenant or unit owner fails to remedy
28 the violation within ten days after notification by the
29 unit owners association of the violation.

30 4. Unless a lease of a unit otherwise provides,
31 this section does not do any of the following:

32 a. Affect rights that the unit owner possesses to
33 enforce the lease or that the unit owners association
34 has under other provisions of law.

35 b. In the absence of a violation of the
36 declaration, bylaws, or rules, authorize the unit
37 owners association to enforce a lease to which the unit
38 owners association is not a party.

39 5. An executive board may determine whether to
40 exercise the association's power to impose sanctions or
41 commence an action for a violation of the declaration,
42 bylaws, or rules, including whether to settle any
43 claim for unpaid assessments or other claim made by
44 or against the unit owners association. An executive
45 board does not have a duty to take enforcement
46 action if the executive board determines, following
47 consideration of the facts and circumstances presented,
48 any of the following:

49 a. The association's legal position does not
50 justify taking any or further enforcement action.

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1 b. The covenant, restriction, or rule being
2 enforced is, or is likely to be construed as,
3 inconsistent with law.

4 c. Despite the existence of a violation, the
5 violation is nonmaterial and does not justify
6 expenditure of the unit owners association resources.

7 d. It is not in the unit owners association's best
8 interests to pursue an enforcement action.

9 6. The failure of an executive board to take
10 action pursuant to subsection 5 shall not prevent the
11 executive board from taking enforcement action under a
12 similar set of circumstances or facts. The authority
13 of an executive board to take action under this chapter
14 shall not, however, be exercised in an arbitrary or

15 capricious manner.
16 Sec. 8. **NEW SECTION.** 499C.203 Executive board.
17 1. Except as otherwise provided in the declaration,
18 the bylaws, subsection 2, or provisions of the statute
19 under which the common interest community is organized,
20 an executive board acts on behalf of the unit owners
21 association. In the performance of their duties,
22 officers and members of the executive board appointed
23 by the declarant shall exercise the degree of care
24 and loyalty to the unit owners association required
25 of a trustee. Officers and members of an executive
26 board not appointed by the declarant shall exercise
27 the degree of care and loyalty to the unit owners
28 association required of an officer or director of a
29 corporation organized under chapter 504, and such
30 officers and members are subject to the conflict of
31 interest rules governing directors and officers under
32 chapter 504.
33 2. An executive board shall not act on behalf of
34 the unit owners association to amend the declaration,
35 to terminate the common interest community, to elect
36 members of the executive board, or determine the
37 qualifications, powers and duties, or terms of office
38 of executive board members. An executive board may
39 fill vacancies in its membership for the unexpired
40 portion of any term.
41 3. a. Subject to subsection 4, the declaration
42 may provide for a period of declarant control of the
43 unit owners association, during which a declarant, or
44 persons designated by the declarant, may appoint and
45 remove the officers and members of the executive board.
46 In no case, however, shall a period of declarant
47 control continue upon the occurrence of any of the
48 following:
49 (1) Sixty days after the conveyance of seventy-five
50 percent of all units in the common interest community

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1 to unit owners other than a declarant.
2 (2) Two years after all declarants have ceased
3 to offer units for sale in the ordinary course of
4 business.
5 (3) Two years after the addition of any number of
6 new units to the common interest community.
7 (4) The date the declarant, after giving written
8 notice to all unit owners, records an instrument
9 voluntarily surrendering all rights to control
10 activities of the unit owners association.
11 b. A declarant may voluntarily surrender the right
12 to appoint and remove officers and members of the
13 executive board before termination of the period under

14 paragraph "a". However, the declarant may retain,
15 for the duration of the period of declarant control,
16 approval authority for specified actions of the unit
17 owners association or executive board, as described in
18 a recorded instrument executed by the declarant.

19 4. a. Not later than sixty days after conveyance
20 of twenty-five percent of the units to unit owners
21 other than a declarant, at least one member and not
22 less than twenty-five percent of the members of the
23 executive board must be elected by unit owners other
24 than the declarant.

25 b. Not later than sixty days after conveyance of
26 fifty percent of the units to unit owners other than
27 a declarant, not less than one-third of the members
28 of the executive board must be elected by unit owners
29 other than the declarant.

30 5. Following the termination of any period of
31 declarant control under this section, the unit owners
32 shall elect an executive board of at least three
33 members, at least a majority of whom must be unit
34 owners. The executive board members shall elect
35 officers of the executive board. The executive board
36 members and officers shall take office upon election.
37 This subsection shall not apply to a common interest
38 community if all the units of the community are owned
39 by one owner.

40 6. Notwithstanding any provision of the declaration
41 or bylaws to the contrary, the unit owners, by a
42 two-thirds vote of all persons present and entitled
43 to vote at any meeting of the unit owners at which
44 a quorum is present, may remove any member of the
45 executive board with or without cause, other than a
46 member appointed by the declarant.

47 Sec. 9. NEW SECTION. 499C.301 Amendments to
48 governing instruments.

49 1. Except as otherwise provided in this section:

50 a. The declaration, bylaws, or plans of a common

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1 interest community established before July 1, 2011,
2 may be amended upon approval of two-thirds of the unit
3 owners or as otherwise provided in the declaration or
4 bylaws.

5 b. The declaration, bylaws, or plans of a common
6 interest community created on or after July 1, 2011,
7 may be amended by two-thirds of the unit owners unless
8 the declaration or bylaws expressly require a greater
9 or lesser percentage.

10 2. Notwithstanding any provision of law to the
11 contrary, a declaration may expressly reserve authority
12 to the executive board, with or without the consent of

13 unit owners, to amend the declaration, bylaws, or plans
14 of a common interest community to add land, buildings,
15 or both.

16 3. a. Following adoption of an amendment to a
17 declaration, bylaws, or plans, the amendment or a copy
18 of the amended declaration, bylaws, or plan shall be
19 recorded with the county recorder of the county where
20 the property is located.

21 b. An amendment may be recorded on behalf of the
22 required number of unit owners by the officers of the
23 association if the officers verify under oath that the
24 proceedings to approve the amendment satisfied the
25 requirements of this chapter.

26 4. An amendment to a declaration, the bylaws, or
27 plans to prohibit or materially restrict the permitted
28 uses of a unit, the permitted uses of a common element,
29 or the number or other qualifications of persons
30 who may occupy units shall only be approved upon the
31 affirmative vote of unit owners equal in number to at
32 least eighty percent of the total unit owner votes
33 in the association, unless the declaration requires a
34 larger percentage. An amendment approved under this
35 subsection shall provide reasonable protection for a
36 use or occupancy permitted prior to adoption of the
37 amendment.

38 5. a. If a declaration, the bylaws, or a plan
39 requires the consent of a holder of a security
40 interest in a unit as a condition to the adoption or
41 implementation of an amendment, consent is deemed
42 provided if a written refusal to consent is not
43 received by the association within sixty days after the
44 association delivers notice of the proposed amendment
45 to the holder of the security interest at an address
46 provided by the holder or after the association mails
47 the notice of the proposed amendment to the holder
48 by certified mail, return receipt requested, at
49 the address provided. If the holder of a security
50 interest has not provided to the association an address

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1 for notice, the association shall provide notice to
2 the address in the security interest of record, if
3 available.

4 b. Notwithstanding any provision of this section
5 to the contrary, an amendment to the declaration,
6 bylaws, or plans that affects the priority of a
7 holder's security interest or the ability of a holder
8 to foreclose a security interest may not be adopted
9 without the security holder's written consent if the
10 declaration, bylaws, or plans requires that consent as
11 a condition to the adoption or implementation of the

12 amendment.

13 6. If a declaration requires that amendments,
14 including amendments under subsection 4, to the
15 declaration, bylaws, or plans be adopted only upon the
16 affirmative vote of unit owners equal in number to at
17 least eighty percent of the total unit owner votes in
18 the association, the amendment is approved if one of
19 the following is met:

20 a. A number of unit owners comprising at least
21 eighty percent of the total unit owner votes in the
22 association votes affirmatively for the proposed
23 amendment, no owner votes against the proposed
24 amendment, all required notices of the proposed
25 amendment are delivered to each unit owner as required
26 under this chapter, and the association does not
27 receive a written objection to the proposed amendment
28 within sixty days after delivery of the notice.

29 b. A number of unit owners comprising at least
30 eighty percent of the total unit owner votes in the
31 unit owners association votes affirmatively for the
32 proposed amendment unit, one or more owner votes
33 against the proposed amendment, and pursuant to an
34 action brought by the association in the district court
35 of the county where the property is located against
36 all objecting unit owners, the court finds that the
37 objecting unit owners do not have an interest different
38 in kind from the interests of the other unit owners
39 that the voting requirement of the declaration, bylaws,
40 or plans was intended to protect.

41 7. An action challenging the validity of an
42 amendment adopted pursuant to this chapter shall not
43 be brought more than one year after the amendment is
44 recorded.

45 Sec. 10. NEW SECTION. 499C.302 Rules.

46 1. Unless otherwise limited by a declaration or
47 bylaws, an executive board may adopt and amend rules
48 for the operation of the executive board or other
49 matters authorized in the declaration or bylaws.
50 Before adopting, amending, or repealing a rule, the

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1 executive board shall give each unit owner a notice
2 that states the executive board's intention to adopt,
3 amend, or repeal a rule, provides the text of the
4 rule or the proposed change, and states the date the
5 executive board intends to act on the proposed rule or
6 amendment following consideration of comments from unit
7 owners.

8 2. A unit owners association may adopt rules to
9 establish and enforce construction and design criteria
10 and aesthetic standards if the declaration so provides.

11 In accordance with the declaration, a unit owners
12 association shall adopt procedures for enforcement
13 of those standards and for approval of construction
14 applications, including a timeline within which the
15 unit owners association must act on an application and
16 the consequences of a unit owners association's failure
17 to act.

18 3. Following adoption, amendment, or repeal of a
19 rule, the officers of the unit owners association or
20 executive board, as applicable, shall notify each unit
21 owner of the action and provide a copy of any new or
22 revised rule.

23 4. A rule regulating display of the flag of the
24 United States shall be consistent with federal law. A
25 unit owners association shall not prohibit on a unit
26 or on a limited common element, as defined in section
27 499B.2, adjoining a unit the display of the flag of
28 this state, or signs regarding candidates for public
29 office or unit owners association office or public
30 measures, but the association may adopt rules governing
31 the time, place, size, number, and manner of those
32 displays.

33 5. Unit owners may peacefully assemble on common
34 elements to consider matters related to the common
35 interest community, but the unit owners association may
36 adopt rules governing the time, place, and manner of
37 such assemblies.

38 6. A unit owners association may adopt rules that
39 restrict the use of unit or behavior within units that
40 may be used for residential purposes, but only to do
41 the following:

- 42 a. Implement a provision of the declaration.
- 43 b. Regulate a behavior in or the occupancy of a
44 unit that violates the declaration or adversely affects
45 the use and enjoyment of other units or the common
46 elements by other unit owners.
- 47 c. Restrict the leasing of residential units to
48 the extent the rules are reasonably designed to meet
49 underwriting requirements of institutional lenders
50 that regularly make loans secured by first mortgages

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1 on units in common interest communities or regularly
2 purchase such mortgages.

3 7. A unit owners association's internal business
4 operating procedures are exempt from the requirements
5 of this section.

6 8. Each rule adopted by a unit owners association
7 or executive board shall be reasonable in nature and
8 scope.

9 Sec. 11. NEW SECTION. 499C.401 Meetings.

10 1. Meetings of a unit owners association, whether
11 such association is incorporated or unincorporated,
12 shall comply with all of the following:
13 a. A unit owners association shall hold a meeting
14 of unit owners annually at a time, date, and place
15 stated in or determined in accordance with the
16 declaration or bylaws.
17 b. A unit owners association shall hold a special
18 meeting of unit owners to address any matter affecting
19 the unit owners association if the association's
20 president, a majority of the executive board, or
21 an amount of unit owners comprising at least twenty
22 percent of all votes in the association, unless a
23 different percentage is specified in the bylaws,
24 request that the secretary call the meeting. If the
25 unit owners association does not notify unit owners of
26 a special meeting within thirty days after the required
27 number of unit owners has requested the secretary
28 to call a special meeting, the requesting members
29 may directly notify all unit owners of the meeting.
30 Only matters described in the meeting notice may be
31 considered at a special meeting.
32 c. A unit owners association shall notify each
33 unit owner of the time, date, and place of each annual
34 and special unit owners meeting not less than ten
35 days and not more than sixty days before the meeting
36 date. Notice may be by any means described in section
37 499C.403. Each meeting notice shall state the time,
38 date, and place of the meeting and the items on the
39 agenda in a manner reasonably calculated to apprise
40 the unit owners of that information, including but not
41 limited to:
42 (1) A statement of the general nature of any
43 proposed amendment to the declaration or bylaws.
44 (2) A statement describing any budget changes.
45 (3) Any proposal to remove an officer or member of
46 the executive board.
47 d. The requirements relating to the timing of
48 meeting notices under paragraph "c" may be reduced or
49 waived for a meeting called to address an emergency.
50 A meeting called to address an emergency shall be

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1 limited to matters arising out of the emergency. The
2 decision of an officer of the unit owners association
3 to convene a meeting for an emergency shall be ratified
4 by a majority of unit owners required by the bylaws to
5 conduct the business of the unit owners association.
6 e. Each unit owner shall be given a reasonable
7 opportunity at any meeting to comment on any matter
8 affecting the common interest community or the unit

9 owners association.

10 f. The declaration or bylaws may allow for meetings
11 of unit owners to be conducted by telephonic, video, or
12 other conferencing method, if such method is consistent
13 with subsection 2, paragraph "g".

14 2. Meetings of the executive board and committees
15 of the unit owners association, authorized to act for
16 the unit owners association, shall comply with all of
17 the following:

18 a. Meetings shall be open to the unit owners except
19 during executive sessions. The executive board and
20 committees of the unit owners association may hold an
21 executive session only during a regular or special
22 meeting of the board or the committee. No final vote
23 or action may be taken during an executive session. An
24 executive session may only be held for the following
25 reasons:

26 (1) To consult with the unit owners association's
27 attorney concerning legal matters governed by
28 attorney-client privilege.

29 (2) To discuss existing or potential litigation or
30 mediation, arbitration, or governmental administrative
31 proceedings.

32 (3) To discuss matters relating to the job
33 performance, compensation, or health records of an
34 individual employee or specific complaints against an
35 individual employee of the unit owners association or
36 an independent contractor employed by the unit owners
37 association.

38 (4) To discuss contracts, leases, and other
39 commercial transactions for goods or services that are
40 under negotiation, including the review of bids or
41 proposals, if public disclosure of such matters would
42 place the unit owners association at a disadvantage.

43 (5) To discuss personal, health, or financial
44 information relating to a unit owner, a specific
45 employee of the unit owners association, or a specific
46 employee of an independent contractor retained by the
47 unit owners association, including any records of the
48 unit owners association relating to such information.

49 b. For purposes of this section, a gathering of
50 board members at which the board members do not conduct

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1 unit owners association business is not a meeting of
2 the executive board. Executive board members shall not
3 use incidental or social gatherings of board members
4 or any other method to evade the meeting and notice
5 requirements of this section.

6 c. During a period of declarant control, the
7 executive board shall meet at least four times a year.

8 At least one of the meetings shall be held at the
9 common interest community or at a place convenient
10 to the unit owners of the common interest community.
11 After termination of the period of declarant control,
12 all executive board meetings shall be at the common
13 interest community or at a place convenient to the unit
14 owners of the common interest community unless the unit
15 owners amend the bylaws to vary the location of such
16 meetings.

17 d. At each executive board meeting, the executive
18 board shall provide a reasonable opportunity for unit
19 owners to comment on any matter affecting the common
20 interest community and the unit owners association.

21 e. Unless the meeting is included in a schedule
22 given to the unit owners or the meeting is called to
23 address an emergency, the secretary or other officer
24 specified in the bylaws shall give notice of each
25 executive board meeting to each executive board member
26 and to each unit owner. Such notice shall be given at
27 least ten days before the meeting and shall state the
28 time, date, place, and agenda of the meeting.

29 f. If any materials are distributed to the
30 executive board before a meeting, the executive board,
31 upon receipt of the materials, shall make copies
32 reasonably available to unit owners, except that the
33 executive board is not required to make available
34 copies of unapproved minutes or materials that are to
35 be considered during an executive session.

36 g. Unless otherwise provided in the declaration or
37 bylaws, the executive board may conduct a meeting by
38 telephonic, video, or other conferencing method if all
39 of the following conditions are met:

40 (1) The meeting notice states the conferencing
41 method to be used and provides information explaining
42 how unit owners may participate in the conference
43 directly or by meeting at a central location or
44 conference connection.

45 (2) The process provides all unit owners the
46 opportunity to hear or perceive the discussion and to
47 comment on matters before the executive board.

48 h. Following termination of the period of declarant
49 control, unit owners may amend the bylaws to vary the
50 procedures for meetings described in paragraph "g".

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1 i. In lieu of a meeting, the executive board may
2 act by unanimous consent if such action is documented
3 in a record authenticated by all executive board
4 members. The secretary shall give prompt notice to all
5 unit owners of any action taken by unanimous consent.
6 After termination of the period of declarant control,

7 an executive board may act by unanimous consent only to
8 undertake ministerial actions or to implement actions
9 previously taken at a meeting of the executive board.

10 j. Unless otherwise restricted by this chapter or
11 the common interest community's bylaws, an executive
12 board may determine rules of procedure for the
13 executive board.

14 k. An executive board may remove any person from
15 a meeting of the executive board upon a finding by a
16 majority of the board members that the person is being
17 disruptive to the meeting. An executive board may bar
18 any person from meetings of the executive board or
19 other meetings of the common interest community for a
20 period of up to one year if the person has been twice
21 removed from a meeting within the preceding twelve
22 months.

23 l. An action by an executive board that is not
24 in compliance with this section is valid unless
25 invalidated by a court. A challenge to the validity of
26 an action of the executive board for failure to comply
27 with this section shall not be brought more than sixty
28 days after the minutes of the executive board of the
29 meeting at which the action was taken are approved
30 or the record of that action is distributed to unit
31 owners, whichever is later.

32 Sec. 12. NEW SECTION. 499C.402 Association
33 records.

34 1. A unit owners association shall retain all of
35 the following:

36 a. Detailed records of receipts and expenditures
37 relating to the operation and administration of
38 the unit owners association and other appropriate
39 accounting records.

40 b. Minutes of all unit owners meetings and
41 executive board meetings, a record of all actions taken
42 by the unit owners or the executive board without
43 a meeting, and a record of all actions taken by a
44 committee in place of the executive board on behalf
45 of the unit owners association. The minutes retained
46 by the unit owners association shall indicate the
47 date, time, and place of the meeting, the names of all
48 persons present at the meeting, and each action taken
49 at the meeting. The minutes shall also include the
50 results of each vote taken at the meeting, including

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1 information indicating the vote of each executive
2 board member present at the meeting. The vote of each
3 executive board member present shall be made public at
4 the open session.

5 c. The names of all unit owners in a form that

6 permits preparation of a list of the names of all
7 owners and the regular mail and electronic mail
8 addresses at which the unit owners association
9 communicates with them, the records shall indicate the
10 number of votes each unit owner is entitled to cast.
11 d. The unit owners association's original and
12 amended organizational documents, bylaws including all
13 amendments to the bylaws, and all rules of the common
14 interest community currently in effect.
15 e. All financial statements and tax returns of the
16 unit owners association for the past three years.
17 f. A list of the names and addresses of the current
18 executive board members and officers.
19 g. The unit association's most recent annual report
20 delivered to the secretary of state, if applicable.
21 h. Copies of each contract to which the unit owners
22 association is currently a party.
23 i. Records of executive board or committee actions
24 relating to requests for design or architectural
25 approval from unit owners.
26 j. Ballots, proxies, and other records related to
27 voting by unit owners for one year after the election,
28 action, or vote.
29 2. Except as provided under subsections 3 and
30 4, all records retained by a unit owners association
31 must be available for examination and copying by a
32 unit owner or the unit owner's authorized agent during
33 reasonable business hours or at a mutually convenient
34 time and location upon providing a five days' notice
35 that reasonably identifies the specific records that
36 are being requested.
37 3. Records retained by a unit owners association
38 may be withheld from inspection and copying to the
39 extent that they concern:
40 a. Personally identifiable information, salary, and
41 medical records relating to specific individuals.
42 b. Information relating to contracts, leases, and
43 other commercial transactions to purchase or provide
44 goods or services, currently under negotiation.
45 c. Information relating to existing or potential
46 litigation, mediation, arbitration, or governmental
47 administrative proceedings.
48 d. Information relating to existing or potential
49 matters involving governmental administrative
50 proceedings or other proceedings before a government

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1 tribunal for enforcement of the declaration, bylaws,
2 or rules.
3 e. Communications with the unit owners association
4 attorney which are otherwise protected by the

5 attorney-client privilege or the attorney work-product
6 doctrine.

7 f. Information that if disclosed would violate
8 another provision of law.

9 g. Records of an executive session of the executive
10 board. However, upon the completion of a matter
11 that is the subject of an executive session held
12 under section 499C.401, subsection 2, paragraph "a",
13 subparagraphs (1) through (4), such records of the
14 executive session shall be available for inspection as
15 provided in this section.

16 h. Records directly related to the personal,
17 health, or financial information of a unit owner, if
18 the person requesting the records is not the unit owner
19 that is the subject of the records.

20 4. A unit owners association may charge a
21 reasonable fee for providing copies of any records
22 under this section and for supervising the inspection
23 of such records.

24 5. The right to inspect records under this section
25 includes the right to copy records by photocopying or
26 other means including copies through an electronic
27 transmission, if available, upon request of the
28 requester.

29 6. A unit owners association is not obligated to
30 compile or synthesize information or records under this
31 section.

32 7. Information or records obtained under this
33 section shall not be used for commercial purposes.

34 Sec. 13. NEW SECTION. 499C.403 Notice to unit
35 owners.

36 1. A unit owners association or an executive board,
37 as applicable, shall deliver each notice required to be
38 given by the association or board under this chapter
39 to the regular mail address or electronic mail address
40 provided by each unit owner. If a regular mail address
41 or electronic mail address is not provided by the unit
42 owner, the notice may be delivered using any of the
43 following methods:

44 a. Hand delivery to the unit owner.

45 b. Mailing by regular mail or certified mail, as
46 defined in section 618.15, to the address of the unit.

47 c. Any other method reasonably calculated to
48 provide notice to the unit owner.

49 2. The ineffectiveness of a good-faith effort to
50 deliver notice under subsection 1 does not invalidate

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1 an action taken at a meeting or an action taken by
2 other means.

3 Sec. 14. NEW SECTION. 499C.501 Cause of action —

4 attorney fees.

5 A declarant, unit owners association, unit owner,
6 or any other person subject to this chapter may bring
7 an action to enforce a right granted or obligation
8 imposed by this chapter, the declaration, or the
9 bylaws. In any action brought under this chapter,
10 the court may award reasonable attorney fees to the
11 prevailing party. In any action brought under this
12 chapter, the unit owners association or the executive
13 board, as applicable, shall have the burden of proving
14 by a preponderance of the evidence that a duty or
15 requirement imposed on the unit owners association or
16 executive board under this chapter has been met.

17 DIVISION II

18 ADDITIONAL PROVISIONS AND
19 CORRESPONDING CHANGES

20 Sec. 15. NEW SECTION. 499A.1A Applicability.

21 This chapter shall apply to cooperatives established
22 under this chapter unless otherwise provided in chapter
23 499C.

24 Sec. 16. NEW SECTION. 499B.1A Applicability.

25 This chapter applies to horizontal property regimes
26 established under this chapter unless otherwise
27 provided in chapter 499C.

28 Sec. 17. Section 499B.2, Code 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 1A. "As-built certificate" means
31 a certificate and any accompanying documentation
32 from a competent licensed professional engineer,
33 licensed land surveyor, or registered architect,
34 that certifies that such individual has examined the
35 plan filed with the declaration and that the plan
36 does diagrammatically represent, insofar as may be
37 reasonably determined through the use of nondestructive
38 measurement techniques, the building, the general
39 common elements, and the limited common elements that
40 have been constructed on the real estate described in
41 the declaration and plans.

42 Sec. 18. Section 499B.6, Code 2011, is amended to
43 read as follows:

44 499B.6 Copy of ~~the floor~~ plans to be filed.

45 1. There shall be attached to the declaration, at
46 the time it is filed, a full and an exact copy of the
47 plans of the building, ~~which copy shall be entered~~
48 ~~of record along with the declaration or buildings and~~
49 ~~an as-built certificate or a certificate described in~~
50 ~~subsection 2, paragraph "a".~~

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1 2. a. If a portion of the horizontal property
2 regime is not completed at the time the declaration

3 is filed, the declaration may be filed, in lieu of an
 4 as-built certificate, with a certification that the
 5 plans diagrammatically represent, insofar as reasonably
 6 ascertainable, the buildings the declarant intends to
 7 construct.

8 b. Upon completion of all buildings of a horizontal
 9 property regime, for which a certificate under
 10 paragraph "a" was filed, the declarant shall file for
 11 recording an as-built certificate.

12 c. Upon completion of a discrete portion of a
 13 horizontal property regime project, a declarant may
 14 file an as-built certificate for the portion then
 15 completed.

16 d. The absence of a certificate described in this
 17 subsection for a declaration recorded before July 1,
 18 2011, shall not affect the marketability of title.

19 3. The plans described in subsection 1 shall show
 20 graphically all particulars of the building, including;
 21 but not limited to; the dimensions, area, and location
 22 of common elements affording access to each apartment.
 23 Other common elements, both limited and general, shall
 24 be shown graphically insofar as possible and shall
 25 be certified to by an engineer, architect, or land
 26 surveyor, who is registered or licensed to practice
 27 that profession in this state.

28 Sec. 19. Section 499B.15, subsection 2, Code 2011,
 29 is amended by striking the subsection.>

30 2. By renumbering as necessary.

HAGENOW of Polk

H-1699

1 Amend the amendment, S-3292, to Senate File 313, as
 2 passed by the Senate, as follows:

3 1. Page 1, after line 5 by inserting:

4 <__. Page 3, after line 5 by inserting:

5 <Sec. __. Section 249J.6, subsection 2, paragraph
 6 b, Code 2011, is amended to read as follows:

7 b. Refusal of an expansion population member to
 8 participate in a comprehensive medical examination
 9 or any health risk assessment implemented by the
 10 department shall not be a basis for ineligibility
 11 for or disenrollment from the expansion population.

12 Refusal of an expansion population member to
 13 participate in a comprehensive medical examination or
 14 other preventative health service shall not negatively
 15 affect the calculation of performance payments for an
 16 expansion population network provider medical home.

17 Sec. __. Section 249J.6, subsection 3, Code 2011,
 18 is amended to read as follows:

19 3. Expansion population members, including members

20 assigned to an expansion population network provider
 21 medical home, shall be provided access to an IowaCare
 22 nurse helpline, accessible twenty-four hours per day,
 23 seven days per week, to assist expansion population
 24 members in making appropriate choices about the use of
 25 emergency room and other health care services.

26 Sec. ____ Section 249J.7, subsection 1, paragraph
 27 c, Code 2011, is amended to read as follows:

28 c. (1) Tertiary care shall only be provided to
 29 eligible expansion population members residing in any
 30 county in the state at the university of Iowa hospitals
 31 and clinics.

32 (2) Secondary care shall be provided by the
 33 publicly owned acute care teaching hospital located
 34 in a county with a population over three hundred
 35 fifty thousand and the university of Iowa hospitals
 36 and clinics, based on county of residence, only to
 37 the extent specified in the phase-in of the regional
 38 provider network designated by the department.>>

39 2. Page 2, after line 32 by inserting:

40 <Sec. ____ REGIONAL PROVIDER NETWORK – ALTERNATIVE
 41 PROVIDER – PILOT. The department of human services
 42 shall consult with providers of primary care services
 43 in regional provider network areas established
 44 pursuant to section 249J.7 to determine if the option
 45 of establishing an alternative provider location is
 46 feasible. The department may implement a pilot program
 47 establishing an alternative provider location in an
 48 established regional provider network area experiencing
 49 capacity issues during the fiscal year beginning
 50 July 1, 2011, if the department determines that this

Page 2

1 option would most appropriately address such capacity
 2 issues and provide better access to care for expansion
 3 population members in the area. Any such pilot program
 4 shall be implemented within funds available under
 5 the existing appropriation for the regional provider
 6 network and any alternative provider location shall be
 7 subject to the requirements applicable to an expansion
 8 population provider pursuant to chapter 249J.>>

9 3. By striking page 2, line 33, through page 3,
 10 line 41.

SENATE AMENDMENT

H-1700

1 Amend Senate File 466, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause

4 and inserting:
5 <Section 1. NEW SECTION. 103A.71 Residential
6 contractors.
7 1. As used in this section:
8 a. "Catastrophe" means a natural occurrence
9 including but not limited to fire, earthquake, tornado,
10 windstorm, flood, or hail storm, which damages or
11 destroys residential real estate.
12 b. "Residential contractor" means a person in
13 the business of contracting to repair or replace
14 residential roof systems or perform any other
15 exterior repair, exterior replacement, or exterior
16 reconstruction work resulting from a catastrophe
17 on residential real estate or a person offering to
18 contract with an owner or possessor of residential real
19 estate to carry out such work.
20 c. "Residential real estate" means a new or existing
21 building, including a detached garage, constructed for
22 habitation by one to four families.
23 d. "Roof system" includes roof coverings, roof
24 sheathing, roof weatherproofing, and roof insulation.
25 2. A residential contractor shall not advertise
26 or promise to rebate any insurance deductible or
27 any portion thereof as an inducement to the sale of
28 goods or services. A promise to rebate any insurance
29 deductible includes granting any allowance or offering
30 any discount against the fees to be charged or paying
31 a person directly or indirectly associated with the
32 residential real estate any form of compensation,
33 except for items of nominal value. A residential
34 contractor may display a sign or any other type of
35 advertisement on a person's premises provided the
36 person consents to the display and the person receives
37 no compensation from the residential contractor for the
38 placement of the sign or advertising.
39 3. A residential contractor shall not represent
40 or negotiate on behalf of, or offer or advertise
41 to represent or negotiate on behalf of, an owner or
42 possessor of residential real estate on any insurance
43 claim in connection with the repair or replacement
44 of roof systems, or the performance of any other
45 exterior repair, exterior replacement, or exterior
46 reconstruction work on the residential real estate.
47 4. a. A residential contractor contracting to
48 provide goods or services to repair damage resulting
49 from a catastrophe shall provide the person with whom
50 it is contracting a fully completed duplicate notice in

Page 2

1 at least ten-point bold type which shall contain the
2 following statement:

3 NOTICE OF BINDING CONTRACT

4 You are entering into a legally binding contract
5 with (insert name of residential contractor) to provide
6 goods and services to repair damage resulting from
7 a naturally occurring catastrophe including but not
8 limited to a fire, earthquake, tornado, windstorm,
9 flood, or hail storm. Except as described in the next
10 sentence, you are responsible for payment to (insert
11 name of residential contractor) for the cost of all
12 goods and services provided whether or not you receive
13 payment from any property and casualty insurance
14 policy with respect to the damage. Your contract
15 with (insert name of residential contractor) is void
16 and you have no responsibility for payment under the
17 contract if (insert name of residential contractor)
18 either advertises or promises to rebate all or any
19 portion of your insurance deductible, or represents or
20 negotiates, or offers to represent or negotiate, on
21 your behalf with your property and casualty insurance
22 company on any insurance claim relating to the damage
23 you have contracted to have repaired. Your signature
24 below acknowledges your understanding of these legal
25 obligations and rights.

26 _____
27 Date

28 _____
29 Signature

30 b. The notice shall be executed by the person with
31 whom the residential contractor is contracting prior to
32 or contemporaneously with entering into the contract.

33 5. A contract entered into with a residential
34 contractor is void if the residential contractor
35 violates subsection 2, 3, or 4.

36 6. A residential contractor violating this section
37 is subject to the penalties and remedies prescribed by
38 this chapter.

39 Sec. 2. APPLICABILITY. This Act applies to
40 contracts entered into on or after the effective date
41 of this Act.>

42 2. Title page, line 2, after <penalty> by inserting
43 <and including applicability provisions>

BALTIMORE of Boone

H-1701

1 Amend Senate File 526, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 16, after <99D.8A.> by inserting <A
4 resident of this state establishing an advanced deposit
5 wagering account shall only deposit moneys into the

6 account in person at the horse racetrack located in
7 Polk county.>
8 2. By renumbering as necessary.

COWNIE of Polk

H-1702

1 Amend House File 648, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <DIVISION I
6 REBUILD IOWA INFRASTRUCTURE FUND
7 Section 1. There is appropriated from the rebuild
8 Iowa infrastructure fund to the following departments
9 and agencies for the following fiscal years, the
10 following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:
12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
13 For projects related to major repairs and major
14 maintenance and for state buildings and facilities:
15 FY 2011-2012..... \$ 3,000,000
16 a. Of the amount appropriated in this subsection,
17 \$1,200,000 shall be allocated for exterior repairs and
18 related improvements to the state historical building.
19 b. The department may use any remaining amounts
20 appropriated in this subsection for routine maintenance
21 as necessary, notwithstanding section 8.57, subsection
22 6, paragraph "c".
23 2. DEPARTMENT FOR THE BLIND
24 For replacement of air handlers and related
25 improvements:
26 FY 2011-2012..... \$ 1,065,674
27 3. DEPARTMENT OF CORRECTIONS
28 a. For the construction project and one-time
29 furniture, fixture, and equipment costs at Fort
30 Madison:
31 FY 2011-2012..... \$ 5,155,077
32 FY 2012-2013..... \$ 18,269,124
33 FY 2013-2014..... \$ 3,000,000
34 b. For the construction project and one-time
35 equipment costs at the Iowa correctional facility for
36 women at Mitchellville:
37 FY 2011-2012..... \$ 3,361,556
38 FY 2012-2013..... \$ 5,391,062
39 FY 2013-2014..... \$ 26,769,040
40 4. DEPARTMENT OF CULTURAL AFFAIRS
41 For deposit into the Iowa great places program
42 fund created in section 303.3D for Iowa great places
43 program projects that meet the definition of the term
44 "vertical infrastructure" in section 8.57, subsection

45 6, paragraph "c":
 46 FY 2011-2012..... \$ 1,000,000
 47 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 48 a. For accelerated career education program capital
 49 projects at community colleges that are authorized
 50 under chapter 260G and that meet the definition of

Page 2

1 vertical infrastructure in section 8.57, subsection 6,
 2 paragraph "c":
 3 FY 2011-2012..... \$ 5,000,000
 4 b. For equal distribution to regional sports
 5 authority districts certified by the department
 6 pursuant to section 15E.321, notwithstanding section
 7 8.57, subsection 6, paragraph "c":
 8 FY 2011-2012..... \$ 500,000
 9 c. For costs associated with the renovation,
 10 expansion, and improvements of exhibits as part of a
 11 zoo capital campaign located in a central Iowa city
 12 with a population between one hundred ninety-five
 13 thousand and two hundred five thousand as determined by
 14 the 2010 federal decennial census:
 15 FY 2011-2012..... \$ 500,000
 16 d. For interior and exterior renovations and
 17 repairs, including improved energy efficiencies and
 18 compliance with the federal Americans with Disabilities
 19 Act, for cabins at a year-round camp for persons with
 20 disabilities in a central Iowa city with a population
 21 between one hundred ninety-five thousand and two
 22 hundred five thousand as determined by the 2010 federal
 23 decennial census:
 24 FY 2011-2012..... \$ 250,000
 25 e. For administration and support of the world
 26 food prize including the Borlaug/Ruan scholar program,
 27 notwithstanding section 8.57, subsection 6, paragraph
 28 "c":
 29 FY 2011-2012..... \$ 100,000
 30 6. DEPARTMENT OF EDUCATION
 31 a. To the public broadcasting division for the
 32 purchase of a building in a city with a population
 33 between seventeen thousand two hundred and seventeen
 34 thousand three hundred as determined by the 2010
 35 federal decennial census:
 36 FY 2011-2012..... \$ 1,255,550
 37 b. For major renovation and major repair needs,
 38 including health, life, and fire safety needs and for
 39 compliance with the federal Americans with Disabilities
 40 Act, for state buildings and facilities under the
 41 purview of the community colleges:
 42 FY 2011-2012..... \$ 1,000,000
 43 7. DEPARTMENT OF HUMAN SERVICES

44 For the renovation and construction of certain
 45 nursing facilities, consistent with the provisions of
 46 chapter 249K:
 47 FY 2011-2012..... \$ 285,000
 48 8. DEPARTMENT OF NATURAL RESOURCES
 49 a. For floodplain management and dam safety,
 50 notwithstanding section 8.57, subsection 6,

Page 3

1 paragraph "c":
 2 FY 2011-2012..... \$ 2,000,000
 3 Of the amounts appropriated in this lettered
 4 paragraph, up to \$400,000 is authorized for stream
 5 gages to be used for tracking and predicting flood
 6 events and for compiling necessary data relating to
 7 flood frequency analysis.
 8 b. For implementation of lake projects that
 9 have established watershed improvement initiatives
 10 and community support in accordance with the
 11 department's annual lake restoration plan and report,
 12 notwithstanding section 8.57, subsection 6, paragraph
 13 "c":
 14 FY 2011-2012..... \$ 5,000,000
 15 Of the amount appropriated in this lettered
 16 paragraph, \$350,000 shall be allocated for a lake with
 17 public access that has the support of a benefited
 18 lake district located in a county with a population
 19 between seventeen thousand seven hundred and seventeen
 20 thousand eight hundred as determined by the 2010
 21 federal decennial census. The allocated moneys shall
 22 be used for purposes of completing a preconstruction
 23 dam restoration study that would include a geotechnical
 24 evaluation, hydrological studies, restoration
 25 alternatives, and construction specifications.
 26 c. For the administration of a water trails and
 27 low head dam public hazard statewide plan, including
 28 salaries, support, maintenance, and miscellaneous
 29 purposes, notwithstanding section 8.57, subsection 6,
 30 paragraph "c":
 31 FY 2011-2012..... \$ 75,000
 32 d. For costs associated with the hiring and
 33 employment of an asset manager at Honey creek resort
 34 state park, notwithstanding section 8.57, subsection
 35 6, paragraph "c":
 36 FY 2011-2012..... \$ 100,000
 37 e. For costs associated with dam repair for a lake
 38 with public access that has the support of a benefitted
 39 lake district located in a county with a population
 40 between seventeen thousand seven hundred and seventeen
 41 thousand eight hundred as determined by the 2010
 42 federal decennial census:

43 FY 2012-2013..... \$ 2,500,000
 44 FY 2013-2014..... \$ 2,500,000
 45 Moneys appropriated for each fiscal year in this
 46 lettered paragraph are contingent upon receipt of
 47 moneys on a dollar-for-dollar matching basis from any
 48 source for each fiscal year.
 49 9. DEPARTMENT OF PUBLIC DEFENSE
 50 a. For major maintenance projects at national guard

Page 4

1 armories and facilities:
 2 FY 2011-2012..... \$ 1,500,000
 3 b. For renovation and facility improvements at the
 4 Muscatine readiness center:
 5 FY 2011-2012..... \$ 100,000
 6 c. For construction improvement projects at
 7 statewide readiness centers:
 8 FY 2011-2012..... \$ 1,800,000
 9 d. For construction upgrades at Camp Dodge
 10 including sanitary system and sewer system
 11 improvements:
 12 FY 2011-2012..... \$ 1,000,000
 13 e. For renovation, repair, and related improvements
 14 at the joint forces headquarters building:
 15 FY 2011-2012..... \$ 1,000,000
 16 10. DEPARTMENT OF PUBLIC SAFETY
 17 To develop a public-private partnership for the
 18 provision of a statewide public safety radio network
 19 and the purchase of compatible radio communications
 20 equipment with the goal of achieving compliance with
 21 the federal communications commission's narrowbanding
 22 mandate deadline, and "interoperability" as defined in
 23 section 80.28, notwithstanding section 8.57, paragraph
 24 "c":
 25 FY 2011-2012..... \$ 2,500,000
 26 FY 2012-2013..... \$ 2,500,000
 27 FY 2013-2014..... \$ 2,500,000
 28 On or before January 13, 2012, the department of
 29 public safety shall provide a report to the legislative
 30 services agency and the department of management.
 31 The report shall include the estimated needs of the
 32 departments of public safety, corrections, and natural
 33 resources to achieve interoperability and meet the
 34 federal narrowbanding mandate, any changes in estimated
 35 costs to meet those needs, and the status of requests
 36 for proposals to develop a public-private partnership.
 37 11. BOARD OF REGENTS
 38 a. For allocation by the state board of regents to
 39 the state university of Iowa, the Iowa state university
 40 of science and technology, and the university of
 41 northern Iowa to reimburse the institutions for

42 deficiencies in the operating funds resulting from
 43 the pledging of tuition, student fees and charges,
 44 and institutional income to finance the cost of
 45 providing academic and administrative buildings and
 46 facilities and utility services at the institutions,
 47 notwithstanding section 8.57, subsection 6, paragraph
 48 "c":
 49 FY 2011-2012..... \$ 24,305,412
 50 b. For the Iowa flood center at the state

Page 5

1 university of Iowa for use by the university's
 2 college of engineering, pursuant to section 466C.1,
 3 notwithstanding section 8.57, subsection 6, paragraph
 4 "c":
 5 FY 2011-2012..... \$ 1,300,000
 6 c. For construction, renovation, and related
 7 improvements for phase II of the agricultural and
 8 biosystems engineering complex, including classrooms,
 9 laboratories, and offices at Iowa state university of
 10 science and technology:
 11 FY 2011-2012..... \$ 2,000,000
 12 FY 2012-2013..... \$ 19,800,000
 13 FY 2013-2014..... \$ 20,000,000
 14 FY 2014-2015..... \$ 18,600,000
 15 d. For the renovation and related improvements to
 16 the dental science building at the state university
 17 of Iowa including but not limited to renovation of
 18 clinical spaces and development of a multidisciplinary
 19 clinical area:
 20 FY 2011-2012..... \$ 2,000,000
 21 FY 2012-2013..... \$ 11,000,000
 22 FY 2013-2014..... \$ 8,000,000
 23 FY 2014-2015..... \$ 8,000,000
 24 e. For renovation and related improvements for
 25 Bartlett hall at the university of northern Iowa
 26 including providing faculty offices, seminar rooms,
 27 and laboratories in the building and the associated
 28 demolition of Baker hall:
 29 FY 2011-2012..... \$ 2,000,000
 30 FY 2012-2013..... \$ 7,286,000
 31 FY 2013-2014..... \$ 9,767,000
 32 FY 2014-2015..... \$ 1,947,000
 33 12. DEPARTMENT OF TRANSPORTATION
 34 a. For acquiring, constructing, and improving
 35 recreational trails within the state:
 36 FY 2011-2012..... \$ 2,500,000
 37 Of the amount appropriated in this lettered
 38 paragraph "a", \$500,000 shall be allocated for the
 39 development of a connecting trail and for bicycle
 40 boulevard improvements in a central Iowa city with a

41 population between one hundred ninety-five thousand and
 42 two hundred five thousand as determined by the 2010
 43 federal decennial census.
 44 Of the amount appropriated in this lettered
 45 paragraph "a", \$112,000 shall be allocated for the
 46 planning and development of the Iowa portion of the
 47 Mississippi river trail located in a county with a
 48 population between forty-two thousand and forty-three
 49 thousand in the latest preceding certified federal
 50 census and a county with a population between one

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1 hundred sixty thousand and one hundred seventy-five
 2 thousand in the latest preceding certified federal
 3 census.

4 b. For deposit into the public transit
 5 infrastructure grant fund created in section 324A.6A,
 6 for projects that meet the definition of "vertical
 7 infrastructure" in section 8.57, subsection 6,
 8 paragraph "c":

9 FY 2011-2012..... \$ 1,500,000

10 c. For infrastructure improvements at the
 11 commercial service airports within the state:
 12 FY 2011-2012..... \$ 1,500,000

13 d. For infrastructure improvements at general
 14 aviation airports within the state:
 15 FY 2011-2012..... \$ 750,000

16 13. TREASURER OF STATE

17 For distribution in accordance with chapter 174 to
 18 qualified fairs which belong to the association of Iowa
 19 fairs for county fair infrastructure improvements:
 20 FY 2011-2012..... \$ 1,060,000

21 14. DEPARTMENT OF VETERANS AFFAIRS

22 a. For transfer to the Iowa finance authority for
 23 the continuation of the home ownership assistance
 24 program for persons who are or were eligible members
 25 of the armed forces of the United States, pursuant to
 26 section 16.54, notwithstanding section 8.57, subsection
 27 6, paragraph "c":
 28 FY 2011-2012..... \$ 1,000,000

29 b. For the Iowa veterans home to upgrade generator
 30 emissions controls to meet required stack emissions for
 31 four generators and related improvements:
 32 FY 2011-2012..... \$ 750,000

33 Sec. 2. REVERSION. For purposes of section 8.33,
 34 unless specifically provided otherwise, unencumbered
 35 or unobligated moneys made from an appropriation in
 36 this division of this Act shall not revert but shall
 37 remain available for expenditure for the purposes
 38 designated until the close of the fiscal year that ends
 39 three years after the end of the fiscal year for which

40 the appropriation is made. However, if the project
41 or projects for which such appropriation was made are
42 completed in an earlier fiscal year, unencumbered or
43 unobligated moneys shall revert at the close of that
44 same fiscal year.

45 DIVISION II

46 TECHNOLOGY REINVESTMENT FUND

47 Sec. 3. There is appropriated from the technology
48 reinvestment fund created in section 8.57C to the
49 following departments and agencies for the following
50 fiscal years, the following amounts, or so much

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1 thereof as is necessary, to be used for the purposes
2 designated:

3 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

4 For technology improvement projects:
5 FY 2011-2012..... \$ 1,557,904

6 2. DEPARTMENT OF CORRECTIONS

7 For costs associated with the Iowa corrections
8 offender network data system:
9 FY 2011-2012..... \$ 500,000

10 3. DEPARTMENT OF EDUCATION

11 a. For maintenance and lease costs associated with
12 connections for part III of the Iowa communications
13 network:
14 FY 2011-2012..... \$ 2,727,000

15 b. For the implementation of an educational data
16 warehouse that will be utilized by teachers, parents,
17 school district administrators, area education agency
18 staff, department of education staff, and policymakers:
19 FY 2011-2012..... \$ 600,000

20 The department may use a portion of the moneys
21 appropriated in this lettered paragraph for an
22 e-transcript data system capable of tracking students
23 throughout their education via interconnectivity with
24 multiple schools.

25 4. DEPARTMENT OF HUMAN RIGHTS

26 For the cost of equipment and computer software
27 for the implementation of Iowa's criminal justice
28 information system:
29 FY 2011-2012..... \$ 1,689,307

30 5. DEPARTMENT OF HUMAN SERVICES

31 For the purchase of software and for training costs
32 associated with the purchase of the software for a
33 community-based, nonprofit, nonresidential program
34 serving persons with disabilities, notwithstanding
35 section 8.57C, subsection 2:
36 FY 2011-2012..... \$ 11,000

37 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
38 COMMISSION

39 For replacement of equipment for the Iowa
40 communications network:
41 FY 2011-2012..... \$ 2,237,653
42 The commission may continue to enter into contracts
43 pursuant to section 8D.13 for the replacement of
44 equipment and for operation and maintenance costs of
45 the network.
46 In addition to funds appropriated in this
47 subsection, the commission may use a financing
48 agreement entered into by the treasurer of state in
49 accordance with section 12.28 for the replacement
50 of equipment for the network. For purposes of this

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1 subsection, the treasurer of state is not subject to
2 the maximum principal limitation contained in section
3 12.28, subsection 6. Repayment of any amounts financed
4 shall be made from receipts associated with fees
5 charged for use of the network.

6 7. DEPARTMENT OF MANAGEMENT

7 To develop a searchable database that can be placed
8 on the internet for budget and financial information:
9 FY 2011-2012..... \$ 580,000

10 8. DEPARTMENT OF PUBLIC SAFETY

11 a. For transfer to a firefighter association in a
12 county with a population between ninety thousand and
13 ninety-five thousand as determined by the 2010 federal
14 decennial census for a driving simulator to enhance the
15 association's emergency vehicle operations course:
16 FY 2011-2012..... \$ 80,000

17 b. For the purchase of an emergency diesel
18 generator for radio communications for a county with
19 a population between seventeen thousand and seventeen
20 thousand one hundred fifty as determined by the 2010
21 federal decennial census:

22 FY 2011-2012..... \$ 20,000

23 Sec. 4. REVERSION. For purposes of section 8.33,
24 unless specifically provided otherwise, unencumbered
25 or unobligated moneys made from an appropriation in
26 this division of this Act shall not revert but shall
27 remain available for expenditure for the purposes
28 designated until the close of the fiscal year that ends
29 three years after the end of the fiscal year for which
30 the appropriation is made. However, if the project
31 or projects for which such appropriation was made are
32 completed in an earlier fiscal year, unencumbered or
33 unobligated moneys shall revert at the close of that
34 same fiscal year.

35 DIVISION III
36 REVENUE BONDS CAPITALS
37 FUND — APPROPRIATIONS

38 Sec. 5. There is appropriated from the revenue
 39 bonds capitals fund created in section 12.88, to the
 40 department of corrections for the fiscal year beginning
 41 July 1, 2011, and ending June 30, 2012, the following
 42 amount, or so much thereof as is necessary, to be used
 43 for the purposes designated:
 44 For the construction project and one-time equipment
 45 costs at the Iowa correctional facility for women at
 46 Mitchellville:
 47 \$ 4,130,952
 48 For purposes of section 8.33, unless specifically
 49 provided otherwise, unencumbered or unobligated moneys
 50 made from an appropriation in this section shall not

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1 revert but shall remain available for expenditure for
 2 the purposes designated until the close of the fiscal
 3 year that ends three years after the end of the fiscal
 4 year for which the appropriation was made. However, if
 5 the project or projects for which such appropriation
 6 was made are completed in an earlier fiscal year,
 7 unencumbered or unobligated moneys shall revert at the
 8 close of that same fiscal year.

DIVISION IV

GROW IOWA VALUES FUND

11 Sec. 6. In lieu of the appropriation pursuant to
 12 section 15G.110, subsection 1, for the fiscal year
 13 beginning July 1, 2011, and ending June 30, 2012, there
 14 is appropriated from the rebuild Iowa infrastructure
 15 fund to the department of economic development for
 16 deposit in the grow Iowa values fund, the following
 17 amount, notwithstanding section 8.57, subsection 6,
 18 paragraph "c":

19 \$ 10,620,000

20 Sec. 7. GROW IOWA VALUES FUND APPROPRIATION
 21 REDUCTION. In lieu of the appropriation pursuant to
 22 section 15G.111, subsection 3, for the fiscal year
 23 beginning July 1, 2011, and ending June 30, 2012, there
 24 is appropriated from the grow Iowa values fund to
 25 the department of economic development the following
 26 amount, for the purposes of making expenditures
 27 pursuant to chapter 15G:

28 \$ 10,620,000

29 Sec. 8. GROW IOWA VALUES FUND ALLOCATIONS. In lieu
 30 of the amounts allocated pursuant to section 15G.111,
 31 subsections 4 through 11, for the fiscal year beginning
 32 July 1, 2011, and ending June 30, 2012, of the moneys
 33 appropriated to the department of economic development
 34 pursuant to this division of this Act for the fiscal
 35 year beginning July 1, 2011, and ending June 30, 2012,
 36 the department shall allocate the following amounts for

37 the following purposes described in section 15G.111,
 38 subsections 4 through 11:
 39 1. For the state board of regents institutions:
 40 \$ 2,500,000
 41 2. For state parks:
 42 \$ 500,000
 43 3. For deposit in the Iowa cultural trust fund:
 44 \$ 500,000
 45 4. For community colleges for deposit in the
 46 workforce training and economic development funds
 47 pursuant to section 260C.18A:
 48 \$ 4,000,000
 49 5. For regional financial assistance:
 50 \$ 500,000

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1 From the moneys allocated pursuant to this
 2 subsection and in lieu of the moneys transferred
 3 under section 15G.111, subsection 9, paragraph "a", to
 4 Iowa state university of science and technology, the
 5 department shall transfer the following amounts for
 6 the following fiscal years to Iowa state university
 7 of science and technology, for purposes of providing
 8 financial assistance to establish small business
 9 development centers:

10 \$ 175,000
 11 6. For innovation and commercialization services:
 12 \$ 2,062,500
 13 7. For targeted small businesses:
 14 \$ 557,500

15 Sec. 9. REVERSION. For purposes of section 8.33,
 16 unless specifically provided otherwise, unencumbered
 17 or unobligated moneys made from an appropriation in
 18 this division of this Act shall not revert but shall
 19 remain available for expenditure for the purposes
 20 designated until the close of the fiscal year that ends
 21 three years after the end of the fiscal year for which
 22 the appropriation is made. However, if the project
 23 or projects for which such appropriation was made are
 24 completed in an earlier fiscal year, unencumbered or
 25 unobligated moneys shall revert at the close of that
 26 fiscal year.

27 DIVISION V
 28 MISCELLANEOUS CODE CHANGES

29 Sec. 10. Section 8.57, subsection 6, paragraph f,
 30 Code 2011, is amended to read as follows:

31 f. There is appropriated from the rebuild Iowa
 32 infrastructure fund to the secure an advanced vision
 33 for education fund created in section 423F.2, for each
 34 fiscal year of the fiscal period beginning July 1,
 35 2008, and ending June 30, 2010, ~~and for each fiscal~~

36 ~~year of the fiscal period beginning July 1, 2011,~~
37 ~~and ending June 30, 2014,~~ the amount of the moneys
38 in excess of the first forty-seven million dollars
39 credited to the rebuild Iowa infrastructure fund during
40 the fiscal year, not to exceed ten million dollars.

41 Sec. 11. Section 8.57A, subsection 4, Code 2011, is
42 amended to read as follows:

43 4. a. There is appropriated from the rebuild
44 Iowa infrastructure fund for the fiscal ~~years~~ year
45 beginning ~~July 1, 2008, July 1, 2009, and July 1, 2011~~
46 2012, and for each fiscal year thereafter, the sum
47 of forty-two million dollars to the environment first
48 fund, notwithstanding section 8.57, subsection 6,
49 paragraph "c".

50 b. There is appropriated from the rebuild Iowa

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1 infrastructure fund each fiscal year for the ~~fiscal~~
2 ~~year period~~ beginning July 1, 2010, and ending June 30,
3 ~~2011~~ 2012, the sum of thirty-three million dollars to
4 the environment first fund, notwithstanding section
5 8.57, subsection 6, paragraph "c".

6 Sec. 12. Section 8.57C, subsection 3, paragraphs a
7 and c, Code 2011, are amended to read as follows:

8 a. There is appropriated from the general fund of
9 the state for the fiscal ~~years~~ year beginning ~~July 1,~~
10 ~~2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each
11 subsequent fiscal year thereafter, the sum of seventeen
12 million five hundred thousand dollars to the technology
13 reinvestment fund.

14 c. There is appropriated from the rebuild Iowa
15 infrastructure fund for ~~the~~ each fiscal year of the
16 period beginning July 1, 2010, and ending June 30,
17 2012, the sum of ten million dollars to the technology
18 reinvestment fund, notwithstanding section 8.57,
19 subsection 6, paragraph "c".

20 Sec. 13. Section 8A.321, subsection 6, Code 2011,
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. d. The department shall issue a
23 request for proposals for leasing privately owned
24 office space for state employees in the downtown
25 area of the city of Des Moines prior to replacing or
26 renovating publicly owned buildings or relocating
27 any state agencies to any space in publicly owned
28 buildings. The department shall locate state employees
29 in office space in the most cost-efficient manner
30 possible. In determining cost efficiency, the
31 department shall consider all costs of the publicly
32 owned space, the costs of the original acquisition
33 of the publicly owned space, the costs of tenant
34 improvements to the publicly owned space, and the

35 anticipated economic and useful life of the publicly
36 owned building.
37 Sec. 14. Section 12.82, subsection 1, Code 2011, is
38 amended to read as follows:
39 1. A school infrastructure fund is created and
40 established as a separate and distinct fund in the
41 state treasury under the control of the department of
42 education. ~~The Notwithstanding any other provision~~
43 ~~of this chapter, the~~ fund shall be used for purposes
44 of the school infrastructure program established in
45 section 292.2.
46 Sec. 15. Section 12.82, Code 2011, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 3A. Any amounts remaining in the
49 school infrastructure fund at the end of the fiscal
50 year beginning July 1, 2010, and for each fiscal year

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1 thereafter, which are determined by the treasurer of
2 state to be unencumbered and unobligated and otherwise
3 unnecessary to make the payments for such fiscal year,
4 shall be transferred to the rebuild Iowa infrastructure
5 fund.
6 Sec. 16. Section 15F.204, subsection 8, paragraph
7 a, subparagraph (6), Code 2011, is amended to read as
8 follows:
9 (6) For the fiscal year beginning July 1, 2011, and
10 ending June 30, 2012, the sum of five million three
11 hundred thousand dollars.
12 Sec. 17. Section 15F.204, subsection 8, paragraph
13 b, Code 2011, is amended by striking the paragraph.
14 Sec. 18. Section 16.193, subsection 2, Code 2011,
15 is amended to read as follows:
16 ~~2. During the term of the Iowa jobs program~~
17 ~~established in section 16.194 and the Iowa jobs II~~
18 ~~program established in section 16.194A~~ For the period
19 beginning July 1, 2009, and ending June 30, 2011, two
20 hundred thousand dollars of the moneys deposited in the
21 rebuild Iowa infrastructure fund shall be allocated
22 each fiscal year to the Iowa finance authority for
23 purposes of administering the Iowa jobs program,
24 notwithstanding section 8.57, subsection 6, paragraph
25 "c".
26 Sec. 19. EFFECTIVE UPON ENACTMENT. The section of
27 this division amending section 12.82, being deemed of
28 immediate importance, takes effect upon enactment.
29 DIVISION VI
30 CHANGES TO PRIOR APPROPRIATIONS
31 Sec. 20. 2004 Iowa Acts, chapter 1175, section 288,
32 subsection 7, paragraph d, as amended by 2010 Iowa
33 Acts, chapter 1184, section 51, is amended to read as

34 follows:

35 d. For allocation to the public broadcasting
 36 division for costs of installation of digital
 37 and analog television for Iowa public television
 38 facilities, notwithstanding section 8.57, subsection
 39 5, paragraph "c":
 40 FY 2004-2005..... \$ 8,000,000
 41 FY 2005-2006..... \$ 8,000,000
 42 FY 2006-2007..... \$ 2,300,000
 43 Of the amounts appropriated in this lettered
 44 paragraph, up to \$1,000,000 may be used for operational
 45 costs of the division for the fiscal years beginning
 46 July 1, 2011, and July 1, 2012.
 47 Notwithstanding section 8.33, 2004 Iowa Acts,
 48 chapter 1175, section 290, or any other provision of
 49 law, moneys allocated in this lettered paragraph that
 50 remain unencumbered or unobligated at the close of a

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1 fiscal year shall not revert but shall remain available
 2 for expenditure for the purposes designated until the
 3 close of the fiscal year that begins July 1, 2012.
 4 ~~However, if the projects for which the moneys are~~
 5 ~~appropriated are completed in an earlier fiscal year,~~
 6 ~~unencumbered or unobligated moneys shall revert at the~~
 7 ~~close of that fiscal year.~~
 8 Sec. 21. 2006 Iowa Acts, chapter 1179, section 18,
 9 is amended by adding the following new subsection:
 10 NEW SUBSECTION. 5. Except for the allocation to
 11 Des Moines area community college and notwithstanding
 12 section 8.33, moneys appropriated from the endowment
 13 for Iowa's health restricted capitals fund for the
 14 fiscal year beginning July 1, 2006, and ending June 30,
 15 2007, in this division of this Act to the department of
 16 public safety for allocation to the division of fire
 17 protection that remain unencumbered or unobligated
 18 at the close of the fiscal year shall not revert
 19 but shall remain available for expenditure for the
 20 purposes designated until the close of the fiscal year
 21 beginning July 1, 2011, or until the project for which
 22 appropriated is completed, whichever is earlier. This
 23 subsection shall apply in lieu of subsection 1 of this
 24 section.
 25 Sec. 22. 2007 Iowa Acts, chapter 219, section 2, is
 26 amended to read as follows:
 27 SEC. 2. REVERSION.
 28 1. Notwithstanding Except as provided in subsection
 29 2 and notwithstanding section 8.33, moneys appropriated
 30 for the fiscal year beginning July 1, 2007, in this
 31 division of this Act that remain unencumbered or
 32 unobligated at the close of the fiscal year shall not

33 revert but shall remain available for the purposes
34 designated until the close of the fiscal year that
35 begins July 1, 2010, or until the project for which
36 the appropriation was made is completed, whichever is
37 earlier.

38 2. a. Notwithstanding section 8.33, moneys
39 appropriated in section 1, subsection 1, paragraphs
40 "a" and "f" of this division of this Act that remain
41 unencumbered or unobligated at the close of the fiscal
42 year for which they were appropriated shall not revert
43 but shall remain available for the purposes designated
44 until the close of the fiscal year that begins July 1,
45 2011, or until the project for which the appropriation
46 was made is completed, whichever is earlier.

47 b. The department of administrative services
48 is authorized to provide for the disposition and
49 relocation of structures located at 707 east locust
50 and 709 east locust, Des Moines, Iowa, in a manner as

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1 deemed appropriate by the department. The disposition
2 of the structures, if possible, shall be completed in
3 a manner that reduces or eliminates the costs of the
4 state associated with the removal of the structures
5 from their current locations. Any amount received from
6 the disposition of the structures as permitted under
7 this section shall be retained by the department to pay
8 for improvement costs associated with the restoration
9 of the west capitol terrace. The department, if unable
10 to otherwise dispose of the structures, is authorized
11 to demolish the structure using other appropriate
12 funding available to the department.

13 Sec. 23. 2008 Iowa Acts, chapter 1179, section 7,
14 as amended by 2009 Iowa Acts, chapter 173, section
15 21, and 2010 Iowa Acts, chapter 1184, section 58, is
16 amended to read as follows:

17 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
18 is appropriated from the rebuild Iowa infrastructure
19 fund to the department of economic development for
20 the designated fiscal years the following amounts, or
21 so much thereof as is necessary, to be used for the
22 purposes designated:

23 For deposit into the river enhancement community
24 attraction and tourism fund created in 2008 Iowa Acts,
25 Senate File 2430, if enacted:

26	FY 2009-2010	\$	0
27	FY 2010-2011.....	\$	0
28	FY 2011-2012	\$	10,000,000
29			<u>3,000,000</u>
30	FY 2012-2013.....	\$	10,000,000

31 Notwithstanding section 8.33, moneys appropriated

32 in this section for the fiscal year beginning July
33 1, 2011, and ending June 30, 2012, shall not revert
34 at the close of the fiscal year for which they are
35 appropriated but shall remain available for the purpose
36 designated until the close of the fiscal year that
37 begins July 1, 2014, or until the project for which
38 the appropriation was made is completed, whichever is
39 earlier.

40 Notwithstanding section 8.33, moneys appropriated
41 in this section for the fiscal year beginning July
42 1, 2012, and ending June 30, 2013, shall not revert
43 at the close of the fiscal year for which they are
44 appropriated but shall remain available for the purpose
45 designated until the close of the fiscal year that
46 begins July 1, 2015, or until the project for which
47 the appropriation was made is completed, whichever is
48 earlier.

49 Sec. 24. 2010 Iowa Acts, chapter 1184, section 2,
50 subsection 3, is amended to read as follows:

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1 3. DEPARTMENT OF TRANSPORTATION

2 For deposit into the passenger rail service
3 revolving fund created in section 327J.2 for matching
4 federal funding available through the federal Passenger
5 Rail Investment and Improvement Act of 2008 for
6 passenger rail service, notwithstanding section 8.57,
7 subsection 6, paragraph "c":

8 FY 2011-2012..... \$ 6,500,000

9 0

10 FY 2012-2013..... \$ 6,500,000

11 It is the intent of the general assembly to fund
12 up to \$20 million over a four-year period to fully
13 fund the state commitment for matching federal funding
14 available through the federal Passenger Rail Investment
15 and Improvement Act of 2008.

16 Sec. 25. 2010 Iowa Acts, chapter 1184, section 10,
17 subsection 8, is amended to read as follows:

18 8. TREASURER OF STATE

19 For transfer to the watershed improvement review
20 board created in section 466A.3 for grants associated
21 with the construction and restoration of wetland
22 easements and flood prevention watershed improvement
23 projects:

24 \$ 2,000,000

25 Notwithstanding section 466A.5, moneys from the
26 appropriation in this subsection shall not be used for
27 administrative purposes.

28 Sec. 26. 2010 Iowa Acts, chapter 1184, section 14,
29 is amended to read as follows:

30 SEC. 14. There is appropriated from the ~~FY-2009~~

31 ~~prison bonding fund created pursuant to section~~
 32 ~~12.79~~rebuild Iowa infrastructure fund to the department
 33 of corrections for the fiscal year beginning July 1,
 34 2010, and ending June 30, 2011, the following amount,
 35 or so much thereof as is necessary, to be used for
 36 the purpose designated, notwithstanding section 8.57,
 37 subsection 6, paragraph "c":

38 For costs associated with the building of a new
 39 Iowa State penitentiary at Fort Madison project
 40 management costs at Fort Madison and Mitchellville
 41 prisons, associated with construction projects at the
 42 department:

43 \$ 322,500

44 The appropriation made in this section constitutes
 45 approval by the general assembly for the issuance of
 46 bonds by the treasurer of state pursuant to section
 47 ~~12.80.~~

48 Sec. 27. 2010 Iowa Acts, chapter 1184, section 37,
 49 is amended to read as follows:

50 SEC. 37. SITE DEVELOPMENT CONSULTATIONS

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1 APPROPRIATION. There is appropriated from the school
 2 infrastructure fund created in section 12.82 to the
 3 department of economic development for the fiscal year
 4 beginning July 1, 2010, and ending June 30, 2011, the
 5 following amount, or so much thereof as is necessary,
 6 to be used for the purposes designated:

7 For providing site development consultations
 8 pursuant to section 15E.18, including salaries,
 9 support, maintenance, miscellaneous purposes, and
 10 for not more than the following full-time equivalent
 11 positions, notwithstanding section 12.82, subsection 1:

12 \$ 175,000

13 FTEs 1.00

14 Of the moneys appropriated to the department
 15 pursuant to this section, the department may allocate
 16 up to \$75,000 for purposes of contracting with third
 17 parties to provide site development consultations.

18 Sec. 28. 2010 Iowa Acts, chapter 1184, section 39,
 19 is amended to read as follows:

20 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE

21 APPROPRIATION. There is appropriated from the school
 22 infrastructure fund created in section 12.82 to the
 23 department of economic development for the fiscal year
 24 beginning July 1, 2010, and ending June 30, 2011, the
 25 following amount, or so much thereof as is necessary,
 26 to be used for the purposes designated:

27 For purposes of creating a business assistance
 28 internet site, notwithstanding section 12.82,
 29 subsection 1:

30 \$ 20,000
 31 Sec. 29. 2010 Iowa Acts, chapter 1184, section 43,
 32 is amended to read as follows:
 33 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
 34 APPROPRIATION. There is appropriated from the school
 35 infrastructure fund created in section 12.82 to the
 36 department of economic development for deposit in the
 37 save our small businesses fund for the fiscal year
 38 beginning July 1, 2010, and ending June 30, 2011, the
 39 following amount, or so much thereof as is necessary,
 40 to be used for the purposes designated, notwithstanding
 41 section 12.82, subsection 1:
 42 For purposes of providing financial assistance under
 43 the save our small businesses program under section
 44 15.301:
 45 \$ 5,000,000
 46 Of the moneys appropriated pursuant to this section,
 47 the department may allocate an amount not to exceed
 48 two percent of the moneys appropriated for purposes of
 49 retaining the services of an organization designated
 50 pursuant to section 15.301, subsection 2, paragraph

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1 "b".
 2 Sec. 30. 2010 Iowa Acts, chapter 1193, section 6,
 3 is amended to read as follows:
 4 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID —
 5 APPROPRIATION. In lieu of the appropriation provided
 6 in section 257.20, there is appropriated from the
 7 school infrastructure fund created in section 12.82,
 8 subsection 1, to the department of education for the
 9 fiscal year beginning July 1, 2010, and ending June 30,
 10 2011, the following amount, or so much thereof as is
 11 necessary, to be used for the purposes designated:
 12 For paying instructional support state aid for
 13 fiscal year 2010-2011, notwithstanding section 12.82,
 14 subsection 1:
 15 \$ 7,500,000
 16 Notwithstanding section 257.20, subsection 3, the
 17 appropriation made in this lettered paragraph shall
 18 be allocated in the same manner as the allocation of
 19 the appropriation was made for the same purpose in the
 20 previous fiscal year.
 21 Sec. 31. 2011 Iowa Acts, House File 45, section 2,
 22 subsection 2, is amended by adding the following new
 23 paragraph:
 24 c. This subsection shall not apply to any
 25 appropriations for the fiscal year beginning July 1,
 26 2010, receiving a supplemental appropriation under
 27 2011 Iowa Acts, Senate File 209, or any multiyear
 28 appropriation that includes the fiscal year beginning

29 July 1, 2009, for equipment as determined by the
 30 department of management.
 31 Sec. 32. EFFECTIVE UPON ENACTMENT. This division
 32 of this Act, being deemed of immediate importance,
 33 takes effect upon enactment.
 34 Sec. 33. RETROACTIVE APPLICABILITY. The provision
 35 of this division of this Act amending 2011 Iowa
 36 Acts, House File 45, section 2, subsection 2, applies
 37 retroactively to March 7, 2011.

38 DIVISION VII
 39 MISCELLANEOUS

40 Sec. 34. WELCOME CENTER DESIGNATION.
 41 Notwithstanding any provision of section 15.272 to the
 42 contrary, the department of economic development shall
 43 by January 1, 2012, select a site in or near the city
 44 of Nashua for designation as a statewide welcome center
 45 under the statewide welcome center program.
 46 Sec. 35. IOWA BUILDING LEASES. The department
 47 of administrative services may utilize space in the
 48 Iowa building for purposes of entering into short
 49 term leases with persons associated with the media
 50 who request space for the purpose of providing media

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1 coverage of the 2012 Iowa presidential caucuses.
 2 Moneys received pursuant to any such lease agreements
 3 shall be retained by and are appropriated to the
 4 department for purposes of operational costs of the
 5 Iowa building.>
 6 2. Title page, line 6, after <date> by inserting
 7 <and retroactive applicability>
 8 3. By renumbering as necessary.

SENATE AMENDMENT

H-1703

1 Amend the amendment, H-1700, to Senate File 466,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, after line 38 by inserting:
 5 <7. This section shall not be construed to alter
 6 or affect the rights and duties prescribed in chapter
 7 555A.>

GARRETT of Warren

H-1704

1 Amend Senate File 526, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 10, line 26, after <elections> by inserting
 4 <and if all licensees operating within that county
 5 maintain prohibitions against smoking, as defined
 6 in section 142D.2, throughout all such licensed
 7 facilities>

PETERSEN of Polk

H-1705

1 Amend Senate File 526, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, after line 12 by inserting:
 4 <Sec. ____ Section 142D.4, subsection 10, Code
 5 2011, is amended by striking the subsection.>
 6 2. Page 11, line 13, by striking <This> and
 7 inserting <Except for the section of this division of
 8 this Act amending section 142D.4, this>
 9 3. Page 11, line 16, by striking <This> and
 10 inserting <Except for the section of this division of
 11 this Act amending section 142D.4, this>
 12 4. By renumbering as necessary.

PETERSEN of Polk
 T. OLSON of Linn
 GASKILL of Wapello
 HANSON of Jefferson
 WITTNEBEN of Emmet
 MASCHER of Johnson
 WINCKLER of Scott
 WESSEL-KROESCHELL of Story
 HUNTER of Polk
 STECKMAN of Cerro Gordo
 JACOBY of Johnson

OLDSOON of Polk
 M. SMITH of Marshall
 KEARNS of Lee
 HEDDENS of Story
 THEDE of Scott
 ABDUL-SAMAD of Polk
 LENSING of Johnson
 GAINES of Polk
 KELLEY of Jasper
 SWAIM of Davis

H-1706

1 Amend House File 672, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. NEW SECTION. 476.53A Renewable
 5 electric power generation.
 6 It is the intent of the general assembly to
 7 encourage the development of renewable electric power
 8 generation. It is also the intent of the general
 9 assembly to encourage the use of renewable power
 10 to meet local electric needs and the development of
 11 transmission capacity to export wind power generated
 12 in Iowa.>
 13 2. Page 1, line 5, by striking <fifty twenty-six>
 14 and inserting <fifty>
 15 3. Page 1, line 10, by striking <2015> and

- 16 inserting <2021>
 17 4. Page 3, by striking lines 2 through 4 and
 18 inserting <achieve operational status, the owner shall
 19 notify the board. Upon>
 20 5. Page 3, line 15, after <capacity.> by inserting
 21 <Beginning January 1, 2015, this maximum shall be
 22 increased by fifteen megawatts annually, with the last
 23 increase occurring January 1, 2020.>
 24 6. Page 3, line 19, by striking <sixty-nine> and
 25 inserting <fifty-three>
 26 7. Page 3, line 21, after <purpose.> by inserting
 27 <Beginning January 1, 2015, this maximum shall be
 28 increased by the energy production capacity equivalent
 29 of a combined output of five megawatts and the British
 30 thermal unit equivalent annually, with the last
 31 increase occurring January 1, 2020.>
 32 8. Page 3, line 33, by striking <sixteen> and
 33 inserting <ten>
 34 9. Page 4, line 1, after <plant> by inserting
 35 <engaged in the sale of ethanol to states to meet a low
 36 carbon fuel standard>
 37 10. Page 4, line 4, by striking <sixteen> and
 38 inserting <ten>
 39 11. Page 6, line 2, by striking <2024> and
 40 inserting <2030>
 41 12. Page 6, after line 2 by inserting:
 42 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 43 of this Act amending section 476B.5, subsection 4,
 44 being deemed of immediate importance, takes effect upon
 45 enactment.>
 46 13. Title page, line 2, after <production> by
 47 inserting <, and including effective date provisions>
 48 14. By renumbering as necessary.

SENATE AMENDMENT

H-1707

- 1 Amend the amendment, H-1680, to Senate File 519,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 11 and 12 and
 5 inserting <boards and the urban education network. The
 6 school board may pay>
 7 2. Page 1, after line 29 by inserting:
 8 <__. Page 6, after line 2 by inserting:
 9 <Sec. ____ APPLICATION OF PUBLIC MEETINGS AND
 10 OPEN RECORDS LAWS TO PRIVATE SECTOR, FOR-PROFIT
 11 ORGANIZATIONS – INTERIM STUDY COMMITTEE REQUESTED.
 12 1. The legislative council is requested to
 13 establish an interim study committee to consider the
 14 application of chapters 21 and 22, regarding open

15 meetings and open records, and specific public audit
16 procedures to private taxpaying entities.
17 2. The interim study committee shall include
18 members representing both political parties and both
19 houses of the general assembly, individuals with
20 general knowledge concerning Iowa's open meetings and
21 open records laws, and individuals with legal expertise
22 regarding Iowa's open meetings and open records laws
23 including but not limited to representatives of the
24 attorney general's office and the secretary of state's
25 office, private sector attorneys, and others with legal
26 expertise regarding open meetings and open records
27 laws.
28 3. The interim study committee shall review the
29 implications to both public and private entities
30 impacted by widening the scope of the open meetings
31 and open records laws to include private for-profit
32 entities and shall determine if such a change would
33 increase costs or reduce competition.
34 4. The interim study committee shall submit a final
35 report to the governor and the general assembly by
36 December 31, 2011.>>
37 3. By renumbering as necessary.

KOESTER of Polk

H-1708

1 Amend House File 692 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <DIVISION I
5 RETAIL DEALERS — MOTOR FUEL STANDARDS
6 Section 1. Section 214A.2, subsection 4, paragraph
7 b, Code 2011, is amended by adding the following new
8 subparagraph:
9 NEW SUBPARAGRAPH. (4) Biodiesel blended fuel
10 classified as B-6 or higher but not higher than B-20
11 must conform to A.S.T.M. international specification
12 D7467 or a successor A.S.T.M. international
13 specification as established by rules adopted by the
14 department.
15 DIVISION II
16 RETAIL DEALERS — LIABILITY
17 Sec. 2. NEW SECTION. 214A.20 Retail dealers —
18 limitation on liability.
19 1. A retail dealer is not liable for damages caused
20 by the use of incompatible motor fuel dispensed at the
21 retail dealer's retail motor fuel site, if all of the
22 following applies:
23 a. The incompatible motor fuel complies with the
24 specifications for a type of motor fuel as provided in

25 section 214A.2.

26 b. The incompatible motor fuel is selected by a
27 person other than the retail dealer, including an
28 employee or agent of the retail dealer.

29 c. The incompatible motor fuel is dispensed from a
30 motor fuel pump that correctly labels the type of fuel
31 dispensed.

32 2. For purposes of this section, a motor fuel is
33 incompatible with a motor according to the manufacturer
34 of the motor.

35 DIVISION III

36 RETAIL DEALERS — ETHANOL PROMOTION TAX CREDIT

37 Sec. 3. Section 422.11N, subsection 1, paragraph a,
38 Code 2011, is amended to read as follows:

39 a. "E-85 gasoline", "ethanol", "ethanol blended
40 gasoline", "gasoline", ~~and "retail dealer"~~, and "retail
41 motor fuel site" mean the same as defined in section
42 214A.1.

43 Sec. 4. Section 422.11N, subsection 3, paragraph a,
44 Code 2011, is amended to read as follows:

45 a. The taxpayer is a retail dealer who sells and
46 dispenses ethanol blended gasoline through a motor fuel
47 pump ~~in located at the retail dealer's retail motor~~
48 fuel site during the tax year in determination period
49 or parts of the determination periods for which the tax
50 credit is claimed as provided in this section.

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1 Sec. 5. Section 422.11N, Code 2011, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 3A. a. When first claiming the
4 tax credit, the retail dealer shall elect to compute
5 and claim the tax credit on a company-wide basis or
6 site-by-site basis in the same manner as provided in
7 section 452A.33.

8 (1) In making a company-wide election, the retail
9 dealer must compute and claim the tax credit based
10 on calculations as provided in this section for all
11 retail motor fuel sites where the retail dealer sells
12 and dispenses motor fuel on a retail basis. The
13 retail dealer shall not claim the tax credit based on
14 a calculation which does not include all such retail
15 motor fuel sites. A retail dealer shall use the
16 company-wide election in order to calculate the retail
17 dealer's biofuel threshold percentage as provided in
18 subsection 4, paragraph "b".

19 (2) In making a site-by-site election, the retail
20 dealer must compute and claim the tax credit based
21 on calculations as provided in this section for each
22 retail motor fuel site where the retail dealer sells
23 and dispenses motor fuel on a retail basis. The

24 retail dealer shall not claim the tax credit based on
25 a calculation which includes two or more retail motor
26 fuel sites. Nothing in this subparagraph requires
27 the retail dealer to compute or claim a tax credit
28 for a particular retail motor fuel site. The retail
29 dealer shall not use the site-by-site election in order
30 to calculate the retail dealer's biofuel threshold

31 percentage as provided in subsection 4, paragraph "b".
32 b. Once the retail dealer makes an election as
33 provided in paragraph "a", the retail dealer shall not
34 change the election without the written consent of the
35 department.

36 Sec. 6. Section 422.11N, subsection 4, paragraph d,
37 Code 2011, is amended by striking the paragraph.

38 Sec. 7. Section 422.11N, subsection 5, paragraph
39 a, subparagraph (1), Code 2011, is amended to read as
40 follows:

41 (1) For any tax year in which the retail dealer
42 has attained a biofuel threshold percentage for the
43 determination period, the tax credit rate is ~~six and~~
44 ~~one-half eight~~ cents.

45 Sec. 8. Section 422.11N, subsection 5, paragraph a,
46 subparagraph (2), subparagraph divisions (a) and (b),
47 Code 2011, are amended to read as follows:

48 (a) If the retail dealer's biofuel threshold
49 percentage disparity equals two percent or less, the
50 tax credit rate is ~~four and one-half six~~ cents.

Page 3

1 (b) If the retail dealer's biofuel threshold
2 percentage disparity equals more than two percent but
3 not more than four percent, the tax credit rate is as
4 follows:

5 (i) For calendar year 2011, two and one-half cents.

6 (ii) For calendar year 2012 and for each subsequent
7 calendar year, four cents.

8 Sec. 9. Section 422.11N, subsection 6, Code 2011,
9 is amended to read as follows:

10 6. a. A retail dealer is eligible to claim an
11 ethanol promotion tax credit as provided in this
12 section even though the retail dealer claims ~~an one or~~
13 all of the following related tax credits:

14 (1) The E-85 gasoline promotion tax credit pursuant
15 to section 422.11O.

16 (2) The E-15 plus gasoline promotion tax credit
17 pursuant to section 422.11Y.

18 b. The retail dealer may claim the ethanol
19 promotion tax credit and one or more of the related tax
20 credits as provided in paragraph "a" for the same tax
21 year and for the same ethanol gallonage.

22 Sec. 10. Section 452A.33, subsection 1, paragraph

23 b, Code 2011, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 b. The report shall include information required in
26 paragraph "a" on a company-wide and site-by-site basis,
27 as required by the department.

28 (1) The information submitted on a company-wide
29 basis shall include the total motor fuel
30 gallonage, including for each classification and
31 subclassification, sold and dispensed by the retail
32 dealer as provided in paragraph "a" for all retail
33 motor fuel sites from which the retail dealer sells and
34 dispenses motor fuel.

35 (2) The information submitted on a site-by-site
36 basis shall include the total motor fuel
37 gallonage, including for each classification and
38 subclassification, sold and dispensed by the retail
39 dealer as provided in paragraph "a" separately for each
40 retail motor fuel site from which the retail dealer
41 sells and dispenses motor fuel.

42 Sec. 11. 2006 Iowa Acts, chapter 1142, section 49,
43 subsection 2, as amended by 2006 Iowa Acts, chapter
44 1175, section 17, is amended to read as follows:

45 2. For a retail dealer who may claim an ethanol
46 promotion tax credit under section 422.11N or 422.33,
47 subsection 11A, as enacted in this Act and amended
48 in subsequent Acts, in calendar year 2020 and whose
49 tax year ends prior to December 31, 2020, the retail
50 dealer may continue to claim the tax credit in the

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1 retail dealer's following tax year. In that case, the
2 tax credit shall be calculated in the same manner as
3 provided in section 422.11N or 422.33, subsection 11A,
4 as enacted in this Act and amended in subsequent Acts,
5 for the remaining period beginning on the first day of
6 the retail dealer's new tax year until December 31,
7 2020. For that remaining period, the tax credit shall
8 be calculated in the same manner as a retail dealer
9 whose tax year began on the previous January 1 and who
10 is calculating the tax credit on December 31, 2020.

11 Sec. 12. ADMINISTRATIVE RULES. The department
12 of revenue may adopt emergency rules under section
13 17A.4, subsection 3, and section 17A.5, subsection
14 2, paragraph "b", to implement the provisions of
15 this division of this Act, and the rules shall be
16 effective immediately upon filing unless a later date
17 is specified in the rules. Any rules adopted in
18 accordance with this section shall also be published
19 as a notice of intended action as provided in section
20 17A.4.

21 Sec. 13. EFFECTIVE DATE. This division of this

22 Act, and the application of section 422.33, subsection
 23 11A, due to this division of this Act, take effect upon
 24 enactment.

25 Sec. 14. RETROACTIVE APPLICABILITY. This division
 26 of this Act applies retroactively to January 1, 2011,
 27 including section 422.11N, as amended in this division
 28 of this Act, and the application of section 422.33,
 29 subsection 11A, due to this division of this Act, to
 30 tax years beginning on and after January 1, 2011.

31 DIVISION IV

32 E-85 GASOLINE PROMOTION TAX CREDIT

33 Sec. 15. Section 422.11O, subsection 2, Code 2011,
 34 is amended to read as follows:

35 2. The taxes imposed under this division, less the
 36 credits allowed under section 422.12, shall be reduced
 37 by an E-85 gasoline promotion tax credit for each tax
 38 year that the taxpayer is eligible to claim the tax
 39 credit under this subsection.

40 a. In order to be eligible, all of the following
 41 must apply:

42 a. (1) The taxpayer is a retail dealer who sells
 43 and dispenses E-85 gasoline through a motor fuel pump
 44 ~~in located at the retail dealer's retail motor fuel~~
 45 ~~site during the tax calendar year in or parts of the~~
 46 ~~calendar year for which the tax credit is claimed as~~
 47 ~~provided in this section.~~

48 b. (2) The retail dealer complies with
 49 requirements of the department to administer this
 50 section.

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1 ~~b. The tax credit shall apply to E-85 gasoline that~~
 2 ~~meets the standards provided in section 214A.2.~~

3 Sec. 16. Section 422.11O, subsection 3, Code 2011,
 4 is amended by striking the subsection and inserting in
 5 lieu thereof the following:

6 3. For a retail dealer whose tax year is on a
 7 calendar year basis, the retail dealer shall calculate
 8 the amount of the tax credit by multiplying a
 9 designated rate of sixteen cents by the retail dealer's
 10 total E-85 gasoline gallonage as provided in sections
 11 452A.31 and 452A.32.

12 Sec. 17. Section 422.11O, subsection 5, Code 2011,
 13 is amended to read as follows:

14 5. a. A retail dealer is eligible to claim an
 15 E-85 gasoline promotion tax credit as provided in this
 16 section even though the retail dealer claims ~~an one or~~
 17 ~~all of the following related tax credits:~~

18 (1) ~~The ethanol promotion tax credit pursuant to~~
 19 ~~section 422.11N for the same tax year for the same~~
 20 ~~ethanol gallonage.~~

21 (2) The E-15 plus gasoline tax credit pursuant to
22 section 422.11Y.
23 b. (1) The retail dealer may claim the E-85
24 gasoline promotion tax credit and one or more of the
25 related tax credits as provided in paragraph "a" for
26 the same tax year.
27 (2) The retail dealer may claim the ethanol
28 promotion tax credit as provided in paragraph "a" for
29 the same ethanol gallonage used to calculate and claim
30 the E-85 gasoline promotion tax credit.
31 Sec. 18. Section 422.11O, subsection 8, Code 2011,
32 is amended to read as follows:
33 8. This section is repealed on January 1, ~~2021~~
34 2018.
35 Sec. 19. Section 422.33, subsection 11B, paragraph
36 c, Code 2011, is amended to read as follows:
37 c. This subsection is repealed on January 1, ~~2021~~
38 2018.
39 Sec. 20. 2006 Iowa Acts, chapter 1142, section 49,
40 subsection 3, is amended to read as follows:
41 3. For a retail dealer who may claim an E-85
42 gasoline promotion tax credit under section 422.11O
43 or 422.33, subsection 11B, as enacted in this Act and
44 amended in subsequent Acts, in calendar year ~~2020~~ 2017
45 and whose tax year ends prior to December 31, ~~2020~~
46 2017, the retail dealer may continue to claim the tax
47 credit in the retail dealer's following tax year. In
48 that case, the tax credit shall be calculated in the
49 same manner as provided in section 422.11O or 422.33,
50 subsection 11B, as enacted in this Act and amended in

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1 subsequent Acts, for the remaining period beginning on
2 the first day of the retail dealer's new tax year until
3 December 31, ~~2020~~ 2017. For that remaining period, the
4 tax credit shall be calculated in the same manner as
5 a retail dealer whose tax year began on the previous
6 January 1 and who is calculating the tax credit on
7 December 31, ~~2020~~ 2017.
8 Sec. 21. ADMINISTRATIVE RULES. The department of
9 revenue may adopt rules under chapter 17A prior to the
10 effectiveness and applicability of section 422.11O,
11 and section 422.33, subsection 11B, as amended in this
12 division of this Act, due to this division of this Act.
13 The department's rules shall not take effect earlier
14 than January 1, 2012.
15 Sec. 22. EFFECTIVE DATES.
16 1. Except as provided in subsection 2, this
17 division of this Act takes effect on July 1, 2011.
18 2. a. The section of this division of this Act
19 authorizing the department of revenue to adopt rules

20 takes effect upon enactment.

21 b. Section 422.11O, as amended in this division
22 of this Act, and section 422.33, subsection 11B, as
23 amended in this division of this Act, take effect on
24 January 1, 2012.

25 Sec. 23. APPLICABILITY. Section 422.11O, as
26 amended in this division of this Act, and section
27 422.33, subsection 11B, as amended in this division of
28 this Act and applied due to this division of this Act,
29 apply to tax years beginning on and after January 1,
30 2012.

31 DIVISION V

32 RETAIL DEALERS — BIODIESEL BLENDED FUEL TAX CREDIT

33 Sec. 24. Section 422.11P, Code 2011, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 1A. For purposes of this section,
36 biodiesel blended fuel is classified in the same manner
37 as provided in section 214A.2.

38 Sec. 25. Section 422.11P, subsection 2, Code 2011,
39 is amended to read as follows:

40 2. The taxes imposed under this division, less the
41 credits allowed under section 422.12, shall be reduced
42 by ~~the amount of the a~~ biodiesel blended fuel tax
43 credit for each tax year that the taxpayer is eligible
44 to claim a tax credit under this subsection.

45 a. In order to be eligible, all of the following
46 must apply:

47 (1) The taxpayer is a retail dealer who sells and
48 dispenses qualifying biodiesel blended fuel through a
49 motor fuel pump located at a the retail dealer's retail
50 motor fuel site ~~operated by the retail dealer in during~~

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1 ~~the tax calendar year in or parts of the calendar years~~
2 ~~for which the tax credit is claimed as provided in this~~
3 ~~section.~~

4 ~~(2) Of the total gallons of diesel fuel that the~~
5 ~~retail dealer sells and dispenses through all motor~~
6 ~~fuel pumps located at a motor fuel site operated by~~
7 ~~the retail dealer during the retail dealer's tax year,~~
8 ~~fifty percent or more is biodiesel blended fuel which~~
9 ~~meets the requirements of this section.~~

10 ~~(3) (2)~~ The retail dealer complies with
11 requirements of the department established to
12 administer this section.

13 b. The tax credit shall apply to biodiesel blended
14 fuel ~~formulated with a minimum percentage of two~~
15 ~~percent by volume of biodiesel, if the formulation~~
16 ~~classified as provided in this section, if the~~
17 ~~classification~~ meets the standards provided in section
18 214A.2.

19 Sec. 26. Section 422.11P, subsection 3, Code 2011,
20 is amended by striking the subsection and inserting in
21 lieu thereof the following:

22 3. For a retail dealer whose tax year is on a
23 calendar year basis, the retail dealer shall calculate
24 the amount of the tax credit by multiplying a
25 designated rate by the retail dealer's total biodiesel
26 blended fuel gallonage as provided in section 452A.31
27 which qualifies under this subsection.

28 a. In calendar year 2012, in order to qualify for
29 the tax credit, the biodiesel blended fuel must be
30 classified as B-2 or higher.

31 (1) For biodiesel blended fuel classified as B-2 or
32 higher but not as high as B-5, the designated rate is
33 two cents.

34 (2) For biodiesel blended fuel classified as B-5 or
35 higher, the designated rate is four and one-half cents.

36 b. In calendar year 2013 and for each subsequent
37 calendar year, in order to qualify for the tax credit,
38 the biodiesel blended fuel must be classified as B-5
39 or higher. The designated rate for the qualifying
40 biodiesel blended fuel is four and one-half cents.

41 Sec. 27. Section 422.11P, Code 2011, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 3A. For a retail dealer whose tax
44 year is not on a calendar year basis, the retail dealer
45 shall calculate the tax credit as follows:

46 a. If a retail dealer has not claimed a tax credit
47 in the retail dealer's previous tax year, the retail
48 dealer may claim the tax credit in the retail dealer's
49 current tax year for that period beginning on January
50 1 of the retail dealer's previous tax year to the last

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1 day of the retail dealer's previous tax year. For
2 that period the retail dealer shall calculate the
3 tax credit in the same manner as a retail dealer who
4 will calculate the tax credit on December 31 of that
5 calendar year as provided in subsection 3.

6 b. (1) For the period beginning on the first day
7 of the retail dealer's tax year until December 31,
8 the retail dealer shall calculate the tax credit in
9 the same manner as a retail dealer who calculates the
10 tax credit on that same December 31 as provided in
11 subsection 3.

12 (2) For the period beginning on January 1 to the
13 end of the retail dealer's tax year, the retail dealer
14 shall calculate the tax credit in the same manner as a
15 retail dealer who will calculate the tax credit on the
16 following December 31 as provided in subsection 3.

17 Sec. 28. Section 422.11P, subsection 6, Code 2011,

18 is amended to read as follows:

19 6. This section is repealed January 1, ~~2012~~ 2018.

20 Sec. 29. Section 422.33, subsection 11C, paragraphs
21 c and d, Code 2011, are amended to read as follows:

22 e. ~~The tax credit shall be calculated separately~~
23 ~~for each retail motor fuel site operated by the~~
24 ~~taxpayer in the same manner as provided in section~~
25 ~~422.11P.~~

26 d. c. This subsection is repealed on January 1,
27 ~~2012~~ 2018.

28 Sec. 30. TAX CREDIT AVAILABILITY — CLAIMS FOR THE
29 2011 CALENDAR YEAR. Nothing in this Act affects a
30 retail dealer's claiming of a biodiesel blended fuel
31 tax credit as provided in 2006 Iowa Acts, chapter 1142,
32 section 49, subsection 5.

33 Sec. 31. TAX CREDIT AVAILABILITY. For a retail
34 dealer who may claim a biodiesel blended fuel promotion
35 tax credit under section 422.11P or 422.33, subsection
36 11C, as amended in this Act and amended in subsequent
37 Acts, in calendar year 2017, and whose tax year ends
38 prior to December 31, 2017, the retail dealer may
39 continue to claim the tax credit in the retail dealer's
40 following tax year. In that case, the tax credit
41 shall be calculated in the same manner as provided in
42 section 422.11P or 422.33, subsection 11C, as amended
43 in this Act and amended in subsequent Acts, for the
44 remaining period beginning on the first day of the
45 retail dealer's new tax year until December 31, 2017.

46 For that remaining period, the tax credit shall be
47 calculated in the same manner as a retail dealer whose
48 tax year began on the previous January 1 and who is
49 calculating the tax credit on December 31, 2017.

50 Sec. 32. ADMINISTRATIVE RULES. The department of

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1 revenue may adopt rules under chapter 17A prior to the
2 effectiveness and applicability of section 422.11P,
3 and section 422.33, subsection 11C, as amended in this
4 division of this Act, due to this division of this Act.
5 The department's rules shall not take effect earlier
6 than January 1, 2012.

7 Sec. 33. EFFECTIVE DATES.

8 1. Except as provided in subsection 2, this
9 division of this Act takes effect July 1, 2011.

10 2. a. The section of this division of this
11 Act authorizing the department of revenue to adopt
12 administrative rules takes effect upon enactment.

13 b. The section of this division of this Act which
14 provides for tax credit availability for the 2011
15 calendar year under 2006 Iowa Acts, chapter 1142,
16 section 49, subsection 5, being deemed of immediate

17 importance, takes effect upon enactment.

18 c. Section 422.11P, as amended in this division
19 of this Act, and section 422.33, subsection 11C, as
20 amended in this division of this Act, take effect on
21 January 1, 2012.

22 Sec. 34. APPLICABILITY. Section 422.11P, as
23 amended in this division of this Act, and section
24 422.33, subsection 11C, as amended in this division of
25 this Act and applied due to this division of this Act,
26 apply to tax years beginning on and after January 1,
27 2012.

28 DIVISION VI

29 RETAIL DEALERS — E-15 PLUS GASOLINE TAX CREDIT

30 Sec. 35. NEW SECTION. 422.11Y E-15 plus gasoline
31 promotion tax credit.

32 1. As used in this section, unless the context
33 otherwise requires:

34 a. "E-85 gasoline", "ethanol", "gasoline", "retail
35 dealer", and "retail motor fuel site" mean the same as
36 defined in section 214A.1.

37 b. "Motor fuel pump" means the same as defined in
38 section 214.1.

39 c. "Sell" means to sell on a retail basis.

40 d. "Tax credit" means the E-15 plus gasoline tax
41 credit as provided in this section.

42 2. For purposes of this section, ethanol blended
43 gasoline is classified in the same manner as provided
44 in section 214A.2.

45 3. The taxes imposed under this division, less the
46 credits allowed under section 422.12, shall be reduced
47 by the amount of the E-15 plus gasoline tax credit for
48 each tax year that the taxpayer is eligible to claim a
49 tax credit under this subsection.

50 a. In order to be eligible, all of the following

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1 must apply:

2 (1) The taxpayer is a retail dealer who sells and
3 dispenses qualifying ethanol blended gasoline through a
4 motor fuel pump located at the retail dealer's retail
5 motor fuel site during the calendar year or parts of
6 the calendar years for which the tax credit is claimed
7 as provided in this section.

8 (2) The retail dealer complies with requirements of
9 the department established to administer this section.

10 b. The tax credit shall apply to ethanol blended
11 gasoline classified as provided in this section, if the
12 classification meets the standards provided in section
13 214A.2.

14 4. For a retail dealer whose tax year is on
15 a calendar year basis, the retail dealer shall

16 calculate the amount of the tax credit by multiplying
17 a designated rate by the retail dealer's total ethanol
18 blended gasoline gallonage as provided in section
19 452A.31 which qualifies under this subsection.
20 a. In order to qualify for the tax credit, the
21 ethanol blended gasoline must be classified as E-15 or
22 higher but not classified as E-85.
23 b. The designated rate of the tax credit is as
24 follows:
25 (1) For calendar year 2012, calendar year 2013, and
26 calendar year 2014, three cents.
27 (2) For calendar year 2015, calendar year 2016, and
28 calendar year 2017, two cents.
29 5. For a retail dealer whose tax year is not on a
30 calendar year basis, the retail dealer shall calculate
31 the tax credit as follows:
32 a. If a retail dealer has not claimed a tax credit
33 in the retail dealer's previous tax year, the retail
34 dealer may claim the tax credit in the retail dealer's
35 current tax year for that period beginning on January
36 1 of the retail dealer's previous tax year to the last
37 day of the retail dealer's previous tax year. For
38 that period the retail dealer shall calculate the
39 tax credit in the same manner as a retail dealer who
40 will calculate the tax credit on December 31 of that
41 calendar year as provided in subsection 4.
42 b. (1) For the period beginning on the first day
43 of the retail dealer's tax year until December 31,
44 the retail dealer shall calculate the tax credit in
45 the same manner as a retail dealer who calculates the
46 tax credit on that same December 31 as provided in
47 subsection 4.
48 (2) For the period beginning on January 1 to the
49 end of the retail dealer's tax year, the retail dealer
50 shall calculate the tax credit in the same manner as a

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1 retail dealer who will calculate the tax credit on the
2 following December 31 as provided in subsection 4.
3 6. a. A retail dealer is eligible to claim an E-15
4 plus gasoline promotion tax credit as provided in this
5 section even though the retail dealer claims one or all
6 of the following related tax credits:
7 (1) The ethanol promotion tax credit pursuant to
8 section 422.11N.
9 (2) The E-85 gasoline promotion tax credit pursuant
10 to section 422.11O.
11 b. (1) The retail dealer may claim the E-15 plus
12 gasoline promotion tax credit and one or more of the
13 related tax credits as provided in paragraph "a" for
14 the same tax year.

15 (2) The retail dealer may claim the ethanol
16 promotion tax credit as provided in paragraph "a" for
17 the same ethanol gallonage used to calculate and claim
18 the E-15 plus gasoline tax credit.

19 7. Any credit in excess of the retail dealer's
20 tax liability shall be refunded. In lieu of claiming
21 a refund, the retail dealer may elect to have the
22 overpayment shown on the retail dealer's final,
23 completed return credited to the tax liability for the
24 following tax year.

25 8. An individual may claim the tax credit allowed a
26 partnership, limited liability company, S corporation,
27 estate, or trust electing to have the income taxed
28 directly to the individual. The amount claimed by the
29 individual shall be based upon the pro rata share of
30 the individual's earnings of a partnership, limited
31 liability company, S corporation, estate, or trust.

32 9. This section is repealed on January 1, 2018.

33 Sec. 36. Section 422.33, Code 2011, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 11D. The taxes imposed under this
36 division shall be reduced by an E-15 plus gasoline
37 promotion tax credit for each tax year that the
38 taxpayer is eligible to claim the tax credit under this
39 subsection.

40 a. The taxpayer shall claim the tax credit in
41 the same manner as provided in section 422.11Y. The
42 taxpayer may claim the tax credit according to the same
43 requirements, for the same amount, and calculated in
44 the same manner, as provided for the E-15 plus gasoline
45 promotion tax credit pursuant to section 422.11Y.

46 b. Any E-15 plus gasoline promotion tax credit
47 which is in excess of the taxpayer's tax liability
48 shall be refunded or may be shown on the taxpayer's
49 final, completed return credited to the tax liability
50 for the following tax year in the same manner as

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1 provided in section 422.11Y.

2 c. This subsection is repealed on January 1, 2018.

3 Sec. 37. TAX CREDIT AVAILABILITY. For a retail
4 dealer who may claim an E-15 plus gasoline promotion
5 tax credit under section 422.11Y or 422.33, subsection
6 11D, as enacted in this Act and amended in subsequent
7 Acts, in calendar year 2017, and whose tax year ends
8 prior to December 31, 2017, the retail dealer may
9 continue to claim the tax credit in the retail dealer's
10 following tax year. In that case, the tax credit
11 shall be calculated in the same manner as provided in
12 section 422.11Y or 422.33, subsection 11D, as enacted
13 in this Act and amended in subsequent Acts, for the

14 remaining period beginning on the first day of the
 15 retail dealer's new tax year until December 31, 2017.
 16 For that remaining period, the tax credit shall be
 17 calculated in the same manner as a retail dealer whose
 18 tax year began on the previous January 1 and who is
 19 calculating the tax credit on December 31, 2017.
 20 Sec. 38. ADMINISTRATIVE RULES. The department
 21 of revenue may adopt emergency rules under section
 22 17A.4, subsection 3, and section 17A.5, subsection 2,
 23 paragraph "b", to implement the provisions of this
 24 division of this Act. Any rules adopted in accordance
 25 with this section shall also be published as a notice
 26 of intended action as provided in section 17A.4. The
 27 department's rules shall not take effect earlier than
 28 July 1, 2011.
 29 Sec. 39. EFFECTIVE DATES.
 30 1. Except as provided in subsection 2, this
 31 division of this Act takes effect on July 1, 2011.
 32 2. The section of this division of this Act
 33 authorizing the department of revenue to adopt rules
 34 takes effect upon enactment.
 35 Sec. 40. APPLICABILITY.
 36 1. Except as provided in subsection 2, section
 37 422.11Y, as enacted in this division of this Act, and
 38 section 422.33, subsection 11D, as enacted in this
 39 division of this Act and applied due to this division
 40 of this Act, apply to tax years beginning on and after
 41 January 1, 2012.
 42 2. Section 422.11Y, as enacted in this division
 43 of this Act, and section 422.33, subsection 11D, as
 44 enacted in this division of this Act and applied due
 45 to this division of this Act, apply to that part of a
 46 retail dealer's tax year or tax years occurring during
 47 that portion of the calendar year beginning on and
 48 after July 1, 2011, and ending on December 31, 2011.
 49 In that case, the retail dealer shall calculate the
 50 E-15 plus gasoline promotion tax in the same manner as

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1 a retail dealer calculating the tax credit on January
 2 1, 2012.
 3 DIVISION VII
 4 RENEWABLE FUEL INFRASTRUCTURE — APPROPRIATION —
 5 TRANSFER OF AUTHORITY FROM DEPARTMENT OF ECONOMIC
 6 DEVELOPMENT TO DEPARTMENT OF AGRICULTURE AND LAND
 7 STEWARDSHIP
 8 Sec. 41. Section 15.104, subsection 8, paragraph j,
 9 Code 2011, is amended by striking the paragraph.
 10 Sec. 42. Section 15G.201, subsection 2, Code 2011,
 11 is amended to read as follows:
 12 2. "Department" means the ~~Iowa department of~~

13 ~~economic development created in section 15.105~~
14 ~~department of agriculture and land stewardship.~~
15 Sec. 43. Section 15G.202, subsection 2, paragraph
16 c, subparagraph (4), Code 2011, is amended to read as
17 follows:
18 (4) ~~The Iowa motor truck association biodiesel~~
19 ~~board.~~
20 Sec. 44. Section 15G.205, subsection 4, paragraph
21 c, Code 2011, is amended to read as follows:
22 c. Notwithstanding section 8.33, unencumbered and
23 unobligated moneys remaining in the infrastructure fund
24 at the close of each fiscal year shall not revert but
25 shall remain available in the infrastructure fund for
26 ~~expenditure for the same purposes until the end of the~~
27 ~~fiscal year that begins July 1, 2011, at which time the~~
28 ~~unencumbered and unobligated moneys remaining shall~~
29 ~~revert to the funds from which appropriated.~~
30 Sec. 45. Section 159.20, subsection 1, paragraph j,
31 Code 2011, is amended to read as follows:
32 j. Provide for the promotion and expansion of
33 renewable fuels and coproducts, by doing all of the
34 following:
35 j- (1) Assist the office of renewable fuels and
36 coproducts in administering the provisions of chapter
37 159A, subchapter I.
38 (2) Assist the renewable fuel infrastructure board,
39 provide for the administration of the renewable fuel
40 infrastructure programs, and provide for the management
41 of the renewable fuel infrastructure fund, as provided
42 in chapter 159A, subchapter II.
43 Sec. 46. Section 159A.2, unnumbered paragraph 1,
44 Code 2011, is amended to read as follows:
45 As used in this ~~chapter subchapter~~, unless the
46 context otherwise requires:
47 Sec. 47. Section 321.145, subsection 2, paragraph
48 a, Code 2011, is amended to read as follows:
49 a. ~~Four~~ Moneys shall be deposited into and credited
50 to the following funds:

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1 (1) First, three million two five hundred fifty
2 thousand dollars per quarter shall be deposited into
3 and credited to the Iowa comprehensive petroleum
4 underground storage tank fund created in section
5 455G.3, and the moneys so deposited are a continuing
6 appropriation for expenditure under chapter 455G, and
7 moneys so appropriated shall not be used for other
8 purposes.
9 (2) Second, seven hundred fifty thousand dollars
10 per quarter shall be deposited into and credited to the
11 renewable fuel infrastructure fund created in section

12 15G.205, and the moneys so deposited are a continuing
13 appropriation for expenditure under chapter 15G,
14 subchapter II, and moneys so appropriated shall not be
15 used for other purposes.

16 Sec. 48. TRANSITIONAL PROVISIONS — ADMINISTRATIVE
17 RULES. The rules adopted by the department of economic
18 development as codified in 261 IAC, chapters 311
19 through 314, shall continue in full force and effect
20 until amended, repealed, or supplemented by affirmative
21 action of the department of agriculture and land
22 stewardship.

23 Sec. 49. TRANSITIONAL PROVISIONS — EMERGENCY
24 ADMINISTRATIVE RULEMAKING. The department of
25 agriculture and land stewardship may adopt emergency
26 rules under section 17A.4, subsection 3, and section
27 17A.5, subsection 2, paragraph "b", to implement the
28 provisions of this division of this Act, and the rules
29 shall be effective July 1, 2011, unless a later date
30 is specified in the rules. Any rules adopted in
31 accordance with this section shall also be published
32 as a notice of intended action as provided in section
33 17A.4.

34 Sec. 50. TRANSITIONAL PROVISIONS — ADMINISTRATIVE
35 HEARINGS OR COURT PROCEEDINGS. An administrative
36 hearing or court proceeding arising out of an
37 enforcement action under chapter 15G pending on
38 July 1, 2011, shall not be affected due to this
39 division of this Act. Any cause of action or statute
40 of limitations relating to an action taken by the
41 department of economic development shall not be
42 affected as a result of this division of this Act and
43 such cause or statute of limitation shall apply to the
44 department of agriculture and land stewardship.

45 Sec. 51. TRANSITIONAL PROVISIONS — REPLACEMENT
46 ITEMS. A replacement item, including but not limited
47 to logos, stationery, or insignia, that is made due to
48 the effect of this division of this Act shall be done
49 as part of the normal replacement cycle for such item.

50 Sec. 52. TRANSITIONAL PROVISIONS — TRANSFER OF

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1 RECORDS.

2 1. The department of economic development shall
3 provide the department of agriculture and land
4 stewardship with records necessary to administer and
5 enforce chapter 15G, subchapter II, including sections
6 of the subchapter amended by this Act, and rules
7 adopted by the department of economic development
8 pursuant to that subchapter.

9 2. The transfer described in subsection 1, shall be
10 accomplished by June 15, 2011, unless the department of

11 economic development and the department of agriculture
12 and land stewardship agree to a different date in 2011.
13 Sec. 53. TRANSITIONAL PROVISIONS — OUTSTANDING
14 CONTRACTS.

15 1. The department of economic development
16 shall assign and the department of agriculture
17 and land stewardship shall assume all outstanding
18 cost-share agreements executed by the department of
19 economic development pursuant to the renewable fuel
20 infrastructure program for retail motor fuel sites
21 as provided in section 15G.203 and the renewable
22 fuel infrastructure program for biodiesel terminal
23 facilities as provided in section 15G.204.

24 2. The assignment and assumption of the cost-share
25 agreements described in subsection 1 shall be effective
26 on July 1, 2011, unless the department of economic
27 development and the department of agriculture and land
28 stewardship agree to a different date in 2011.

29 Sec. 54. TRANSITIONAL PROVISIONS — RENEWABLE FUEL
30 INFRASTRUCTURE BOARD. The department of economic
31 development and the department of agriculture and land
32 stewardship shall jointly consult with the renewable
33 fuel infrastructure board as created in section
34 15G.202, as amended by this Act, when effectuating the
35 transitional provisions of this division of this Act.

36 Sec. 55. TRANSFER OF SECTIONS. Chapter 15G,
37 subchapter II, is transferred to chapter 159A, new
38 subchapter III. Chapter 159A, subchapter I, shall
39 include section 159A.1, Code 2011. Chapter 159A,
40 subchapter II, shall include all of the following:
41 section 159A.2, Code 2011, as amended by this Act; and
42 sections 159A.3 through 159A.8, Code 2011. Chapter
43 159A, subchapter III, shall include all of the
44 following: sections 15G.201, 15G.201A, and 15G.202,
45 Code 2011, as amended by this Act; sections 15G.203
46 and 15G.204, Code 2011; section 15G.205, Code 2011, as
47 amended by this Act; and section 15G.206, Code 2011.
48 The Code editor shall correct internal references as
49 necessary, including references in section 321.145,
50 subsection 2, paragraph "a", as amended in this

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1 division of this Act.

2 Sec. 56. EFFECTIVE DATES.

3 1. Except as provided in subsection 2, this
4 division of this Act takes effect on July 1, 2011.

5 2. a. The section of this division of this Act
6 amending section 15G.202, subsection 2, paragraph c,
7 subparagraph (4), takes effect upon enactment.

8 b. The section of this division of this Act
9 amending section 15G.205, subsection 4, paragraph c,

10 takes effect upon enactment.

11 c. The sections of this division of this Act which
12 include transitional provisions to accomplish the
13 transfer of powers and duties of the department of
14 economic development to the department of agriculture
15 and land stewardship, being deemed of immediate
16 importance, take effect upon enactment. As used
17 in this paragraph, such transitional provisions
18 are limited to those uncodified sections of this
19 division of this Act which provide for the transfer
20 of powers and duties by the department of economic
21 development associated with chapter 15G, subchapter II,
22 including those sections in subchapter II as amended or
23 transferred to chapter 159A by this Act.

24 DIVISION VIII

25 BIODIESEL PRODUCTION REFUND

26 Sec. 57. Section 422.7, Code 2011, is amended by
27 adding the following new subsection:
28 NEW SUBSECTION. 54. Subtract, to the extent
29 included, the amount of any biodiesel production refund
30 provided pursuant to section 423.4.

31 Sec. 58. Section 422.35, Code 2011, is amended by
32 adding the following new subsection:
33 NEW SUBSECTION. 25. Subtract, to the extent
34 included, the amount of any biodiesel production refund
35 provided pursuant section 423.4.

36 Sec. 59. Section 423.4, Code 2011, is amended by
37 adding the following new subsection:
38 NEW SUBSECTION. 9. A person who qualifies as a
39 biodiesel producer as provided in this subsection may
40 apply to the director for a refund of the amount of the
41 sales tax imposed and paid upon purchases made by the
42 person.

43 a. The person must be engaged in the manufacturing
44 of biodiesel who has registered with the United States
45 environmental protection agency as a manufacturer
46 according to the requirements in 40 C.F.R. §79.4.
47 The biodiesel must be for use in biodiesel blended
48 fuel in conformance with section 214A.2. The person
49 must comply with the requirements of this subsection
50 and rules adopted by the department pursuant to this

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1 subsection.

2 b. The amount of the refund shall be calculated by
3 multiplying a designated rate by the total number of
4 gallons of biodiesel produced by the biodiesel producer
5 in this state during each quarter of a calendar year.
6 The designated rate shall be as follows:

7 (1) For the calendar year 2012, three cents.

8 (2) For the calendar year 2013, two and one-half

9 cents.

10 (3) For the calendar year 2014, two cents.

11 c. A biodiesel producer shall not be eligible to
12 receive a refund under this subsection on more than
13 twenty-five million gallons of biodiesel produced
14 each calendar year by the biodiesel producer at each
15 facility where the biodiesel producer manufactures
16 biodiesel.

17 d. A person shall obtain a refund by completing
18 forms furnished by the department and filed by
19 the person on a quarterly basis as required by the
20 department. The department shall refund the amount
21 claimed by the person after subtracting any amount
22 owing from the sales or use taxes imposed and paid upon
23 purchases made by the person.

24 e. This subsection is repealed on January 1, 2015.

25 Sec. 60. EFFECTIVE DATE. This division of this Act
26 takes effect January 1, 2012.>

27 2. Title page, by striking lines 1 through 4
28 and inserting <An Act relating to motor fuels,
29 including biofuels and renewable fuels dispensed by
30 retail dealers, and by providing for tax credits and
31 refunds, providing an appropriation, and including
32 effective date and retroactive and other applicability
33 provisions.>

BYRNES of Mitchell

H-1709

1 Amend House File 678 as follows:

2 1. Page 1, line 10, by striking <the> and inserting
3 <a>

4 2. Page 1, line 11, after <fees> by inserting <for
5 products or services>

6 3. Page 1, line 12, after <2.> by inserting
7 <"Organization" includes a related for-profit or
8 not-for-profit subsidiary of an organization.>

9 4. Page 1, line 15, by striking <and> and inserting
10 <or>

11 5. Page 1, line 21, after <fees> by inserting <for
12 products or services>

13 6. Page 1, by striking lines 29 through 33 and
14 inserting <in annual dues, fees, or assessments for
15 products or services received from the organization,
16 and the total amount of any revenue or dividend
17 payments received from the organization. The
18 information shall be submitted to the>

19 7. Page 3, by striking lines 6 through 11 and
20 inserting:

21 <5. An organization shall not pay an employee
22 or officer of the organization, a member of the

23 organization's governing board, or a legislative
24 representative or lobbyist for the organization,
25 a bonus or other consideration of any type which is
26 in addition to compensation paid and published and
27 reported as required by subsection 4. In addition, the
28 organization shall not allow any other entity to pay an
29 employee or officer of the organization, a member of
30 the organization's governing board, or a legislative
31 representative or lobbyist for the organization for
32 services performed on behalf of the organization.
33 However, the organization may pay an employee a
34 commission if the terms for paying the commission
35 are in writing under an agreement which is a public
36 document and the employee's compensation, which shall
37 list the amount of the commission, is published and
38 reported in the same manner as provided in subsection
39 4.>
40 8. Title page, line 1, by striking <membership in
41 and membership dues paid to>
42 9. By renumbering as necessary.

HAGENOW of Polk

H-1710

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 7 through 10 and
4 inserting:
5 <b. "Organization" means an organization whose
6 primary function is to provide guidance to the board
7 of directors of a school district on school finance,
8 policy, or legislative matters, and to which a school
9 board>
10 2. Page 1, by striking lines 14 through 26 and
11 inserting:
12 <2. a. The board of directors of a school district
13 and its duly elected members may join or participate
14 in organizations, including but not limited to
15 organizations such as the Iowa association of school
16 boards, the urban education network, and Iowa school
17 finance information services. The school board may pay
18 out of funds available to the school board reasonable
19 monetary fees for products or services or annual
20 dues for membership of the school board or a board
21 member or for the entire school district in such an
22 organization. Such an organization that receives fees
23 or dues for membership from a school board shall be
24 considered a taxpayer-funded organization. A school
25 district may pay out of funds available to the school
26 board annual dues for membership in an entity for
27 school administrators, students, teachers, or other

28 individuals who are not school board members but the
 29 entity to which the school district pays dues on behalf
 30 of school administrators, students, teachers, or other
 31 individuals who are not school board members, shall
 32 not be considered an organization for purposes of this
 33 section and the provisions of this section shall not
 34 apply to such an entity. A private sector for-profit
 35 organization organized under chapter 490, 496C, 497,
 36 499, or 501A, that operates solely as a vendor for
 37 goods used in the ordinary course of school operation
 38 or for services customarily provided to a school
 39 district shall not be considered a taxpayer-funded
 40 organization for purposes of this section.>

HAGENOW of Polk

H-1711

1 Amend the Senate amendment, H-1662, to House File
 2 651, as passed by the House, as follows:
 3 1. By striking page 1, line 3, through page 3, line
 4 33, and inserting:
 5 <__. By striking everything after the enacting
 6 clause and inserting:
 7 <Sec. __. Section 35A.11, Code 2011, is amended by
 8 adding the following new subsection:
 9 NEW SUBSECTION. 8A. Combat infantryman badge,
 10 combat action badge, combat action ribbon, air force
 11 combat action medal, and combat medical badge plates
 12 issued pursuant to section 321.34, subsection 20C.
 13 Sec. __. Section 321.34, Code 2011, is amended by
 14 adding the following new subsections:
 15 NEW SUBSECTION. 20C. Combat infantryman badge,
 16 combat action badge, combat action ribbon, air force
 17 combat action medal, and combat medical badge plates.
 18 a. The department, in consultation with the
 19 adjutant general, shall design combat infantryman
 20 badge, combat action badge, combat action ribbon, air
 21 force combat action medal, and combat medical badge
 22 distinguishing processed emblems. Upon receipt of two
 23 hundred fifty orders for special combat infantryman
 24 badge, combat action badge, combat action ribbon, air
 25 force combat action medal, or combat medical badge
 26 special registration plates, accompanied by a start-up
 27 fee of twenty dollars per order, the department
 28 shall begin issuing special registration plates with
 29 the applicable distinguishing processed emblem as
 30 provided in paragraphs "b" and "c". The minimum
 31 order requirement shall apply separately to each of
 32 the special registration plates created under this
 33 subsection.
 34 b. An owner referred to in subsection 12 who was

35 awarded a combat infantryman badge, combat action
36 badge, combat action ribbon, air force combat action
37 medal, or combat medical badge by the United States
38 government may, upon written application to the
39 department and presentation of satisfactory proof of
40 the award, order special registration plates with a
41 combat infantryman badge, combat action badge, combat
42 action ribbon, air force combat action medal, or
43 combat medical badge processed emblem. The special
44 plate fees collected by the director under subsection
45 12, paragraphs "a" and "c", from the issuance and
46 annual validation of letter-number designated and
47 personalized combat infantryman badge, combat action
48 badge, combat action ribbon, air force combat action
49 medal, and combat medical badge plates shall be paid
50 monthly to the treasurer of state and deposited in

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1 the road use tax fund. The treasurer of state shall
2 transfer monthly from the statutory allocations fund
3 created under section 321.145, subsection 2, to the
4 veterans license fee fund created in section 35A.11 the
5 amount of the special fees collected under subsection
6 12, paragraph "a", in the previous month for combat
7 infantryman badge, combat action badge, combat action
8 ribbon, air force combat action medal, and combat
9 medical badge plates.

10 c. The surviving spouse of a person who was issued
11 special plates under this subsection may continue
12 to use or apply for and use the special plates
13 subject to registration of the special plates in
14 the surviving spouse's name and upon payment of the
15 annual five-dollar special plate fee and the regular
16 annual registration fee for the vehicle. If the
17 surviving spouse remarries, the surviving spouse shall
18 return the special plates to the department and the
19 department shall issue regular registration plates to
20 the surviving spouse.

21 NEW SUBSECTION. 25. Civil war sesquicentennial
22 plates.

23 a. The department, in consultation with
24 the adjutant general, shall design a civil war
25 sesquicentennial distinguishing processed emblem. Upon
26 receipt of two hundred fifty orders for special civil
27 war sesquicentennial special registration plates,
28 accompanied by a start-up fee of twenty dollars per
29 order, the department shall begin issuing special
30 registration plates with a civil war sesquicentennial
31 processed emblem as provided in paragraph "b".

32 b. An owner referred to in subsection 12,
33 upon written application to the department, may

34 order special registration plates with a civil war
35 sesquicentennial processed emblem. The special plate
36 fees collected by the director under subsection 12,
37 paragraphs "a" and "c", from the issuance and annual
38 validation of letter-number designated and personalized
39 civil war sesquicentennial plates shall be paid monthly
40 to the treasurer of state and deposited in the road
41 use tax fund. The treasurer of state shall transfer
42 monthly from the statutory allocations fund created
43 under section 321.145, subsection 2, to the department
44 of cultural affairs the amount of the special fees
45 collected under subsection 12, paragraph "a", in the
46 previous month for civil war sesquicentennial plates,
47 and such funds are appropriated to the department of
48 cultural affairs to be used for the Iowa battle flag
49 project.
50 NEW SUBSECTION. 26. Fallen peace officers plates.

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1 a. The department, in consultation with the
2 department of public safety and concerns of police
3 survivors, inc., shall design a fallen peace officers
4 distinguishing processed emblem. Upon receipt of two
5 hundred fifty orders for fallen peace officers special
6 registration plates, accompanied by a start-up fee of
7 twenty dollars per order, the department shall begin
8 issuing special registration plates with a fallen peace
9 officers processed emblem as provided in paragraphs "b"
10 and "c".
11 b. An owner of a motor vehicle referred to in
12 subsection 12, upon written application to the
13 department, may order special registration plates
14 with a fallen peace officers processed emblem. The
15 special fee for letter-number designated fallen
16 peace officers plates is thirty-five dollars. The
17 fee for personalized fallen peace officers plates is
18 twenty-five dollars, which shall be paid in addition to
19 the special fallen peace officers fee of thirty-five
20 dollars. The fees collected by the director under
21 this paragraph shall be paid monthly to the treasurer
22 of state and deposited in the road use tax fund. The
23 treasurer of state shall transfer monthly from the
24 statutory allocations fund created under section
25 321.145, subsection 2, to the department of public
26 safety the amount of the special fees collected in the
27 previous month for the fallen peace officers plates
28 and such funds are appropriated to the department
29 of public safety. The department of public safety
30 shall distribute one hundred percent of the funds
31 received monthly in the form of grants to nonprofit
32 organizations that provide resources to assist in

33 the rebuilding of the lives of surviving families
 34 and affected coworkers of law enforcement officers
 35 killed in the line of duty. In the awarding of
 36 grants, the department of public safety shall give
 37 first consideration to concerns of police survivors,
 38 inc., and similar nonprofit organizations providing
 39 such resources. Notwithstanding section 8.33, moneys
 40 transferred under this subsection shall not revert to
 41 the general fund of the state.
 42 c. Upon receipt of the special registration plates,
 43 the applicant shall surrender the current registration
 44 plates to the county treasurer. The county treasurer
 45 shall validate the special registration plates in
 46 the same manner as regular registration plates are
 47 validated under this section. The annual special
 48 fallen peace officers fee for letter-number designated
 49 plates is ten dollars, which shall be paid in addition
 50 to the regular annual registration fee. The annual

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1 special fee for personalized fallen peace officers
 2 plates is five dollars, which shall be paid in addition
 3 to the annual special fallen peace officers fee and
 4 the regular annual registration fee. The annual
 5 special fallen peace officers fee shall be credited and
 6 transferred as provided under paragraph "b".
 7 Sec. ____ Section 321.145, subsection 2, paragraph
 8 b, subparagraph (3), Code 2011, is amended to read as
 9 follows:
 10 (3) The amounts required to be transferred pursuant
 11 to section 321.34 from revenues available under
 12 this subsection shall be transferred and credited as
 13 provided in section 321.34, subsections 7, 10, 10A, 11,
 14 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, ~~20C~~, 21,
 15 22, 23, ~~and 24, 25, and 26~~ for the various purposes
 16 specified in those subsections.>
 17 ____ Title page, lines 2 and 3, by striking <plate,
 18 establishing fees, and making an appropriation.> and
 19 inserting <plate, special fallen peace officers plates,
 20 and special military combat plates, establishing fees,
 21 and making appropriations.>>
 22 2. By renumbering as necessary.

TJEPKES of Webster

H-1712

1 Amend Senate File 531, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, line 33, after <214A.2.> by inserting
 4 <In ensuring that biodiesel blended fuel meets the

5 classification requirements of this section, the
6 department shall take into account reasonable variances
7 due to testing and other limitations.>
8 2. By renumbering as necessary.

PAUSTIAN of Scott
KAUFMANN of Cedar

H-1713

1 Amend Senate File 516, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 422.11Y Energy system tax
6 credits.
7 1. The taxes imposed under this division, less the
8 credits allowed under section 422.12, shall be reduced
9 by an energy system tax credit equal to the sum of the
10 following:
11 a. Twenty-five percent of the federal residential
12 energy efficient property credit related to solar
13 energy and wind energy systems provided in section
14 25D of the Internal Revenue Code, not to exceed three
15 thousand dollars.
16 b. Twenty-five percent of the federal energy
17 credit related to solar energy and wind energy systems
18 provided in section 48 of the Internal Revenue Code,
19 not to exceed fifteen thousand dollars.
20 2. Any credit in excess of tax liability is
21 refundable. In lieu of claiming a refund, the
22 taxpayer may elect to have the overpayment shown on the
23 taxpayer's final, completed return credited to the tax
24 liability for the following tax year.
25 3. a. An individual may claim the tax credit
26 allowed a partnership, limited liability company, S
27 corporation, estate, or trust electing to have the
28 income taxed directly to the individual. The amount
29 claimed by the individual shall be based upon the
30 pro rata share of the individual's earnings of the
31 partnership, limited liability company, S corporation,
32 estate, or trust.
33 b. A taxpayer who is eligible to claim a credit
34 under this section shall not be eligible to claim a
35 wind energy production tax credit under chapter 476B or
36 a renewable energy tax credit under chapter 476C.
37 4. The cumulative value of tax credits claimed
38 annually by applicants pursuant to this section shall
39 not exceed ten million dollars.
40 5. On or before January 1, annually, the department
41 shall submit a written report to the governor and the
42 general assembly regarding the number and value of

43 tax credits claimed under this section, and any other
44 information the department may deem meaningful and
45 appropriate.
46 Sec. 2. Section 422.33, Code 2011, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 29. a. The taxes imposed under
49 this division shall be reduced by an energy system tax
50 credit equal to twenty-five percent of the federal

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1 energy credit related to solar energy and wind energy
2 systems provided in section 48 of the Internal Revenue
3 Code, not to exceed fifteen thousand dollars.
4 b. The taxpayer may claim the credit pursuant to
5 this subsection according to the same requirements,
6 conditions, and limitations as provided pursuant to
7 section 422.11Y.
8 Sec. 3. Section 476B.4, Code 2011, is amended to
9 read as follows:
10 476B.4 Limitation.
11 1. The wind energy production tax credit shall not
12 be allowed for any kilowatt-hour of electricity that
13 is sold to a related person. For purposes of this
14 section, persons shall be treated as related to each
15 other if such persons would be treated as a single
16 employer under the regulations prescribed under section
17 52(b) of the Internal Revenue Code. In the case of a
18 corporation that is a member of an affiliated group
19 of corporations filing a consolidated return, such
20 corporation shall be treated as selling electricity to
21 an unrelated person if such electricity is sold to such
22 a person by another member of such group.
23 2. A taxpayer who is eligible to claim a wind
24 energy production tax credit under this chapter shall
25 not be eligible to claim an energy system tax credit
26 under section 422.11Y or 422.33.
27 Sec. 4. Section 476C.2, Code 2011, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 3. A taxpayer who is eligible to
30 claim a renewable energy tax credit under this chapter
31 shall not be eligible to claim an energy system tax
32 credit under section 422.11Y or 422.33.
33 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being
34 deemed of immediate importance, takes effect upon
35 enactment.
36 Sec. 6. RETROACTIVE APPLICABILITY. This Act
37 applies retroactively to tax years beginning on or
38 after January 1, 2011.>
39 2. Title page, striking lines 1 through 3, and

40 inserting <An Act providing for specified energy
41 system tax credits, and including effective date and
42 retroactive>

COMMITTEE ON WAYS AND MEANS

H-1714

1 Amend House File 688 as follows:
2 1. Page 1, lines 19 and 20, by striking <by the
3 capital investment board>
4 2. Page 1, before line 23 by inserting:
5 <Sec. ____ Section 15E.42, subsection 2, Code 2011,
6 is amended to read as follows:
7 2. "Board" means the Iowa capital investment
8 economic development board created in section ~~15E.63~~
9 15.103.>
10 3. Page 2, before line 2 by inserting:
11 <Sec. ____ CODE EDITOR DIRECTIVE. If 2011 Iowa
12 Acts, House File 590, is enacted, the Code editor
13 is directed to change references in this Act from
14 "economic development board" to "economic development
15 authority.">
16 4. By renumbering as necessary.

HELLAND of Polk

H-1715

1 Amend House File 691 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 331.512, Code 2011, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 13A. Carry out duties relating to
7 the business property tax credit as provided in chapter
8 426C.
9 Sec. 2. Section 331.559, Code 2011, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 14A. Carry out duties relating to
12 the business property tax credit as provided in chapter
13 426C.
14 Sec. 3. NEW SECTION. 426C.1 Definitions.
15 For the purposes of this chapter, unless the context
16 otherwise requires:
17 1. "Contiguous parcels" means any of the following:
18 a. Parcels that share a common boundary.
19 b. Parcels within the same building or structure
20 regardless of whether the parcels share a common
21 boundary.
22 c. Improvements to the land that are situated on
23 one or more parcels of land that are assessed and taxed

24 separately from the improvements if the parcels of land
25 upon which the improvements are situated share a common
26 boundary.

27 2. "Department" means the department of revenue.

28 3. "Fund" means the business property tax credit
29 fund created in section 426C.2.

30 4. "Parcel" means as defined in section 445.1.

31 5. "Property unit" means contiguous parcels all of
32 which are located within the same county, with the same
33 property tax classification, each of which contains
34 permanent improvements, are owned by the same person,
35 and are operated by that person for a common use and
36 purpose.

37 Sec. 4. NEW SECTION. 426C.2 Business property tax
38 credit fund — appropriation.

39 1. A business property tax credit fund is created
40 in the state treasury under the authority of the
41 department. For the fiscal year beginning July 1,
42 2012, there is appropriated from the general fund of
43 the state to the department to be credited to the
44 fund, the sum of fifty million dollars to be used
45 for business property tax credits authorized in this
46 chapter. For the fiscal year beginning July 1, 2013,
47 and each fiscal year thereafter, there is appropriated
48 from the general fund of the state to the department
49 to be credited to the fund an amount equal to the
50 total amount appropriated by the general assembly to

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1 the fund in the previous fiscal year. In addition,
2 the sum of fifty million dollars shall be added to the
3 appropriation in each fiscal year beginning on or after
4 July 1, 2013, if the revenue estimating conference
5 certifies during its final meeting of the calendar year
6 ending prior to the beginning of the fiscal year that
7 the total amount of general fund revenues collected
8 during the fiscal year ending during such calendar year
9 was at least one hundred four percent of the total
10 amount of general fund revenues collected during the
11 previous fiscal year. However, the total appropriation
12 to the fund shall not exceed two hundred million
13 dollars for any one fiscal year.

14 2. Notwithstanding section 12C.7, subsection 2,
15 interest or earnings on moneys deposited in the fund
16 shall be credited to the fund. Moneys in the fund are
17 not subject to the provisions of section 8.33 and shall
18 not be transferred, used, obligated, appropriated,
19 or otherwise encumbered except as provided in this
20 chapter.

21 Sec. 5. NEW SECTION. 426C.3 Claims for credit.

22 1. Each person who wishes to claim the credit

23 allowed under this chapter shall obtain the appropriate
24 forms from the assessor and file the claim with the
25 assessor. The director of revenue shall prescribe
26 suitable forms and instructions for such claims, and
27 make such forms and instructions available to the
28 assessors.

29 2. a. Claims for the business property tax credit
30 shall be filed not later than March 15 preceding the
31 fiscal year during which the taxes for which the credit
32 is claimed are due and payable.

33 b. A claim filed after the deadline for filing
34 claims shall be considered as a claim for the following
35 year.

36 3. Upon the filing of a claim and allowance of the
37 credit, the credit shall be allowed on the parcel or
38 property unit for successive years without further
39 filing as long as the parcel or property unit satisfies
40 the requirements for the credit. If the parcel or
41 property unit owner ceases to qualify for the credit
42 under this chapter, the owner shall provide written
43 notice to the assessor by the date for filing claims
44 specified in subsection 2 following the date on which
45 the parcel or property unit ceases to qualify for the
46 credit.

47 4. When all or a portion of a parcel or property
48 unit that is allowed a credit under this chapter is
49 sold, transferred, or ownership otherwise changes, the
50 buyer, transferee, or new owner who wishes to receive

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1 the credit shall refile the claim for credit. When a
2 portion of a parcel or property unit that is allowed
3 a credit under this chapter is sold, transferred, or
4 ownership otherwise changes, the owner of the portion
5 of the parcel or property unit for which ownership did
6 not change shall refile the claim for credit.

7 5. The assessor shall remit the claims for
8 credit to the county auditor with the assessor's
9 recommendation for allowance or disallowance. If
10 the assessor recommends disallowance of a claim,
11 the assessor shall submit the reasons for the
12 recommendation, in writing, to the county auditor. The
13 county auditor shall forward the claims to the board
14 of supervisors. The board shall allow or disallow the
15 claims.

16 6. For each claim and allowance of a credit for
17 a property unit, the county auditor shall calculate
18 the average of all consolidated levy rates applicable
19 to the several parcels within the property unit. All
20 claims for credit which have been allowed by the board
21 of supervisors, the actual value of the improvements

22 to such parcels and property units applicable to
23 the fiscal year for which the credit is claimed
24 that are subject to assessment and taxation prior to
25 imposition of any applicable assessment limitation,
26 the consolidated levy rates for such parcels and the
27 average consolidated levy rates for such property units
28 applicable to the fiscal year for which the credit is
29 claimed, and the taxing districts in which the parcel
30 or property unit is located, shall be certified on or
31 before June 30, in each year, by the county auditor to
32 the department.

33 7. The assessor shall maintain a permanent file of
34 current business property tax credits. The assessor
35 shall file a notice of transfer of property for which a
36 credit has been allowed when notice is received from
37 the office of the county recorder, from the person
38 who sold or transferred the property, or from the
39 personal representative of a deceased property owner.
40 The county recorder shall give notice to the assessor
41 of each transfer of title filed in the recorder's
42 office. The notice from the county recorder shall
43 describe the property transferred, the name of the
44 person transferring title to the property, and the name
45 of the person to whom title to the property has been
46 transferred.

47 Sec. 6. NEW SECTION. 426C.4 Eligibility and amount
48 of credit.

49 1. Each parcel classified and taxed as commercial
50 property, industrial property, or railway property

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1 under chapter 434, and improved with permanent
2 construction, is eligible for a credit under this
3 chapter. A person may claim and receive one credit
4 under this chapter for each eligible parcel unless
5 the parcel is part of a property unit. A person
6 may only claim and receive one credit under this
7 chapter for each property unit. A credit approved
8 for a property unit shall be allocated to the several
9 parcels within the property unit in the proportion
10 that each parcel's total amount of property taxes due
11 and payable attributable to the improvements bears to
12 the total amount of property taxes due and payable
13 attributable to the improvements for the property unit.
14 Only property units comprised of commercial property,
15 comprised of industrial property, or comprised of
16 railway property under chapter 434 are eligible for a
17 credit under this chapter.

18 2. Using the actual value of the improvements and
19 the consolidated levy rate for each parcel or the
20 average consolidated levy rate for each property unit,

21 as certified by the county auditor to the department
22 under section 426C.3, subsection 6, the department
23 shall calculate, for each fiscal year, an initial
24 amount of actual value of improvements for use in
25 determining the amount of the credit for each such
26 parcel or property unit so as to provide the maximum
27 possible credit according to the credit formula and
28 limitations under subsection 3, and to provide a
29 total dollar amount of credits against the taxes due
30 and payable in the fiscal year equal to ninety-eight
31 percent of the moneys in the fund following the deposit
32 of the total appropriation for the fiscal year.

33 3. a. The amount of the credit for each parcel or
34 property unit for which a claim for credit under this
35 chapter has been approved shall be calculated under
36 paragraph "b" using the lesser of the initial amount
37 of actual value of the improvements determined by the
38 department under subsection 2, and the actual value
39 of the improvements to the parcel or property unit as
40 certified by the county auditor under section 426C.3,
41 subsection 6.

42 b. The amount of the credit for each parcel or
43 property unit for which a claim for credit under
44 this chapter has been approved shall be equal to the
45 amount of actual value determined under paragraph "a"
46 multiplied by the difference, stated as a percentage,
47 between the assessment limitation applicable to
48 the parcel or property unit under section 441.21,
49 subsection 5, and the assessment limitation applicable
50 to residential property under section 441.21,

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1 subsection 4, divided by one thousand dollars, and then
2 multiplied by the consolidated levy rate or average
3 consolidated levy rate for one thousand dollars of
4 taxable value applicable to the parcel or property unit
5 for the fiscal year for which the credit is claimed as
6 certified by the county auditor under section 426C.3,
7 subsection 6.

8 Sec. 7. NEW SECTION. 426C.5 Payment to counties.

9 1. Annually the department shall certify to the
10 county auditor of each county the amounts of the
11 business property tax credits allowed in the county.
12 Each county auditor shall then enter the credits
13 against the tax levied on each eligible parcel or
14 property unit in the county, designating on the tax
15 lists the credit as being from the fund. Each taxing
16 district shall receive its share of the business
17 property tax credit allowed on each eligible parcel
18 or property unit in such taxing district, in the
19 proportion that the levy made by such taxing district

20 upon the parcel or property unit bears to the total
21 levy upon the parcel or property unit by all taxing
22 districts imposing a property tax in such taxing
23 district. However, the several taxing districts
24 shall not draw the moneys so credited until after the
25 semiannual allocations have been received by the county
26 treasurer, as provided in this section. Each county
27 treasurer shall show on each tax receipt the amount of
28 credit received from the fund.

29 2. The director of the department of administrative
30 services shall issue warrants on the fund payable to
31 the county treasurers of the several counties of the
32 state under this chapter.

33 3. The amount due each county shall be paid in two
34 payments on November 15 and March 15 of each fiscal
35 year, drawn upon warrants payable to the respective
36 county treasurers. The two payments shall be as nearly
37 equal as possible.

38 Sec. 8. NEW SECTION. 426C.6 Appeals.

39 1. If the board of supervisors disallows a claim
40 for credit under section 426C.3, subsection 5, the
41 board of supervisors shall send written notice, by
42 mail, to the claimant at the claimant's last known
43 address. The notice shall state the reasons for
44 disallowing the claim for the credit. The board of
45 supervisors is not required to send notice that a claim
46 for credit is disallowed if the claimant voluntarily
47 withdraws the claim. Any person whose claim is denied
48 under the provisions of this chapter may appeal from
49 the action of the board of supervisors to the district
50 court of the county in which the parcel or property

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1 unit is located by giving written notice of such appeal
2 to the county auditor within twenty days from the date
3 of mailing of notice of such action by the board of
4 supervisors.

5 2. If any claim for credit has been denied by the
6 board of supervisors, and such action is subsequently
7 reversed on appeal, the credit shall be allowed on the
8 applicable parcel or property unit, and the director of
9 revenue, the county auditor, and the county treasurer
10 shall provide the credit and change their books and
11 records accordingly. In the event the appealing
12 taxpayer has paid one or both of the installments of
13 the tax payable in the year or years in question,
14 remittance shall be made to such taxpayer of the amount
15 of such credit. The amount of such credit awarded on
16 appeal shall be allocated and paid from the balance
17 remaining in the fund.

18 Sec. 9. NEW SECTION. 426C.7 Audit — denial.

19 1. If on the audit of a credit provided under this
20 chapter, the director of revenue determines the amount
21 of the credit to have been incorrectly calculated or
22 that the credit is not allowable, the director shall
23 recalculate the credit and notify the taxpayer and the
24 county auditor of the recalculation or denial and the
25 reasons for it. The director shall not adjust a credit
26 after three years from October 31 of the year in which
27 the claim for the credit was filed. If the credit has
28 been paid, the director shall give notification to the
29 taxpayer, the county treasurer, and the applicable
30 assessor of the recalculation or denial of the credit
31 and the county treasurer shall proceed to collect the
32 tax owed in the same manner as other property taxes due
33 and payable are collected, if the parcel or property
34 unit for which the credit was allowed is still owned
35 by the taxpayer. If the parcel or property unit
36 for which the credit was allowed is not owned by the
37 taxpayer, the amount may be recovered from the taxpayer
38 by assessment in the same manner that income taxes are
39 assessed under sections 422.26 and 422.30. The amount
40 of such erroneous credit, when collected, shall be
41 deposited in the fund.

42 2. The taxpayer or board of supervisors may
43 appeal any decision of the director of revenue to the
44 state board of tax review pursuant to section 421.1,
45 subsection 5. The taxpayer, the board of supervisors,
46 or the director of revenue may seek judicial review
47 of the action of the state board of tax review in
48 accordance with chapter 17A.

49 Sec. 10. NEW SECTION. 426C.8 False claim —
50 penalty.

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1 A person who makes a false claim for the purpose of
2 obtaining a credit provided for in this chapter or who
3 knowingly receives the credit without being legally
4 entitled to it is guilty of a fraudulent practice. The
5 claim for a credit of such a person shall be disallowed
6 and if the credit has been paid the amount shall be
7 recovered in the manner provided in section 426C.7. In
8 such cases, the director of revenue shall send a notice
9 of disallowance of the credit.

10 Sec. 11. NEW SECTION. 426C.9 Rules.
11 The director of revenue shall prescribe forms,
12 instructions, and rules pursuant to chapter 17A, as
13 necessary, to carry out the purposes of this chapter.

14 Sec. 12. IMPLEMENTATION. Notwithstanding the
15 deadline for filing claims established in section
16 426C.3, for a credit against property taxes due and
17 payable during the fiscal year beginning July 1, 2012,

18 the claim for the credit shall be filed not later than
19 January 15, 2012.

20 Sec. 13. APPLICABILITY. This Act applies to
21 property taxes due and payable in fiscal years
22 beginning on or after July 1, 2012.>

23 2. Title page, by striking lines 1 through 5
24 and inserting <An Act establishing a property tax
25 credit for certain commercial, industrial, and
26 railway property, providing penalties, and including
27 applicability provisions.>

SANDS of Louisa

H-1716

1 Amend Senate File 522, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 EDUCATION FINANCE

7 Section 1. Section 257.1, subsection 2, paragraph
8 b, Code 2011, is amended by striking the paragraph and
9 inserting in lieu thereof the following:

10 b. (1) The regular program foundation base per
11 pupil is the following:

12 (a) For the budget year commencing July 1, 2011,
13 the regular program foundation base per pupil is
14 eighty-seven and five-tenths percent of the regular
15 program state cost per pupil.

16 (b) For the budget year commencing July 1, 2012,
17 the regular program foundation base per pupil is
18 eighty-nine and twenty-eight hundredths percent of the
19 regular program state cost per pupil.

20 (c) For the budget year commencing July 1, 2013,
21 the regular program foundation base per pupil is
22 ninety-one and six hundredths percent of the regular
23 program state cost per pupil.

24 (d) For the budget year commencing July 1, 2014,
25 the regular program foundation base per pupil is
26 ninety-two and eighty-four hundredths percent of the
27 regular program state cost per pupil.

28 (e) For the budget year commencing July 1, 2015,
29 the regular program foundation base per pupil is
30 ninety-four and sixty-two hundredths percent of the
31 regular program state cost per pupil.

32 (f) For the budget year commencing July 1, 2016,
33 the regular program foundation base per pupil is
34 ninety-six and forty hundredths percent of the regular
35 program state cost per pupil.

36 (g) For the budget year commencing July 1, 2017,
37 the regular program foundation base per pupil is

38 ninety-eight and eighteen hundredths percent of the
39 regular program state cost per pupil.
40 (h) For the budget year commencing July 1, 2018,
41 and succeeding budget years, the regular program
42 foundation base per pupil is one hundred percent of the
43 regular program state cost per pupil.
44 (2) For each budget year, the special education
45 support services foundation base is seventy-nine
46 percent of the special education support services state
47 cost per pupil. The combined foundation base is the
48 sum of the regular program foundation base, the special
49 education support services foundation base, the total
50 teacher salary supplement district cost, the total

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1 professional development supplement district cost, the
2 total early intervention supplement district cost, the
3 total area education agency teacher salary supplement
4 district cost, and the total area education agency
5 professional development supplement district cost.

6 DIVISION II

7 PROPERTY ASSESSMENT LIMITATIONS

8 Sec. 2. Section 441.21, subsection 4, Code 2011, is
9 amended to read as follows:

10 4. For valuations established as of January
11 1, 1979, the percentage of actual value at which
12 agricultural and residential property shall be assessed
13 shall be the quotient of the dividend and divisor as
14 defined in this section. The dividend for each class
15 of property shall be the dividend as determined for
16 each class of property for valuations established as
17 of January 1, 1978, adjusted by the product obtained
18 by multiplying the percentage determined for that year
19 by the amount of any additions or deletions to actual
20 value, excluding those resulting from the revaluation
21 of existing properties, as reported by the assessors
22 on the abstracts of assessment for 1978, plus six
23 percent of the amount so determined. However, if the
24 difference between the dividend so determined for
25 either class of property and the dividend for that
26 class of property for valuations established as of
27 January 1, 1978, adjusted by the product obtained by
28 multiplying the percentage determined for that year
29 by the amount of any additions or deletions to actual
30 value, excluding those resulting from the revaluation
31 of existing properties, as reported by the assessors
32 on the abstracts of assessment for 1978, is less than
33 six percent, the 1979 dividend for the other class of
34 property shall be the dividend as determined for that
35 class of property for valuations established as of
36 January 1, 1978, adjusted by the product obtained by

37 multiplying the percentage determined for that year
38 by the amount of any additions or deletions to actual
39 value, excluding those resulting from the revaluation
40 of existing properties, as reported by the assessors on
41 the abstracts of assessment for 1978, plus a percentage
42 of the amount so determined which is equal to the
43 percentage by which the dividend as determined for the
44 other class of property for valuations established as
45 of January 1, 1978, adjusted by the product obtained
46 by multiplying the percentage determined for that year
47 by the amount of any additions or deletions to actual
48 value, excluding those resulting from the revaluation
49 of existing properties, as reported by the assessors
50 on the abstracts of assessment for 1978, is increased

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1 in arriving at the 1979 dividend for the other class
2 of property. The divisor for each class of property
3 shall be the total actual value of all such property
4 in the state in the preceding year, as reported by the
5 assessors on the abstracts of assessment submitted
6 for 1978, plus the amount of value added to said
7 total actual value by the revaluation of existing
8 properties in 1979 as equalized by the director of
9 revenue pursuant to section 441.49. The director shall
10 utilize information reported on abstracts of assessment
11 submitted pursuant to section 441.45 in determining
12 such percentage. For valuations established as of
13 January 1, 1980, and each assessment year thereafter
14 beginning before January 1, 2012, the percentage of
15 actual value as equalized by the director of revenue
16 as provided in section 441.49 at which agricultural
17 and residential property shall be assessed shall be
18 calculated in accordance with the methods provided
19 herein including the limitation of increases in
20 agricultural and residential assessed values to the
21 percentage increase of the other class of property if
22 the other class increases less than the allowable limit
23 adjusted to include the applicable and current values
24 as equalized by the director of revenue, except that
25 any references to six percent in this subsection shall
26 be four percent. For valuations established as of
27 January 1, 2012, and each assessment year thereafter,
28 the percentage of actual value as equalized by the
29 director of revenue as provided in section 441.49 at
30 which agricultural and residential property shall be
31 assessed shall be calculated in accordance with the
32 methods provided herein including the limitation of
33 increases in agricultural and residential assessed
34 values to the percentage increase of the other class
35 of property if the other class increases less than the

36 allowable limit adjusted to include the applicable and
37 current values as equalized by the director of revenue,
38 except that any references to six percent in this
39 subsection shall be two percent.

40 Sec. 3. Section 441.21, subsection 5, Code 2011, is
41 amended to read as follows:

42 5. a. ~~For valuations established as of January~~
43 ~~1, 1979, commercial property and industrial property,~~
44 ~~excluding properties referred to in section 427A.1,~~
45 ~~subsection 8, shall be assessed as a percentage of~~
46 ~~the actual value of each class of property. The~~
47 ~~percentage shall be determined for each class of~~
48 ~~property by the director of revenue for the state in~~
49 ~~accordance with the provisions of this section. For~~
50 ~~valuations established as of January 1, 1979, the~~

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1 ~~percentage shall be the quotient of the dividend and~~
2 ~~divisor as defined in this section. The dividend~~
3 ~~for each class of property shall be the total actual~~
4 ~~valuation for each class of property established for~~
5 ~~1978, plus six percent of the amount so determined.~~
6 ~~The divisor for each class of property shall be the~~
7 ~~valuation for each class of property established for~~
8 ~~1978, as reported by the assessors on the abstracts~~
9 ~~of assessment for 1978, plus the amount of value~~
10 ~~added to the total actual value by the revaluation~~
11 ~~of existing properties in 1979 as equalized by the~~
12 ~~director of revenue pursuant to section 441.49. For~~
13 ~~valuations established as of January 1, 1979, property~~
14 ~~valued by the department of revenue pursuant to~~
15 ~~chapters 428, 433, 437, and 438 shall be considered~~
16 ~~as one class of property and shall be assessed as a~~
17 ~~percentage of its actual value. The percentage shall~~
18 ~~be determined by the director of revenue in accordance~~
19 ~~with the provisions of this section. For valuations~~
20 ~~established as of January 1, 1979, the percentage~~
21 ~~shall be the quotient of the dividend and divisor as~~
22 ~~defined in this section. The dividend shall be the~~
23 ~~total actual valuation established for 1978 by the~~
24 ~~department of revenue, plus ten percent of the amount~~
25 ~~so determined. The divisor for property valued by~~
26 ~~the department of revenue pursuant to chapters 428,~~
27 ~~433, 437, and 438 shall be the valuation established~~
28 ~~for 1978, plus the amount of value added to the total~~
29 ~~actual value by the revaluation of the property by~~
30 ~~the department of revenue as of January 1, 1979.~~
31 ~~For valuations established as of January 1, 1980,~~
32 ~~commercial property and industrial property, excluding~~
33 ~~properties referred to in section 427A.1, subsection~~
34 ~~8, shall be assessed at a percentage of the actual~~

35 value of each class of property. The percentage
36 shall be determined for each class of property by
37 the director of revenue for the state in accordance
38 with the provisions of this section. For valuations
39 established as of January 1, 1980, the percentage
40 shall be the quotient of the dividend and divisor as
41 defined in this section. The dividend for each class
42 of property shall be the dividend as determined for
43 each class of property for valuations established as
44 of January 1, 1979, adjusted by the product obtained
45 by multiplying the percentage determined for that year
46 by the amount of any additions or deletions to actual
47 value, excluding those resulting from the revaluation
48 of existing properties, as reported by the assessors
49 on the abstracts of assessment for 1979, plus four
50 percent of the amount so determined. The divisor

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1 for each class of property shall be the total actual
2 value of all such property in 1979, as equalized by
3 the director of revenue pursuant to section 441.49,
4 plus the amount of value added to the total actual
5 value by the revaluation of existing properties in
6 1980. The director shall utilize information reported
7 on the abstracts of assessment submitted pursuant
8 to section 441.45 in determining such percentage.
9 For valuations established as of January 1, 1980,
10 property valued by the department of revenue pursuant
11 to chapters 428, 433, 437, and 438 shall be assessed
12 at a percentage of its actual value. The percentage
13 shall be determined by the director of revenue in
14 accordance with the provisions of this section. For
15 valuations established as of January 1, 1980, the
16 percentage shall be the quotient of the dividend and
17 divisor as defined in this section. The dividend shall
18 be the total actual valuation established for 1979 by
19 the department of revenue, plus eight percent of the
20 amount so determined. The divisor for property valued
21 by the department of revenue pursuant to chapters 428,
22 433, 437, and 438 shall be the valuation established
23 for 1979, plus the amount of value added to the total
24 actual value by the revaluation of the property by
25 the department of revenue as of January 1, 1980. For
26 valuations established as of January 1, 1981, and
27 each year thereafter, the percentage of actual value
28 as equalized by the director of revenue as provided
29 in section 441.49 at which commercial property and
30 industrial property, excluding properties referred to
31 in section 427A.1, subsection 8, shall be assessed
32 shall be calculated in accordance with the methods
33 provided herein, except that any references to six

34 ~~percent in this subsection shall be four percent.~~ For
35 valuations established as of January 1, 1981, and
36 each year thereafter, the percentage of actual value
37 at which property valued by the department of revenue
38 pursuant to chapters 428, 433, 437, and 438 shall be
39 assessed shall be calculated in accordance with the
40 methods provided herein, except that any references
41 to ten percent in this subsection shall be eight
42 percent. Beginning with valuations established as of
43 January 1, 1979, and each assessment year thereafter
44 beginning before January 1, 2012, property valued
45 by the department of revenue pursuant to chapter 434
46 shall also be assessed at a percentage of its actual
47 value which percentage shall be equal to the percentage
48 determined by the director of revenue for commercial
49 property, industrial property, or property valued by
50 the department of revenue pursuant to chapters 428,

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1 433, 437, and 438, whichever is lowest. Beginning with
2 valuations established as of January 1, 2012, and each
3 assessment year thereafter, property valued by the
4 department of revenue pursuant to chapter 434 shall
5 be assessed at a percentage of its actual value equal
6 to the percentage of actual value at which commercial
7 property is assessed for the same assessment year.

8 b. For valuations established on or after January
9 1, 2012, commercial property, excluding properties
10 referred to in section 427A.1, subsection 8, shall
11 be assessed as a percentage of the actual value, as
12 determined in this paragraph.

13 (1) For valuations established for the assessment
14 year beginning January 1, 2012, the percentage of
15 actual value as equalized by the director of revenue as
16 provided in section 441.49 at which commercial property
17 shall be assessed shall be ninety-two percent.

18 (2) For valuations established for the assessment
19 year beginning January 1, 2013, the percentage of
20 actual value as equalized by the director of revenue as
21 provided in section 441.49 at which commercial property
22 shall be assessed shall be eighty-four percent.

23 (3) For valuations established for the assessment
24 year beginning January 1, 2014, the percentage of
25 actual value as equalized by the director of revenue as
26 provided in section 441.49 at which commercial property
27 shall be assessed shall be seventy-six percent.

28 (4) For valuations established for the assessment
29 year beginning January 1, 2015, the percentage of
30 actual value as equalized by the director of revenue as
31 provided in section 441.49 at which commercial property
32 shall be assessed shall be sixty-eight percent.

33 (5) For valuations established for the assessment
34 year beginning January 1, 2016, and each assessment
35 year thereafter, the percentage of actual value as
36 equalized by the director of revenue as provided in
37 section 441.49 at which commercial property shall be
38 assessed shall be sixty percent.

39 c. For valuations established on or after January
40 1, 2012, industrial property, excluding properties
41 referred to in section 427A.1, subsection 8, shall
42 be assessed as a percentage of the actual value, as
43 determined in this paragraph.

44 (1) For valuations established for the assessment
45 year beginning January 1, 2012, the percentage of
46 actual value as equalized by the director of revenue as
47 provided in section 441.49 at which industrial property
48 shall be assessed shall be ninety-two percent.

49 (2) For valuations established for the assessment
50 year beginning January 1, 2013, the percentage of

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1 actual value as equalized by the director of revenue as
2 provided in section 441.49 at which industrial property
3 shall be assessed shall be eighty-four percent.

4 (3) For valuations established for the assessment
5 year beginning January 1, 2014, the percentage of
6 actual value as equalized by the director of revenue as
7 provided in section 441.49 at which industrial property
8 shall be assessed shall be seventy-six percent.

9 (4) For valuations established for the assessment
10 year beginning January 1, 2015, the percentage of
11 actual value as equalized by the director of revenue as
12 provided in section 441.49 at which industrial property
13 shall be assessed shall be sixty-eight percent.

14 (5) For valuations established for the assessment
15 year beginning January 1, 2016, and each assessment
16 year thereafter, the percentage of actual value as
17 equalized by the director of revenue as provided in
18 section 441.49 at which industrial property shall be
19 assessed shall be sixty percent.

20 Sec. 4. NEW SECTION. 441.21A Legislative intent.

21 1. It is the intent of the general assembly that
22 appropriations be made annually to reimburse local
23 taxing authorities in this state for reductions in
24 property tax collections on commercial and industrial
25 property as a result of the assessment limitations
26 on such property established under section 441.21,
27 subsection 5, paragraphs "b" and "c", in the following
28 amounts:

29 a. For the fiscal year beginning July 1, 2013,
30 fifty million dollars.

31 b. For the fiscal year beginning July 1, 2014, one

32 hundred million dollars.

33 c. For the fiscal year beginning July 1, 2015, one
34 hundred fifty million dollars.

35 d. For the fiscal year beginning July 1, 2016, two
36 hundred million dollars.

37 e. For the fiscal year beginning July 1, 2017, and
38 each fiscal year thereafter, two hundred fifty million
39 dollars.

40 2. The committee on ways and means of the senate
41 and the committee on ways and means of the house of
42 representatives shall each conduct an annual review of
43 the implementation and fiscal impact of the commercial
44 and industrial property assessment limitations
45 established under section 441.21, subsection 5,
46 paragraphs "b" and "c", on local taxing authorities in
47 this state.

48 Sec. 5. SAVINGS PROVISION. This division of this
49 Act, pursuant to section 4.13, does not affect the
50 operation of, or prohibit the application of, prior

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1 provisions of section 441.21, or rules adopted under
2 chapter 17A to administer prior provisions of section
3 441.21, for assessment years beginning before January
4 1, 2012, and for duties, powers, protests, appeals,
5 proceedings, actions, or remedies attributable to an
6 assessment year beginning before January 1, 2012.

7 Sec. 6. APPLICABILITY. This division of this Act
8 applies to property tax assessment years beginning on
9 or after January 1, 2012.

10 DIVISION III

11 COUNTY AND CITY BUDGET LIMITATION

12 Sec. 7. Section 23A.2, subsection 10, paragraph h,
13 Code 2011, is amended to read as follows:

14 h. The performance of an activity listed in
15 section 331.424, Code 2011, as a service ~~for~~ which a
16 ~~supplemental levy county~~ may be certified include in
17 its budget.

18 Sec. 8. Section 28M.5, subsection 2, Code 2011, is
19 amended to read as follows:

20 2. If a regional transit district budget allocates
21 revenue responsibilities to the board of supervisors
22 of a participating county, the amount of the regional
23 transit district levy that is the responsibility of the
24 participating county shall be deducted from the maximum
25 ~~rates amount~~ of taxes authorized to be levied by the
26 county pursuant to section 331.423, ~~subsections 1 and~~
27 ~~2~~ subsection 3, paragraphs "b" and "c", as applicable,
28 unless the county meets its revenue responsibilities as
29 allocated in the budget from other available revenue
30 sources. However, for a regional transit district

31 that includes a county with a population of less than
32 three hundred thousand, the amount of the regional
33 transit district levy that is the responsibility of
34 such participating county shall be deducted from the
35 maximum ~~rate~~ amount of taxes authorized to be levied
36 by the county pursuant to section 331.423, subsection
37 1 3, paragraph "b".

38 Sec. 9. Section 123.38, subsection 2, Code 2011, is
39 amended to read as follows:

40 2. Any licensee or permittee, or the licensee's
41 or permittee's executor or administrator, or any
42 person duly appointed by the court to take charge of
43 and administer the property or assets of the licensee
44 or permittee for the benefit of the licensee's or
45 permittee's creditors, may voluntarily surrender a
46 license or permit to the division. When a license
47 or permit is surrendered the division shall notify
48 the local authority, and the division or the local
49 authority shall refund to the person surrendering the
50 license or permit, a proportionate amount of the fee

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1 received by the division or the local authority for
2 the license or permit as follows: if a license or
3 permit is surrendered during the first three months
4 of the period for which it was issued, the refund
5 shall be three-fourths of the amount of the fee;
6 if surrendered more than three months but not more
7 than six months after issuance, the refund shall be
8 one-half of the amount of the fee; if surrendered more
9 than six months but not more than nine months after
10 issuance, the refund shall be one-fourth of the amount
11 of the fee. No refund shall be made, however, for
12 any special liquor permit, nor for a liquor control
13 license, wine permit, or beer permit surrendered more
14 than nine months after issuance. For purposes of this
15 subsection, any portion of license or permit fees
16 used for the purposes authorized in section 331.424,
17 subsection 1, paragraph "a", subparagraphs (1) and
18 (2), Code 2011, and in section 331.424A, shall not be
19 deemed received either by the division or by a local
20 authority. No refund shall be made to any licensee or
21 permittee, upon the surrender of the license or permit,
22 if there is at the time of surrender, a complaint filed
23 with the division or local authority, charging the
24 licensee or permittee with a violation of this chapter.
25 If upon a hearing on a complaint the license or permit
26 is not revoked or suspended, then the licensee or
27 permittee is eligible, upon surrender of the license
28 or permit, to receive a refund as provided in this
29 section; but if the license or permit is revoked or

30 suspended upon hearing the licensee or permittee is not
31 eligible for the refund of any portion of the license
32 or permit fee.

33 Sec. 10. Section 218.99, Code 2011, is amended to
34 read as follows:

35 218.99 Counties to be notified of patients' personal
36 accounts.

37 The administrator in control of a state institution
38 shall direct the business manager of each institution
39 under the administrator's jurisdiction ~~which is~~
40 ~~mentioned in section 331.424, subsection 1, paragraph~~
41 ~~"a", subparagraphs (1) and (2), and for which services~~
42 are paid under section 331.424A, to quarterly inform
43 the county of legal settlement's entity designated to
44 perform the county's central point of coordination
45 process of any patient or resident who has an amount
46 in excess of two hundred dollars on account in the
47 patients' personal deposit fund and the amount on
48 deposit. The administrators shall direct the business
49 manager to further notify the entity designated to
50 perform the county's central point of coordination

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1 process at least fifteen days before the release of
2 funds in excess of two hundred dollars or upon the
3 death of the patient or resident. If the patient or
4 resident has no county of legal settlement, notice
5 shall be made to the director of human services and the
6 administrator in control of the institution involved.

7 Sec. 11. Section 331.263, subsection 2, Code 2011,
8 is amended to read as follows:

9 2. The governing body of the community commonwealth
10 shall have the authority to levy county taxes and shall
11 have the authority to levy city taxes to the extent the
12 city tax levy authority is transferred by the charter
13 to the community commonwealth. A city participating
14 in the community commonwealth shall transfer a portion
15 of the city's tax levy authorized under section 384.1
16 or 384.12, whichever is applicable, to the governing
17 body of the community commonwealth. The maximum
18 ~~rates amount~~ of taxes authorized to be levied under
19 ~~sections section~~ section 384.1 and the maximum amount of taxes
20 authorized to be levied under section 384.12 by a city
21 participating in the community commonwealth shall be
22 reduced by an amount equal to the rates of the same or
23 similar taxes levied in the city by the governing body
24 of the community commonwealth.

25 Sec. 12. Section 331.301, subsection 12, Code 2011,
26 is amended to read as follows:

27 12. The board of supervisors may credit funds to
28 a reserve for the purposes authorized by subsection

29 11 of this section; ~~section 331.424, subsection 1,~~
 30 ~~paragraph "a", subparagraph (6);~~ and section 331.441,
 31 subsection 2, paragraph "b". Moneys credited to the
 32 reserve, and interest earned on such moneys, shall
 33 remain in the reserve until expended for purposes
 34 authorized by subsection 11 of this section; ~~section~~
 35 ~~331.424, subsection 1, paragraph "a", subparagraph (6);~~
 36 or section 331.441, subsection 2, paragraph "b".
 37 Sec. 13. Section 331.421, subsections 1 and 10,
 38 Code 2011, are amended by striking the subsections.
 39 Sec. 14. Section 331.421, Code 2011, is amended by
 40 adding the following new subsection:
 41 NEW SUBSECTION. 7A. "Item" means a budgeted
 42 expenditure, appropriation, or cash reserve from a
 43 fund for a service area, program, program element, or
 44 purpose.
 45 Sec. 15. Section 331.423, Code 2011, is amended by
 46 striking the section and inserting in lieu thereof the
 47 following:
 48 331.423 Property tax dollars — maximums.
 49 1. Annually, the board shall determine separate
 50 property tax levy limits to pay for general county

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1 services and rural county services in accordance with
 2 this section. The property tax levies separately
 3 certified for general county services and rural county
 4 services under section 331.434 shall not raise property
 5 tax dollars that exceed the amount determined under
 6 this section.
 7 2. For purposes of this section and section
 8 331.423B, unless the context otherwise requires:
 9 a. "Annual growth factor" means an index, expressed
 10 as a percentage, determined by the department of
 11 management by January 1 of the calendar year in which
 12 the budget year begins. In determining the annual
 13 growth factor, the department shall calculate the
 14 average of the preceding twelve-month percentage
 15 change, which shall be computed on a monthly basis,
 16 in the midwest consumer price index, ending with the
 17 percentage change for the month of November. The
 18 department shall then add that average percentage
 19 change to one hundred percent. In no case, however,
 20 shall the annual growth factor exceed one hundred four
 21 percent.
 22 b. "Boundary adjustment" means annexation,
 23 severance, incorporation, or discontinuance as those
 24 terms are defined in section 368.1.
 25 c. "Budget year" is the fiscal year beginning
 26 during the calendar year in which a budget is
 27 certified.

28 d. "Current fiscal year" is the fiscal year
29 ending during the calendar year in which a budget is
30 certified.

31 e. "Net new valuation taxes" means the amount of
32 property tax dollars equal to the current fiscal year's
33 levy rate in the county for general county services or
34 for rural county services, as applicable, multiplied by
35 the increase from the current fiscal year to the budget
36 year in taxable valuation due to the following:

37 (1) Net new construction, excluding all incremental
38 valuation that is released in any one year from a
39 division of revenue under section 260E.4 or an urban
40 renewal area for which taxes were being divided under
41 section 403.19 if the property for the valuation being
42 released remains subject to the division of revenue
43 under section 260E.4 or remains part of the urban
44 renewal area that is subject to a division of revenue
45 under section 403.19.

46 (2) Additions or improvements to existing
47 structures.

48 (3) Remodeling of existing structures for which a
49 building permit is required.

50 (4) Net boundary adjustment.

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1 (5) A municipality no longer dividing tax revenues
2 in an urban renewal area as provided in section 403.19
3 or a community college no longer dividing revenues as
4 provided in section 260E.4.

5 (6) That portion of taxable property located in an
6 urban revitalization area on which an exemption was
7 allowed and such exemption has expired.

8 3. a. For the fiscal year beginning July 1, 2012,
9 and subsequent fiscal years, the maximum amount of
10 property tax dollars which may be certified for levy by
11 a county for general county services and rural county
12 services shall be the maximum property tax dollars
13 calculated under paragraphs "b" and "c", respectively.

14 b. The maximum property tax dollars that may be
15 levied for general county services is an amount equal
16 to the sum of the following:

17 (1) The annual growth factor times the current
18 fiscal year's maximum property tax dollars for general
19 county services.

20 (2) The amount of net new valuation taxes in the
21 county.

22 c. The maximum property tax dollars that may be
23 levied for rural county services is an amount equal to
24 the sum of the following:

25 (1) The annual growth factor times the current
26 fiscal year's maximum property tax dollars for rural

27 county services.

28 (2) The amount of net new valuation taxes in the
29 unincorporated area of the county.

30 4. a. For purposes of calculating maximum property
31 tax dollars for general county services for the fiscal
32 year beginning July 1, 2012, only, the term "current
33 fiscal year's maximum property tax dollars" shall mean
34 the total amount of property tax dollars certified by
35 the county for general county services for the fiscal
36 year beginning July 1, 2011.

37 b. For purposes of calculating maximum property tax
38 dollars for rural county services for the fiscal year
39 beginning July 1, 2012, only, the term "current fiscal
40 year's maximum property tax dollars" shall mean the
41 total amount of property tax dollars certified by the
42 county for rural county services for the fiscal year
43 beginning July 1, 2011.

44 5. Property taxes certified for deposit in the
45 mental health, mental retardation, and developmental
46 disabilities services fund in section 331.424A, the
47 emergency services fund in section 331.424C, the debt
48 service fund in section 331.430, any capital projects
49 fund established by the county for deposit of bond,
50 loan, or note proceeds, and any temporary increase

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1 approved pursuant to section 331.424, are not included
2 in the maximum amount of property tax dollars that may
3 be certified for a budget year under subsection 3.

4 6. The department of management, in consultation
5 with the county finance committee, shall adopt rules
6 to administer this section. The department shall
7 prescribe forms to be used by counties when making
8 calculations required by this section.

9 Sec. 16. NEW SECTION. 331.423B Ending fund
10 balance.

11 1. a. Budgeted ending fund balances for a budget
12 year in excess of twenty-five percent of budgeted
13 expenditures in either the general fund or rural
14 services fund for that budget year shall be explicitly
15 reserved or designated for a specific purpose.

16 b. A county is encouraged, but not required, to
17 reduce budgeted, unreserved, or undesignated ending
18 fund balances for the budget year to an amount equal
19 to approximately twenty-five percent of budgeted
20 expenditures and transfers from the general fund
21 and rural services fund for that budget year unless
22 a decision is certified by the state appeal board
23 ordering a reduction in the ending fund balance of any
24 of those funds.

25 c. In a protest to the county budget under section

26 331.436, the county shall have the burden of proving
27 that the budgeted balances in excess of twenty-five
28 percent are reasonably likely to be appropriated for
29 the explicitly reserved or designated specific purpose.
30 The excess budgeted balance for the specific purpose
31 shall be considered an increase in an item in the
32 budget for purposes of section 24.28.

33 2. a. For a county that has, as of June 30, 2011,
34 reduced its actual ending fund balance to less than
35 twenty-five percent of actual expenditures, additional
36 property taxes may be computed and levied as provided
37 in this subsection. The additional property tax levy
38 amount is an amount not to exceed twenty-five percent
39 of actual expenditures from the general fund and rural
40 services fund for the fiscal year beginning July 1,
41 2010, minus the combined ending fund balances for those
42 funds for that year.

43 b. The amount of the additional property taxes
44 shall be apportioned between the general fund and the
45 rural services fund. However, the amount apportioned
46 for general county services and for rural county
47 services shall not exceed for each fund twenty-five
48 percent of actual expenditures for the fiscal year
49 beginning July 1, 2010.

50 c. All or a portion of additional property tax

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1 dollars may be levied for the purpose of increasing
2 cash reserves for general county services and rural
3 county services in the budget year. The additional
4 property tax dollars authorized under this subsection
5 but not levied may be carried forward as unused ending
6 fund balance taxing authority until and for the fiscal
7 year beginning July 1, 2017. The amount carried
8 forward shall not exceed twenty-five percent of the
9 maximum amount of property tax dollars available in
10 the current fiscal year. Additionally, property taxes
11 that are levied as unused ending fund balance taxing
12 authority under this subsection may be the subject of
13 a protest under section 331.436, and the amount will
14 be considered an increase in an item in the budget for
15 purposes of section 24.28. The amount of additional
16 property taxes levied under this subsection shall not
17 be included in the computation of the maximum amount of
18 property tax dollars which may be certified and levied
19 under section 331.423.

20 Sec. 17. Section 331.424, Code 2011, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 331.424 Authority to levy beyond maximum property
24 tax dollars.

25 1. The board may certify additions to the maximum
26 amount of property tax dollars to be levied for
27 a period of time not to exceed two years if the
28 proposition has been submitted at a special election
29 and received a favorable majority of the votes cast on
30 the proposition.

31 2. The special election is subject to the
32 following:

33 a. The board must give at least thirty-two days'
34 notice to the county commissioner of elections that the
35 special election is to be held. In no case, however,
36 shall a notice be given to the county commissioner
37 of elections after December 31 for an election on a
38 proposition to exceed the statutory limits during the
39 fiscal year beginning in the next calendar year.

40 b. The special election shall be conducted by the
41 county commissioner of elections in accordance with
42 law.

43 c. The proposition to be submitted shall be
44 substantially in the following form:

45 Vote "yes" or "no" on the following: Shall the
46 county of _____ levy for an additional \$_____ each
47 year for ___ years beginning July 1, _____, in excess
48 of the statutory limits otherwise applicable for the
49 (general county services or rural services) fund?

50 d. The canvass shall be held beginning at 1:00 p.m.

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1 on the second day which is not a holiday following the
2 special election.

3 e. Notice of the special election shall be
4 published at least once in a newspaper as specified
5 in section 331.305 prior to the date of the special
6 election. The notice shall appear as early as
7 practicable after the board has voted to submit a
8 proposition to the voters to levy additional property
9 tax dollars.

10 3. Registered voters in the county may vote on the
11 proposition to increase property taxes for the general
12 fund in excess of the statutory limit. Registered
13 voters residing outside the corporate limits of a
14 city within the county may vote on the proposition to
15 increase property taxes for the rural services fund in
16 excess of the statutory limit.

17 4. The amount of additional property tax dollars
18 certified under this section shall not be included in
19 the computation of the maximum amount of property tax
20 dollars which may be certified and levied under section
21 331.423.

22 Sec. 18. Section 331.424A, subsection 4, Code 2011,
23 is amended to read as follows:

24 4. For the fiscal year beginning July 1, 1996,
25 and for each subsequent fiscal year, the county shall
26 certify a levy for payment of services. For each
27 fiscal year, county revenues from taxes imposed by the
28 county credited to the services fund shall not exceed
29 an amount equal to the amount of base year expenditures
30 for services as defined in section 331.438, less the
31 amount of property tax relief to be received pursuant
32 to section 426B.2, in the fiscal year for which the
33 budget is certified. The county auditor and the
34 board of supervisors shall reduce the amount of the
35 levy certified for the services fund by the amount of
36 property tax relief to be received. A levy certified
37 under this section is not subject to ~~the appeal~~
38 ~~provisions of section 331.426 or to any other provision~~
39 in law authorizing a county to exceed, increase, or
40 appeal a property tax levy limit.

41 Sec. 19. Section 331.427, subsection 3, paragraph
42 l, Code 2011, is amended to read as follows:
43 1. Services listed in section 331.424, subsection
44 1, Code 2011, and section 331.554.

45 Sec. 20. Section 331.428, subsection 2, paragraph
46 d, Code 2011, is amended to read as follows:
47 d. Services listed under section 331.424,
48 subsection 2, Code 2011.

49 Sec. 21. Section 331.434, subsection 1, Code 2011,
50 is amended to read as follows:

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1 1. The budget shall show the amount required for
2 each class of proposed expenditures, a comparison of
3 the amounts proposed to be expended with the amounts
4 expended for like purposes for the two preceding years,
5 the revenues from sources other than property taxation,
6 and the amount to be raised by property taxation, in
7 the detail and form prescribed by the director of the
8 department of management. For each county that has
9 established an urban renewal area, the budget shall
10 include estimated and actual tax increment financing
11 revenues and all estimated and actual expenditures of
12 the revenues, proceeds from debt and all estimated
13 and actual expenditures of the debt proceeds, and
14 identification of any entity receiving a direct payment
15 of taxes funded by tax increment financing revenues
16 and shall include the total amount of loans, advances,
17 indebtedness, or bonds outstanding at the close of
18 the most recently ended fiscal year, which qualify
19 for payment from the special fund created in section
20 403.19, including interest negotiated on such loans,
21 advances, indebtedness, or bonds. For purposes of this
22 subsection, "indebtedness" includes written agreements

23 whereby the county agrees to suspend, abate, exempt,
24 rebate, refund, or reimburse property taxes, provide a
25 grant for property taxes paid, or make a direct payment
26 of taxes, with moneys in the special fund. The amount
27 of loans, advances, indebtedness, or bonds shall be
28 listed in the aggregate for each county reporting. The
29 ~~county finance committee, in consultation with the~~
30 ~~department of management and the legislative services~~
31 ~~agency, shall determine reporting criteria and shall~~
32 ~~prepare a form for reports filed with the department~~
33 ~~pursuant to this section. The department shall make~~
34 ~~the information available by electronic means.~~

35 Sec. 22. Section 373.10, Code 2011, is amended to
36 read as follows:

37 373.10 Taxing authority.

38 The metropolitan council shall have the authority
39 to levy city taxes to the extent the city tax levy
40 authority is transferred by the charter to the
41 metropolitan council. A member city shall transfer
42 a portion of the city's tax levy authorized under
43 section 384.1 or 384.12, whichever is applicable, to
44 the metropolitan council. The maximum ~~rates~~ amount of
45 taxes authorized to be levied under ~~sections~~ section
46 384.1 and the taxes authorized to be levied under
47 section 384.12 by a member city shall be reduced by an
48 amount equal to the rates of the same or similar taxes
49 levied in the city by the metropolitan council.

50 Sec. 23. Section 384.1, Code 2011, is amended by

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1 striking the section and inserting in lieu thereof the
2 following:

3 384.1 Property tax dollars — maximums.

4 1. A city shall certify taxes to be levied by the
5 city on all taxable property within the city limits,
6 for all city government purposes. Annually, the city
7 council may certify basic levies for city government
8 purposes, subject to the limitation on property tax
9 dollars provided in this section.

10 2. For purposes of this section and section 384.1B,
11 unless the context otherwise requires:

12 a. "Annual growth factor" means an index, expressed
13 as a percentage, determined by the department of
14 management by January 1 of the calendar year in which
15 the budget year begins. In determining the annual
16 growth factor, the department shall calculate the
17 average of the preceding twelve-month percentage
18 change, which shall be computed on a monthly basis,
19 in the midwest consumer price index, ending with the
20 percentage change for the month of November. The
21 department shall then add that average percentage

22 change to one hundred percent. In no case, however,
23 shall the annual growth factor exceed one hundred four
24 percent.

25 b. "Boundary adjustment" means annexation,
26 severance, incorporation, or discontinuance as those
27 terms are defined in section 368.1.

28 c. "Budget year" is the fiscal year beginning
29 during the calendar year in which a budget is
30 certified.

31 d. "Current fiscal year" is the fiscal year
32 ending during the calendar year in which a budget is
33 certified.

34 e. "Net new valuation taxes" means the amount of
35 property tax dollars equal to the current fiscal year's
36 levy rate in the city for the general fund multiplied
37 by the increase from the current fiscal year to the
38 budget year in taxable valuation due to the following:

39 (1) Net new construction, excluding all incremental
40 valuation that is released in any one year from a
41 division of revenue under section 260E.4 or an urban
42 renewal area for which taxes were being divided under
43 section 403.19 if the property for the valuation being
44 released remains subject to the division of revenue
45 under section 260E.4 or remains part of the urban
46 renewal area that is subject to a division of revenue
47 under section 403.19.

48 (2) Additions or improvements to existing
49 structures.

50 (3) Remodeling of existing structures for which a

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1 building permit is required.

2 (4) Net boundary adjustment.

3 (5) A municipality no longer dividing tax revenues
4 in an urban renewal area as provided in section 403.19
5 or a community college no longer dividing revenues as
6 provided in section 260E.4.

7 (6) That portion of taxable property located in an
8 urban revitalization area on which an exemption was
9 allowed and such exemption has expired.

10 3. a. For the fiscal year beginning July 1, 2012,
11 and subsequent fiscal years, the maximum amount of
12 property tax dollars which may be certified for levy
13 by a city for the general fund shall be the maximum
14 property tax dollars calculated under paragraph "b".

15 b. The maximum property tax dollars that may be
16 levied for deposit in the general fund is an amount
17 equal to the sum of the following:

18 (1) The annual growth factor times the current
19 fiscal year's maximum property tax dollars for the
20 general fund.

21 (2) The amount of net new valuation taxes in the
22 city.
23 4. For purposes of calculating maximum property tax
24 dollars for the city general fund for the fiscal year
25 beginning July 1, 2012, only, the term "current fiscal
26 year's maximum property tax dollars" shall mean the
27 total amount of property tax dollars certified by the
28 city for the city's general fund for the fiscal year
29 beginning July 1, 2011.
30 5. Property taxes certified for deposit in the
31 debt service fund in section 384.4, trust and agency
32 funds in section 384.6, capital improvements reserve
33 fund in section 384.7, the emergency fund in section
34 384.8, any capital projects fund established by the
35 city for deposit of bond, loan, or note proceeds,
36 any temporary increase approved pursuant to section
37 384.12A, property taxes collected from a voted levy
38 in section 384.12, and property taxes levied under
39 section 384.12, subsection 18, are not counted against
40 the maximum amount of property tax dollars that may be
41 certified for a fiscal year under subsection 3.
42 6. Notwithstanding the maximum amount of taxes
43 a city may certify for levy, the tax levied by a
44 city on tracts of land and improvements on the
45 tracts of land used and assessed for agricultural or
46 horticultural purposes shall not exceed three dollars
47 and three-eighths cents per thousand dollars of
48 assessed value in any year. Improvements located on
49 such tracts of land and not used for agricultural or
50 horticultural purposes and all residential dwellings

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1 are subject to the same rate of tax levied by the city
2 on all other taxable property within the city.
3 7. The department of management, in consultation
4 with the city finance committee, shall adopt rules
5 to administer this section. The department shall
6 prescribe forms to be used by cities when making
7 calculations required by this section.
8 Sec. 24. NEW SECTION. 384.1B Ending fund balance.
9 1. a. Budgeted ending fund balances for a budget
10 year in excess of twenty-five percent of budgeted
11 expenditures from the general fund for that budget
12 year shall be explicitly reserved or designated for a
13 specific purpose.
14 b. A city is encouraged, but not required, to
15 reduce budgeted, unreserved, or undesignated ending
16 fund balances for the budget year to an amount equal
17 to approximately twenty-five percent of budgeted
18 expenditures and transfers from the general fund for
19 that budget year unless a decision is certified by the

20 state appeal board ordering a reduction in the ending
21 fund balance of the fund.

22 c. In a protest to the city budget under section
23 384.19, the city shall have the burden of proving
24 that the budgeted balances in excess of twenty-five
25 percent are reasonably likely to be appropriated for
26 the explicitly reserved or designated specific purpose.
27 The excess budgeted balance for the specific purpose
28 shall be considered an increase in an item in the
29 budget for purposes of section 24.28.

30 2. a. For a city that has, as of June 30,
31 2011, reduced its ending fund balance to less than
32 twenty-five percent of actual expenditures, additional
33 property taxes may be computed and levied as provided
34 in this subsection. The additional property tax levy
35 amount is an amount not to exceed the difference
36 between twenty-five percent of actual expenditures for
37 city government purposes for the fiscal year beginning
38 July 1, 2010, minus the ending fund balance for that
39 year.

40 b. All or a portion of additional property tax
41 dollars may be levied for the purpose of increasing
42 cash reserves for city government purposes in the
43 budget year. The additional property tax dollars
44 authorized under this subsection but not levied may be
45 carried forward as unused ending fund balance taxing
46 authority until and for the fiscal year beginning
47 July 1, 2017. The amount carried forward shall not
48 exceed twenty-five percent of the maximum amount of
49 property tax dollars available in the current fiscal
50 year. Additionally, property taxes that are levied

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1 as unused ending fund balance taxing authority under
2 this subsection may be the subject of a protest under
3 section 384.19, and the amount will be considered an
4 increase in an item in the budget for purposes of
5 section 24.28. The amount of additional property tax
6 dollars levied under this subsection shall not be
7 included in the computation of the maximum amount of
8 property tax dollars which may be certified and levied
9 under section 384.1.

10 Sec. 25. Section 384.12, subsection 20, Code 2011,
11 is amended by striking the subsection.

12 Sec. 26. NEW SECTION. 384.12A Authority to levy
13 beyond maximum property tax dollars.

14 1. The city council may certify additions to the
15 maximum amount of property tax dollars to be levied
16 for a period of time not to exceed two years if the
17 proposition has been submitted at a special election
18 and received a favorable majority of the votes cast on

19 the proposition.

20 2. The special election is subject to the
21 following:

22 a. The city council must give at least thirty-two
23 days' notice to the county commissioner of elections
24 that the special election is to be held. In no
25 case, however, shall a notice be given to the county
26 commissioner of elections after December 31 for an
27 election on a proposition to exceed the statutory
28 limits during the fiscal year beginning in the next
29 calendar year.

30 b. The special election shall be conducted by the
31 county commissioner of elections in accordance with
32 law.

33 c. The proposition to be submitted shall be
34 substantially in the following form:

35 Vote "yes" or "no" on the following: Shall the city
36 of _____ levy for an additional \$_____ each year
37 for ___ years beginning next July 1, ____, in excess of
38 the statutory limits otherwise applicable for the city
39 general fund?

40 d. The canvass shall be held beginning at 1:00 p.m.
41 on the second day which is not a holiday following the
42 special election.

43 e. Notice of the special election shall be
44 published at least once in a newspaper as specified
45 in section 362.3 prior to the date of the special
46 election. The notice shall appear as early as
47 practicable after the city council has voted to submit
48 a proposition to the voters to levy additional property
49 tax dollars.

50 3. The amount of additional property tax dollars

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1 certified under this section shall not be included in
2 the computation of the maximum amount of property tax
3 dollars which may be certified and levied under section
4 384.1.

5 Sec. 27. Section 384.16, subsection 1, paragraph b,
6 Code 2011, is amended to read as follows:

7 b. A budget must show comparisons between the
8 estimated expenditures in each program in the following
9 year, the latest estimated expenditures in each program
10 in the current year, and the actual expenditures in
11 each program from the annual report as provided in
12 section 384.22, or as corrected by a subsequent audit
13 report. Wherever practicable, as provided in rules
14 of the committee, a budget must show comparisons
15 between the levels of service provided by each program
16 as estimated for the following year, and actual
17 levels of service provided by each program during

18 the two preceding years. For each city that has
19 established an urban renewal area, the budget shall
20 include estimated and actual tax increment financing
21 revenues and all estimated and actual expenditures of
22 the revenues, proceeds from debt and all estimated
23 and actual expenditures of the debt proceeds, and
24 identification of any entity receiving a direct payment
25 of taxes funded by tax increment financing revenues
26 and shall include the total amount of loans, advances,
27 indebtedness, or bonds outstanding at the close of
28 the most recently ended fiscal year, which qualify
29 for payment from the special fund created in section
30 403.19, including interest negotiated on such loans,
31 advances, indebtedness, or bonds. The amount of loans,
32 advances, indebtedness, or bonds shall be listed in the
33 aggregate for each city reporting. ~~The city finance
34 committee, in consultation with the department of
35 management and the legislative services agency, shall
36 determine reporting criteria and shall prepare a form
37 for reports filed with the department pursuant to this
38 section. The department shall make the information
39 available by electronic means.~~
40 Sec. 28. Section 384.19, Code 2011, is amended by
41 adding the following new unnumbered paragraph:
42 NEW UNNUMBERED PARAGRAPH For purposes of a tax
43 protest filed under this section, "item" means a
44 budgeted expenditure, appropriation, or cash reserve
45 from a fund for a service area, program, program
46 element, or purpose.
47 Sec. 29. Section 386.8, Code 2011, is amended to
48 read as follows:
49 386.8 Operation tax.
50 A city may establish a self-supported improvement

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1 district operation fund, and may certify taxes not
2 to exceed the rate limitation as established in the
3 ordinance creating the district, or any amendment
4 thereto, each year to be levied for the fund against
5 all of the property in the district, for the purpose
6 of paying the administrative expenses of the district,
7 which may include but are not limited to administrative
8 personnel salaries, a separate administrative office,
9 planning costs including consultation fees, engineering
10 fees, architectural fees, and legal fees and all other
11 expenses reasonably associated with the administration
12 of the district and the fulfilling of the purposes of
13 the district. The taxes levied for this fund may also
14 be used for the purpose of paying maintenance expenses
15 of improvements or self-liquidating improvements for a
16 specified length of time with one or more options to

17 renew if such is clearly stated in the petition which
 18 requests the council to authorize construction of the
 19 improvement or self-liquidating improvement, whether
 20 or not such petition is combined with the petition
 21 requesting creation of a district. Parcels of property
 22 which are assessed as residential property for property
 23 tax purposes are exempt from the tax levied under this
 24 section except residential properties within a duly
 25 designated historic district. A tax levied under
 26 this section is not subject to the ~~levy~~ limitation in
 27 section 384.1.

28 Sec. 30. Section 386.9, Code 2011, is amended to
 29 read as follows:

30 386.9 Capital improvement tax.

31 A city may establish a capital improvement fund
 32 for a district and may certify taxes, not to exceed
 33 the rate established by the ordinance creating the
 34 district, or any subsequent amendment thereto,
 35 each year to be levied for the fund against all of
 36 the property in the district, for the purpose of
 37 accumulating moneys for the financing or payment
 38 of a part or all of the costs of any improvement or
 39 self-liquidating improvement. However, parcels of
 40 property which are assessed as residential property
 41 for property tax purposes are exempt from the tax
 42 levied under this section except residential properties
 43 within a duly designated historic district. A tax
 44 levied under this section is not subject to the ~~levy~~
 45 limitations in section 384.1 or 384.7.

46 Sec. 31. REPEAL. Sections 331.425 and 331.426,
 47 Code 2011, are repealed.

48 Sec. 32. APPLICABILITY. This division of this Act
 49 applies to fiscal years beginning on or after July 1,
 50 2012.>

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1 2. Title page, by striking lines 1 through 3
 2 and inserting <An Act relating to state and local
 3 government finances by increasing the regular program
 4 foundation base, establishing property tax levy limits
 5 for cities and counties, establishing certain property
 6 assessment limitations, and including applicability
 7 provisions.>

SANDS of Louisa

H-1717

1 Amend Senate File 525, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause

4 and inserting:

5 <DIVISION I
6 SERVICE SYSTEM REDESIGN
7 Section 1. ADULT DISABILITY SERVICES SYSTEM
8 REDESIGN.

9 1. For the purposes of this section, "disability
10 services" means services and other support available
11 to a person with mental illness or an intellectual
12 disability or other developmental disability.

13 2. It is the intent of the general assembly to
14 redesign the system for adult disability services to
15 implement all of the following:

16 a. Shifting the funding responsibility for the
17 nonfederal share of adult disability services paid for
18 by the Medicaid program, including but not limited to
19 all costs for the state resource centers, from the
20 counties to the state.

21 b. Reorganizing adult disability services not paid
22 for by the Medicaid program into a system administered
23 on a regional basis in a manner that provides multiple
24 local points of access to adult disability services
25 both paid for by the Medicaid program and not paid for
26 by the Medicaid program.

27 c. Replacing legal settlement as the basis for
28 determining financial responsibility for publicly
29 funded disability services by determining such
30 responsibility based upon residency.

31 3. a. The legislative council is requested to
32 authorize an interim committee on mental health and
33 disability services for the 2011 legislative interim to
34 commence as soon as practicable. The purpose of the
35 interim committee is to closely engage with, monitor,
36 and make recommendations concerning the efforts of
37 the department of human services and workgroups of
38 stakeholders and experts created by the department
39 to develop detailed proposals for the redesign of
40 disability services pursuant to this Act, particularly
41 with regard to the identification of core services.

42 b. (1) It is intended that the interim committee
43 members consist of equal numbers of legislators from
44 both chambers and from both political parties and
45 for staff from the office of the governor and the
46 departments of human services and public health to be
47 designated to serve as ex officio, nonvoting members.
48 It is also requested that legislators serving on the
49 interim committee and other interested legislators
50 be authorized to participate in the meetings of the

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1 workgroups and subcommittees addressed in this Act.

2 (2) In addition to addressing workgroup

3 recommendations, it is intended that the interim
4 committee address property tax issues, devise a means
5 of ensuring the state maintains its funding commitments
6 for the redesigned services system, recommend revisions
7 in the requirements for mental health professionals
8 who are engaged in the involuntary commitment and
9 examination processes under chapter 229, develop
10 proposed legislation for amending Code references to
11 mental retardation to instead refer to intellectual
12 disabilities, and consider issues posed by the
13 July 1, 2013, repeals of county disability services
14 administration and funding provisions in 2011 Iowa
15 Acts, Senate File 209.

16 (3) It is intended that the interim committee
17 shall receive and make recommendations concerning the
18 detailed and final proposals submitted by workgroups
19 during the 2011 legislative interim for consideration
20 by the general assembly in the 2012 legislative
21 session.

22 c. (1) The department of human services shall
23 design the workgroup process to facilitate effective
24 decision making while allowing for a broad array of
25 input. The workgroup process shall begin as soon after
26 the effective date of this Act as is practicable. The
27 membership of workgroups and subcommittees involved
28 with the process shall include consumers, service
29 providers, and advocates and provide for adequate
30 representation by both rural and urban interests.
31 The department of public health shall be represented
32 on those workgroups and subcommittees with a focus
33 relevant to the department.

34 (2) The detailed and final proposals developed
35 by the workgroups during the 2011 interim shall
36 be submitted to the interim committee on or before
37 December 9, 2011.

38 d. At least one workgroup shall address redesign
39 of the adult mental health system and at least
40 one workgroup shall address redesign of the adult
41 intellectual and other developmental disability system.
42 The workgroup process shall engage separate workgroups
43 and subcommittees enumerated in this Act and may
44 involve additional bodies in the process as determined
45 by the department.

46 e. It is intended that interim committee members
47 be engaged, to the extent possible, in workgroup
48 deliberations and begin formal discussions of
49 preliminary proposals developed by the workgroups
50 beginning in October.

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1 4. The workgroup process implemented by the
2 department of human services pursuant to subsection
3 3 shall result in the submission of proposals for
4 redesign of adult disability services that include but
5 are not limited to all of the following:
6 a. Identifying clear definitions and requirements
7 for the following:
8 (1) Eligibility criteria for the individuals to be
9 served.
10 (2) The array of core services and other support to
11 be included in regional adult disability services plans
12 and to be delivered by providers based on individual
13 needs and medical necessity and in a manner that
14 promotes cost-effectiveness, uniformity, accessibility,
15 and best practice approaches. The array shall
16 encompass and integrate services and other support paid
17 for by both the Medicaid program and other sources.
18 (3) Outcome measures that focus on consumer needs,
19 including but not limited to measures addressing
20 individual choice, empowerment, and community.
21 (4) Quality assurance measures.
22 (5) Provider accreditation, certification,
23 or licensure requirements to ensure high quality
24 services while avoiding unreasonable expectations and
25 duplicative surveys.
26 (6) Input in regional service plans and delivery
27 provisions by consumer and provider representatives.
28 The input process shall engage local consumers,
29 providers, and counties in developing the regional
30 provisions.
31 (7) Provisions for representatives of the regional
32 system and the department to regularly engage in
33 discussions to resolve Medicaid and non-Medicaid
34 issues involving documentation requirements, electronic
35 records, reimbursement methodologies, cost projections,
36 and other measures to improve the services and other
37 support available to consumers.
38 b. Incorporating strategies to allow individuals
39 to receive services in accordance with the principles
40 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
41 in order for services to be provided in the most
42 community-based, least restrictive, and integrated
43 setting appropriate to an individual's needs.
44 c. Continuing the department's leadership role
45 in the Medicaid program in defining services covered,
46 establishing reimbursement methodologies, providing
47 other administrative functions, and engaging in federal
48 options for program enhancements that are beneficial to
49 consumers and the state such as medical or behavioral
50 health homes.

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1 d. Implementing mental health crisis response
2 services statewide in a manner determined to be most
3 appropriate by each region.

4 e. Implementing a subacute level of care to provide
5 short-term mental health services in a structured
6 residential setting that supplies a less intensive
7 level of care than is supplied by acute psychiatric
8 services.

9 f. Reviewing best practices and programs utilized
10 by other states in identifying new approaches for
11 addressing the needs for publicly funded services for
12 persons with brain injury. The proposals regarding
13 these approaches may be submitted after the workgroup
14 submission date set out in subsection 3.

15 g. Developing a proposal for addressing service
16 provider shortages. The development of the proposal
17 shall incorporate an examination of scope of practice
18 limitations and barriers to recruiting providers,
19 including but not limited to variation in health
20 insurance payment provisions for the services provided
21 by different types of providers.

22 h. Developing a proposal for service providers
23 addressing co-occurring mental health, intellectual
24 disability, brain injury, and substance abuse
25 disorders. Each workgroup or subcommittee shall
26 address co-occurring disorders as appropriate to the
27 focus of the workgroup or subcommittee. The overall
28 proposal may be developed by a body consisting of
29 members from other workgroups or subcommittees. The
30 proposal shall also provide options, developed in
31 coordination with the judicial branch and department
32 of human services workgroup, for implementation
33 of the provision of advocates to patients with
34 substance-related disorders.

35 i. Developing a proposal for redesign of publicly
36 funded children's disability services, including but
37 not limited to the needs of children who are placed
38 out-of-state due to the lack of treatment services
39 in this state. The proposal shall be developed by a
40 separate workgroup or subcommittee and in addition to
41 the other interests and representation required by this
42 section, the membership shall include education system
43 and juvenile court representatives. The preliminary
44 findings and recommendations, and the initial proposal
45 shall be submitted by the October and December 2011
46 dates required for other workgroups and subcommittees.
47 The initial proposal developed during the 2011
48 legislative interim shall include an analysis of gaps
49 in the children's system and other planning provisions
50 necessary to complete the final proposal for submission

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1 on or before December 10, 2012.

2 j. Developing a proposal for adult disability
3 services not paid for by the Medicaid program to be
4 administered on a regional basis in a manner that
5 provides multiple local points of access for consumers
6 needing adult disability services, regardless of
7 the funding sources for the services. The proposal
8 shall be integrated with the other proposals under
9 this subsection and shall be developed by a separate
10 workgroup or subcommittee engaging both urban and rural
11 county supervisors and central-point-of-coordination
12 administrators and other experts. The considerations
13 for inclusion in the proposal for forming regional
14 entities shall include but are not limited to all of
15 the following:

16 (1) Modifying the relevant provisions of chapter
17 28E for use by counties in forming regional entities
18 and addressing other necessary contracting measures.

19 (2) Providing for performance-based contracting
20 between the department of human services and regional
21 entities to ensure the existence of multiple, local
22 points of access for adult disability services
23 eligibility, intake, and authorization, service
24 navigation support, and case coordination or case
25 management, regardless of the funding sources for the
26 services.

27 (3) Developing a three-year service plan and annual
28 update to meet the needs of consumers.

29 (4) Providing for the regional entities to
30 implement performance-based contracts, uniform cost
31 reports, and consistent reimbursement practices and
32 payment methodologies with local providers of services
33 not paid for by the Medicaid program.

34 (5) Providing for the regional entities to
35 determine the Medicaid program targeted case managers
36 to serve the regions.

37 (6) Providing for the regional entities and the
38 department of human services to regularly coordinate
39 and communicate with one another concerning the adult
40 disability services paid for by the Medicaid program so
41 that services paid for by the program and the regional
42 entities are integrated and coordinated.

43 (7) Identifying sufficient population size to
44 attain economy of scale, adequate financial resources,
45 and appropriate service delivery.

46 (8) Addressing full participation in regional
47 entities by counties.

48 (9) Including dispute resolution provisions for
49 county-to-county relationships, county-to-region
50 relationships, and region-to-state relationships.

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1 (10) Providing for a consumer appeal process that
2 is clear, impartial, and consistent, with consideration
3 of an option that appeals beyond the regional level
4 should be to a state administrative law judge.

5 (11) Addressing financial management provisions,
6 including appropriate financial reserve levels.

7 (12) Proposing other criteria for forming regional
8 entities. The other criteria considered shall include
9 but are not limited to all of the following:

10 (a) Requiring a region to consist of contiguous
11 counties.

12 (b) Evaluating a proposed region's capacity
13 for providing core services and performing required
14 functions.

15 (c) Requiring a region to encompass at least
16 one community mental health center or federally
17 qualified health center with providers qualified to
18 provide psychiatric services, either directly or with
19 assistance from psychiatric consultants, that has the
20 capacity to provide outpatient services for the region
21 and has provided evidence of a commitment to provide
22 outpatient services for the region.

23 (d) Requiring a region to encompass or have
24 reasonably close proximity to a hospital with an
25 inpatient psychiatric unit or to a state mental health
26 institute, that has the capacity to provide inpatient
27 services for the region and has provided evidence of
28 a commitment to provide inpatient services for the
29 region.

30 (e) Requiring an administrative structure utilized
31 by a region to have clear lines of accountability and
32 to serve as a lead agency with shared county staff or
33 other means of limiting administrative costs to not
34 more than five percent of expenditures.

35 5. The target date for full implementation of
36 the plan and implementation provisions described in
37 subsections 3 and 4 shall be July 1, 2013, provided,
38 however, that any expansion of services is subject to
39 available funding.

40 Sec. 2. CONTINUATION OF WORKGROUP BY JUDICIAL
41 BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial
42 branch and department of human services shall continue
43 the workgroup implemented pursuant to 2010 Iowa Acts,
44 chapter 1192, section 24, subsection 2, to improve
45 the processes for involuntary commitment for chronic
46 substance abuse under chapter 125 and for serious
47 mental illness under chapter 229, and shall coordinate
48 its efforts with the legislative interim committee and
49 other workgroups initiated pursuant to this Act. The
50 recommendations issued by the workgroup shall address

1 options to the current provision of transportation
 2 by the county sheriff; to the role, supervision,
 3 and funding of mental health patient advocates and
 4 substance-related disorder patient advocates, along
 5 with options for implementation of the provision of
 6 advocates to patients with such disorders; for revising
 7 requirements for mental health professionals who are
 8 engaged in the involuntary commitment and examination
 9 processes under chapter 229; for authorizing the
 10 court to order an involuntary hold of a patient under
 11 section 229.10 for not more than twenty-three hours
 12 who was not initially taken into custody but declined
 13 to be examined pursuant to a previous court order;
 14 and for civil commitment prescreening. Preliminary
 15 recommendations shall be submitted to the legislative
 16 interim committee in October 2011, as specified by the
 17 interim committee. Additional stakeholders shall be
 18 added as necessary to facilitate the workgroup efforts.
 19 The workgroup shall complete deliberations and submit
 20 a final report to the legislative interim committee
 21 providing findings and recommendations on or before
 22 December 9, 2011.

23 Sec. 3. SERVICE SYSTEM DATA AND STATISTICAL
 24 INFORMATION INTEGRATION. In coordination with
 25 the legislative interim committee and workgroups
 26 initiated pursuant to this Act, representatives of the
 27 department of human services, department of public
 28 health, and the community services network hosted by
 29 the Iowa state association of counties shall develop
 30 implementation provisions for an integrated data and
 31 statistical information system for mental health,
 32 disability services, and substance abuse services.
 33 The implementation provisions shall incorporate
 34 federal data and statistical information requirements.
 35 When completed, the departments and affiliate shall
 36 report on the integrated system to the governor,
 37 the joint appropriations subcommittee on health and
 38 human services, and the legislative services agency,
 39 providing their findings and recommendations.

40 Sec. 4. DEPARTMENT OF HUMAN SERVICES. There is
 41 appropriated from the general fund of the state to
 42 the department of human services for the fiscal year
 43 beginning July 1, 2010, and ending June 30, 2011, the
 44 following amount, or so much thereof as is necessary,
 45 to be used for the purposes designated:

46 For the costs of planning and other processes
 47 associated with implementation of this Act:

48 \$ 250,000

49 Notwithstanding section 8.47 or any other provision
 50 of law to the contrary, the department may utilize a

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1 sole source approach to contract to support planning
2 and other processes associated with implementation
3 of this Act. Notwithstanding section 8.33, moneys
4 appropriated in this section that remain unencumbered
5 or unobligated at the close of the fiscal year shall
6 not revert but shall remain available for expenditure
7 for the purposes designated until the close of the
8 succeeding fiscal year.

9 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of
10 this Act, being deemed of immediate importance, takes
11 effect upon enactment.

12 DIVISION II

13 CONFORMING PROVISIONS

14 Sec. 6. CONFORMING PROVISIONS. The legislative
15 services agency shall prepare a study bill for
16 consideration by the committees on human resources of
17 the senate and house of representatives for the 2012
18 legislative session, providing any necessary conforming
19 Code changes for implementation of the system redesign
20 provisions contained in this Act.

21 DIVISION III

22 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

23 Sec. 7. Section 135H.3, subsection 1, Code 2011, is
24 amended to read as follows:

25 1. A psychiatric medical institution for children
26 shall utilize a team of professionals to direct an
27 organized program of diagnostic services, psychiatric
28 services, nursing care, and rehabilitative services
29 to meet the needs of residents in accordance with a
30 medical care plan developed for each resident. The
31 membership of the team of professionals may include
32 but is not limited to an advanced registered nurse
33 practitioner or a physician assistant. Social and
34 rehabilitative services shall be provided under the
35 direction of a qualified mental health professional.

36 Sec. 8. Section 135H.6, subsection 8, Code 2011, is
37 amended to read as follows:

38 8. The department of human services may give
39 approval to conversion of beds approved under
40 subsection 6, to beds which are specialized to provide
41 substance abuse treatment. However, the total number
42 of beds approved under subsection 6 and this subsection
43 shall not exceed four hundred thirty. Conversion of
44 beds under this subsection shall not require a revision
45 of the certificate of need issued for the psychiatric
46 institution making the conversion. Beds for children
47 who do not reside in this state and whose service costs
48 are not paid by public funds in this state are not
49 subject to the limitations on the number of beds and
50 certificate of need requirements otherwise applicable

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1 under this section.
2 Sec. 9. PSYCHIATRIC MEDICAL INSTITUTIONS FOR
3 CHILDREN AND RELATED SERVICES — TRANSITION COMMITTEE.
4 1. For the purposes of this section, unless the
5 context otherwise requires:
6 a. "Iowa plan" means the contract to administer the
7 behavioral health managed care plan under the state's
8 Medicaid program.
9 b. "PMIC" means a psychiatric medical institution
10 for children.
11 2. It is the intent of the general assembly to do
12 the following under this section:
13 a. Improve the reimbursement, expected outcomes,
14 and integration of PMIC services to serve the best
15 interests of children within the context of a redesign
16 of the delivery of publicly funded children's mental
17 health services in this state.
18 b. Support the development of specialized programs
19 for children with high acuity requirements whose needs
20 are not met by Iowa's current system and must be served
21 in out-of-state placements.
22 c. Transition PMIC services while providing
23 services in a manner that applies best practices and is
24 cost-effective.
25 3. The department of human services, in
26 collaboration with PMIC providers, shall develop a
27 plan for transitioning the administration of PMIC
28 services to the Iowa plan. The transition plan
29 shall address specific strategies for appropriately
30 addressing PMIC lengths of stay by increasing the
31 availability of less intensive levels of care,
32 establishing vendor performance standards, identifying
33 levels of PMIC care, providing for performance and
34 quality improvement technical assistance to providers,
35 identifying methods and standards for credentialing
36 providers of specialized programs, using innovative
37 reimbursement incentives to improve access while
38 building the capacity of less intensive levels of care,
39 and providing implementation guidelines.
40 4. a. The transition plan shall address the
41 development of specialized programs to address the
42 needs of children in need of more intensive treatment
43 who are currently underserved. All of the following
44 criteria shall be used for such programs:
45 (1) Geographic accessibility.
46 (2) Expertise needed to assure appropriate and
47 effective treatment.
48 (3) Capability to define and provide the
49 appropriate array of services and report on
50 standardized outcome measures.

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1 (4) Best interests of the child.
2 b. The transition plan shall also address all of
3 the following:
4 (1) Providing navigation, access, and care
5 coordination for children and families in need of
6 services from the children's mental health system.
7 (2) Integrating the children's mental health
8 waiver services under the Medicaid program with
9 other services addressed by the transition plan as a
10 means for supporting the transition plan and ensuring
11 availability of choices for community placements.
12 (3) Identifying admission and continued stay
13 criteria for PMIC providers.
14 (4) Evaluating changes in licensing standards for
15 PMICs as necessary to ensure that the standards are
16 aligned with overall system goals.
17 (5) Evaluating alternative reimbursement and
18 service models that are innovative and could support
19 overall system goals. The models may include but are
20 not limited to accountable care organizations, medical
21 or other health homes, and performance-based payment
22 methods.
23 (6) Evaluating the adequacy of reimbursement at all
24 levels of the children's mental health system.
25 (7) Developing profiles of the conditions and
26 behaviors that result in a child's involuntary
27 discharge or out-of-state placement. The plan shall
28 incorporate provisions for developing specialized
29 programs that are designed to appropriately meet the
30 needs identified in the profiles.
31 (8) Evaluating and defining the appropriate array
32 of less intensive services for a child leaving a
33 hospital or PMIC placement.
34 (9) Evaluating and defining the standards for
35 existing and new PMIC and other treatment levels.
36 5. a. The department shall establish a
37 transition committee that includes departmental
38 staff representatives for Medicaid, child welfare,
39 field, and mental health services, the director of
40 the Iowa plan, the department of inspections and
41 appeals, a representative of each licensed PMIC, the
42 executive director of the coalition of family and
43 children's services in Iowa, a person with knowledge
44 and expertise in care coordination and integration
45 of PMIC and community-based services, two persons
46 representing families affected by the children's mental
47 health system, and a representative of juvenile court
48 officers.
49 b. The transition committee shall develop the plan
50 and manage the transition if the plan is implemented.

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1 The plan shall be developed by December 31, 2011,
2 and shall be submitted to the general assembly by
3 January 16, 2012. The submitted plan shall include
4 an independent finding by the director of human
5 services, in consultation with the office of the
6 governor and the chairpersons and ranking members of
7 the joint appropriations subcommittee on health and
8 human services, that the plan meets the intent of the
9 general assembly under this section. Unless otherwise
10 directed by enactment of the general assembly the
11 department and the transition committee may proceed
12 with implementation of the submitted plan on or before
13 July 1, 2012.

14 c. The transition committee shall continue to meet
15 through December 31, 2013, to oversee transition of
16 PMIC services to the Iowa plan.

17 6. The director of the Medicaid enterprise of the
18 department of human services shall annually report on
19 or before December 15 to the chairpersons and ranking
20 members of the joint appropriations subcommittee on
21 health and human services through December 15, 2016,
22 regarding the implementation of this section. The
23 content of the report shall include but is not limited
24 to information on children served by PMIC providers,
25 the types of locations to which children are discharged
26 following a hospital or PMIC placement and the
27 community-based services available to such children,
28 and the incidence of readmission to a PMIC within 12
29 months of discharge. The report shall also recommend
30 whether or not to continue administration of PMIC
31 services under the Iowa plan based upon the quality
32 of service delivery, the value of utilizing the Iowa
33 plan administration rather than the previous approach
34 through the Medicaid enterprise, and analysis of the
35 cost and benefits of utilizing the Iowa plan approach.

36 DIVISION IV

37 COMMUNITY MENTAL HEALTH CENTERS

38 COMMUNITY MENTAL HEALTH CENTERS — CATCHMENT AREAS

39 Sec. 10. NEW SECTION. 230A.101 Services system
40 roles.

41 1. The role of the department of human services,
42 through the division of the department designated as
43 the state mental health authority with responsibility
44 for state policy concerning mental health and
45 disability services, is to develop and maintain
46 policies for the mental health and disability services
47 system. The policies shall address the service
48 needs of individuals of all ages with disabilities
49 in this state, regardless of the individuals' places
50 of residence or economic circumstances, and shall be

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1 consistent with the requirements of chapter 225C and
2 other applicable law.

3 2. The role of community mental health centers in
4 the mental health and disability services system is
5 to provide an organized set of services in order to
6 adequately meet the mental health needs of this state's
7 citizens based on organized catchment areas.

8 Sec. 11. NEW SECTION. 230A.102 Definitions.

9 As used in this chapter, unless the context
10 otherwise requires:

11 1. "Administrator", "commission", "department",
12 "disability services", and "division" mean the same as
13 defined in section 225C.2.

14 2. "Catchment area" means a community mental health
15 center catchment area identified in accordance with
16 this chapter.

17 3. "Community mental health center" or "center"
18 means a community mental health center designated in
19 accordance with this chapter.

20 Sec. 12. NEW SECTION. 230A.103 Designation of
21 community mental health centers.

22 1. The division, subject to agreement by any
23 community mental health center that would provide
24 services for the catchment area and approval by the
25 commission, shall designate at least one community
26 mental health center under this chapter to serve as
27 lead agency for addressing the mental health needs of
28 the county or counties comprising the catchment area.
29 The designation process shall provide for the input
30 of potential service providers regarding designation
31 of the initial catchment area or a change in the
32 designation.

33 2. The division shall utilize objective criteria
34 for designating a community mental health center
35 to serve a catchment area and for withdrawing such
36 designation. The commission shall adopt rules
37 outlining the criteria. The criteria shall include but
38 are not limited to provisions for meeting all of the
39 following requirements:

40 a. An appropriate means shall be used for
41 determining which prospective designee is best able to
42 serve all ages of the targeted population within the
43 catchment area with minimal or no service denials.

44 b. An effective means shall be used for determining
45 the relative ability of a prospective designee to
46 appropriately provide mental health services and other
47 support to consumers residing within a catchment area
48 as well as consumers residing outside the catchment
49 area. The criteria shall address the duty for a
50 prospective designee to arrange placements outside the

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1 catchment area when such placements best meet consumer
2 needs and to provide services within the catchment area
3 to consumers who reside outside the catchment area when
4 the services are necessary and appropriate.

5 3. The board of directors for a designated
6 community mental health center shall enter into
7 an agreement with the division. The terms of the
8 agreement shall include but are not limited to all of
9 the following:

10 a. The period of time the agreement will be in
11 force.

12 b. The services and other support the center will
13 offer or provide for the residents of the catchment
14 area.

15 c. The standards to be followed by the center in
16 determining whether and to what extent the persons
17 seeking services from the center shall be considered to
18 be able to pay the costs of the services.

19 d. The policies regarding availability of the
20 services offered by the center to the residents of the
21 catchment area as well as consumers residing outside
22 the catchment area.

23 e. The requirements for preparation and submission
24 to the division of annual audits, cost reports, program
25 reports, performance measures, and other financial and
26 service accountability information.

27 4. This section does not limit the authority of
28 the board or the boards of supervisors of any county
29 or group of counties to continue to expend money to
30 support operation of a center.

31 Sec. 13. NEW SECTION. 230A.104 Catchment areas.

32 1. The division shall collaborate with affected
33 counties in identifying community mental health center
34 catchment areas in accordance with this section.

35 2. a. Unless the division has determined that
36 exceptional circumstances exist, a catchment area
37 shall be served by one community mental health center.
38 The purpose of this general limitation is to clearly
39 designate the center responsible and accountable for
40 providing core mental health services to the target
41 population in the catchment area and to protect the
42 financial viability of the centers comprising the
43 mental health services system in the state.

44 b. A formal review process shall be used in
45 determining whether exceptional circumstances exist
46 that justify designating more than one center to
47 serve a catchment area. The criteria for the review
48 process shall include but are not limited to a means
49 of determining whether the catchment area can support
50 more than one center.

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1 c. Criteria shall be provided that would allow
2 the designation of more than one center for all
3 or a portion of a catchment area if designation or
4 approval for more than one center was provided by the
5 division as of October 1, 2010. The criteria shall
6 require a determination that all such centers would be
7 financially viable if designation is provided for all.
8 Sec. 14. NEW SECTION. 230A.105 Target population
9 — eligibility.

10 1. The target population residing in a catchment
11 area to be served by a community mental health
12 center shall include but is not limited to all of the
13 following:

14 a. Individuals of any age who are experiencing a
15 mental health crisis.

16 b. Individuals of any age who have a mental health
17 disorder.

18 c. Adults who have a serious mental illness or
19 chronic mental illness.

20 d. Children and youth who are experiencing a
21 serious emotional disturbance.

22 e. Individuals described in paragraph "a", "b",
23 "c", or "d" who have a co-occurring disorder, including
24 but not limited to substance abuse, mental retardation,
25 a developmental disability, brain injury, autism
26 spectrum disorder, or another disability or special
27 health care need.

28 2. Specific eligibility criteria for members of the
29 target population shall be identified in administrative
30 rules adopted by the commission. The eligibility
31 criteria shall address both clinical and financial
32 eligibility.

33 Sec. 15. NEW SECTION. 230A.106 Services offered.

34 1. A community mental health center designated
35 in accordance with this chapter shall offer core
36 services and support addressing the basic mental health
37 and safety needs of the target population and other
38 residents of the catchment area served by the center
39 and may offer other services and support. The core
40 services shall be identified in administrative rules
41 adopted by the commission for this purpose.

42 2. The initial core services identified shall
43 include all of the following:

44 a. Outpatient services. Outpatient services shall
45 consist of evaluation and treatment services provided
46 on an ambulatory basis for the target population.
47 Outpatient services include psychiatric evaluations,
48 medication management, and individual, family, and
49 group therapy. In addition, outpatient services shall
50 include specialized outpatient services directed to the

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1 following segments of the target population: children,
2 elderly, individuals who have serious and persistent
3 mental illness, and residents of the service area
4 who have been discharged from inpatient treatment
5 at a mental health facility. Outpatient services
6 shall provide elements of diagnosis, treatment, and
7 appropriate follow-up. The provision of only screening
8 and referral services does not constitute outpatient
9 services.

10 b. Twenty-four-hour emergency services.
11 Twenty-four-hour emergency services shall be
12 provided through a system that provides access to a
13 clinician and appropriate disposition with follow-up
14 documentation of the emergency service provided.
15 A patient shall have access to evaluation and
16 stabilization services after normal business hours.
17 The range of emergency services that shall be available
18 to a patient may include but are not limited to direct
19 contact with a clinician, medication evaluation,
20 and hospitalization. The emergency services may be
21 provided directly by the center or in collaboration
22 or affiliation with other appropriately accredited
23 providers.

24 c. Day treatment, partial hospitalization, or
25 psychosocial rehabilitation services. Such services
26 shall be provided as structured day programs in
27 segments of less than twenty-four hours using a
28 multidisciplinary team approach to develop treatment
29 plans that vary in intensity of services and the
30 frequency and duration of services based on the needs
31 of the patient. These services may be provided
32 directly by the center or in collaboration or
33 affiliation with other appropriately accredited
34 providers.

35 d. Admission screening for voluntary patients.
36 Admission screening services shall be available for
37 patients considered for voluntary admission to a state
38 mental health institute to determine the patient's
39 appropriateness for admission.

40 e. Community support services. Community support
41 services shall consist of support and treatment
42 services focused on enhancing independent functioning
43 and assisting persons in the target population who
44 have a serious and persistent mental illness to live
45 and work in their community setting, by reducing or
46 managing mental illness symptoms and the associated
47 functional disabilities that negatively impact such
48 persons' community integration and stability.

49 f. Consultation services. Consultation services
50 may include provision of professional assistance and

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1 information about mental health and mental illness to
2 individuals, service providers, or groups to increase
3 such persons' effectiveness in carrying out their
4 responsibilities for providing services. Consultations
5 may be case-specific or program-specific.

6 g. Education services. Education services may
7 include information and referral services regarding
8 available resources and information and training
9 concerning mental health, mental illness, availability
10 of services and other support, the promotion
11 of mental health, and the prevention of mental
12 illness. Education services may be made available to
13 individuals, groups, organizations, and the community
14 in general.

15 3. A community mental health center shall be
16 responsible for coordinating with associated services
17 provided by other unaffiliated agencies to members
18 of the target population in the catchment area and
19 to integrate services in the community with services
20 provided to the target population in residential or
21 inpatient settings.

22 Sec. 16. NEW SECTION. 230A.107 Form of
23 organization.

24 1. Except as authorized in subsection 2, a
25 community mental health center designated in accordance
26 with this chapter shall be organized and administered
27 as a nonprofit corporation.

28 2. A for-profit corporation, nonprofit corporation,
29 or county hospital providing mental health services to
30 county residents pursuant to a waiver approved under
31 section 225C.7, subsection 3, Code 2011, as of October
32 1, 2010, may also be designated as a community mental
33 health center.

34 Sec. 17. NEW SECTION. 230A.108 Administrative,
35 diagnostic, and demographic information.

36 Release of administrative and diagnostic
37 information, as defined in section 228.1, and
38 demographic information necessary for aggregated
39 reporting to meet the data requirements established by
40 the division, relating to an individual who receives
41 services from a community mental health center, may
42 be made a condition of support of that center by the
43 division.

44 Sec. 18. NEW SECTION. 230A.109 Funding —
45 legislative intent.

46 1. It is the intent of the general assembly that
47 public funding for community mental health centers
48 designated in accordance with this chapter shall be
49 provided as a combination of federal and state funding.

50 2. It is the intent of the general assembly that

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1 the state funding provided to centers be a sufficient
2 amount for the core services and support addressing the
3 basic mental health and safety needs of the residents
4 of the catchment area served by each center to be
5 provided regardless of individual ability to pay for
6 the services and support.

7 3. While a community mental health center must
8 comply with the core services requirements and other
9 standards associated with designation, provision of
10 services is subject to the availability of a payment
11 source for the services.

12 Sec. 19. NEW SECTION. 230A.110 Standards.

13 1. The division shall recommend and the commission
14 shall adopt standards for designated community
15 mental health centers and comprehensive community
16 mental health programs, with the overall objective of
17 ensuring that each center and each affiliate providing
18 services under contract with a center furnishes
19 high-quality mental health services within a framework
20 of accountability to the community it serves. The
21 standards adopted shall conform with federal standards
22 applicable to community mental health centers and
23 shall be in substantial conformity with the applicable
24 behavioral health standards adopted by the joint
25 commission, formerly known as the joint commission
26 on accreditation of health care organizations, and
27 other recognized national standards for evaluation of
28 psychiatric facilities unless in the judgment of the
29 division, with approval of the commission, there are
30 sound reasons for departing from the standards.

31 2. When recommending standards under this section,
32 the division shall designate an advisory committee
33 representing boards of directors and professional
34 staff of designated community mental health centers to
35 assist in the formulation or revision of standards.
36 The membership of the advisory committee shall include
37 representatives of professional and nonprofessional
38 staff and other appropriate individuals.

39 3. The standards recommended under this section
40 shall include requirements that each community mental
41 health center designated under this chapter do all of
42 the following:

43 a. Maintain and make available to the public a
44 written statement of the services the center offers
45 to residents of the catchment area being served. The
46 center shall employ or contract for services with
47 affiliates to employ staff who are appropriately
48 credentialed or meet other qualifications in order to
49 provide services.

50 b. If organized as a nonprofit corporation, be

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1 governed by a board of directors which adequately
2 represents interested professions, consumers of
3 the center's services, socioeconomic, cultural, and
4 age groups, and various geographical areas in the
5 catchment area served by the center. If organized
6 as a for-profit corporation, the corporation's policy
7 structure shall incorporate such representation.

8 c. Arrange for the financial condition and
9 transactions of the community mental health center to
10 be audited once each year by the auditor of state.
11 However, in lieu of an audit by state accountants,
12 the local governing body of a community mental health
13 center organized under this chapter may contract with
14 or employ certified public accountants to conduct the
15 audit, pursuant to the applicable terms and conditions
16 prescribed by sections 11.6 and 11.19 and audit format
17 prescribed by the auditor of state. Copies of each
18 audit shall be furnished by the accountant to the
19 administrator of the division of mental health and
20 disability services.

21 d. Comply with the accreditation standards
22 applicable to the center.

23 Sec. 20. NEW SECTION. 230A.111 Review and
24 evaluation.

25 1. The review and evaluation of designated centers
26 shall be performed through a formal accreditation
27 review process as recommended by the division and
28 approved by the commission. The accreditation process
29 shall include all of the following:

30 a. Specific time intervals for full accreditation
31 reviews based upon levels of accreditation.

32 b. Use of random or complaint-specific, on-site
33 limited accreditation reviews in the interim between
34 full accreditation reviews, as a quality review
35 approach. The results of such reviews shall be
36 presented to the commission.

37 c. Use of center accreditation self-assessment
38 tools to gather data regarding quality of care and
39 outcomes, whether used during full or limited reviews
40 or at other times.

41 2. The accreditation process shall include but is
42 not limited to addressing all of the following:

43 a. Measures to address centers that do not meet
44 standards, including authority to revoke accreditation.

45 b. Measures to address noncompliant centers that
46 do not develop a corrective action plan or fail to
47 implement steps included in a corrective action plan
48 accepted by the division.

49 c. Measures to appropriately recognize centers that
50 successfully complete a corrective action plan.

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1 d. Criteria to determine when a center's
2 accreditation should be denied, revoked, suspended, or
3 made provisional.

4 Sec. 21. REPEAL. Sections 230A.1 through 230A.18,
5 Code 2011, are repealed.

6 Sec. 22. IMPLEMENTATION — EFFECTIVE DATE.

7 1. Community mental health centers operating
8 under the provisions of chapter 230A, Code 2011, and
9 associated standards, rules, and other requirements as
10 of June 30, 2012, may continue to operate under such
11 requirements until the department of human services,
12 division of mental health and disability services, and
13 the mental health and disability services commission
14 have completed the rules adoption process to implement
15 the amendments to chapter 230A enacted by this Act,
16 identified catchment areas, and completed designations
17 of centers.

18 2. The division and the commission shall complete
19 the rules adoption process and other requirements
20 addressed in subsection 1 on or before June 30, 2012.

21 3. Except for this section, which shall take effect
22 July 1, 2011, this division of this Act takes effect
23 July 1, 2012.

24 DIVISION V

25 PERSONS WITH SUBSTANCE-RELATED DISORDERS 26 AND PERSONS WITH MENTAL ILLNESS

27 Sec. 23. Section 125.1, subsection 1, Code 2011, is
28 amended to read as follows:

29 1. That ~~substance abusers and persons suffering~~
30 ~~from chemical dependency persons with substance-related~~
31 ~~disorders~~ be afforded the opportunity to receive
32 quality treatment and directed into rehabilitation
33 services which will help them resume a socially
34 acceptable and productive role in society.

35 Sec. 24. Section 125.2, subsection 2, Code 2011, is
36 amended by striking the subsection.

37 Sec. 25. Section 125.2, subsection 5, Code 2011,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:

40 5. "Substance-related disorder" means a diagnosable
41 substance abuse disorder of sufficient duration to meet
42 diagnostic criteria specified within the most current
43 diagnostic and statistical manual of mental disorders
44 published by the American psychiatric association that
45 results in a functional impairment.

46 Sec. 26. Section 125.2, subsection 9, Code 2011, is
47 amended to read as follows:

48 9. "Facility" means an institution, a
49 detoxification center, or an installation providing
50 care, maintenance and treatment for ~~substance abusers~~

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1 persons with substance-related disorders licensed
2 by the department under section 125.13, hospitals
3 licensed under chapter 135B, or the state mental health
4 institutes designated by chapter 226.

5 Sec. 27. Section 125.2, subsections 13, 17, and 18,
6 Code 2011, are amended by striking the subsections.

7 Sec. 28. Section 125.9, subsections 2 and 4, Code
8 2011, are amended to read as follows:

9 2. Make contracts necessary or incidental to the
10 performance of the duties and the execution of the
11 powers of the director, including contracts with public
12 and private agencies, organizations and individuals
13 to pay them for services rendered or furnished to
14 ~~substance abusers, chronic substance abusers, or~~
15 ~~intoxicated persons~~ persons with substance-related
16 disorders.

17 4. Coordinate the activities of the department and
18 cooperate with substance abuse programs in this and
19 other states, and make contracts and other joint or
20 cooperative arrangements with state, local or private
21 agencies in this and other states for the treatment
22 of ~~substance abusers, chronic substance abusers, and~~
23 ~~intoxicated persons~~ persons with substance-related
24 disorders and for the common advancement of substance
25 abuse programs.

26 Sec. 29. Section 125.10, subsections 2, 3, 4, 5,
27 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to
28 read as follows:

29 2. Develop, encourage, and foster statewide,
30 regional and local plans and programs for the
31 prevention of substance ~~abuse~~ misuse and the treatment
32 of ~~substance abusers, chronic substance abusers, and~~
33 ~~intoxicated persons~~ persons with substance-related
34 disorders in cooperation with public and private
35 agencies, organizations and individuals, and provide
36 technical assistance and consultation services for
37 these purposes.

38 3. Coordinate the efforts and enlist the assistance
39 of all public and private agencies, organizations and
40 individuals interested in the prevention of substance
41 abuse and the treatment of ~~substance abusers, chronic~~
42 ~~substance abusers, and intoxicated persons~~ persons with
43 substance-related disorders.

44 4. Cooperate with the department of human
45 services and the Iowa department of public health
46 in establishing and conducting programs to provide
47 treatment for ~~substance abusers, chronic substance~~
48 ~~abusers, and intoxicated persons~~ persons with
49 substance-related disorders.

50 5. Cooperate with the department of education,

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1 boards of education, schools, police departments,
2 courts, and other public and private agencies,
3 organizations, and individuals in establishing programs
4 for the prevention of substance abuse and the treatment
5 of ~~substance abusers, chronic substance abusers, and~~
6 ~~intoxicated persons~~ persons with substance-related
7 disorders, and in preparing relevant curriculum
8 materials for use at all levels of school education.

9 7. Develop and implement, as an integral part
10 of treatment programs, an educational program for
11 use in the treatment of ~~substance abusers, chronic~~
12 ~~substance abusers, and intoxicated persons~~ persons
13 with substance-related disorders, which program shall
14 include the dissemination of information concerning the
15 nature and effects of ~~chemical~~ substances.

16 8. Organize and implement, in cooperation with
17 local treatment programs, training programs for all
18 persons engaged in treatment of ~~substance abusers,~~
19 ~~chronic substance abusers, and intoxicated persons~~
20 persons with substance-related disorders.

21 9. Sponsor and implement research in cooperation
22 with local treatment programs into the causes and
23 nature of substance abuse ~~abuse~~ misuse and treatment of
24 ~~substance abusers, chronic substance abusers, and~~
25 ~~intoxicated persons~~ persons with substance-related
26 disorders, and serve as a clearing house for
27 information relating to substance abuse.

28 11. Develop and implement, with the counsel and
29 approval of the board, the comprehensive plan for
30 treatment of ~~substance abusers, chronic substance~~
31 ~~abusers, and intoxicated persons~~ persons with
32 substance-related disorders in accordance with this
33 chapter.

34 13. Utilize the support and assistance of
35 interested persons in the community, particularly
36 ~~recovered substance abusers and chronic substance~~
37 ~~abusers, persons who are recovering from~~
38 substance-related disorders to encourage ~~substance~~
39 ~~abusers and chronic substance abusers~~ persons with
40 substance-related disorders to voluntarily undergo
41 treatment.

42 15. Encourage general hospitals and other
43 appropriate health facilities to admit without
44 discrimination ~~substance abusers, chronic substance~~
45 ~~abusers, and intoxicated persons~~ persons with
46 substance-related disorders and to provide them with
47 adequate and appropriate treatment. The director may
48 negotiate and implement contracts with hospitals and
49 other appropriate health facilities with adequate
50 detoxification facilities.

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1 17. Review all state health, welfare, education and
2 treatment proposals to be submitted for federal funding
3 under federal legislation, and advise the governor on
4 provisions to be included relating to substance abuse,
5 ~~substance abusers, chronic substance abusers, and~~
6 ~~intoxicated persons and persons with substance-related~~
7 ~~disorders.~~

8 Sec. 30. Section 125.12, subsections 1 and 3, Code
9 2011, are amended to read as follows:

10 1. The board shall review the comprehensive
11 substance abuse program implemented by the department
12 for the treatment of ~~substance abusers, chronic~~
13 ~~substance abusers, intoxicated persons~~ persons with
14 substance-related disorders; and concerned family
15 members. Subject to the review of the board, the
16 director shall divide the state into appropriate
17 regions for the conduct of the program and establish
18 standards for the development of the program on
19 the regional level. In establishing the regions,
20 consideration shall be given to city and county lines,
21 population concentrations, and existing substance abuse
22 treatment services.

23 3. ~~The director shall provide for adequate and~~
24 ~~appropriate treatment for substance abusers, chronic~~
25 ~~substance abusers, intoxicated persons~~ persons with
26 substance-related disorders; and concerned family
27 members admitted under sections 125.33 and 125.34, or
28 under section 125.75, 125.81, or 125.91. Treatment
29 shall not be provided at a correctional institution
30 except for inmates.

31 Sec. 31. Section 125.13, subsection 1, paragraph a,
32 Code 2011, is amended to read as follows:

33 a. ~~Except as provided in subsection 2, a person~~
34 ~~shall not maintain or conduct any chemical substitutes~~
35 ~~or antagonists program, residential program, or~~
36 ~~nonresidential outpatient program, the primary purpose~~
37 ~~of which is the treatment and rehabilitation of~~
38 ~~substance abusers or chronic substance abusers persons~~
39 ~~with substance-related disorders~~ without having first
40 obtained a written license for the program from the
41 department.

42 Sec. 32. Section 125.13, subsection 2, paragraphs a
43 and c, Code 2011, are amended to read as follows:

44 a. A hospital providing care or treatment to
45 ~~substance abusers or chronic substance abusers persons~~
46 ~~with substance-related disorders~~ licensed under chapter
47 135B which is accredited by the joint commission
48 on the accreditation of health care organizations,
49 the commission on accreditation of rehabilitation
50 facilities, the American osteopathic association, or

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1 another recognized organization approved by the board.
2 All survey reports from the accrediting or licensing
3 body must be sent to the department.

4 c. Private institutions conducted by and
5 for persons who adhere to the faith of any well
6 recognized church or religious denomination for the
7 purpose of providing care, treatment, counseling,
8 or rehabilitation to ~~substance abusers or chronic~~
9 ~~substance abusers~~ persons with substance-related
10 disorders and who rely solely on prayer or other
11 spiritual means for healing in the practice of religion
12 of such church or denomination.

13 Sec. 33. Section 125.15, Code 2011, is amended to
14 read as follows:

15 125.15 Inspections.

16 The department may inspect the facilities and review
17 the procedures utilized by any chemical substitutes
18 or antagonists program, residential program, or
19 nonresidential outpatient program that has as a
20 primary purpose the treatment and rehabilitation of
21 ~~substance abusers or chronic substance abusers~~ persons
22 with substance-related disorders, for the purpose of
23 ensuring compliance with this chapter and the rules
24 adopted pursuant to this chapter. The examination
25 and review may include case record audits and
26 interviews with staff and patients, consistent with the
27 confidentiality safeguards of state and federal law.

28 Sec. 34. Section 125.32, unnumbered paragraph 1,
29 Code 2011, is amended to read as follows:

30 The department shall adopt and may amend and repeal
31 rules for acceptance of persons into the treatment
32 program, subject to chapter 17A, considering available
33 treatment resources and facilities, for the purpose of
34 early and effective treatment of ~~substance abusers,~~
35 ~~chronic substance abusers, intoxicated persons,~~ persons
36 with substance-related disorders and concerned family
37 members. In establishing the rules the department
38 shall be guided by the following standards:

39 Sec. 35. Section 125.33, subsections 1, 3, and 4,
40 Code 2011, are amended to read as follows:

41 1. A ~~substance abuser or chronic substance abuser~~
42 person with a substance-related disorder may apply
43 for voluntary treatment or rehabilitation services
44 directly to a facility or to a licensed physician and
45 surgeon or osteopathic physician and surgeon. If the
46 proposed patient is a minor or an incompetent person, a
47 parent, a legal guardian or other legal representative
48 may make the application. The licensed physician
49 and surgeon or osteopathic physician and surgeon or
50 any employee or person acting under the direction or

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1 supervision of the physician and surgeon or osteopathic
2 physician and surgeon, or the facility shall not
3 report or disclose the name of the person or the fact
4 that treatment was requested or has been undertaken
5 to any law enforcement officer or law enforcement
6 agency; nor shall such information be admissible as
7 evidence in any court, grand jury, or administrative
8 proceeding unless authorized by the person seeking
9 treatment. If the person seeking such treatment or
10 rehabilitation is a minor who has personally made
11 application for treatment, the fact that the minor
12 sought treatment or rehabilitation or is receiving
13 treatment or rehabilitation services shall not be
14 reported or disclosed to the parents or legal guardian
15 of such minor without the minor's consent, and the
16 minor may give legal consent to receive such treatment
17 and rehabilitation.

18 3. A ~~substance abuser or chronic substance abuser~~
19 person with a substance-related disorder seeking
20 treatment or rehabilitation and who is either addicted
21 or dependent on a chemical substance may first be
22 examined and evaluated by a licensed physician and
23 surgeon or osteopathic physician and surgeon who may
24 prescribe a proper course of treatment and medication,
25 if needed. The licensed physician and surgeon
26 or osteopathic physician and surgeon may further
27 prescribe a course of treatment or rehabilitation
28 and authorize another licensed physician and surgeon
29 or osteopathic physician and surgeon or facility to
30 provide the prescribed treatment or rehabilitation
31 services. Treatment or rehabilitation services may
32 be provided to a person individually or in a group.
33 A facility providing or engaging in treatment or
34 rehabilitation shall not report or disclose to a law
35 enforcement officer or law enforcement agency the name
36 of any person receiving or engaged in the treatment
37 or rehabilitation; nor shall a person receiving or
38 participating in treatment or rehabilitation report
39 or disclose the name of any other person engaged in
40 or receiving treatment or rehabilitation or that the
41 program is in existence, to a law enforcement officer
42 or law enforcement agency. Such information shall
43 not be admitted in evidence in any court, grand jury,
44 or administrative proceeding. However, a person
45 engaged in or receiving treatment or rehabilitation
46 may authorize the disclosure of the person's name and
47 individual participation.

48 4. If a patient receiving inpatient or residential
49 care leaves a facility, the patient shall be encouraged
50 to consent to appropriate outpatient or halfway house

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1 treatment. If it appears to the administrator in
2 charge of the facility that the patient is a ~~substance~~
3 ~~abuser or chronic substance abuser~~ person with a
4 substance-related disorder who requires help, the
5 director may arrange for assistance in obtaining
6 supportive services.

7 Sec. 36. Section 125.34, Code 2011, is amended to
8 read as follows:

9 125.34 Treatment and services for ~~intoxicated~~
10 ~~persons and persons incapacitated by alcohol~~ persons
11 with substance-related disorders due to intoxication and
12 substance-induced incapacitation.

13 1. ~~An intoxicated~~ A person with a substance-related
14 disorder due to intoxication or substance-induced
15 incapacitation may come voluntarily to a facility
16 for emergency treatment. A person who appears to be
17 intoxicated or incapacitated by a ~~chemical~~ substance
18 in a public place and in need of help may be taken to a
19 facility by a peace officer under section 125.91. If
20 the person refuses the proffered help, the person may
21 be arrested and charged with intoxication under section
22 123.46, if applicable.

23 2. If no facility is readily available the
24 person may be taken to an emergency medical service
25 customarily used for incapacitated persons. The
26 peace officer in detaining the person and in taking
27 the person to a facility shall make every reasonable
28 effort to protect the person's health and safety. In
29 detaining the person the detaining officer may take
30 reasonable steps for self-protection. Detaining a
31 person under section 125.91 is not an arrest and no
32 entry or other record shall be made to indicate that
33 the person who is detained has been arrested or charged
34 with a crime.

35 3. A person who arrives at a facility and
36 voluntarily submits to examination shall be examined
37 by a licensed physician as soon as possible after the
38 person arrives at the facility. The person may then
39 be admitted as a patient or referred to another health
40 facility. The referring facility shall arrange for
41 transportation.

42 4. If a person is voluntarily admitted to a
43 facility, the person's family or next of kin shall be
44 notified as promptly as possible. If an adult patient
45 who is not incapacitated requests that there be no
46 notification, the request shall be respected.

47 5. A peace officer who acts in compliance with
48 this section is acting in the course of the officer's
49 official duty and is not criminally or civilly liable
50 therefor, unless such acts constitute willful malice

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1 or abuse.

2 6. If the physician in charge of the facility
3 determines it is for the patient's benefit, the patient
4 shall be encouraged to agree to further diagnosis and
5 appropriate voluntary treatment.

6 7. A licensed physician and surgeon or osteopathic
7 physician and surgeon, facility administrator, or an
8 employee or a person acting as or on behalf of the
9 facility administrator, is not criminally or civilly
10 liable for acts in conformity with this chapter, unless
11 the acts constitute willful malice or abuse.

12 Sec. 37. Section 125.43, Code 2011, is amended to
13 read as follows:

14 125.43 Funding at mental health institutes.
15 Chapter 230 governs the determination of the
16 costs and payment for treatment provided to ~~substance~~
17 ~~abusers or chronic substance abusers~~ persons with
18 substance-related disorders in a mental health
19 institute under the department of human services,
20 except that the charges are not a lien on real estate
21 owned by persons legally liable for support of the
22 ~~substance abuser or chronic substance abuser~~ person
23 with a substance-related disorder and the daily per
24 diem shall be billed at twenty-five percent. The
25 superintendent of a state hospital shall total only
26 those expenditures which can be attributed to the
27 cost of providing inpatient treatment to ~~substance~~
28 ~~abusers or chronic substance abusers~~ persons with
29 substance-related disorders for purposes of determining
30 the daily per diem. Section 125.44 governs the
31 determination of who is legally liable for the cost
32 of care, maintenance, and treatment of a ~~substance~~
33 ~~abuser or chronic substance abuser~~ person with a
34 substance-related disorder and of the amount for which
35 the person is liable.

36 Sec. 38. Section 125.43A, Code 2011, is amended to
37 read as follows:

38 125.43A Prescreening — exception.

39 Except in cases of medical emergency or
40 court-ordered admissions, a person shall be admitted
41 to a state mental health institute for substance
42 abuse treatment only after a preliminary intake and
43 assessment by a department-licensed treatment facility
44 or a hospital providing care or treatment for ~~substance~~
45 ~~abusers~~ persons with substance-related disorders
46 licensed under chapter 135B and accredited by the
47 joint commission on the accreditation of health care
48 organizations, the commission on accreditation of
49 rehabilitation facilities, the American osteopathic
50 association, or another recognized organization

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1 approved by the board, or by a designee of a
2 department-licensed treatment facility or a hospital
3 other than a state mental health institute, which
4 confirms that the admission is appropriate to the
5 person's substance abuse service needs. A county board
6 of supervisors may seek an admission of a patient
7 to a state mental health institute who has not been
8 confirmed for appropriate admission and the county
9 shall be responsible for one hundred percent of the
10 cost of treatment and services of the patient.

11 Sec. 39. Section 125.44, Code 2011, is amended to
12 read as follows:

13 125.44 Agreements with facilities — liability for
14 costs.

15 The director may, consistent with the comprehensive
16 substance abuse program, enter into written
17 agreements with a facility as defined in section
18 125.2 to pay for one hundred percent of the cost of
19 the care, maintenance, and treatment of ~~substance~~
20 ~~abusers and chronic substance abusers~~ persons with
21 substance-related disorders, except when section
22 125.43A applies. All payments for state patients shall
23 be made in accordance with the limitations of this
24 section. Such contracts shall be for a period of no
25 more than one year.

26 The contract may be in the form and contain
27 provisions as agreed upon by the parties. The contract
28 shall provide that the facility shall admit and
29 treat ~~substance abusers and chronic substance abusers~~
30 persons with substance-related disorders regardless
31 of where they have residence. If one payment for
32 care, maintenance, and treatment is not made by the
33 patient or those legally liable for the patient, the
34 payment shall be made by the department directly to
35 the facility. Payments shall be made each month and
36 shall be based upon the rate of payment for services
37 negotiated between the department and the contracting
38 facility. If a facility projects a temporary cash flow
39 deficit, the department may make cash advances at the
40 beginning of each fiscal year to the facility. The
41 repayment schedule for advances shall be part of the
42 contract between the department and the facility. This
43 section does not pertain to patients treated at the
44 mental health institutes.

45 If the appropriation to the department is
46 insufficient to meet the requirements of this section,
47 the department shall request a transfer of funds and
48 section 8.39 shall apply.

49 The ~~substance abuser or chronic substance abuser~~
50 person with a substance-related disorder is legally

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1 liable to the facility for the total amount of the cost
2 of providing care, maintenance, and treatment for the
3 ~~substance abuser or chronic substance abuser person~~
4 with a substance-related disorder while a voluntary or
5 committed patient in a facility. This section does not
6 prohibit any individual from paying any portion of the
7 cost of treatment.

8 The department is liable for the cost of
9 care, treatment, and maintenance of ~~substance~~
10 ~~abusers and chronic substance abusers persons with~~
11 substance-related disorders admitted to the facility
12 voluntarily or pursuant to section 125.75, 125.81,
13 or 125.91 or section 321J.3 or 124.409 only to those
14 facilities that have a contract with the department
15 under this section, only for the amount computed
16 according to and within the limits of liability
17 prescribed by this section, and only when the ~~substance~~
18 ~~abuser or chronic substance abuser person with a~~
19 substance-related disorder is unable to pay the costs
20 and there is no other person, firm, corporation, or
21 insurance company bound to pay the costs.

22 The department's maximum liability for the costs
23 of care, treatment, and maintenance of ~~substance~~
24 ~~abusers and chronic substance abusers persons with~~
25 substance-related disorders in a contracting facility
26 is limited to the total amount agreed upon by the
27 parties and specified in the contract under this
28 section.

29 Sec. 40. Section 125.46, Code 2011, is amended to
30 read as follows:

31 125.46 County of residence determined.
32 The facility shall, when a ~~substance abuser~~
33 ~~or chronic substance abuser person with a~~
34 substance-related disorder is admitted, or as
35 soon thereafter as it receives the proper information,
36 determine and enter upon its records the Iowa county of
37 residence of the ~~substance abuser or chronic substance~~
38 ~~abuser person with a substance-related disorder~~, or
39 that the person resides in some other state or country,
40 or that the person is unclassified with respect to
41 residence.

42 Sec. 41. Section 125.75, unnumbered paragraph 1,
43 Code 2011, is amended to read as follows:

44 Proceedings for the involuntary commitment or
45 treatment of a ~~chronic substance abuser person with~~
46 a substance-related disorder to a facility may be
47 commenced by the county attorney or an interested
48 person by filing a verified application with the
49 clerk of the district court of the county where
50 the respondent is presently located or which is

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1 the respondent's place of residence. The clerk or
2 the clerk's designee shall assist the applicant in
3 completing the application. The application shall:

4 Sec. 42. Section 125.75, subsection 1, Code 2011,
5 is amended to read as follows:

6 1. State the applicant's belief that the
7 respondent is a ~~chronic substance abuser~~ person with a
8 substance-related disorder.

9 Sec. 43. Section 125.80, subsections 3 and 4, Code
10 2011, are amended to read as follows:

11 3. If the report of a court-designated physician
12 is to the effect that the respondent is not a ~~chronic~~
13 ~~substance abuser~~ person with a substance-related
14 disorder, the court, without taking further action, may
15 terminate the proceeding and dismiss the application on
16 its own motion and without notice.

17 4. If the report of a court-designated physician
18 is to the effect that the respondent is a ~~chronic~~
19 ~~substance abuser~~ person with a substance-related
20 disorder, the court shall schedule a commitment
21 hearing as soon as possible. The hearing shall be
22 held not more than forty-eight hours after the report
23 is filed, excluding Saturdays, Sundays, and holidays,
24 unless an extension for good cause is requested by
25 the respondent, or as soon thereafter as possible if
26 the court considers that sufficient grounds exist for
27 delaying the hearing.

28 Sec. 44. Section 125.81, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. If a person filing an application requests that
31 a respondent be taken into immediate custody, and the
32 court upon reviewing the application and accompanying
33 documentation, finds probable cause to believe that the
34 respondent is a ~~chronic substance abuser~~ person with
35 a substance-related disorder who is likely to injure
36 the person or other persons if allowed to remain at
37 liberty, the court may enter a written order directing
38 that the respondent be taken into immediate custody
39 by the sheriff, and be detained until the commitment
40 hearing, which shall be held no more than five days
41 after the date of the order, except that if the fifth
42 day after the date of the order is a Saturday, Sunday,
43 or a holiday, the hearing may be held on the next
44 business day. The court may order the respondent
45 detained for the period of time until the hearing is
46 held, and no longer except as provided in section
47 125.88, in accordance with subsection 2, paragraph
48 "a", if possible, and if not, then in accordance with
49 subsection 2, paragraph "b", or, only if neither of
50 these alternatives is available in accordance with

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1 subsection 2, paragraph "c".

2 Sec. 45. Section 125.82, subsection 4, Code 2011,
3 is amended to read as follows:

4 4. The respondent's welfare is paramount, and the
5 hearing shall be tried as a civil matter and conducted
6 in as informal a manner as is consistent with orderly
7 procedure. Discovery as permitted under the Iowa rules
8 of civil procedure is available to the respondent. The
9 court shall receive all relevant and material evidence,
10 but the court is not bound by the rules of evidence.

11 A presumption in favor of the respondent exists, and
12 the burden of evidence and support of the contentions
13 made in the application shall be upon the person who
14 filed the application. If upon completion of the
15 hearing the court finds that the contention that the
16 respondent is a ~~chronic substance abuser~~ person with a
17 substance-related disorder has not been sustained by
18 clear and convincing evidence, the court shall deny the
19 application and terminate the proceeding.

20 Sec. 46. Section 125.83, Code 2011, is amended to
21 read as follows:

22 125.83 Placement for evaluation.

23 If upon completion of the commitment hearing,
24 the court finds that the contention that the
25 respondent is a ~~chronic substance abuser~~ person with
26 a substance-related disorder has been sustained by
27 clear and convincing evidence, the court shall order
28 the respondent placed at a facility or under the
29 care of a suitable facility on an outpatient basis as
30 expeditiously as possible for a complete evaluation
31 and appropriate treatment. The court shall furnish to
32 the facility at the time of admission or outpatient
33 placement, a written statement of facts setting forth
34 the evidence on which the finding is based. The
35 administrator of the facility shall report to the court
36 no more than fifteen days after the individual is
37 admitted to or placed under the care of the facility,
38 which shall include the chief medical officer's
39 recommendation concerning substance abuse treatment.
40 An extension of time may be granted for a period not
41 to exceed seven days upon a showing of good cause. A
42 copy of the report shall be sent to the respondent's
43 attorney who may contest the need for an extension of
44 time if one is requested. If the request is contested,
45 the court shall make an inquiry as it deems appropriate
46 and may either order the respondent released from
47 the facility or grant extension of time for further
48 evaluation. If the administrator fails to report to
49 the court within fifteen days after the individual is
50 admitted to the facility, and no extension of time has

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1 been requested, the administrator is guilty of contempt
2 and shall be punished under chapter 665. The court
3 shall order a rehearing on the application to determine
4 whether the respondent should continue to be held at
5 the facility.

6 Sec. 47. Section 125.83A, subsection 1, Code 2011,
7 is amended to read as follows:

8 1. If upon completion of the commitment hearing,
9 the court finds that the contention that the
10 respondent is a ~~chronic substance abuser~~ person with a
11 substance-related disorder has been sustained by clear
12 and convincing evidence, and the court is furnished
13 evidence that the respondent is eligible for care
14 and treatment in a facility operated by the United
15 States department of veterans affairs or another
16 agency of the United States government and that the
17 facility is willing to receive the respondent, the
18 court may so order. The respondent, when so placed in
19 a facility operated by the United States department
20 of veterans affairs or another agency of the United
21 States government within or outside of this state,
22 shall be subject to the rules of the United States
23 department of veterans affairs or other agency, but
24 shall not lose any procedural rights afforded the
25 respondent by this chapter. The chief officer of the
26 facility shall have, with respect to the respondent
27 so placed, the same powers and duties as the chief
28 medical officer of a hospital in this state would
29 have in regard to submission of reports to the court,
30 retention of custody, transfer, convalescent leave, or
31 discharge. Jurisdiction is retained in the court to
32 maintain surveillance of the respondent's treatment and
33 care, and at any time to inquire into the respondent's
34 condition and the need for continued care and custody.

35 Sec. 48. Section 125.84, subsections 2, 3, and 4,
36 Code 2011, are amended to read as follows:

37 2. That the respondent is a ~~chronic substance~~
38 ~~abuser~~ person with a substance-related disorder who
39 is in need of full-time custody, care, and treatment
40 in a facility, and is considered likely to benefit
41 from treatment. If the report so states, the court
42 shall enter an order which may require the respondent's
43 continued placement and commitment to a facility for
44 appropriate treatment.

45 3. That the respondent is a ~~chronic substance~~
46 ~~abuser~~ person with a substance-related disorder who is
47 in need of treatment, but does not require full-time
48 placement in a facility. If the report so states,
49 the report shall include the chief medical officer's
50 recommendation for treatment of the respondent on an

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1 outpatient or other appropriate basis, and the court
2 shall enter an order which may direct the respondent to
3 submit to the recommended treatment. The order shall
4 provide that if the respondent fails or refuses to
5 submit to treatment, as directed by the court's order,
6 the court may order that the respondent be taken into
7 immediate custody as provided by section 125.81 and,
8 following notice and hearing held in accordance with
9 the procedures of sections 125.77 and 125.82, may order
10 the respondent treated as a patient requiring full-time
11 custody, care, and treatment as provided in subsection
12 2, and may order the respondent involuntarily committed
13 to a facility.

14 4. That the respondent is a ~~chronic substance~~
15 ~~abuser~~ person with a substance-related disorder who is
16 in need of treatment, but in the opinion of the chief
17 medical officer is not responding to the treatment
18 provided. If the report so states, the report shall
19 include the facility administrator's recommendation
20 for alternative placement, and the court shall enter
21 an order which may direct the respondent's transfer
22 to the recommended placement or to another placement
23 after consultation with respondent's attorney and the
24 facility administrator who made the report under this
25 subsection.

26 Sec. 49. Section 125.91, subsections 1, 2, and 3,
27 Code 2011, are amended to read as follows:

28 1. The procedure prescribed by this section
29 shall only be used for ~~an intoxicated~~ a person with
30 a substance-related disorder due to intoxication or
31 substance-induced incapacitation who has threatened,
32 attempted, or inflicted physical self-harm or harm on
33 another, and is likely to inflict physical self-harm or
34 harm on another unless immediately detained, or who is
35 incapacitated by a ~~chemical~~ substance, if that person
36 cannot be taken into immediate custody under sections
37 125.75 and 125.81 because immediate access to the court
38 is not possible.

39 2. a. A peace officer who has reasonable
40 grounds to believe that the circumstances described
41 in subsection 1 are applicable may, without a
42 warrant, take or cause that person to be taken to the
43 nearest available facility referred to in section
44 125.81, subsection 2, paragraph "b" or "c". Such
45 ~~an intoxicated or incapacitated~~ a person with a
46 substance-related disorder due to intoxication or
47 substance-induced incapacitation who also demonstrates
48 a significant degree of distress or dysfunction may
49 also be delivered to a facility by someone other than
50 a peace officer upon a showing of reasonable grounds.

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1 Upon delivery of the person to a facility under this
2 section, the examining physician may order treatment
3 of the person, but only to the extent necessary to
4 preserve the person's life or to appropriately control
5 the person's behavior if the behavior is likely to
6 result in physical injury to the person or others
7 if allowed to continue. The peace officer or other
8 person who delivered the person to the facility
9 shall describe the circumstances of the matter to
10 the examining physician. If the person is a peace
11 officer, the peace officer may do so either in person
12 or by written report. If the examining physician has
13 reasonable grounds to believe that the circumstances in
14 subsection 1 are applicable, the examining physician
15 shall at once communicate with the nearest available
16 magistrate as defined in section 801.4, subsection 10.
17 The magistrate shall, based upon the circumstances
18 described by the examining physician, give the
19 examining physician oral instructions either directing
20 that the person be released forthwith, or authorizing
21 the person's detention in an appropriate facility.
22 The magistrate may also give oral instructions and
23 order that the detained person be transported to an
24 appropriate facility.

25 b. If the magistrate orders that the person be
26 detained, the magistrate shall, by the close of
27 business on the next working day, file a written order
28 with the clerk in the county where it is anticipated
29 that an application may be filed under section 125.75.
30 The order may be filed by facsimile if necessary. The
31 order shall state the circumstances under which the
32 person was taken into custody or otherwise brought to
33 a facility and the grounds supporting the finding of
34 probable cause to believe that the person is a ~~chronic~~
35 ~~substance abuser~~ person with a substance-related
36 disorder likely to result in physical injury to the
37 person or others if not detained. The order shall
38 confirm the oral order authorizing the person's
39 detention including any order given to transport the
40 person to an appropriate facility. The clerk shall
41 provide a copy of that order to the ~~chief medical~~
42 ~~officer of the facility~~ attending physician, to
43 which the person was originally taken, any subsequent
44 facility to which the person was transported, and
45 to any law enforcement department or ambulance
46 service that transported the person pursuant to the
47 magistrate's order.

48 3. The ~~chief medical officer of the facility~~
49 attending physician shall examine and may detain the
50 person pursuant to the magistrate's order for a period

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1 not to exceed forty-eight hours from the time the order
2 is dated, excluding Saturdays, Sundays, and holidays,
3 unless the order is dismissed by a magistrate. The
4 facility may provide treatment which is necessary to
5 preserve the person's life or to appropriately control
6 the person's behavior if the behavior is likely to
7 result in physical injury to the person or others if
8 allowed to continue or is otherwise deemed medically
9 necessary by the ~~chief medical officer~~ attending
10 physician, but shall not otherwise provide treatment to
11 the person without the person's consent. The person
12 shall be discharged from the facility and released
13 from detention no later than the expiration of the
14 forty-eight-hour period, unless an application for
15 involuntary commitment is filed with the clerk pursuant
16 to section 125.75. The detention of a person by the
17 procedure in this section, and not in excess of the
18 period of time prescribed by this section, shall not
19 render the peace officer, attending physician, or
20 facility detaining the person liable in a criminal or
21 civil action for false arrest or false imprisonment
22 if the peace officer, physician, or facility had
23 reasonable grounds to believe that the circumstances
24 described in subsection 1 were applicable.

25 Sec. 50. Section 226.9C, subsection 2, paragraph c,
26 Code 2011, is amended to read as follows:

27 c.(1) Prior to an individual's admission for dual
28 diagnosis treatment, the individual shall have been
29 prescreened. The person performing the prescreening
30 shall be either the mental health professional, as
31 defined in section 228.1, who is contracting with the
32 county central-point-of-coordination process to provide
33 the prescreening or a mental health professional
34 with the requisite qualifications. A mental health
35 professional with the requisite qualifications shall
36 meet all of the following qualifications: is a mental
37 health professional as defined in section 228.1, is
38 a certified alcohol and drug counselor certified by
39 the nongovernmental Iowa board of substance abuse
40 certification, and is employed by or providing services
41 for a facility, as defined in section 125.2.

42 (2) Prior to an individual's admission for dual
43 diagnosis treatment, the individual shall have
44 been screened through a county's central point of
45 coordination process implemented pursuant to section
46 331.440 to determine the appropriateness of the
47 treatment.

48 Sec. 51. Section 229.1, subsection 12, Code 2011,
49 is amended to read as follows:

50 12. "Psychiatric advanced registered nurse

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1 practitioner" means an individual currently licensed as
2 a registered nurse under chapter 152 or 152E who holds
3 a national certification in psychiatric mental health
4 care and who is registered with the board of nursing as
5 an advanced registered nurse practitioner.

6 Sec. 52. Section 229.15, subsection 3, paragraph a,
7 Code 2011, is amended to read as follows:

8 a. A psychiatric advanced registered nurse
9 practitioner treating a patient previously hospitalized
10 under this chapter may complete periodic reports
11 pursuant to this section on the patient if the patient
12 has been recommended for treatment on an outpatient or
13 other appropriate basis pursuant to section 229.14,
14 subsection 1, paragraph "c"; ~~and if a psychiatrist~~
15 ~~licensed pursuant to chapter 148 personally evaluates~~
16 ~~the patient on at least an annual basis.~~

17 Sec. 53. Section 229.21, subsection 2, Code 2011,
18 is amended to read as follows:

19 2. When an application for involuntary
20 hospitalization under this chapter or an application
21 for involuntary commitment or treatment of ~~chronic~~
22 ~~substance abusers~~ persons with substance-related
23 disorders under sections 125.75 to 125.94 is filed with
24 the clerk of the district court in any county for which
25 a judicial hospitalization referee has been appointed,
26 and no district judge, district associate judge, or
27 magistrate who is admitted to the practice of law in
28 this state is accessible, the clerk shall immediately
29 notify the referee in the manner required by section
30 229.7 or section 125.77. The referee shall discharge
31 all of the duties imposed upon the court by sections
32 229.7 to 229.22 or sections 125.75 to 125.94 in the
33 proceeding so initiated. Subject to the provisions of
34 subsection 4, orders issued by a referee, in discharge
35 of duties imposed under this section, shall have the
36 same force and effect as if ordered by a district
37 judge. However, any commitment to a facility regulated
38 and operated under chapter 135C, shall be in accordance
39 with section 135C.23.

40 Sec. 54. Section 229.21, subsection 3, paragraphs a
41 and b, Code 2011, are amended to read as follows:

42 a. Any respondent with respect to whom the
43 magistrate or judicial hospitalization referee has
44 found the contention that the respondent is seriously
45 mentally impaired or a ~~chronic substance abuser~~ person
46 with a substance-related disorder sustained by clear
47 and convincing evidence presented at a hearing held
48 under section 229.12 or section 125.82, may appeal from
49 the magistrate's or referee's finding to a judge of the
50 district court by giving the clerk notice in writing,

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1 within ten days after the magistrate's or referee's
2 finding is made, that an appeal is taken. The appeal
3 may be signed by the respondent or by the respondent's
4 next friend, guardian, or attorney.

5 b. An order of a magistrate or judicial
6 hospitalization referee with a finding that the
7 respondent is seriously mentally impaired or a ~~chronic~~
8 ~~substance abuser~~ person with a substance-related
9 disorder shall include the following notice, located
10 conspicuously on the face of the order:

11 NOTE: The respondent may appeal from this order to a
12 judge of the district court by giving written notice of
13 the appeal to the clerk of the district court within
14 ten days after the date of this order. The appeal may
15 be signed by the respondent or by the respondent's next
16 friend, guardian, or attorney. For a more complete
17 description of the respondent's appeal rights, consult
18 section 229.21 of the Code of Iowa or an attorney.

19 Sec. 55. Section 229.21, subsection 4, Code 2011,
20 is amended to read as follows:

21 4. If the appellant is in custody under the
22 jurisdiction of the district court at the time
23 of service of the notice of appeal, the appellant
24 shall be discharged from custody unless an order
25 that the appellant be taken into immediate custody
26 has previously been issued under section 229.11 or
27 section 125.81, in which case the appellant shall
28 be detained as provided in that section until the
29 hospitalization or commitment hearing before the
30 district judge. If the appellant is in the custody of
31 a hospital or facility at the time of service of the
32 notice of appeal, the appellant shall be discharged
33 from custody pending disposition of the appeal unless
34 the chief medical officer, not later than the end of
35 the next secular day on which the office of the clerk
36 is open and which follows service of the notice of
37 appeal, files with the clerk a certification that in
38 the chief medical officer's opinion the appellant is
39 seriously mentally ill or a ~~substance abuser~~ person
40 with a substance-related disorder. In that case, the
41 appellant shall remain in custody of the hospital
42 or facility until the hospitalization or commitment
43 hearing before the district court.

44 Sec. 56. Section 230.15, unnumbered paragraph 2,
45 Code 2011, is amended to read as follows:

46 A ~~substance abuser or chronic substance abuser~~
47 person with a substance-related disorder is legally
48 liable for the total amount of the cost of providing
49 care, maintenance, and treatment for the ~~substance~~
50 ~~abuser or chronic substance abuser~~ person with a

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1 ~~substance-related disorder~~ while a voluntary or
2 committed patient. When a portion of the cost is paid
3 by a county, the ~~substance abuser or chronic substance~~
4 ~~abuser~~ person with a substance-related disorder is
5 legally liable to the county for the amount paid.

6 The ~~substance abuser or chronic substance abuser~~
7 person with a substance-related disorder shall assign
8 any claim for reimbursement under any contract of
9 indemnity, by insurance or otherwise, providing for
10 the ~~abuser's person's~~ care, maintenance, and treatment
11 in a state hospital to the state. Any payments
12 received by the state from or on behalf of a ~~substance~~
13 ~~abuser or chronic substance abuser~~ person with a
14 substance-related disorder shall be in part credited
15 to the county in proportion to the share of the costs
16 paid by the county. Nothing in this section shall be
17 construed to prevent a relative or other person from
18 voluntarily paying the full actual cost or any portion
19 of the care and treatment of any person with mental
20 illness, ~~substance abuser, or chronic substance abuser~~
21 or a substance-related disorder as established by the
22 department of human services.

23 Sec. 57. Section 232.116, subsection 1, paragraph
24 1, subparagraph (2), Code 2011, is amended to read as
25 follows:

26 (2) The parent has a severe, ~~chronic substance~~
27 ~~abuse problem,~~ substance-related disorder and presents
28 a danger to self or others as evidenced by prior acts.

29 Sec. 58. Section 600A.8, subsection 8, paragraph a,
30 Code 2011, is amended to read as follows:

31 a. The parent has been determined to be a ~~chronic~~
32 ~~substance abuser~~ person with a substance-related
33 disorder as defined in section 125.2 and the parent has
34 committed a second or subsequent domestic abuse assault
35 pursuant to section 708.2A.

36 Sec. 59. Section 602.4201, subsection 3, paragraph
37 h, Code 2011, is amended to read as follows:

38 h. Involuntary commitment or treatment of ~~substance~~
39 ~~abusers~~ persons with a substance-related disorders.

40 Sec. 60. IMPLEMENTATION OF ACT. Section 25B.2,
41 subsection 3, shall not apply to this division of this
42 Act.

43 Sec. 61. EFFECTIVE DATE. This division of this Act
44 takes effect July 1, 2012.>

SCHULTE of Linn

H-1718

1 Amend House File 691 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 331.512, Code 2011, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 13A. Carry out duties relating to
7 the business property tax credit as provided in chapter
8 426C.

9 Sec. 2. Section 331.559, Code 2011, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 14A. Carry out duties relating to
12 the business property tax credit as provided in chapter
13 426C.

14 Sec. 3. NEW SECTION. 426C.1 Definitions.

15 For the purposes of this chapter, unless the context
16 otherwise requires:

17 1. "Contiguous parcels" means any of the following:

18 a. Parcels that share a common boundary.

19 b. Parcels within the same building or structure

20 regardless of whether the parcels share a common
21 boundary.

22 c. Improvements to the land that are situated on
23 one or more parcels of land that are assessed and taxed
24 separately from the improvements if the parcels of land
25 upon which the improvements are situated share a common
26 boundary.

27 2. "Department" means the department of revenue.

28 3. "Fund" means the business property tax credit
29 fund created in section 426C.2.

30 4. "Parcel" means as defined in section 445.1.

31 5. "Property unit" means contiguous parcels all of
32 which are located within the same county, with the same
33 property tax classification, each of which contains
34 permanent improvements, are owned by the same person,
35 and are operated by that person for a common use and
36 purpose.

37 Sec. 4. NEW SECTION. 426C.2 Business property tax
38 credit fund — appropriation.

39 1. A business property tax credit fund is created
40 in the state treasury under the authority of the
41 department. For the fiscal year beginning July 1,
42 2012, there is appropriated from the general fund of
43 the state to the department to be credited to the
44 fund, the sum of fifty million dollars to be used
45 for business property tax credits authorized in this
46 chapter. For the fiscal year beginning July 1, 2013,
47 and each fiscal year thereafter, there is appropriated
48 from the general fund of the state to the department
49 to be credited to the fund an amount equal to the
50 total amount appropriated by the general assembly to

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1 the fund in the previous fiscal year. In addition,
2 the sum of fifty million dollars shall be added to the
3 appropriation in each fiscal year beginning on or after
4 July 1, 2013, if the revenue estimating conference
5 certifies during its final meeting of the calendar year
6 ending prior to the beginning of the fiscal year that
7 the total amount of general fund revenues collected
8 during the fiscal year ending during such calendar year
9 was at least one hundred four percent of the total
10 amount of general fund revenues collected during the
11 previous fiscal year. However, the total appropriation
12 to the fund shall not exceed two hundred million
13 dollars for any one fiscal year.

14 2. Notwithstanding section 12C.7, subsection 2,
15 interest or earnings on moneys deposited in the fund
16 shall be credited to the fund. Moneys in the fund are
17 not subject to the provisions of section 8.33 and shall
18 not be transferred, used, obligated, appropriated,
19 or otherwise encumbered except as provided in this
20 chapter.

21 Sec. 5. NEW SECTION. 426C.3 Claims for credit.

22 1. Each person who wishes to claim the credit
23 allowed under this chapter shall obtain the appropriate
24 forms from the assessor and file the claim with the
25 assessor. The director of revenue shall prescribe
26 suitable forms and instructions for such claims, and
27 make such forms and instructions available to the
28 assessors.

29 2. a. Claims for the business property tax credit
30 shall be filed not later than March 15 preceding the
31 fiscal year during which the taxes for which the credit
32 is claimed are due and payable.

33 b. A claim filed after the deadline for filing
34 claims shall be considered as a claim for the following
35 year.

36 3. Upon the filing of a claim and allowance of the
37 credit, the credit shall be allowed on the parcel or
38 property unit for successive years without further
39 filing as long as the parcel or property unit satisfies
40 the requirements for the credit. If the parcel or
41 property unit owner ceases to qualify for the credit
42 under this chapter, the owner shall provide written
43 notice to the assessor by the date for filing claims
44 specified in subsection 2 following the date on which
45 the parcel or property unit ceases to qualify for the
46 credit.

47 4. When all or a portion of a parcel or property
48 unit that is allowed a credit under this chapter is
49 sold, transferred, or ownership otherwise changes, the
50 buyer, transferee, or new owner who wishes to receive

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1 the credit shall refile the claim for credit. When a
2 portion of a parcel or property unit that is allowed
3 a credit under this chapter is sold, transferred, or
4 ownership otherwise changes, the owner of the portion
5 of the parcel or property unit for which ownership did
6 not change shall refile the claim for credit.

7 5. The assessor shall remit the claims for
8 credit to the county auditor with the assessor's
9 recommendation for allowance or disallowance. If
10 the assessor recommends disallowance of a claim,
11 the assessor shall submit the reasons for the
12 recommendation, in writing, to the county auditor. The
13 county auditor shall forward the claims to the board
14 of supervisors. The board shall allow or disallow the
15 claims.

16 6. For each claim and allowance of a credit for
17 a property unit, the county auditor shall calculate
18 the average of all consolidated levy rates applicable
19 to the several parcels within the property unit. All
20 claims for credit which have been allowed by the board
21 of supervisors, the actual value of the improvements
22 to such parcels and property units applicable to
23 the fiscal year for which the credit is claimed
24 that are subject to assessment and taxation prior to
25 imposition of any applicable assessment limitation,
26 the consolidated levy rates for such parcels and the
27 average consolidated levy rates for such property units
28 applicable to the fiscal year for which the credit is
29 claimed, and the taxing districts in which the parcel
30 or property unit is located, shall be certified on or
31 before June 30, in each year, by the county auditor to
32 the department.

33 7. The assessor shall maintain a permanent file of
34 current business property tax credits. The assessor
35 shall file a notice of transfer of property for which a
36 credit has been allowed when notice is received from
37 the office of the county recorder, from the person
38 who sold or transferred the property, or from the
39 personal representative of a deceased property owner.
40 The county recorder shall give notice to the assessor
41 of each transfer of title filed in the recorder's
42 office. The notice from the county recorder shall
43 describe the property transferred, the name of the
44 person transferring title to the property, and the name
45 of the person to whom title to the property has been
46 transferred.

47 Sec. 6. NEW SECTION. 426C.4 Eligibility and amount
48 of credit.

49 1. Each parcel classified and taxed as commercial
50 property, industrial property, or railway property

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1 under chapter 434, and improved with permanent
2 construction, is eligible for a credit under this
3 chapter. A person may claim and receive one credit
4 under this chapter for each eligible parcel unless
5 the parcel is part of a property unit. A person
6 may only claim and receive one credit under this
7 chapter for each property unit. A credit approved
8 for a property unit shall be allocated to the several
9 parcels within the property unit in the proportion
10 that each parcel's total amount of property taxes due
11 and payable attributable to the improvements bears to
12 the total amount of property taxes due and payable
13 attributable to the improvements for the property unit.
14 Only property units comprised of commercial property,
15 comprised of industrial property, or comprised of
16 railway property under chapter 434 are eligible for a
17 credit under this chapter.

18 2. Using the actual value of the improvements and
19 the consolidated levy rate for each parcel or the
20 average consolidated levy rate for each property unit,
21 as certified by the county auditor to the department
22 under section 426C.3, subsection 6, the department
23 shall calculate, for each fiscal year, an initial
24 amount of actual value of improvements for use in
25 determining the amount of the credit for each such
26 parcel or property unit so as to provide the maximum
27 possible credit according to the credit formula and
28 limitations under subsection 3, and to provide a
29 total dollar amount of credits against the taxes due
30 and payable in the fiscal year equal to ninety-eight
31 percent of the moneys in the fund following the deposit
32 of the total appropriation for the fiscal year.

33 3. a. The amount of the credit for each parcel or
34 property unit for which a claim for credit under this
35 chapter has been approved shall be calculated under
36 paragraph "b" using the lesser of the initial amount
37 of actual value of the improvements determined by the
38 department under subsection 2, and the actual value
39 of the improvements to the parcel or property unit as
40 certified by the county auditor under section 426C.3,
41 subsection 6.

42 b. The amount of the credit for each parcel or
43 property unit for which a claim for credit under
44 this chapter has been approved shall be equal to the
45 amount of actual value determined under paragraph "a"
46 multiplied by the difference, stated as a percentage,
47 between the assessment limitation applicable to
48 the parcel or property unit under section 441.21,
49 subsection 5, and the assessment limitation applicable
50 to residential property under section 441.21,

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1 subsection 4, divided by one thousand dollars, and then
2 multiplied by the consolidated levy rate or average
3 consolidated levy rate for one thousand dollars of
4 taxable value applicable to the parcel or property unit
5 for the fiscal year for which the credit is claimed as
6 certified by the county auditor under section 426C.3,
7 subsection 6.

8 Sec. 7. NEW SECTION. 426C.5 Payment to counties.

9 1. Annually the department shall certify to the
10 county auditor of each county the amounts of the
11 business property tax credits allowed in the county.
12 Each county auditor shall then enter the credits
13 against the tax levied on each eligible parcel or
14 property unit in the county, designating on the tax
15 lists the credit as being from the fund. Each taxing
16 district shall receive its share of the business
17 property tax credit allowed on each eligible parcel
18 or property unit in such taxing district, in the
19 proportion that the levy made by such taxing district
20 upon the parcel or property unit bears to the total
21 levy upon the parcel or property unit by all taxing
22 districts imposing a property tax in such taxing
23 district. However, the several taxing districts
24 shall not draw the moneys so credited until after the
25 semiannual allocations have been received by the county
26 treasurer, as provided in this section. Each county
27 treasurer shall show on each tax receipt the amount of
28 credit received from the fund.

29 2. The director of the department of administrative
30 services shall issue warrants on the fund payable to
31 the county treasurers of the several counties of the
32 state under this chapter.

33 3. The amount due each county shall be paid in two
34 payments on November 15 and March 15 of each fiscal
35 year, drawn upon warrants payable to the respective
36 county treasurers. The two payments shall be as nearly
37 equal as possible.

38 Sec. 8. NEW SECTION. 426C.6 Appeals.

39 1. If the board of supervisors disallows a claim
40 for credit under section 426C.3, subsection 5, the
41 board of supervisors shall send written notice, by
42 mail, to the claimant at the claimant's last known
43 address. The notice shall state the reasons for
44 disallowing the claim for the credit. The board of
45 supervisors is not required to send notice that a claim
46 for credit is disallowed if the claimant voluntarily
47 withdraws the claim. Any person whose claim is denied
48 under the provisions of this chapter may appeal from
49 the action of the board of supervisors to the district
50 court of the county in which the parcel or property

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1 unit is located by giving written notice of such appeal
2 to the county auditor within twenty days from the date
3 of mailing of notice of such action by the board of
4 supervisors.

5 2. If any claim for credit has been denied by the
6 board of supervisors, and such action is subsequently
7 reversed on appeal, the credit shall be allowed on the
8 applicable parcel or property unit, and the director of
9 revenue, the county auditor, and the county treasurer
10 shall provide the credit and change their books and
11 records accordingly. In the event the appealing
12 taxpayer has paid one or both of the installments of
13 the tax payable in the year or years in question,
14 remittance shall be made to such taxpayer of the amount
15 of such credit. The amount of such credit awarded on
16 appeal shall be allocated and paid from the balance
17 remaining in the fund.

18 Sec. 9. NEW SECTION. 426C.7 Audit — denial.

19 1. If on the audit of a credit provided under this
20 chapter, the director of revenue determines the amount
21 of the credit to have been incorrectly calculated or
22 that the credit is not allowable, the director shall
23 recalculate the credit and notify the taxpayer and the
24 county auditor of the recalculation or denial and the
25 reasons for it. The director shall not adjust a credit
26 after three years from October 31 of the year in which
27 the claim for the credit was filed. If the credit has
28 been paid, the director shall give notification to the
29 taxpayer, the county treasurer, and the applicable
30 assessor of the recalculation or denial of the credit
31 and the county treasurer shall proceed to collect the
32 tax owed in the same manner as other property taxes due
33 and payable are collected, if the parcel or property
34 unit for which the credit was allowed is still owned
35 by the taxpayer. If the parcel or property unit
36 for which the credit was allowed is not owned by the
37 taxpayer, the amount may be recovered from the taxpayer
38 by assessment in the same manner that income taxes are
39 assessed under sections 422.26 and 422.30. The amount
40 of such erroneous credit, when collected, shall be
41 deposited in the fund.

42 2. The taxpayer or board of supervisors may
43 appeal any decision of the director of revenue to the
44 state board of tax review pursuant to section 421.1,
45 subsection 5. The taxpayer, the board of supervisors,
46 or the director of revenue may seek judicial review
47 of the action of the state board of tax review in
48 accordance with chapter 17A.

49 Sec. 10. NEW SECTION. 426C.8 False claim —
50 penalty.

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1 A person who makes a false claim for the purpose of
2 obtaining a credit provided for in this chapter or who
3 knowingly receives the credit without being legally
4 entitled to it is guilty of a fraudulent practice. The
5 claim for a credit of such a person shall be disallowed
6 and if the credit has been paid the amount shall be
7 recovered in the manner provided in section 426C.7. In
8 such cases, the director of revenue shall send a notice
9 of disallowance of the credit.

10 Sec. 11. NEW SECTION. 426C.9 Rules.

11 The director of revenue shall prescribe forms,
12 instructions, and rules pursuant to chapter 17A, as
13 necessary, to carry out the purposes of this chapter.

14 Sec. 12. IMPLEMENTATION. Notwithstanding the
15 deadline for filing claims established in section
16 426C.3, for a credit against property taxes due and
17 payable during the fiscal year beginning July 1, 2012,
18 the claim for the credit shall be filed not later than
19 January 15, 2012.

20 Sec. 13. APPLICABILITY. This Act applies to
21 property taxes due and payable in fiscal years
22 beginning on or after July 1, 2012.>

23 2. Title page, by striking lines 1 through 5
24 and inserting <An Act establishing a property tax
25 credit for certain commercial, industrial, and
26 railway property, providing penalties, and including
27 applicability provisions.>

THOMAS of Clayton

H-1719

1 Amend the amendment, H-1716, to Senate File 522, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 23,
4 line 7 and inserting:

5 <<Section 1. Section 331.512, Code 2011, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 13A. Carry out duties relating to
8 the business property tax credit as provided in chapter
9 426C.

10 Sec. 2. Section 331.559, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 14A. Carry out duties relating to
13 the business property tax credit as provided in chapter
14 426C.

15 Sec. 3. NEW SECTION. 426C.1 Definitions.

16 For the purposes of this chapter, unless the context
17 otherwise requires:

18 1. "Contiguous parcels" means any of the following:

19 a. Parcels that share a common boundary.
20 b. Parcels within the same building or structure
21 regardless of whether the parcels share a common
22 boundary.
23 c. Improvements to the land that are situated on
24 one or more parcels of land that are assessed and taxed
25 separately from the improvements if the parcels of land
26 upon which the improvements are situated share a common
27 boundary.
28 2. "Department" means the department of revenue.
29 3. "Fund" means the business property tax credit
30 fund created in section 426C.2.
31 4. "Parcel" means as defined in section 445.1.
32 5. "Property unit" means contiguous parcels all of
33 which are located within the same county, with the same
34 property tax classification, each of which contains
35 permanent improvements, are owned by the same person,
36 and are operated by that person for a common use and
37 purpose.
38 Sec. 4. **NEW SECTION.** 426C.2 Business property tax
39 credit fund — appropriation.
40 1. A business property tax credit fund is created
41 in the state treasury under the authority of the
42 department. For the fiscal year beginning July 1,
43 2012, there is appropriated from the general fund of
44 the state to the department to be credited to the
45 fund, the sum of fifty million dollars to be used
46 for business property tax credits authorized in this
47 chapter. For the fiscal year beginning July 1, 2013,
48 and each fiscal year thereafter, there is appropriated
49 from the general fund of the state to the department
50 to be credited to the fund an amount equal to the

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1 total amount appropriated by the general assembly to
2 the fund in the previous fiscal year. In addition,
3 the sum of fifty million dollars shall be added to the
4 appropriation in each fiscal year beginning on or after
5 July 1, 2013, if the revenue estimating conference
6 certifies during its final meeting of the calendar year
7 ending prior to the beginning of the fiscal year that
8 the total amount of general fund revenues collected
9 during the fiscal year ending during such calendar year
10 was at least one hundred four percent of the total
11 amount of general fund revenues collected during the
12 previous fiscal year. However, the total appropriation
13 to the fund shall not exceed two hundred million
14 dollars for any one fiscal year.
15 2. Notwithstanding section 12C.7, subsection 2,
16 interest or earnings on moneys deposited in the fund
17 shall be credited to the fund. Moneys in the fund are

18 not subject to the provisions of section 8.33 and shall
19 not be transferred, used, obligated, appropriated,
20 or otherwise encumbered except as provided in this
21 chapter.

22 Sec. 5. NEW SECTION. 426C.3 Claims for credit.

23 1. Each person who wishes to claim the credit
24 allowed under this chapter shall obtain the appropriate
25 forms from the assessor and file the claim with the
26 assessor. The director of revenue shall prescribe
27 suitable forms and instructions for such claims, and
28 make such forms and instructions available to the
29 assessors.

30 2. a. Claims for the business property tax credit
31 shall be filed not later than March 15 preceding the
32 fiscal year during which the taxes for which the credit
33 is claimed are due and payable.

34 b. A claim filed after the deadline for filing
35 claims shall be considered as a claim for the following
36 year.

37 3. Upon the filing of a claim and allowance of the
38 credit, the credit shall be allowed on the parcel or
39 property unit for successive years without further
40 filing as long as the parcel or property unit satisfies
41 the requirements for the credit. If the parcel or
42 property unit owner ceases to qualify for the credit
43 under this chapter, the owner shall provide written
44 notice to the assessor by the date for filing claims
45 specified in subsection 2 following the date on which
46 the parcel or property unit ceases to qualify for the
47 credit.

48 4. When all or a portion of a parcel or property
49 unit that is allowed a credit under this chapter is
50 sold, transferred, or ownership otherwise changes, the

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1 buyer, transferee, or new owner who wishes to receive
2 the credit shall refile the claim for credit. When a
3 portion of a parcel or property unit that is allowed
4 a credit under this chapter is sold, transferred, or
5 ownership otherwise changes, the owner of the portion
6 of the parcel or property unit for which ownership did
7 not change shall refile the claim for credit.

8 5. The assessor shall remit the claims for
9 credit to the county auditor with the assessor's
10 recommendation for allowance or disallowance. If
11 the assessor recommends disallowance of a claim,
12 the assessor shall submit the reasons for the
13 recommendation, in writing, to the county auditor. The
14 county auditor shall forward the claims to the board
15 of supervisors. The board shall allow or disallow the
16 claims.

17 6. For each claim and allowance of a credit for
18 a property unit, the county auditor shall calculate
19 the average of all consolidated levy rates applicable
20 to the several parcels within the property unit. All
21 claims for credit which have been allowed by the board
22 of supervisors, the actual value of the improvements
23 to such parcels and property units applicable to
24 the fiscal year for which the credit is claimed
25 that are subject to assessment and taxation prior to
26 imposition of any applicable assessment limitation,
27 the consolidated levy rates for such parcels and the
28 average consolidated levy rates for such property units
29 applicable to the fiscal year for which the credit is
30 claimed, and the taxing districts in which the parcel
31 or property unit is located, shall be certified on or
32 before June 30, in each year, by the county auditor to
33 the department.

34 7. The assessor shall maintain a permanent file of
35 current business property tax credits. The assessor
36 shall file a notice of transfer of property for which a
37 credit has been allowed when notice is received from
38 the office of the county recorder, from the person
39 who sold or transferred the property, or from the
40 personal representative of a deceased property owner.
41 The county recorder shall give notice to the assessor
42 of each transfer of title filed in the recorder's
43 office. The notice from the county recorder shall
44 describe the property transferred, the name of the
45 person transferring title to the property, and the name
46 of the person to whom title to the property has been
47 transferred.

48 Sec. 6. NEW SECTION. 426C.4 Eligibility and amount
49 of credit.

50 1. Each parcel classified and taxed as commercial

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1 property, industrial property, or railway property
2 under chapter 434, and improved with permanent
3 construction, is eligible for a credit under this
4 chapter. A person may claim and receive one credit
5 under this chapter for each eligible parcel unless
6 the parcel is part of a property unit. A person
7 may only claim and receive one credit under this
8 chapter for each property unit. A credit approved
9 for a property unit shall be allocated to the several
10 parcels within the property unit in the proportion
11 that each parcel's total amount of property taxes due
12 and payable attributable to the improvements bears to
13 the total amount of property taxes due and payable
14 attributable to the improvements for the property unit.
15 Only property units comprised of commercial property,

16 comprised of industrial property, or comprised of
17 railway property under chapter 434 are eligible for a
18 credit under this chapter.

19 2. Using the actual value of the improvements and
20 the consolidated levy rate for each parcel or the
21 average consolidated levy rate for each property unit,
22 as certified by the county auditor to the department
23 under section 426C.3, subsection 6, the department
24 shall calculate, for each fiscal year, an initial
25 amount of actual value of improvements for use in
26 determining the amount of the credit for each such
27 parcel or property unit so as to provide the maximum
28 possible credit according to the credit formula and
29 limitations under subsection 3, and to provide a
30 total dollar amount of credits against the taxes due
31 and payable in the fiscal year equal to ninety-eight
32 percent of the moneys in the fund following the deposit
33 of the total appropriation for the fiscal year.

34 3. a. The amount of the credit for each parcel or
35 property unit for which a claim for credit under this
36 chapter has been approved shall be calculated under
37 paragraph "b" using the lesser of the initial amount
38 of actual value of the improvements determined by the
39 department under subsection 2, and the actual value
40 of the improvements to the parcel or property unit as
41 certified by the county auditor under section 426C.3,
42 subsection 6.

43 b. The amount of the credit for each parcel or
44 property unit for which a claim for credit under
45 this chapter has been approved shall be equal to the
46 amount of actual value determined under paragraph "a"
47 multiplied by the difference, stated as a percentage,
48 between the assessment limitation applicable to
49 the parcel or property unit under section 441.21,
50 subsection 5, and the assessment limitation applicable

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1 to residential property under section 441.21,
2 subsection 4, divided by one thousand dollars, and then
3 multiplied by the consolidated levy rate or average
4 consolidated levy rate for one thousand dollars of
5 taxable value applicable to the parcel or property unit
6 for the fiscal year for which the credit is claimed as
7 certified by the county auditor under section 426C.3,
8 subsection 6.

9 Sec. 7. NEW SECTION. 426C.5 Payment to counties.

10 1. Annually the department shall certify to the
11 county auditor of each county the amounts of the
12 business property tax credits allowed in the county.
13 Each county auditor shall then enter the credits
14 against the tax levied on each eligible parcel or

15 property unit in the county, designating on the tax
16 lists the credit as being from the fund. Each taxing
17 district shall receive its share of the business
18 property tax credit allowed on each eligible parcel
19 or property unit in such taxing district, in the
20 proportion that the levy made by such taxing district
21 upon the parcel or property unit bears to the total
22 levy upon the parcel or property unit by all taxing
23 districts imposing a property tax in such taxing
24 district. However, the several taxing districts
25 shall not draw the moneys so credited until after the
26 semiannual allocations have been received by the county
27 treasurer, as provided in this section. Each county
28 treasurer shall show on each tax receipt the amount of
29 credit received from the fund.

30 2. The director of the department of administrative
31 services shall issue warrants on the fund payable to
32 the county treasurers of the several counties of the
33 state under this chapter.

34 3. The amount due each county shall be paid in two
35 payments on November 15 and March 15 of each fiscal
36 year, drawn upon warrants payable to the respective
37 county treasurers. The two payments shall be as nearly
38 equal as possible.

39 Sec. 8. **NEW SECTION.** 426C.6 Appeals.

40 1. If the board of supervisors disallows a claim
41 for credit under section 426C.3, subsection 5, the
42 board of supervisors shall send written notice, by
43 mail, to the claimant at the claimant's last known
44 address. The notice shall state the reasons for
45 disallowing the claim for the credit. The board of
46 supervisors is not required to send notice that a claim
47 for credit is disallowed if the claimant voluntarily
48 withdraws the claim. Any person whose claim is denied
49 under the provisions of this chapter may appeal from
50 the action of the board of supervisors to the district

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1 court of the county in which the parcel or property
2 unit is located by giving written notice of such appeal
3 to the county auditor within twenty days from the date
4 of mailing of notice of such action by the board of
5 supervisors.

6 2. If any claim for credit has been denied by the
7 board of supervisors, and such action is subsequently
8 reversed on appeal, the credit shall be allowed on the
9 applicable parcel or property unit, and the director of
10 revenue, the county auditor, and the county treasurer
11 shall provide the credit and change their books and
12 records accordingly. In the event the appealing
13 taxpayer has paid one or both of the installments of

14 the tax payable in the year or years in question,
15 remittance shall be made to such taxpayer of the amount
16 of such credit. The amount of such credit awarded on
17 appeal shall be allocated and paid from the balance
18 remaining in the fund.

19 Sec. 9. NEW SECTION. 426C.7 Audit — denial.

20 1. If on the audit of a credit provided under this
21 chapter, the director of revenue determines the amount
22 of the credit to have been incorrectly calculated or
23 that the credit is not allowable, the director shall
24 recalculate the credit and notify the taxpayer and the
25 county auditor of the recalculation or denial and the
26 reasons for it. The director shall not adjust a credit
27 after three years from October 31 of the year in which
28 the claim for the credit was filed. If the credit has
29 been paid, the director shall give notification to the
30 taxpayer, the county treasurer, and the applicable
31 assessor of the recalculation or denial of the credit
32 and the county treasurer shall proceed to collect the
33 tax owed in the same manner as other property taxes due
34 and payable are collected, if the parcel or property
35 unit for which the credit was allowed is still owned
36 by the taxpayer. If the parcel or property unit
37 for which the credit was allowed is not owned by the
38 taxpayer, the amount may be recovered from the taxpayer
39 by assessment in the same manner that income taxes are
40 assessed under sections 422.26 and 422.30. The amount
41 of such erroneous credit, when collected, shall be
42 deposited in the fund.

43 2. The taxpayer or board of supervisors may
44 appeal any decision of the director of revenue to the
45 state board of tax review pursuant to section 421.1,
46 subsection 5. The taxpayer, the board of supervisors,
47 or the director of revenue may seek judicial review
48 of the action of the state board of tax review in
49 accordance with chapter 17A.

50 Sec. 10. NEW SECTION. 426C.8 False claim —

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1 penalty.

2 A person who makes a false claim for the purpose of
3 obtaining a credit provided for in this chapter or who
4 knowingly receives the credit without being legally
5 entitled to it is guilty of a fraudulent practice. The
6 claim for a credit of such a person shall be disallowed
7 and if the credit has been paid the amount shall be
8 recovered in the manner provided in section 426C.7. In
9 such cases, the director of revenue shall send a notice
10 of disallowance of the credit.

11 Sec. 11. NEW SECTION. 426C.9 Rules.

12 The director of revenue shall prescribe forms,

13 instructions, and rules pursuant to chapter 17A, as
 14 necessary, to carry out the purposes of this chapter.
 15 Sec. 12. IMPLEMENTATION. Notwithstanding the
 16 deadline for filing claims established in section
 17 426C.3, for a credit against property taxes due and
 18 payable during the fiscal year beginning July 1, 2012,
 19 the claim for the credit shall be filed not later than
 20 January 15, 2012.
 21 Sec. 13. APPLICABILITY. This Act applies to
 22 property taxes due and payable in fiscal years
 23 beginning on or after July 1, 2012.>>

THOMAS of Clayton

H-1720

1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY
 7 2012-2013
 8 Section 1. ADULT MH/MR/DD SERVICES ALLOWED
 9 GROWTH FUNDING — FY 2012-2013. Notwithstanding
 10 section 331.439, subsection 3, the allowed growth
 11 factor adjustment for county mental health, mental
 12 retardation, and developmental disabilities service
 13 expenditures for the fiscal year beginning July 1,
 14 2012, shall be established by statute which shall be
 15 enacted within thirty calendar days of the convening
 16 of the Eighty-fourth General Assembly, 2012 Session,
 17 on January 9, 2012. The governor shall submit to the
 18 general assembly a recommendation for such allowed
 19 growth factor adjustment and the amounts of related
 20 appropriations to the general assembly on or before
 21 January 9, 2012.
 22 DIVISION II
 23 STANDING APPROPRIATIONS AND RELATED MATTERS
 24 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2012-2013.
 25 1. For the budget process applicable to the fiscal
 26 year beginning July 1, 2012, on or before October 1,
 27 2011, in lieu of the information specified in section
 28 8.23, subsection 1, unnumbered paragraph 1, and
 29 paragraph "a", all departments and establishments of
 30 the government shall transmit to the director of the
 31 department of management, on blanks to be furnished
 32 by the director, estimates of their expenditure
 33 requirements, including every proposed expenditure, for
 34 the ensuing fiscal year, together with supporting data
 35 and explanations as called for by the director of the
 36 department of management after consultation with the

37 legislative services agency.
 38 2. The estimates of expenditure requirements
 39 shall be in a form specified by the director of
 40 the department of management, and the expenditure
 41 requirements shall include all proposed expenditures
 42 and shall be prioritized by program or the results to
 43 be achieved. The estimates shall be accompanied by
 44 performance measures for evaluating the effectiveness
 45 of the programs or results.
 46 Sec. 3. GENERAL ASSEMBLY.
 47 1. The appropriations made pursuant to section
 48 2.12 for the expenses of the general assembly and
 49 legislative agencies for the fiscal year beginning July
 50 1, 2011, and ending June 30, 2012, are reduced by the

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1 following amount:
 2 \$ 3,750,000
 3 2. The budgeted amounts for the general assembly
 4 for the fiscal year beginning July 1, 2011, may be
 5 adjusted to reflect unexpended budgeted amounts from
 6 the previous fiscal year.
 7 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.
 8 Notwithstanding the standing appropriations in the
 9 following designated sections for the fiscal year
 10 beginning July 1, 2011, and ending June 30, 2012, the
 11 amounts appropriated from the general fund of the state
 12 pursuant to these sections for the following designated
 13 purposes shall not exceed the following amounts:
 14 1. For performance of duty by the executive council
 15 in sections 7D.29, 8A.321, and 29C.20:
 16 \$ 3,000,000
 17 2. For operational support grants and community
 18 cultural grants under section 99F.11, subsection 3,
 19 paragraph "d", subparagraph (1):
 20 \$ 416,702
 21 3. For regional tourism marketing under section
 22 99F.11, subsection 3, paragraph "d", subparagraph (2):
 23 \$ 310,306
 24 4. For the center for congenital and inherited
 25 disorders central registry under section 144.13A,
 26 subsection 4, paragraph "a":
 27 \$ 171,121
 28 5. For primary and secondary child abuse prevention
 29 programs under section 144.13A, subsection 4, paragraph
 30 "a":
 31 \$ 217,772
 32 6. For programs for at-risk children under section
 33 279.51:
 34 \$ 6,204,258
 35 The amount of any reduction in this subsection shall

36 be prorated among the programs specified in section
 37 279.51, subsection 1, paragraphs "a", "b", and "c".
 38 7. For payment for nonpublic school transportation
 39 under section 285.2:
 40 \$ 7,060,931
 41 If total approved claims for reimbursement for
 42 nonpublic school pupil transportation exceed the amount
 43 appropriated in accordance with this subsection, the
 44 department of education shall prorate the amount of
 45 each approved claim.
 46 8. For reimbursement for the homestead property tax
 47 credit under section 425.1:
 48 \$ 86,188,387
 49 9. For reimbursement for the family farm and
 50 agricultural land tax credits under sections 425A.1 and

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1 426.1:
 2 \$ 32,395,131
 3 10. For the enforcement of chapter 453D relating to
 4 tobacco product manufacturers under section 453D.8:
 5 \$ 18,416
 6 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID — FY
 7 2011-2012. In lieu of the appropriation provided in
 8 section 257.20, subsection 2, the appropriation for the
 9 fiscal year beginning July 1, 2011, and ending June 30,
 10 2012, for paying instructional support state aid under
 11 section 257.20 for fiscal year 2011-2012 is zero.
 12 Sec. 6. Section 257.35, Code 2011, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
 15 and in addition to the reduction applicable pursuant
 16 to subsection 2, the state aid for area education
 17 agencies and the portion of the combined district cost
 18 calculated for these agencies for the fiscal year
 19 beginning July 1, 2011, and ending June 30, 2012, shall
 20 be reduced by the department of management by twenty
 21 million dollars. The reduction for each area education
 22 agency shall be prorated based on the reduction that
 23 the agency received in the fiscal year beginning July
 24 1, 2003.
 25 Sec. 7. Section 453A.35, subsection 1, Code 2011,
 26 is amended to read as follows:
 27 1. a. The With the exception of revenues credited
 28 to the health care trust fund pursuant to paragraph
 29 "b", the proceeds derived from the sale of stamps and
 30 the payment of taxes, fees, and penalties provided for
 31 under this chapter, and the permit fees received from
 32 all permits issued by the department, shall be credited
 33 to the general fund of the state. However, of
 34 b. Of the revenues generated from the tax on

35 cigarettes pursuant to section 453A.6, subsection
36 1, and from the tax on tobacco products as specified
37 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
38 ~~credited to the general fund of the state under this~~
39 ~~subsection, there is appropriated, annually, to the~~
40 ~~health care trust fund created in section 453A.35A, the~~
41 first one hundred six million sixteen thousand four
42 hundred dollars shall be credited to the health care
43 trust fund created in section 453A.35A.

44 Sec. 8. Section 453A.35A, subsection 1, Code 2011,
45 is amended to read as follows:

46 1. A health care trust fund is created in the
47 office of the treasurer of state. The fund consists
48 of the revenues generated from the tax on cigarettes
49 pursuant to section 453A.6, subsection 1, and from
50 the tax on tobacco products as specified in section

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1 453A.43, subsections 1, 2, 3, and 4, that are credited
2 to the ~~general fund of the state and appropriated to~~
3 ~~the~~ health care trust fund, annually, pursuant to
4 section 453A.35. Moneys in the fund shall be separate
5 from the general fund of the state and shall not be
6 considered part of the general fund of the state.
7 However, the fund shall be considered a special account
8 for the purposes of section 8.53 relating to generally
9 accepted accounting principles. Moneys in the fund
10 shall be used only as specified in this section and
11 shall be appropriated only for the uses specified.
12 Moneys in the fund are not subject to section 8.33
13 and shall not be transferred, used, obligated,
14 appropriated, or otherwise encumbered, except as
15 provided in this section. Notwithstanding section
16 12C.7, subsection 2, interest or earnings on moneys
17 deposited in the fund shall be credited to the fund.

18 DIVISION III

19 SALARIES, COMPENSATION, AND RELATED MATTERS

20 Sec. 9. BONUS PAY. For the fiscal years beginning
21 July 1, 2011, and July 1, 2012, employees of the
22 executive branch, judicial branch, and legislative
23 branch shall not receive bonus pay unless otherwise
24 authorized by law, required pursuant to a contract
25 of employment entered into before July 1, 2011,
26 or required pursuant to a collective bargaining
27 agreement. This section does not apply to employees
28 of the state board of regents who receive bonuses
29 funded by nonpublic moneys. For purposes of this
30 section, "bonus pay" means any additional remuneration
31 provided an employee in the form of a bonus, including
32 but not limited to a retention bonus, recruitment
33 bonus, exceptional job performance pay, extraordinary

34 job performance pay, exceptional performance pay,
35 extraordinary duty pay, or extraordinary or special
36 duty pay, and any extra benefit not otherwise provided
37 to other similarly situated employees.

38 Sec. 10. SALARY INCREASES — CERTAIN REVOLVING
39 FUNDS.

40 1. For the fiscal years beginning July 1, 2011, and
41 July 1, 2012, there is appropriated from the gaming
42 enforcement revolving fund an amount necessary for
43 funding annual pay adjustments and related benefits
44 for agents and officers of the division of criminal
45 investigation's racetrack, excursion boat, or gambling
46 structure enforcement activities.

47 2. For the fiscal years beginning July 1, 2011,
48 and July 1, 2012, there is appropriated from the
49 gaming regulatory revolving fund, if enacted by the
50 Eighty-fourth General Assembly, 2011 session, an

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1 amount necessary for funding annual pay adjustments and
2 related benefits for positions in the racing and gaming
3 commission of the department of inspections and appeals
4 who are assigned to administration and enforcement of
5 the excursion boat and gambling structure laws.

6 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the
7 fiscal years beginning July 1, 2011, and July 1, 2012,
8 the sworn peace officers in the department of public
9 safety who are not covered by a collective bargaining
10 agreement negotiated pursuant to chapter 20 shall
11 receive the same per diem meal allowance as the sworn
12 peace officers in the department of public safety
13 who are covered by a collective bargaining agreement
14 negotiated pursuant to chapter 20.

15 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary
16 model administrator shall work in conjunction with
17 the legislative services agency to maintain the
18 state's salary model used for analyzing, comparing,
19 and projecting state employee salary and benefit
20 information, including information relating to
21 employees of the state board of regents. The
22 department of revenue, the department of administrative
23 services, the five institutions under the jurisdiction
24 of the state board of regents, the judicial district
25 departments of correctional services, and the state
26 department of transportation shall provide salary data
27 to the department of management and the legislative
28 services agency to operate the state's salary
29 model. The format and frequency of provision of the
30 salary data shall be determined by the department of
31 management and the legislative services agency. The
32 information shall be used in collective bargaining

33 processes under chapter 20 and in calculating the
34 funding needs contained within the annual salary
35 adjustment legislation. A state employee organization
36 as defined in section 20.3, subsection 4, may request
37 information produced by the model, but the information
38 provided shall not contain information attributable to
39 individual employees.

40 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
41 STATE EMPLOYEES.

42 1. The state's executive and judicial branch
43 authorities responsible for negotiating the collective
44 bargaining agreements entered into under chapter 20
45 shall engage in discussions with the applicable state
46 employee organizations to renegotiate provisions
47 involving health insurance coverage of state employees
48 and their families in order to achieve cost savings
49 for the state. The discussions shall include but are
50 not limited to a requirement for a state employee who

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1 is covered by a collective bargaining agreement and
2 is a member of state group health insurance plan for
3 employees of the state established under chapter 509A
4 to pay at least one hundred dollars per month of the
5 total premium for such health plan coverage for single
6 persons or increase the amount paid per month for
7 family coverage by the same amount that would be paid
8 for the single person's coverage.

9 2. If collective bargaining agreements are
10 renegotiated to achieve cost savings pursuant to
11 subsection 1, the cost savings provisions shall
12 also apply to state employees who are not covered by
13 collective bargaining as provided in chapter 20 and
14 are members of a state group health insurance plan for
15 employees of the state established under chapter 509A.

16 3. Beginning on the effective date of this section,
17 a state legislator or legislative staff member who is
18 a member of a state group health insurance plan for
19 employees of the state established under chapter 509A
20 shall pay at least one hundred dollars per month of the
21 total premium for such health care coverage for single
22 persons or increase the amount paid per month for
23 family coverage by the same amount that would be paid
24 for the single persons coverage. The payment amount
25 shall be determined by the legislative council, subject
26 to the minimum amount specified in this subsection.

27 Sec. 14. NEW SECTION. 8A.440 Group health
28 insurance premium costs.

29 1. Collective bargaining agreements entered into
30 pursuant to chapter 20 for state employees shall
31 provide that a state employee covered by that agreement

32 who is a member of a state group health insurance plan
33 for employees of the state established under chapter
34 509A shall pay at least one hundred dollars per month
35 of the total premium for such insurance for single
36 persons or increase the amount paid per month for
37 family coverage by the same amount that would be paid
38 for the single person's coverage.

39 2. A state employee not covered by a collective
40 bargaining agreement as provided in chapter 20 who
41 is a member of a state group health insurance plan
42 for employees of the state established under chapter
43 509A shall pay the same amount per month of the
44 total premium for such insurance as is paid under
45 the collective bargaining agreement that covers
46 the greatest number of state employees in the state
47 government entity employing the state employee.

48 Sec. 15. APPLICABILITY. The section of this
49 division of this Act enacting section 8A.440, applies
50 to collective bargaining agreements entered into on

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1 or after the effective date of that section of this
2 division of this Act.

3 Sec. 16. EFFECTIVE UPON ENACTMENT. The following
4 sections of this division of this Act, being deemed of
5 immediate importance, take effect upon enactment:

6 1. The section of this division relating to group
7 health insurance premium costs for state employees.

8 2. The section of this division enacting section
9 8A.440.

10 3. The section of this division relating to
11 applicability.

12 DIVISION IV
13 CORRECTIVE PROVISIONS

14 Sec. 17. Section 8.6, subsection 9A, as enacted by
15 2011 Iowa Acts, House File 45, section 39, is amended
16 to read as follows:

17 9A. Budget and tax rate databases. To develop
18 and make available to the public a searchable budget
19 database and internet site as required under chapter
20 8G, ~~division subchapter I~~, and to develop and make
21 available to the public a searchable tax rate database
22 and internet site as required under chapter 8G,
23 ~~division subchapter II~~.

24 Sec. 18. Section 8.57E, subsection 3, paragraph a,
25 as enacted by 2011 Iowa Acts, Senate File 209, section
26 30, is amended to read as follows:

27 a. Moneys in the ~~taxpayer's taxpayers~~ trust fund
28 may be used for cash flow purposes during a fiscal year
29 provided that any moneys so allocated are returned to
30 the fund by the end of that fiscal year.

31 Sec. 19. Section 8G.13, as enacted by 2011 Iowa
32 Acts, House File 45, section 50, is amended to read as
33 follows:

34 8G.13 Updating database.

35 To facilitate the department of management's efforts
36 in creating and maintaining a searchable database of
37 the taxes identified in section 8G.12, subsection ~~3~~ 1,
38 for all taxing jurisdictions in the state, each taxing
39 jurisdiction may annually be required to report its tax
40 rates to the department of management or the department
41 of revenue and shall report any changes to its tax
42 rates within thirty days of the change.

43 Sec. 20. Section 16.193, subsection 3, paragraph a,
44 Code 2011, as amended by 2011 Iowa Acts, Senate File
45 475, section 11, is amended to read as follows:

46 a. During the term of the Iowa jobs program and
47 Iowa jobs II program, the Iowa finance authority shall
48 collect data on all of the projects approved for the
49 ~~program programs~~. The department of management and
50 the state agencies associated with the projects shall

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1 assist the authority with the data collection and in
2 developing the report required by this subsection. The
3 authority shall report quarterly to the governor and
4 the general assembly concerning the data.

5 Sec. 21. Section 68A.401, subsection 4, Code 2011,
6 as amended by 2011 Iowa Acts, Senate File 475, section
7 17, is amended to read as follows:

8 4. Political committees expressly advocating the
9 nomination, election, or defeat of candidates for
10 both federal office and any elected office created
11 by law or the Constitution of the State of Iowa
12 shall file statements and reports with the board in
13 addition to any federal reports required to be filed
14 with the board. However, a political committee that
15 is registered and filing full disclosure reports of
16 all financial activities with the federal election
17 commission may file verified statements as provided in
18 section ~~68B.201A~~ 68A.201A.

19 Sec. 22. Section 139A.19, subsection 3, as enacted
20 by 2011 Iowa Acts, House File 467, section 20, is
21 amended to read as follows:

22 3. This section does not preclude a hospital,
23 clinic, other health facility, or a health care
24 provider from providing notification to a care
25 provider under circumstances in which the hospital's,
26 clinic's, other health facility's, or health care
27 provider's policy provides for notification of the
28 hospital's, ~~clinics~~ clinic's, other health facility's,
29 or health care provider's own employees of exposure

30 to a contagious or infectious disease that is not
31 life-threatening if the notice does not reveal a
32 patient's name, unless the patient consents.

33 Sec. 23. Section 175.3, subsection 1, paragraph a,
34 Code 2011, as amended by 2011 Iowa Acts, Senate File
35 429, section 1, is amended to read as follows:

36 a. The agricultural development authority is
37 established within the department of agriculture and
38 land stewardship. The ~~agency~~ authority is constituted
39 as a public instrumentality and agency of the state
40 exercising public and essential governmental functions.

41 Sec. 24. Section 207.22, subsection 3, paragraph b,
42 Code 2011, as amended by 2011 Iowa Acts, Senate File
43 475, section 47, is amended to read as follows:

44 b. Acquisition of coal refuse disposal sites and
45 all coal refuse thereon will serve the purposes of
46 ~~Tit. IV~~ of Pub. L. No. 95-87, Tit. IV, codified at 30
47 U.S.C. ch. 25, subch. IV, or that public ownership
48 is desirable to meet emergency situations and prevent
49 recurrences of the adverse effect of past coal mining
50 practices.

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1 Sec. 25. Section 232.71D, subsection 3, paragraph
2 a, unnumbered paragraph 1, as enacted by 2011 Iowa
3 Acts, House File 562, section 3, is amended to read as
4 follows:

5 Unless any of the circumstances listed in paragraph
6 "b" are applicable, cases to which any of the following
7 circumstances apply shall not be placed ~~on~~ in the
8 central registry:

9 Sec. 26. Section 256.7, subsection 26, paragraph a,
10 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
11 File 453, section 1, is amended to read as follows:

12 (1) The rules establishing high school graduation
13 requirements shall authorize a school district
14 or accredited nonpublic school to consider that
15 any student who satisfactorily completes a high
16 school-level unit of English or language arts,
17 mathematics, science, or social studies has
18 satisfactorily completed a unit of the high school
19 graduation requirements for that area as specified in
20 this lettered paragraph, and ~~to~~ shall authorize the
21 school district or accredited nonpublic school to issue
22 high school credit for the unit to the student.

23 Sec. 27. Section 327B.5, Code 2011, is amended to
24 read as follows:

25 327B.5 Penalty.

26 Any person violating the provisions of this chapter
27 shall, upon conviction, be subject to a scheduled
28 fine as provided in section 805.8A, subsection 13,

29 paragraphs paragraph "f" and "g".

30 Sec. 28. Section 422.110, subsection 5, paragraph
31 a, subparagraph (2), if enacted by 2011 Iowa Acts,
32 Senate File 531, section 17, is amended to read as
33 follows:

34 (2) The E-15 plus gasoline promotion tax credit
35 pursuant to section 422.11Y.

36 Sec. 29. Section 422.11Y, subsection 1, paragraph
37 d, if enacted by 2011 Iowa Acts, Senate File 531,
38 section 35, is amended to read as follows:

39 d. "Tax credit" means the E-15 plus gasoline
40 promotion tax credit as provided in this section.

41 Sec. 30. Section 422.11Y, subsection 3, unnumbered
42 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
43 531, section 35, is amended to read as follows:

44 The taxes imposed under this division, less the
45 credits allowed under section 422.12, shall be reduced
46 by the amount of the E-15 plus gasoline promotion tax
47 credit for each tax year that the taxpayer is eligible
48 to claim a tax credit under this subsection.

49 Sec. 31. Section 422.11Y, subsection 6, paragraph
50 b, subparagraph (2), if enacted by 2011 Iowa Acts,

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1 Senate File 531, section 35, is amended to read as
2 follows:

3 (2) The retail dealer may claim the ethanol
4 promotion tax credit as provided in paragraph "a" for
5 the same ethanol gallonage used to calculate and claim
6 the E-15 plus gasoline promotion tax credit.

7 Sec. 32. Section 423.4, subsection 9, unnumbered
8 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
9 531, section 59, is amended to read as follows:

10 A person who qualifies as a biodiesel producer as
11 provided in this subsection may apply to the director
12 for a refund of the amount of the sales or use tax
13 imposed and paid upon purchases made by the person.

14 Sec. 33. Section 483A.24A, Code 2011, as amended by
15 2011 Iowa Acts, Senate File 194, section 10, is amended
16 to read as follows:

17 483A.24A License refunds — military service.

18 Notwithstanding any provision of this chapter to
19 the contrary, a service member deployed for military
20 service, ~~both~~ as defined in section 29A.1, subsection
21 3, shall receive a refund of that portion of any
22 license fee paid by the service member representing the
23 service member's period of military service.

24 Sec. 34. Section 501.101, subsection 01, as enacted
25 by 2011 Iowa Acts, House File 348, section 7, is
26 amended to read as follows:

27 01. "Alternative voting method" means a method of

28 voting other than a written ballot, including voting
29 by electronic, telephonic, internet, or other means
30 that reasonably ~~allow~~ allows members the opportunity
31 to vote.

32 Sec. 35. Section 501A.703, subsection 5, paragraph
33 d, Code 2011, as amended by 2011 Iowa Acts, House File
34 348, section 19, is amended to read as follows:

35 d. If the ballot of the member is received by
36 the cooperative on or before the date of the regular
37 members' meeting or as otherwise prescribed for an
38 alternative, voting method, the ballot or alternative
39 voting method shall be accepted and counted as the vote
40 of the absent member.

41 Sec. 36. Section 511.8, subsection 22, paragraph i,
42 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
43 Senate File 406, section 25, is amended to read as
44 follows:

45 Securities held in the legal reserve of a life
46 insurance company or association pledged as collateral
47 for financial instruments used in highly effective
48 hedging transactions as defined in the national
49 association of insurance commissioners' ~~Statement~~
50 statement of Statutory Accounting Principles No.

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1 statutory accounting principles no. 86 shall continue
2 to be eligible for inclusion ~~on~~ in the legal reserve of
3 the life insurance company or association subject to
4 all of the following:

5 Sec. 37. Section 514J.109, subsection 3, paragraph
6 f, if enacted by 2011 Iowa Acts, House File 597,
7 section 9, is amended to read as follows:

8 f. The covered person or the covered person's
9 authorized representative has provided all the
10 information and forms required by the commissioner that
11 are necessary to process an external review request
12 pursuant to this section.

13 Sec. 38. Section 521F.4, subsection 1, paragraph b,
14 as enacted by 2011 Iowa Acts, Senate File 406, section
15 44, is amended to read as follows:

16 b. The filing of a risk-based capital report by
17 a health organization which indicates that the health
18 organization has total adjusted capital which is
19 greater than or equal to its company-action-level
20 risk-based capital but less than the product of its
21 authorized-control-level risk-based capital and three
22 and triggers the trend test determined in accordance
23 with the trend test ~~calculations~~ calculation included
24 in the health risk-based capital instructions.

25 Sec. 39. Section 524.310, subsection 5, paragraph
26 b, Code 2011, as amended by 2011 Iowa Acts, Senate File

27 475, section 120, is amended to read as follows:

28 b. A corporate or company name reserved,
29 registered, or protected as provided in section
30 ~~489.109~~, 490.402, 490.403, ~~490A.402~~, 504.402, or
31 504.403.

32 Sec. 40. Section 717.3, subsection 5, paragraph b,
33 Code 2011, as enacted by 2011 Iowa Acts, Senate File
34 478, section 6, is amended to read as follows:

35 b. That the department shall assume supervision of
36 and provide for the sustenance of the livestock ~~and~~ as
37 provided in section 717.4.

38 Sec. 41. Section 717.4, subsection 2, as enacted by
39 2011 Iowa Acts, Senate File 478, section 7, is amended
40 to read as follows:

41 2. The court ordered lien shall be for the benefit
42 of the department. The amount of the lien shall not
43 be ~~not~~ more than for expenses incurred in providing
44 sustenance to the livestock pursuant to section 717.3
45 and providing for the disposition of the livestock
46 pursuant to section 717.5.

47 Sec. 42. Section 717.4A, as enacted by 2011 Iowa
48 Acts, Senate File 478, section 8, is amended to read
49 as follows:

50 717.4A Livestock in immediate need of sustenance —

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1 livestock remediation fund.

2 The department may utilize the moneys deposited
3 into the livestock remediation fund pursuant to
4 section 459.501 to pay for any expenses associated
5 with providing sustenance to or the disposition of the
6 livestock pursuant to a court order entered pursuant to
7 section 717.3 or 717.5. The department shall utilize
8 moneys from the fund only to the extent that the
9 department determines that expenses cannot be timely
10 paid by utilizing the available provisions of sections
11 717.4 and 717.5. The department shall deposit any
12 unexpended and unobligated moneys in the fund. The
13 department shall pay to the fund the proceeds from the
14 disposition of the livestock and associated products
15 less expenses incurred by the department in providing
16 for the sustenance and disposition of the livestock, as
17 provided in section 717.5.

18 Sec. 43. EFFECTIVE DATES.

19 1. The section of this division of this Act
20 amending section 422.110, subsection 5, paragraph a,
21 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
22 File 531, section 17, takes effect January 1, 2012.

23 2. Section 423.4, subsection 9, unnumbered
24 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
25 531, section 59, takes effect January 1, 2012.

26 Sec. 44. APPLICABILITY.

27 1. The section of this division of this Act
28 amending section 422.11O, subsection 5, paragraph a,
29 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
30 File 531, section 17, applies to tax years beginning on
31 and after January 1, 2012.

32 2. The section of this division of this Act
33 amending section 422.11Y, subsection 1, paragraph d, if
34 enacted by 2011 Iowa Acts, Senate File 531, section 35,
35 applies to tax years beginning on and after January 1,
36 2012, and to that part of a retail dealer's tax year or
37 tax years occurring during that portion of the calendar
38 year beginning on and after July 1, 2011, and ending
39 on December 31, 2011.

40 3. The section of this division of this Act
41 amending section 422.11Y, subsection 3, unnumbered
42 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
43 531, section 35, applies to tax years beginning on and
44 after January 1, 2012, and to that part of a retail
45 dealer's tax year or tax years occurring during that
46 portion of the calendar year beginning on and after
47 July 1, 2011, and ending on December 31, 2011.

48 4. The section of this division of this Act
49 amending section 422.11Y, subsection 6, paragraph b,
50 subparagraph (2), if enacted by 2011 Iowa Acts, Senate

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1 File 531, section 35, applies to tax years beginning on
2 and after January 1, 2012, and to that part of a retail
3 dealer's tax year or tax years occurring during that
4 portion of the calendar year beginning on and after
5 July 1, 2011, and ending on December 31, 2011.

6 DIVISION V

7 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

8 Sec. 45. APPROPRIATION — BATTLESHIP IOWA, BB-61.

9 1. There is appropriated from the general fund of
10 the state to the department of cultural affairs for the
11 fiscal year beginning July 1, 2010, and ending June 30,
12 2011, the following amount, or so much thereof as is
13 necessary, to be credited to the BB-61 fund created in
14 2010 Iowa Acts, chapter 1194:

15 \$ 3,000,000

16 2. If the department of the navy, pursuant to a
17 process outlined in a notice published in the federal
18 register on May 24, 2010, volume 75, number 99, awards
19 possession or conditionally awards possession of the
20 battleship Iowa, BB-61, to a nonprofit group that is
21 eligible to receive the battleship, the department of
22 cultural affairs shall award a grant to the nonprofit
23 group in an amount equal to \$3 million in addition to
24 any moneys awarded as a grant from the BB-61 fund.

25 3. Notwithstanding section 8.33, moneys
26 appropriated in this section that remain unencumbered
27 or unobligated at the close of the fiscal year shall
28 not revert but shall remain available for expenditure
29 for the purposes designated for succeeding fiscal
30 years.

31 Sec. 46. STATE AGENCY OFFICE SUPPLIES PURCHASE,
32 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
33 MARKETING — APPLICABILITY. The limitation on
34 expenditures made for office supplies, purchases
35 of equipment, office equipment, and equipment
36 noninventory, printing and binding, and marketing
37 implemented pursuant to 2011 Iowa Acts, House File 45,
38 section 2, does not apply to a department or agency
39 receiving a supplemental appropriation for the fiscal
40 year beginning July 1, 2010, pursuant to 2011 Iowa
41 Acts, Senate File 209, division III.

42 Sec. 47. Section 321J.2, subsection 4, paragraph b,
43 Code 2011, is amended to read as follows:

44 b. Assessment of a minimum fine of one thousand
45 eight hundred ~~forty~~ seventy-five dollars and a maximum
46 fine of six thousand two hundred fifty dollars.
47 Surcharges and fees shall be assessed pursuant to
48 chapter 911.

49 Sec. 48. REPEAL. Chapter 327K, Code 2011, is
50 repealed.

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1 Sec. 49. EFFECTIVE UPON ENACTMENT. The section
2 of this division of this Act appropriating moneys to
3 the department of cultural affairs for purposes of a
4 grant for the battleship Iowa, BB-61, being deemed of
5 immediate importance, takes effect upon enactment.

6 Sec. 50. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
7 APPLICABILITY. The provision of this division of this
8 Act relating to a limitation on state agency office
9 supplies purchase, equipment purchases, printing and
10 binding, and marketing as enacted by 2011 Iowa Acts,
11 House File 45, being deemed of immediate importance,
12 takes effect upon enactment and applies retroactively
13 to March 7, 2011.

14 DIVISION VI

15 GROW IOWA VALUES FUND AND PROGRAM

16 Sec. 51. Section 15.103, subsection 6, Code 2011,
17 is amended to read as follows:

18 6. As part of the organizational structure of the
19 department, the board shall establish a due diligence
20 committee and a loan and credit guarantee committee
21 composed of members of the board. The committees shall
22 serve in an advisory capacity to the board and shall
23 carry out any duties assigned by the board in relation

24 to programs administered by the department. The loan
25 and credit guarantee committee shall advise the board
26 on the winding up of loan guarantees made under the
27 loan and credit guarantee program established pursuant
28 to section 15E.224, Code 2009, and on the proper
29 amount of the allocation described in section 15G.111,
30 subsection 4, paragraph "g".

31 Sec. 52. Section 15.104, subsection 1, Code 2011,
32 is amended by striking the subsection.

33 Sec. 53. Section 15.104, subsection 8, paragraphs
34 b and i, Code 2011, are amended by striking the
35 paragraphs.

36 Sec. 54. Section 15.104, subsection 8, paragraph j,
37 Code 2011, is amended to read as follows:

38 j. Renewable fuel programs. A detailed accounting
39 of expenditures in support of renewable fuel
40 infrastructure programs, as provided in sections
41 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
42 ~~board established in section 15G.202 shall approve that~~
43 ~~portion of the department's annual report regarding~~
44 ~~projects supported from the grow Iowa values fund~~
45 ~~created in section 15G.111.~~ This paragraph is repealed
46 on July 1, 2012.

47 Sec. 55. Section 15.327, Code 2011, is amended by
48 adding the following new subsections:

49 NEW SUBSECTION. 01. "Base employment level" means
50 the number of full-time equivalent positions at a

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1 business, as established by the department and a
2 business using the business's payroll records, as of
3 the date a business applies for financial assistance
4 under the program.

5 NEW SUBSECTION. 3A. "County wage" means the
6 average hourly compensation rates, excluding the value
7 of nonwage benefits for comparable jobs, from the most
8 recent four quarters of wage and employment information
9 from the quarterly covered wage and employment
10 data report issued by the department of workforce
11 development.

12 NEW SUBSECTION. 7A. "Full-time equivalent position"
13 means a non-part-time position for the number of hours
14 or days per week considered to be full-time work for
15 the kind of service or work performed for an employer.
16 Typically, a full-time equivalent position requires
17 two thousand eighty hours of work in a calendar year,
18 including all paid holidays, vacations, sick time, and
19 other paid leave.

20 NEW SUBSECTION. 7B. "Maintenance period" means the
21 period of time between the project completion date and
22 maintenance period completion date.

23 NEW SUBSECTION. 12A. "Regional wage" means the
24 average hourly compensation rates, excluding the value
25 of nonwage benefits for comparable jobs, from the most
26 recent four quarters of wage and employment information
27 from the quarterly covered wage and employment
28 data report issued by the department of workforce
29 development.

30 Sec. 56. Section 15.327, subsections 1, 4, 7, 8,
31 10, 12, and 13, Code 2011, are amended by striking
32 the subsections and inserting in lieu thereof the
33 following:

34 1. "Benefit" means nonwage compensation provided
35 to an employee. Benefits typically include medical
36 and dental insurance plans, pension, retirement,
37 and profit-sharing plans, child care services,
38 life insurance coverage, vision insurance coverage,
39 disability insurance coverage, and any other nonwage
40 compensation as determined by the board.

41 4. "Created job" means a new, permanent, full-time
42 equivalent position added to a business's payroll in
43 excess of the business's base employment level.

44 7. "Fiscal impact ratio" means a ratio calculated
45 by estimating the amount of taxes to be received from
46 a business by the state and dividing the estimate by
47 the estimated cost to the state of providing certain
48 financial incentives to the business, reflecting
49 a ten-year period of taxation and incentives and
50 expressed in terms of current dollars. For purposes

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1 of the program, "fiscal impact ratio" does not include
2 taxes received by political subdivisions.

3 8. "Maintenance period completion date" means the
4 date on which the maintenance period ends.

5 10. "Project completion date" means the date by
6 which a recipient of financial assistance has agreed
7 to meet all the terms and obligations contained in an
8 agreement with the department as described in section
9 15.330.

10 12. "Qualifying wage threshold" means the county
11 wage or the regional wage, as calculated pursuant to
12 subsections 3A and 12A, whichever is lower.

13 13. "Retained job" means a full-time equivalent
14 position, in existence at the time an employer applies
15 for financial assistance which remains continuously
16 filled or authorized to be filled as soon as possible
17 and which is at risk of elimination if the project
18 for which the employer is seeking assistance does not
19 proceed.

20 Sec. 57. Section 15.329, subsection 2, Code 2011,
21 is amended to read as follows:

22 2. A business providing a sufficient package of
 23 benefits to each employee holding a created or retained
 24 job shall qualify for a credit against the qualifying
 25 wage threshold requirements described in subsection
 26 1, paragraph "c". The credit shall be calculated and
 27 applied in the following manner: described in section
 28 15G.112, subsection 4, paragraph "b".

29 a. By multiplying the qualifying wage threshold of
 30 the county in which the business is located by one and
 31 three-tenths.

32 b. By multiplying the result of paragraph "a" by
 33 one-tenth.

34 c. The amount of the result of paragraph "b" shall
 35 be credited against the amount of the one hundred
 36 thirty percent qualifying wage threshold requirement
 37 that the business is required to meet under subsection
 38 1, paragraph "c".

39 d. The credit shall not be applied against the
 40 one hundred percent of qualifying wage threshold
 41 requirement described in subsection 1, paragraph "c".

42 Sec. 58. Section 15.330, subsection 4, Code 2011,
 43 is amended to read as follows:

44 4. A project completion date, a maintenance period
 45 completion date, the number of jobs to be created
 46 or retained, or certain other terms and obligations
 47 described in ~~section 15G.112, subsection 1, paragraph~~
 48 ~~"d"~~ an agreement, as the department deems necessary in
 49 order to make the requirements in project agreements
 50 uniform. The department, with the approval of

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1 the board, may adopt rules as necessary for making
 2 such requirements uniform. Such rules shall be in
 3 compliance with the provisions of this part ~~and with~~
 4 ~~the provisions of chapter 15G.~~

5 Sec. 59. Section 15.335A, subsection 1, unnumbered
 6 paragraph 1, Code 2011, is amended to read as follows:

7 Tax incentives are available to eligible businesses
 8 as provided in this section. The incentives are based
 9 upon the number of jobs created or retained that pay
 10 at least one hundred thirty percent of the qualifying
 11 wage threshold as computed pursuant to section
 12 ~~15G.112 15.329~~, subsection 4 1, and the amount of the
 13 qualifying investment made according to the following
 14 schedule:

15 Sec. 60. Section 15.335A, subsection 2, paragraphs
 16 b, c, f, and g, Code 2011, are amended by striking the
 17 paragraphs.

18 Sec. 61. Section 15.335A, subsection 5, Code 2011,
 19 is amended to read as follows:

20 5. The department shall negotiate the amount of tax

21 incentives provided to an applicant under the program
 22 in accordance with this section ~~and section 15G.112~~, as
 23 applicable.

24 Sec. 62. Section 15A.7, subsection 3, Code 2011, is
 25 amended to read as follows:

26 3. That the employer shall agree to pay wages for
 27 the jobs for which the credit is taken of at least the
 28 county wage or the regional wage, as calculated by the
 29 department pursuant to section ~~15G.112, subsection 3~~
 30 ~~15.327, subsections 3A and 12A~~, whichever is lower.
 31 Eligibility for the supplemental credit shall be based
 32 on a one-time determination of starting wages by the
 33 community college.

34 Sec. 63. Section 15E.193, subsection 1, paragraphs
 35 b through d, Code 2011, are amended to read as follows:

36 b. (1) The business shall provide a sufficient
 37 package of benefits to each employee holding a created
 38 or retained job. For purposes of this paragraph,
 39 "created job" and "retained job" have the same meaning
 40 as defined in section ~~15G.101~~ ~~15.327~~.

41 (2) The board, upon the recommendation of the
 42 department, shall adopt rules determining what
 43 constitutes a sufficient package of benefits.

44 c. The business shall pay a wage that is at least
 45 ninety percent of the qualifying wage threshold. For
 46 purposes of this paragraph, "qualifying wage threshold"
 47 has the same meaning as defined in section ~~15G.101~~
 48 ~~15.327~~.

49 d. Creates or retains at least ten full-time
 50 equivalent positions and maintains them until the

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1 maintenance period completion date. For purposes of
 2 this paragraph, "maintenance period completion date" and
 3 "full-time equivalent position" have the same meanings
 4 as defined in section ~~15G.101~~ ~~15.327~~.

5 Sec. 64. Section 15E.231, unnumbered paragraph 1,
 6 Code 2011, is amended to read as follows:

7 ~~In order for an~~ An economic development region to
 8 ~~receive moneys under the grow Iowa values financial~~
 9 ~~assistance program established in section 15G.112,~~
 10 ~~an~~ shall establish a regional development plan. An
 11 economic development region's regional development
 12 plan must be approved by the department. An economic
 13 development region shall consist of not less than
 14 three counties, unless two contiguous counties have a
 15 combined population of at least three hundred thousand
 16 based on the most recent federal decennial census. An
 17 economic development region shall establish a focused
 18 economic development effort that shall include a
 19 regional development plan relating to one or more of

20 the following areas:

21 Sec. 65. Section 15E.232, subsections 1, 3, 4,
22 5, 6, and 7, Code 2011, are amended by striking the
23 subsections.

24 Sec. 66. Section 15E.351, subsection 1, Code 2011,
25 is amended to read as follows:

26 1. The department shall establish and administer
27 a business accelerator program to provide financial
28 assistance for the establishment and operation of a
29 business accelerator for technology-based, value-added
30 agricultural, information solutions, alternative
31 and renewable energy including the alternative and
32 renewable energy sectors listed in section 476.42,
33 subsection 1, paragraph "a", or advanced manufacturing
34 start-up businesses or for a satellite of an existing
35 business accelerator. The program shall be designed
36 to foster the accelerated growth of new and existing
37 businesses through the provision of technical
38 assistance. ~~The department, subject to the approval of~~
39 ~~the economic development board, may provide financial~~
40 ~~assistance under this section from moneys allocated~~
41 ~~for regional financial assistance pursuant to section~~
42 ~~15G.111, subsection 9.~~

43 Sec. 67. Section 159A.6B, subsection 2, Code 2011,
44 is amended to read as follows:

45 2. The office may execute contracts in order to
46 provide technical support and outreach services for
47 purposes of assisting and educating interested persons
48 as provided in this section. The office may also
49 contract with a consultant to provide part or all
50 of these services. The office may require that a

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1 person receiving assistance pursuant to this section
2 contribute up to fifty percent of the amount required
3 to support the costs of contracting with the consultant
4 to provide assistance to the person. ~~The office~~
5 ~~shall assist the person in completing any technical~~
6 ~~information required in order to receive assistance~~
7 ~~by the department of economic development pursuant~~
8 ~~to the value-added agriculture component of the grow~~
9 ~~Iowa values financial assistance program established~~
10 ~~pursuant to section 15G.112.~~

11 Sec. 68. Section 455B.104, subsection 2, Code 2011,
12 is amended by striking the subsection.

13 Sec. 69. 2010 Iowa Acts, chapter 1184, section 26,
14 is amended to read as follows:

15 SEC. 26. GROW IOWA VALUES FUND.

16 1. There is appropriated from the rebuild Iowa
17 infrastructure fund to the department of economic
18 development for deposit in the grow Iowa values fund,

19 for the fiscal year beginning July 1, 2010, and ending
20 June 30, 2011, the following amount, notwithstanding
21 section 8.57, subsection 6, paragraph "c":
22

23 2. On the effective date of this section of this
24 2011 Iowa Act, any unobligated and unencumbered moneys
25 appropriated in this section and section 27 of this
26 2010 Iowa Act, shall revert to the general fund of the
27 state. Any repayments of moneys loaned from moneys
28 appropriated in this section and section 27 of this
29 2010 Iowa Act, and received after the effective date of
30 this 2011 Iowa Act, shall be credited to the general
31 fund of the state.

32 Sec. 70. 2010 Iowa Acts, chapter 1184, section 27,
33 is amended to read as follows:
34 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION
35 REDUCTION.

36 1. In lieu of the \$50,000,000 appropriated for the
37 fiscal year beginning July 1, 2010, and ending June 30,
38 2011, from the grow Iowa values fund to the department
39 of economic development pursuant to section 15G.111,
40 subsection 3, there is appropriated from the grow Iowa
41 values fund to the department of economic development
42 for the fiscal year beginning July 1, 2010, and ending
43 June 30, 2011, \$38,000,000 for the purposes of making
44 expenditures pursuant to chapter 15G.

45 2. On the effective date of this section of this
46 2011 Iowa Act, an entity receiving moneys appropriated
47 pursuant to this section, with the exception of moneys
48 allocated pursuant to section 28, subsections 2 and
49 5, of this 2010 Iowa Act, shall cease obligating or
50 encumbering such moneys.

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- 1 Sec. 71. REPEAL. Section 15E.233, Code 2011, is
- 2 repealed.
- 3 Sec. 72. REPEAL. Sections 15G.101 and 15G.109
- 4 through 15G.115, Code 2011, are repealed.
- 5 Sec. 73. REPEAL. Section 266.19, Code 2011, is
- 6 repealed.
- 7 Sec. 74. REPEAL. Section 455B.433, Code 2011, is
- 8 repealed.
- 9 Sec. 75. EFFECTIVE DATE. The provisions of this
- 10 division of this Act amending 2010 Iowa Acts, chapter
- 11 1184, being deemed of immediate importance, take effect
- 12 upon enactment.>
- 13 2. By renumbering as necessary.

H-1721

1 Amend House File 656 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 135L.3, subsection 3, paragraph
4 m, subparagraph (5), Code 2011, is amended to read as
5 follows:

6 (5) The pregnant minor declares that the pregnant
7 minor is a victim of sexual abuse as defined in
8 chapter 709 and has reported the sexual abuse to law
9 enforcement, a deoxyribonucleic acid sample is taken at
10 the time of the abortion and entered into the federal
11 bureau of investigation combined DNA index system
12 for the purposes of finding a match with the alleged
13 perpetrator of the sexual abuse, and the attorney
14 general prosecutes the case to the fullest extent of
15 the law when such a match is found.>

16 2. By renumbering as necessary.

BAUDLER of Adair

H-1722

1 Amend the amendment, H-1706, to House File 672,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 15 and 16.

5 2. Page 1, by striking lines 20 through 23.

6 3. Page 1, by striking lines 26 through 31.

7 4. Page 1, by striking lines 34 through 38 and
8 inserting:

9 <__. Page 4, by striking lines 1 through 6 and
10 inserting <ethanol cogeneration plant engaged in the
11 sale of ethanol to states to meet a low carbon fuel
12 standard.>>

13 5. Page 1, by striking lines 39 and 40.

PAUSTIAN of Scott
SODERBERG of Plymouth

H-1723

1 Amend the amendment, H-1717, to Senate File 525,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 8, after line 8 by inserting:

5 <Sec. __. NEW SECTION. 2.70 Disability services
6 – administration and funding.

7 1. For the purposes of this section, "disability
8 services" means the same as defined in section 225C.2.

9 2. State, federal, and county requirements and

10 other provisions for the administration and funding

11 of publicly funded disability services for children
12 and adults shall be subject to legislative review at
13 least every five years. The review shall be based
14 upon a status report containing the recommendations of
15 a legislative interim committee appointed to conduct
16 a review of the provisions, to be prepared with the
17 assistance of the department of human services, in
18 association with the departments of management and
19 revenue. The report shall include recommendations
20 for changes to or revisions of the administration and
21 funding provisions based upon demographic changes,
22 trends, and property tax valuation fluctuations
23 observed during the preceding five-year interval;
24 an analysis of the operation of the state funding
25 provisions during the preceding five-year interval; and
26 a summary of issues that have arisen since the previous
27 review and potential approaches for their resolution.
28 The first such report shall be submitted to the general
29 assembly for consideration during the 2015 regular
30 legislative session, with subsequent reports developed
31 and submitted to the general assembly at least every
32 fifth year thereafter.

33 Sec. ____ Section 331.424A, subsection 6, as
34 enacted by 2011 Iowa Acts, Senate File 209, section 22,
35 is amended to read as follows:

36 6. This section is repealed July 1, ~~2013~~ 2018.

37 Sec. ____ Section 331.438, subsection 5, as enacted
38 by 2011 Iowa Acts, Senate File 209, section 23, is
39 amended to read as follows:

40 5. This section is repealed July 1, ~~2013~~ 2018.

41 Sec. ____ Section 331.439, subsection 10, as
42 enacted by 2011 Iowa Acts, Senate File 209, section 24,
43 is amended to read as follows:

44 10. This section is repealed July 1, ~~2013~~ 2018.

45 Sec. ____ Section 331.440, subsection 7, as enacted
46 by 2011 Iowa Acts, Senate File 209, section 25, is
47 amended to read as follows:

48 7. This section is repealed July 1, ~~2013~~ 2018.

49 Sec. ____ Section 426B.1, Code 2011, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 3. In addition to the
2 appropriation made pursuant to subsection 2, there is
3 appropriated from the general fund of the state to the
4 property tax relief fund for the indicated fiscal years
5 the following amounts:

6 a. For the fiscal year beginning July 1, 2013,
7 twenty-five million dollars.

8 b. For the fiscal year beginning July 1, 2014,
9 fifty million dollars.

10 c. For the fiscal year beginning July 1, 2015,
 11 seventy-five million dollars.
 12 d. For the fiscal year beginning July 1, 2016, one
 13 hundred million dollars.
 14 e. For the fiscal year beginning July 1, 2017, one
 15 hundred twenty-five million dollars.
 16 Sec. ____ Section 426B.6, as enacted by 2011 Iowa
 17 Acts, Senate File 209, section 26, is amended to read
 18 as follows:
 19 426B.6 Future repeal.
 20 This chapter is repealed July 1, ~~2013~~ 2018.>
 21 2. By renumbering as necessary.

SCHULTE of Linn

H-1724

1 Amend the amendment, H-1716, to Senate File 522, as
 2 passed by the Senate, as follows:
 3 1. Page 7, after line 19 by inserting:
 4 <Sec. ____ Section 441.21, subsection 8, paragraph
 5 b, Code 2011, is amended to read as follows:
 6 b. Notwithstanding paragraph "a", any construction
 7 or installation of a solar energy system on property
 8 classified as agricultural, residential, commercial,
 9 recreational, or industrial property shall not increase
 10 the actual, assessed, and taxable values of the
 11 property for five full assessment years.
 12 Sec. ____ Section 441.21, subsections 9 and 10,
 13 Code 2011, are amended to read as follows:
 14 9. Not later than November 1, 1979, and November
 15 1 of each subsequent year, the director shall certify
 16 to the county auditor of each county the percentages
 17 of actual value at which residential property,
 18 agricultural property, commercial property, industrial
 19 property, recreational property, and property valued
 20 by the department of revenue pursuant to chapters 428,
 21 433, 434, 437, and 438 in each assessing jurisdiction
 22 in the county shall be assessed for taxation. The
 23 county auditor shall proceed to determine the assessed
 24 values of agricultural property, residential property,
 25 commercial property, industrial property, recreational
 26 property, and property valued by the department of
 27 revenue pursuant to chapters 428, 433, 434, 437, and
 28 438 by applying such percentages to the current actual
 29 value of such property, as reported to the county
 30 auditor by the assessor, and the assessed values
 31 so determined shall be the taxable values of such
 32 properties upon which the levy shall be made.
 33 10. The percentage of actual value computed by
 34 the director for agricultural property, residential
 35 property, commercial property, industrial property,

36 recreational property, and property valued by the
 37 department of revenue pursuant to chapters 428, 433,
 38 434, 437, and 438 and used to determine assessed values
 39 of those classes of property does not constitute a rule
 40 as defined in section 17A.2, subsection 11.

41 Sec. ____ Section 441.21, Code 2011, is amended by
 42 adding the following new subsection:

43 NEW SUBSECTION. 13. a. (1) For valuations
 44 established for the assessment year beginning January
 45 1, 2012, property described in this subsection shall
 46 be valued as a separate class of property called
 47 recreational property and shall be assessed at ninety
 48 percent of its actual value.

49 (2) For valuations established for the assessment
 50 year beginning January 1, 2013, through valuations

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1 established for the assessment year beginning January
 2 1, 2015, recreational property shall be valued as a
 3 separate class of property and shall be assessed at
 4 a percentage of actual value equal to the percentage
 5 of actual value that the recreational property was
 6 assessed in the previous assessment year minus ten
 7 percentage points.

8 (3) For valuations established for the assessment
 9 year beginning January 1, 2016, and each assessment
 10 year thereafter, recreational property shall be valued
 11 as a separate class of property and shall be assessed
 12 at fifty percent of its actual value.

13 b. Recreational property is subject to reassessment
 14 by the assessor and is subject to the same equalization
 15 percentage amount determined by the director of revenue
 16 pursuant to section 441.49 as is ordered for commercial
 17 property.

18 c. For purposes of this subsection, "recreational
 19 property" means a golf course, downhill skiing area,
 20 campground, amusement park, or water theme park, if
 21 such property is operated as a commercial enterprise
 22 and otherwise subject to taxation.>

23 2. Page 23, line 6, after <limitations,> by
 24 inserting <creating a recreational class of property,>

25 3. By renumbering as necessary.

THOMAS of Clayton

H-1725

1 Amend the amendment, H-1716, to Senate File 522, as
 2 passed by the Senate, as follows:

3 1. Page 16, after line 34 by inserting:

4 <Sec. ____ NEW SECTION. 331.437A County services

5 — funding.

6 1. For the fiscal year beginning July 1, 2012, and
7 each fiscal year thereafter, a county is prohibited
8 from reducing funding for the services described in
9 subsection 2 and provided by the county from the level
10 such services were funded in the previous year.

11 2. For purposes of this section, "services" means
12 law enforcement, fire protection service, emergency
13 medical services, and local emergency management.>

14 2. Page 21, after line 46 by inserting:

15 <Sec. ____ NEW SECTION. 384.20A City services —
16 funding.

17 1. For the fiscal year beginning July 1, 2012,
18 and each fiscal year thereafter, a city is prohibited
19 from reducing funding for the services described in
20 subsection 2 and provided by the city from the level
21 such services were funded in the previous year.

22 2. For purposes of this section, "services" means
23 law enforcement, fire protection service, emergency
24 medical services, and local emergency management.>

25 3. Page 23, line 5, after <counties,> by inserting
26 <establishing financing requirements for county and
27 city services,>

28 4. By renumbering as necessary.

JACOBY of Johnson

H-1726

1 Amend the amendment, H-1716, to Senate File 522, as
2 passed by the Senate, as follows:

3 1. Page 2, after line 5 by inserting:

4 <DIVISION _____

5 PROPERTY TAX EQUITY AND RELIEF FUND

6 Sec. ____ Section 8.55, subsection 2, paragraph a,
7 Code 2011, as amended by 2011 Iowa Acts, Senate File
8 209, section 29, is amended to read as follows:

9 a. The maximum balance of the fund is the amount
10 equal to two and one-half percent of the adjusted
11 revenue estimate for the fiscal year. If the amount of
12 moneys in the Iowa economic emergency fund is equal to
13 the maximum balance, moneys in excess of this amount
14 shall be distributed as follows:

15 (1) For fiscal years beginning on or after July
16 1, 2011, but before July 1, 2018, to the property tax
17 equity and relief fund created in section 257.16A.
18 Moneys transferred to the property tax equity and
19 relief fund under this subparagraph shall not in
20 any fiscal year exceed an amount equal to the amount
21 credited to the property tax equity and relief fund
22 under section 423F.2, subsection 3, for use in the
23 fiscal year beginning July 1, 2010, minus the amount

24 credited to the property tax equity and relief fund
25 under section 423F.2, subsection 3, for use in the
26 fiscal year for which the distribution is made if such
27 amount credited to the fund under section 423F.2,
28 subsection 3, for the fiscal year for which the
29 distribution is made is less than the amount credited
30 to the property tax equity and relief fund under
31 section 423F.2, subsection 3, for use in the fiscal
32 year beginning July 1, 2010.

33 ~~(1)~~ (2) The first Following the transfer under
34 subparagraph (1), the next sixty million dollars of
35 the difference between the actual net revenue for the
36 general fund of the state for the fiscal year and the
37 adjusted revenue estimate for the fiscal year shall be
38 transferred to the taxpayers trust fund.

39 ~~(2)~~ (3) The remainder of the excess, if any, shall
40 be transferred to the general fund of the state.

41 <Sec. ____ Section 257.4, subsection 1, paragraph
42 b, Code 2011, is amended to read as follows:

43 b. For the budget year beginning July 1, 2008, and
44 succeeding budget years beginning before July 1, 2018,
45 the department of management shall annually determine
46 an adjusted additional property tax levy and a
47 statewide maximum adjusted additional property tax levy
48 rate, not to exceed the statewide average additional
49 property tax levy rate, calculated by dividing the
50 total adjusted additional property tax levy dollars

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1 statewide by the statewide total net taxable valuation.
2 For purposes of this paragraph, the adjusted additional
3 property tax levy shall be that portion of the
4 additional property tax levy corresponding to the
5 state cost per pupil multiplied by a school district's
6 weighted enrollment, and then multiplied by one hundred
7 percent less the regular program foundation base
8 per pupil percentage pursuant to section 257.1. The
9 district shall receive adjusted additional property tax
10 levy aid in an amount equal to the difference between
11 the adjusted additional property tax levy rate and the
12 statewide maximum adjusted additional property tax
13 levy rate, as applied per thousand dollars of assessed
14 valuation on all taxable property in the district. The
15 statewide maximum adjusted additional property tax levy
16 rate shall be annually determined by the department
17 taking into account amounts allocated pursuant to
18 section 257.15, subsection 4. The statewide maximum
19 adjusted additional property tax levy rate shall be
20 annually determined by the department taking into
21 account amounts allocated pursuant to section 257.15,
22 subsection 4, and the balance of the property tax

23 equity and relief fund created in section 257.16A at
24 the end of the calendar year.

25 Sec. ____ Section 257.15, subsection 4, paragraph
26 a, subparagraph (1), subparagraph division (d), Code
27 2011, is amended to read as follows:

28 (d) For the budget year beginning July 1, 2009, and
29 succeeding budget years beginning before July 1, 2018,
30 twenty-four million dollars.

31 Sec. ____ Section 257.15, subsection 4, paragraph
32 b, Code 2011, is amended to read as follows:

33 b. After lowering all school district adjusted
34 additional property tax levy rates to the statewide
35 maximum adjusted additional property tax levy rate
36 under paragraph "a", the department of management shall
37 use any remaining funds at the end of the calendar
38 year to further lower additional property taxes by
39 increasing for the budget year beginning the following
40 July 1, the state foundation base percentage. Moneys
41 used pursuant to this paragraph shall supplant an equal
42 amount of the appropriation made from the general fund
43 of the state pursuant to section 257.16 that represents
44 the increase in state foundation aid. Any funds
45 remaining after lowering all school district adjusted
46 additional property tax levy rates to the statewide
47 maximum adjusted additional property tax levy rate and
48 after increasing the state foundation base percentage
49 to one hundred percent shall be deposited by the
50 department in the general fund of the state.

Page 3

1 Sec. ____ Section 423F.2, subsection 3, Code 2011,
2 is amended to read as follows:

3 3. The moneys available in a fiscal year in the
4 secure an advanced vision for education fund shall be
5 distributed by the department of revenue to each school
6 district in an amount equal to the amount the school
7 district would have received pursuant to the formula in
8 section 423E.4 as if the local sales and services tax
9 for school infrastructure purposes was imposed. Moneys
10 For fiscal years beginning before July 1, 2018, moneys
11 in a fiscal year that are in excess of that needed to
12 provide each school district with its formula amount
13 shall be distributed and credited to the property tax
14 equity and relief fund created in section 257.16A. For
15 fiscal years beginning on or after July 1, 2018, moneys
16 in a fiscal year that are in excess of that needed to
17 provide each school district with its formula amount
18 shall remain in the fund for use in the next fiscal
19 year.

20 Sec. ____ EFFECTIVE UPON ENACTMENT AND
21 APPLICABILITY. This division of this Act, being deemed

22 of immediate importance, takes effect upon enactment
23 and applies to fiscal years beginning on or after July
24 1, 2011.>
25 2. Page 23, line 4, after <base,> by inserting
26 <establishing and modifying certain education
27 appropriations,>
28 3. Page 23, line 6, after <including> by inserting
29 <effective date and>
30 4. By renumbering as necessary.

HALL of Woodbury

H-1727

1 Amend the amendment, H-1717, to Senate File 525,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 15, after <209> by inserting <,
5 as amended by this Act. In addressing the repeal
6 provisions, the interim committee shall include options
7 for further revisions to the repeal date amendments
8 enacted by this Act>
9 2. Page 8, after line 8 by inserting:
10 <Sec. ____ Section 331.424A, subsection 6, as
11 enacted by 2011 Iowa Acts, Senate File 209, section 22,
12 is amended to read as follows:
13 6. This section is repealed July 1, ~~2013~~ 2015.
14 Sec. ____ Section 331.438, subsection 5, as enacted
15 by 2011 Iowa Acts, Senate File 209, section 23, is
16 amended to read as follows:
17 5. This section is repealed July 1, ~~2013~~ 2015.
18 Sec. ____ Section 331.439, subsection 10, as
19 enacted by 2011 Iowa Acts, Senate File 209, section 24,
20 is amended to read as follows:
21 10. This section is repealed July 1, ~~2013~~ 2015.
22 Sec. ____ Section 331.440, subsection 7, as enacted
23 by 2011 Iowa Acts, Senate File 209, section 25, is
24 amended to read as follows:
25 7. This section is repealed July 1, ~~2013~~ 2015.
26 Sec. ____ Section 426B.6, as enacted by 2011 Iowa
27 Acts, Senate File 209, section 26, is amended to read
28 as follows:
29 426B.6 Future repeal.
30 This chapter is repealed July 1, ~~2013~~ 2015.>
31 3. By renumbering as necessary.

ISENHART of Dubuque
PETERSEN of Polk

H-1728

1 Amend the amendment, H-1716, to Senate File 522, as
2 passed by the Senate, as follows:

- 3 1. Page 6, lines 2 and 3, by striking ~~<and each~~
4 ~~assessment year thereafter,>~~ and inserting ~~<but before~~
5 ~~January 1, 2016.>~~
- 6 2. Page 6, line 4, after ~~<434>~~ by inserting ~~<that~~
7 ~~is not new railway property>~~
- 8 3. Page 6, line 7, after ~~<property>~~ by inserting
9 ~~<that is not new commercial property>~~
- 10 4. Page 6, line 7, after ~~<year.>~~ by inserting
11 ~~<For valuations established on or after January 1,~~
12 ~~2012, but before January 1, 2016, property valued by~~
13 ~~the department of revenue pursuant to chapter 434~~
14 ~~that is new railway property shall be assessed at a~~
15 ~~percentage of its actual value equal to the percentage~~
16 ~~of actual value at which commercial property that is~~
17 ~~new commercial property, as defined in paragraph "c",~~
18 ~~is assessed for the same assessment year. For purposes~~
19 ~~of this section, "new railway property" means that~~
20 ~~portion of the actual value of property assessed by the~~
21 ~~director of revenue under chapter 434 in excess of one~~
22 ~~hundred fifty percent of such property's value for the~~
23 ~~assessment year beginning January 1, 2011, attributable~~
24 ~~to new construction, renovation, or rehabilitation of~~
25 ~~the property occurring on or after the effective date~~
26 ~~of this division of this Act. "New railway property"~~
27 ~~shall be considered a subclassification of property~~
28 ~~assessed by the director of revenue under chapter 434~~
29 ~~for the assessment years beginning on or after January~~
30 ~~1, 2012, but before January 1, 2016. For valuations~~
31 ~~established on or after January 1, 2016, property~~
32 ~~valued by the department of revenue pursuant to chapter~~
33 ~~434 shall be assessed at a percentage of its actual~~
34 ~~value equal to the percentage of actual value at which~~
35 ~~commercial property is assessed for the same assessment~~
36 ~~year.>~~
- 37 5. Page 6, line 9, after ~~<property>~~ by inserting
38 ~~<that is not new commercial property as defined in~~
39 ~~paragraph "c">~~
- 40 6. Page 6, line 16, after ~~<property>~~ by inserting
41 ~~<that is not new commercial property>~~
- 42 7. Page 6, line 21, after ~~<property>~~ by inserting
43 ~~<that is not new commercial property>~~
- 44 8. Page 6, line 26, after ~~<property>~~ by inserting
45 ~~<that is not new commercial property>~~
- 46 9. Page 6, line 31, after ~~<property>~~ by inserting
47 ~~<that is not new commercial property>~~
- 48 10. Page 6, by striking lines 33 through 38 and
49 inserting:
50 ~~<c. (1) For valuations established on or after~~

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1 January 1, 2012, but before January 1, 2016, new
2 commercial property, excluding properties referred to
3 in section 427A.1, subsection 8, shall be assessed as a
4 percentage of the actual value, as determined in this
5 paragraph "c".

6 (2) For valuations established for assessment years
7 beginning on or after January 1, 2012, but before
8 January 1, 2016, the percentage of actual value as
9 equalized by the director of revenue as provided in
10 section 441.49 at which commercial property that is new
11 commercial property shall be assessed shall be sixty
12 percent.

13 (3) For purposes of this section, "new commercial
14 property" means that portion of the actual value of
15 property in excess of one hundred fifty percent of such
16 property's value for the assessment year beginning
17 January 1, 2011, attributable to new construction,
18 renovation, or rehabilitation of the property occurring
19 on or after the effective date of this division of
20 this Act, and but for this paragraph would be assessed
21 under paragraph "b". "New commercial property" shall be
22 considered a subclassification of commercial property
23 for the assessment years beginning on or after January
24 1, 2012, but before January 1, 2016.

25 d. (1) For valuations established on or after
26 January 1, 2016, commercial property, excluding
27 properties referred to in section 427A.1, subsection 8,
28 shall be assessed as a percentage of the actual value
29 as determined in this paragraph "d".

30 (2) For valuations established for the assessment
31 year beginning January 1, 2016, and each assessment
32 year thereafter, the percentage of actual value as
33 equalized by the director of revenue as provided in
34 section 441.49 at which commercial property shall be
35 assessed shall be sixty percent.>

36 11. Page 6, line 39, by striking <c.> and inserting
37 <e.>

38 12. Page 6, line 40, after <property> by inserting
39 <that is not new industrial property as defined in
40 paragraph "f">

41 13. Page 6, line 47, after <property> by inserting
42 <that is not new industrial property.>

43 14. Page 7, line 2, after <property> by inserting
44 <that is not new industrial property>

45 15. Page 7, line 7, after <property> by inserting
46 <that is not new industrial property>

47 16. Page 7, line 12, after <property> by inserting
48 <that is not new industrial property>

49 17. Page 7, by striking lines 14 through 19 and
50 inserting:

Page 3

1 <f. (1) For valuations established on or after
2 January 1, 2012, but before January 1, 2016, new
3 industrial property, excluding properties referred to
4 in section 427A.1, subsection 8, shall be assessed as
5 a percentage of the actual value as determined in this
6 paragraph "f".

7 (2) For valuations established for assessment years
8 beginning on or after January 1, 2012, but before
9 January 1, 2016, the percentage of actual value as
10 equalized by the director of revenue as provided in
11 section 441.49 at which industrial property that is new
12 industrial property shall be assessed shall be sixty
13 percent.

14 (3) For purposes of this section, "new industrial
15 property" means that portion of the actual value of
16 property in excess of one hundred fifty percent of such
17 property's value for the assessment year beginning
18 January 1, 2011, attributable to new construction,
19 renovation, or rehabilitation of the property occurring
20 on or after the effective date of this division of
21 this Act, and but for this paragraph would be assessed
22 under paragraph "e". "New industrial property" shall be
23 considered a subclassification of industrial property
24 for the assessment years beginning on or after January
25 1, 2012, but before January 1, 2016.

26 g. (1) For valuations established on or after
27 January 1, 2016, industrial property, excluding
28 properties referred to in section 427A.1, subsection 8,
29 shall be assessed as a percentage of the actual value
30 as determined in this paragraph "g".

31 (2) For valuations established for the assessment
32 year beginning January 1, 2016, and each assessment
33 year thereafter, the percentage of actual value as
34 equalized by the director of revenue as provided in
35 section 441.49 at which industrial property shall be
36 assessed shall be sixty percent.>

37 18. Page 7, after line 19 by inserting:

38 <Sec. ____ Section 441.21, subsections 9 and 10,
39 Code 2011, are amended to read as follows:

40 9. Not later than November 1, 1979, and November
41 1 of each subsequent year, the director shall
42 certify to the county auditor of each county the
43 percentages of actual value at which residential
44 property, agricultural property, commercial property,
45 new commercial property, industrial property, and
46 new industrial property, property valued by the
47 department of revenue pursuant to chapters 428, 433,
48 434, 437, and 438, and new railway property in each
49 assessing jurisdiction in the county shall be assessed
50 for taxation. The county auditor shall proceed

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1 to determine the assessed values of agricultural
2 property, residential property, commercial property,
3 new commercial property, industrial property, ~~and new~~
4 industrial property, property valued by the department
5 of revenue pursuant to chapters 428, 433, 434, 437,
6 and 438, and new railway property by applying such
7 percentages to the current actual value of such
8 property, as reported to the county auditor by the
9 assessor, and the assessed values so determined shall
10 be the taxable values of such properties upon which the
11 levy shall be made.

12 10. The percentage of actual value computed by
13 the director for agricultural property, residential
14 property, commercial property, new commercial property,
15 industrial property ~~and, new industrial property~~,
16 property valued by the department of revenue pursuant
17 to chapters 428, 433, 434, 437, and 438, and new
18 railway property and used to determine assessed values
19 of those classes of property does not constitute a rule
20 as defined in section 17A.2, subsection 11.>

21 19. Page 7, line 24, by striking <commercial and
22 industrial> and inserting <commercial, new commercial,
23 industrial, new industrial, railway, and new railway>

24 20. Page 7, line 27, by striking <paragraphs "b"
25 and "c",>

26 21. Page 7, lines 43 and 44, by striking
27 <commercial and industrial> and inserting <commercial,
28 new commercial, industrial, new industrial, railway,
29 and new railway>

30 22. Page 7, line 46, by striking <paragraphs "b"
31 and "c",>

32 23. Page 23, line 5, after <counties,> by inserting
33 <establishing certain property subclassifications,>

34 24. By renumbering, redesignating, and correcting
35 internal references as necessary.

SANDS of Louisa

H-1729

1 Amend the amendment, H-1716, to Senate File 522, as
2 passed by the Senate, as follows:

3 1. Page 7, after line 19 by inserting:

4 <Sec. ____ Section 441.21, Code 2011, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 13. Notwithstanding any provision
7 of law to the contrary, beginning with valuations
8 established on or after January 1, 2012, as used in
9 this section, "residential property" includes that
10 portion of a building or structure and a proportionate

11 share of the land upon which the building or structure
 12 is situated that is used as a primary residence by
 13 the person who owns the building even if the use as
 14 a primary residence is not the primary use of the
 15 building or structure. Accordingly, the assessor
 16 may assign more than one classification to a parcel
 17 of property satisfying the requirements of this
 18 subsection.>

19 2. Page 23, line 6, after <limitations,>
 20 by inserting <modifying certain property tax
 21 classifications,>

22 3. By renumbering as necessary.

THOMAS of Clayton

H-1730

1 Amend the amendment, H-1500, to House File 656 as
 2 follows:

3 1. Page 1, line 30, after <5,> by inserting <a.>

4 2. Page 1, by striking line 39 and inserting
 5 <unborn child.

6 b. This section shall not apply to the termination
 7 of a human pregnancy when the pregnancy is the result
 8 of sexual abuse as defined in section 709.1 or incest
 9 as defined in section 726.2 if all of the following
 10 conditions are met:

11 (1) The sexual abuse or incest is reported to law
 12 enforcement.

13 (2) A deoxyribonucleic acid sample is taken at the
 14 time of the termination of pregnancy and entered into
 15 the federal bureau of investigation combined DNA index
 16 system for the purposes of finding a match with the
 17 alleged perpetrator of the sexual abuse or incest.

18 (3) The attorney general prosecutes the case to the
 19 fullest extent of the law when such a match is found.>

20 3. By renumbering as necessary.

BAUDLER of Adair

H-1731

1 Amend House File 645, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <DIVISION I
 6 FY 2011-2012 APPROPRIATIONS
 7 DEPARTMENT FOR THE BLIND

8 Section 1. ADMINISTRATION. There is appropriated
 9 from the general fund of the state to the department
 10 for the blind for the fiscal year beginning July 1,

11 2011, and ending June 30, 2012, the following amount,
12 or so much thereof as is necessary, to be used for the
13 purposes designated:

14 1. For salaries, support, maintenance,
15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions:

17 \$ 1,758,156
18 FTEs 88.00

19 2. For costs associated with universal access to
20 audio information over the phone on demand for blind
21 and print handicapped Iowans:

22 \$ 50,000

23 COLLEGE STUDENT AID COMMISSION

24 Sec. 2. There is appropriated from the general fund
25 of the state to the college student aid commission for
26 the fiscal year beginning July 1, 2011, and ending June
27 30, 2012, the following amounts, or so much thereof
28 as may be necessary, to be used for the purposes
29 designated:

30 1. GENERAL ADMINISTRATION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 242,077
35 FTEs 3.95

36 2. STUDENT AID PROGRAMS

37 For payments to students for the Iowa grant program
38 established in section 261.93:

39 \$ 822,201

40 3. DES MOINES UNIVERSITY — HEALTH CARE
41 PROFESSIONAL RECRUITMENT PROGRAM

42 For forgivable loans to Iowa students attending Des
43 Moines university — osteopathic medical center under
44 the forgivable loan program pursuant to section 261.19:

45 \$ 338,756

46 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

47 For purposes of providing national guard educational
48 assistance under the program established in section
49 261.86:

50 \$ 3,186,233

Page 2

1 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

2 For the teacher shortage loan forgiveness program
3 established in section 261.112:

4 \$ 407,841

5 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

6 For purposes of the all Iowa opportunity foster care
7 grant program established pursuant to section 261.6:

8 \$ 575,783

9 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

10 a. For purposes of the all Iowa opportunity
11 scholarship program established pursuant to section
12 261.87:

13 \$ 2,328,724

14 b. If the moneys appropriated by the general
15 assembly to the college student aid commission for
16 fiscal year 2011-2012 for purposes of the all Iowa
17 opportunity scholarship program exceed \$500,000,
18 "eligible institution" as defined in section 261.87,
19 shall, during fiscal year 2011-2012, include accredited
20 private institutions as defined in section 261.9,
21 subsection 1.

22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
23 FORGIVENESS PROGRAM

24 a. For purposes of the registered nurse and nurse
25 educator loan forgiveness program established pursuant
26 to section 261.23:

27 \$ 84,022

28 b. It is the intent of the general assembly that
29 the commission continue to consider moneys allocated
30 pursuant to this subsection as moneys that meet the
31 state matching funds requirements of the federal
32 leveraging educational assistance program and the
33 federal supplemental leveraging educational assistance
34 program established under the Higher Education Act of
35 1965, as amended.

36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
37 GRANT PROGRAM

38 For purposes of the barber and cosmetology arts and
39 sciences tuition grant program established pursuant to
40 section 261.18:

41 \$ 38,386

42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding
43 section 261.72, the moneys deposited in the
44 chiropractic loan revolving fund created pursuant
45 to section 261.72 may be used for purposes of the
46 chiropractic loan forgiveness program established in
47 section 261.73.

48 Sec. 4. WORK-STUDY APPROPRIATION FOR FY
49 2011-2012.

50 Notwithstanding section 261.85, for the fiscal year

Page 3

1 beginning July 1, 2011, and ending June 30, 2012,
2 the amount appropriated from the general fund of the
3 state to the college student aid commission for the
4 work-study program under section 261.85 shall be zero.

5 DEPARTMENT OF EDUCATION

6 Sec. 5. There is appropriated from the general fund
7 of the state to the department of education for the
8 fiscal year beginning July 1, 2011, and ending June 30,

9 2012, the following amounts, or so much thereof as may
 10 be necessary, to be used for the purposes designated:

11 1. GENERAL ADMINISTRATION

12 For salaries, support, maintenance, miscellaneous
 13 purposes, and for not more than the following full-time
 14 equivalent positions:

15 \$ 6,202,865
 16 FTEs 81.67

17 2. VOCATIONAL EDUCATION ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-time
 20 equivalent positions:

21 \$ 449,276
 22 FTEs 11.50

23 3. VOCATIONAL REHABILITATION SERVICES DIVISION

24 a. For salaries, support, maintenance,
 25 miscellaneous purposes, and for not more than the
 26 following full-time equivalent positions:

27 \$ 4,963,168
 28 FTEs 255.00

29 b. For matching funds for programs to enable
 30 persons with severe physical or mental disabilities to
 31 function more independently, including salaries and
 32 support, and for not more than the following full-time
 33 equivalent position:

34 \$ 40,662
 35 FTEs 1.00

36 c. For the entrepreneurs with disabilities program
 37 established pursuant to section 259.4, subsection 9:

38 \$ 151,242

39 d. For costs associated with centers for
 40 independent living:

41 \$ 41,874

42 4. STATE LIBRARY

43 a. For salaries, support, maintenance,
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:

46 \$ 1,257,051
 47 FTEs 17.00

48 b. For the enrich Iowa program established under
 49 section 256.57:

50 \$ 1,739,878

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1 5. LIBRARY SERVICE AREA SYSTEM

2 For state aid:

3 \$ 1,044,870

4 6. PUBLIC BROADCASTING DIVISION

5 For salaries, support, maintenance, capital
 6 expenditures, miscellaneous purposes, and for not more
 7 than the following full-time equivalent positions:

8 \$ 6,914,943
9 FTEs 82.00
10 7. REGIONAL TELECOMMUNICATIONS COUNCILS
11 For state aid:
12 \$ 1,031,848
13 The regional telecommunications councils established
14 in section 8D.5 shall use the moneys appropriated in
15 this subsection to provide technical assistance for
16 network classrooms, planning and troubleshooting for
17 local area networks, scheduling of video sites, and
18 other related support activities.
19 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
20 For reimbursement for vocational education
21 expenditures made by secondary schools:
22 \$ 2,590,675
23 Moneys appropriated in this subsection shall be used
24 to reimburse school districts for vocational education
25 expenditures made by secondary schools to meet the
26 standards set in sections 256.11, 258.4, and 260C.14.
27 9. SCHOOL FOOD SERVICE
28 For use as state matching funds for federal
29 programs that shall be disbursed according to federal
30 regulations, including salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the
32 following full-time equivalent positions:
33 \$ 2,121,058
34 FTEs 20.58
35 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID
36 For deposit in the school ready children grants
37 account of the early childhood Iowa fund created in
38 section 256I.11:
39 \$ 5,550,606
40 a. From the moneys deposited in the school ready
41 children grants account for the fiscal year beginning
42 July 1, 2011, and ending June 30, 2012, not more than
43 \$265,950 is allocated for the early childhood Iowa
44 office and other technical assistance activities. The
45 early childhood Iowa state board shall direct staff to
46 work with the early childhood stakeholders alliance
47 created in section 256I.12 to inventory technical
48 assistance needs. Moneys allocated under this lettered
49 paragraph may be used by the early childhood Iowa state
50 board for the purpose of skills development and support

Page 5

1 for ongoing training of staff. However, except as
2 otherwise provided in this subsection, moneys shall not
3 be used for additional staff or for the reimbursement
4 of staff.
5 b. As a condition of receiving moneys appropriated
6 in this subsection, each early childhood Iowa area

7 board shall report to the early childhood Iowa state
8 board progress on each of the local indicators approved
9 by the area board. Each early childhood Iowa area
10 board must also submit an annual budget for the area's
11 comprehensive school ready children grant developed for
12 providing services for children from birth through five
13 years of age, and provide other information specified
14 by the early childhood Iowa state board, including
15 budget amendments as needed. The early childhood Iowa
16 state board shall establish a submission deadline for
17 the annual budget and any budget amendments that allow
18 a reasonable period of time for preparation by the
19 early childhood Iowa area boards and for review and
20 approval or request for modification of the materials
21 by the early childhood Iowa state board. In addition,
22 each early childhood Iowa area board must continue to
23 comply with reporting provisions and other requirements
24 adopted by the early childhood Iowa state board in
25 implementing section 256I.9.

26 c. Of the amount appropriated in this subsection
27 for deposit in the school ready children grants account
28 of the early childhood Iowa fund, \$2,318,018 shall
29 be used for efforts to improve the quality of early
30 care, health, and education programs. Moneys allocated
31 pursuant to this paragraph may be used for additional
32 staff and for the reimbursement of staff. The early
33 childhood Iowa state board may reserve a portion of the
34 allocation, not to exceed \$88,650, for the technical
35 assistance expenses of the early childhood Iowa state
36 office, including the reimbursement of staff, and
37 shall distribute the remainder to early childhood Iowa
38 areas for local quality improvement efforts through
39 a methodology identified by the early childhood Iowa
40 state board to make the most productive use of the
41 funding, which may include use of the distribution
42 formula, grants, or other means.

43 d. Of the amount appropriated in this subsection
44 for deposit in the school ready children grants account
45 of the early childhood Iowa fund, \$825,030 shall
46 be used for support of professional development and
47 training activities for persons working in early care,
48 health, and education by the early childhood Iowa
49 state board in collaboration with the professional
50 development component group of the early childhood

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1 Iowa stakeholders alliance maintained pursuant to
2 section 256I.12, subsection 7, paragraph "b", and the
3 early childhood Iowa area boards. Expenditures shall
4 be limited to professional development and training
5 activities agreed upon by the parties participating in

6 the collaboration.

7 11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION
8 ASSISTANCE

9 a. For deposit in the school ready children grants
10 account of the early childhood Iowa fund created in
11 section 256L.11:

12 \$ 7,346,595

13 b. The amount appropriated in this subsection shall
14 be used for early care, health, and education programs
15 to assist low-income parents with tuition for preschool
16 and other supportive services for children ages three,
17 four, and five who are not attending kindergarten in
18 order to increase the basic family income eligibility
19 requirement to not more than 200 percent of the federal
20 poverty level. In addition, if sufficient funding is
21 available after addressing the needs of those who meet
22 the basic income eligibility requirement, an early
23 childhood Iowa area board may provide for eligibility
24 for those with a family income in excess of the basic
25 income eligibility requirement through use of a sliding
26 scale or other copayment provisions.

27 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
28 PARENT EDUCATION

29 a. For deposit in the school ready children grants
30 account of the early childhood Iowa fund created in
31 section 256L.11:

32 \$ 12,742,046

33 b. The amount appropriated in this subsection
34 shall be used for family support services and parent
35 education programs targeted to families expecting a
36 child or with newborn and infant children through age
37 five and shall be distributed using the distribution
38 formula approved by the early childhood Iowa state
39 board and shall be used by an early childhood Iowa
40 area board only for family support services and parent
41 education programs targeted to families expecting a
42 child or with newborn and infant children through age
43 five.

44 13. BIRTH TO AGE THREE SERVICES

45 For expansion of the federal Individuals with
46 Disabilities Education Improvement Act of 2004, Pub.
47 L. No. 108-446, as amended to January 1, 2011, birth
48 through age three services due to increased numbers of
49 children qualifying for those services:

50 \$ 1,721,400

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1 From the moneys appropriated in this subsection,
2 \$383,769 shall be allocated to the child health
3 specialty clinic at the state university of Iowa to
4 provide additional support for infants and toddlers

5 who are born prematurely, drug-exposed, or medically
6 fragile.

7 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

8 To provide moneys for costs of providing textbooks
9 to each resident pupil who attends a nonpublic school
10 as authorized by section 301.1:

11 \$ 582,181

12 Funding under this subsection is limited to \$20 per
13 pupil and shall not exceed the comparable services
14 offered to resident public school pupils.

15 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION
16 PROGRAM

17 For purposes of administering the beginning
18 administrator mentoring and induction program
19 established pursuant to chapter 284A:

20 \$ 189,050

21 16. CORE CURRICULUM AND CAREER INFORMATION AND
22 DECISION-MAKING SYSTEM

23 For purposes of implementing the statewide core
24 curriculum for school districts and accredited
25 nonpublic schools and a state-designated career
26 information and decision-making system:

27 \$ 1,842,052

28 17. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

29 For purposes of the student achievement and teacher
30 quality program established pursuant to chapter
31 284, and for not more than the following full-time
32 equivalent positions:

33 \$ 6,576,638

34 FTEs 2.00

35 18. COMMUNITY COLLEGES

36 a. For general state financial aid to merged
37 areas as defined in section 260C.2 in accordance with
38 chapters 258 and 260C:

39 \$168,774,647

40 Notwithstanding the allocation formula in section
41 260C.18C, the funds appropriated in this subsection
42 shall be allocated as follows:

43 (1) Merged Area I \$ 8,380,170

44 (2) Merged Area II \$ 8,811,966

45 (3) Merged Area III \$ 8,104,003

46 (4) Merged Area IV \$ 3,983,587

47 (5) Merged Area V \$ 9,385,889

48 (6) Merged Area VI \$ 7,762,119

49 (7) Merged Area VII \$ 11,639,931

50 (8) Merged Area IX \$ 14,528,717

Page 8

1 (9) Merged Area X \$ 26,045,064

2 (10) Merged Area XI \$ 26,668,472

3 (11) Merged Area XII \$ 9,502,706

4	(12) Merged Area XIII	\$ 9,902,968
5	(13) Merged Area XIV	\$ 4,049,886
6	(14) Merged Area XV	\$ 12,688,722
7	(15) Merged Area XVI	\$ 7,320,447

8 b. For distribution to community colleges to
9 supplement faculty salaries:

10 \$ 825,012

11 c. COMMUNITY COLLEGE WORKFORCE TRAINING AND
12 ECONOMIC DEVELOPMENT FUNDS

13 For deposit in the workforce training and economic
14 development funds created pursuant to section 260C.18A:
15 \$ 10,000,000

16 Sec. 6. BOARD OF EDUCATIONAL EXAMINERS LICENSING

17 FEES. Notwithstanding section 272.10, subsection
18 2, in addition to the percentage of licensing fees
19 required to be deposited with the treasurer of state
20 and credited to the general fund of the state pursuant
21 to section 272.10, subsection 2, the executive director
22 of the board of educational examiners shall, at the
23 close of the fiscal year beginning July 1, 2010,
24 transfer the amount of \$523,098 to the college student
25 aid commission for purposes of providing national guard
26 educational assistance under the program established
27 in section 261.86. Notwithstanding section 8.33,
28 funds transferred for purposes of this section which
29 remain unencumbered or unobligated at the close of the
30 fiscal year ending June 30, 2012, shall not revert but
31 shall be available for expenditure for the fiscal year
32 beginning July 1, 2012, for purposes of section 261.86.

33 Sec. 7. DEPARTMENT OF EDUCATION TRANSFERS. There

34 is transferred between the following designated
35 appropriations made to the department of education for
36 the fiscal year beginning July 1, 2010, and ending June
37 30, 2011, not more than the following amounts:

38 From the appropriation made for purposes of the
39 student achievement and teacher quality program in 2010
40 Iowa Acts, chapter 1183, section 6, subsection 18, as
41 follows:

42 1. To the appropriation made for purposes of
43 vocational education administration in 2010 Iowa Acts,
44 chapter 1183, section 6, subsection 2:

45 \$ 110,521

46 2. To the appropriation made for purposes of
47 vocational education to secondary schools in 2010 Iowa
48 Acts, chapter 1183, section 6, subsection 8:

49 \$ 39,458

50 3. To the appropriation made for purposes of school

1 food service in 2010 Iowa Acts, chapter 1183, section
2 6, subsection 9:

3 \$ 55,739

4 STATE BOARD OF REGENTS

5 Sec. 8. There is appropriated from the general fund
6 of the state to the state board of regents for the
7 fiscal year beginning July 1, 2011, and ending June 30,
8 2012, the following amounts, or so much thereof as may
9 be necessary, to be used for the purposes designated:

10 1. OFFICE OF STATE BOARD OF REGENTS

11 a. For salaries, support, maintenance,
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:

14 \$ 1,105,123

15 FTEs 15.00

16 (1) The state board of regents shall submit a
17 monthly financial report in a format agreed upon by
18 the state board of regents office and the legislative
19 services agency.

20 (2) The state board of regents may transfer funding
21 received under paragraphs "b", "c", and "d" to any
22 of the centers specified in paragraph "b", "c", or
23 "d" if the board notifies the general assembly in
24 writing, including both the legislative council and the
25 legislative services agency, of the amount, the date,
26 and the purpose of the transfer.

27 b. For moneys to be allocated to the southwest Iowa
28 graduate studies center:

29 \$ 90,766

30 c. For moneys to be allocated to the siouxland
31 interstate metropolitan planning council for the
32 tristate graduate center under section 262.9,
33 subsection 22:

34 \$ 69,110

35 d. For moneys to be allocated to the quad-cities
36 graduate studies center:

37 \$ 134,665

38 e. For moneys to be distributed to Iowa public
39 radio for public radio operations:

40 \$ 406,318

41 2. STATE UNIVERSITY OF IOWA

42 a. General university, including lakeside
43 laboratory

44 For salaries, support, maintenance, equipment,
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:

47 \$217,638,034

48 FTEs 5,058.55

49 b. Oakdale campus

50 For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

3 \$ 2,268,925
4 FTEs 38.25

5 c. State hygienic laboratory

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9 \$ 3,669,943
10 FTEs 102.50

11 d. Family practice program

12 For allocation by the dean of the college of
13 medicine, with approval of the advisory board, to
14 qualified participants to carry out the provisions
15 of chapter 148D for the family practice program,
16 including salaries and support, and for not more than
17 the following full-time equivalent positions:

18 \$ 1,855,628
19 FTEs 190.40

20 e. Child health care services

21 For specialized child health care services,
22 including childhood cancer diagnostic and treatment
23 network programs, rural comprehensive care for
24 hemophilia patients, and the Iowa high-risk infant
25 follow-up program, including salaries and support, and
26 for not more than the following full-time equivalent
27 positions:

28 \$ 684,297
29 FTEs 57.97

30 f. Statewide cancer registry

31 For the statewide cancer registry, and for not more
32 than the following full-time equivalent positions:

33 \$ 154,666
34 FTEs 2.10

35 g. Substance abuse consortium

36 For moneys to be allocated to the Iowa consortium
37 for substance abuse research and evaluation, and
38 for not more than the following full-time equivalent
39 position:

40 \$ 57,621
41 FTEs 1.00

42 h. Center for biocatalysis

43 For the center for biocatalysis, and for not more
44 than the following full-time equivalent positions:

45 \$ 750,990
46 FTEs 6.28

47 i. Primary health care initiative

48 For the primary health care initiative in the
49 college of medicine, and for not more than the
50 following full-time equivalent positions:

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1 \$ 673,375
2 FTEs 5.89
3 From the moneys appropriated in this lettered
4 paragraph, \$254,889 shall be allocated to the
5 department of family practice at the state university
6 of Iowa college of medicine for family practice faculty
7 and support staff.
8 j. Birth defects registry
9 For the birth defects registry, and for not more
10 than the following full-time equivalent position:
11 \$ 39,730
12 FTEs 1.00
13 k. Larned A. Waterman Iowa nonprofit resource
14 center
15 For the Larned A. Waterman Iowa nonprofit resource
16 center, and for not more than the following full-time
17 equivalent positions:
18 \$ 168,662
19 FTEs 2.75
20 l. Iowa online advance placement academy science,
21 technology, engineering, and mathematics initiative
22 For the establishment of the Iowa online advance
23 placement academy science, technology, engineering, and
24 mathematics initiative:
25 \$ 500,000
26 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
27 a. General university
28 For salaries, support, maintenance, equipment,
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:
31 \$170,536,017
32 FTEs 3,647.42
33 b. Agricultural experiment station
34 For the agricultural experiment station salaries,
35 support, maintenance, miscellaneous purposes, and
36 for not more than the following full-time equivalent
37 positions:
38 \$ 29,170,840
39 FTEs 546.98
40 c. Cooperative extension service in agriculture and
41 home economics
42 For the cooperative extension service in agriculture
43 and home economics salaries, support, maintenance,
44 miscellaneous purposes, and for not more than the
45 following full-time equivalent positions:
46 \$ 18,612,391
47 FTEs 383.34
48 d. Leopold center
49 For agricultural research grants at Iowa state
50 university of science and technology under section

1 266.39B, and for not more than the following full-time
2 equivalent positions:

3 \$ 412,388
4 FTEs 11.25

5 e. Livestock disease research
6 For deposit in and the use of the livestock disease
7 research fund under section 267.8:

8 \$ 179,356

9 4. UNIVERSITY OF NORTHERN IOWA

10 a. General university

11 For salaries, support, maintenance, equipment,
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:

14 \$ 77,549,809
15 FTEs 1,447.50

16 b. Recycling and reuse center
17 For purposes of the recycling and reuse center, and
18 for not more than the following full-time equivalent
19 positions:

20 \$ 181,858
21 FTEs 3.00

22 c. Science, technology, engineering, and
23 mathematics (STEM) collaborative initiative
24 For purposes of establishing a science, technology,
25 engineering, and mathematics (STEM) collaborative
26 initiative, and for not more than the following
27 full-time equivalent positions:

28 \$ 1,800,000
29 FTEs 6.20

30 (1) From the moneys appropriated in this lettered
31 paragraph, up to \$282,000 shall be allocated for
32 salaries, staffing, and institutional support. The
33 remainder of the moneys appropriated in this lettered
34 paragraph shall be expended only to support activities
35 directly related to recruitment of kindergarten
36 through grade 12 mathematics and science teachers and
37 for ongoing mathematics and science programming for
38 students enrolled in kindergarten through grade 12.

39 (2) The university of northern Iowa shall work with
40 the community colleges to develop STEM professional
41 development programs for community college instructors
42 and STEM curriculum development.

43 d. Real estate education program
44 For purposes of the real estate education program,
45 and for not more than the following full-time
46 equivalent position:

47 \$ 130,022
48 FTEs 1.00

49 5. STATE SCHOOL FOR THE DEAF

50 For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

3 \$ 8,679,964

4 FTEs 126.60

5 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9 \$ 3,622,320

10 FTEs 62.87

11 7. TUITION AND TRANSPORTATION COSTS

12 For payment to local school boards for the tuition
13 and transportation costs of students residing in the
14 Iowa braille and sight saving school and the state
15 school for the deaf pursuant to section 262.43 and
16 for payment of certain clothing, prescription, and
17 transportation costs for students at these schools
18 pursuant to section 270.5:

19 \$ 12,206

20 8. LICENSED CLASSROOM TEACHERS

21 For distribution at the Iowa braille and sight
22 saving school and the Iowa school for the deaf based
23 upon the average yearly enrollment at each school as
24 determined by the state board of regents:

25 \$ 85,140

26 Sec. 9. ENERGY COST-SAVINGS PROJECTS —

27 FINANCING. For the fiscal year beginning July 1,
28 2011, and ending June 30, 2012, the state board of
29 regents may use notes, bonds, or other evidences of
30 indebtedness issued under section 262.48 to finance
31 projects that will result in energy cost savings in an
32 amount that will cause the state board to recover the
33 cost of the projects within an average of six years.

34 Sec. 10. PRESCRIPTION DRUG COSTS. Notwithstanding

35 section 270.7, the department of administrative
36 services shall pay the state school for the deaf and
37 the Iowa braille and sight saving school the moneys
38 collected from the counties during the fiscal year
39 beginning July 1, 2011, for expenses relating to
40 prescription drug costs for students attending the
41 state school for the deaf and the Iowa braille and
42 sight saving school.

43 Sec. 11. Section 256I.9, subsection 2, Code 2011,

44 is amended to read as follows:

45 2. The state board shall provide maximum
46 flexibility to grantees for the use of the grant
47 moneys included in a school ready children grant,
48 including but not limited to authorizing an area board
49 to use grant moneys to pay for regular audits required
50 pursuant to section 256I.5, subsection 1, if moneys

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1 distributed to an area board for administrative costs
2 are insufficient to pay for the required audits.
3 Sec. 12. Section 256I.9, subsection 3, paragraph
4 b, Code 2011, is amended by adding the following new
5 unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH It is the intent
7 of the general assembly that priority for home
8 visitation program funding be given to programs using
9 evidence-based or promising models for home visitation.
10 Sec. 13. Section 257.11, subsection 5, Code 2011,
11 is amended by striking the subsection.
12 Sec. 14. Section 261.6, subsection 2, Code 2011, is
13 amended by adding the following new paragraph:
14 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,
15 notwithstanding subsection 3, paragraph "c", under the
16 age of twenty-six; is not a convicted felon as defined
17 in section 910.15; and meets the following criteria:
18 (a) Is the child of a peace officer, as defined
19 in section 97A.1, who is permanently and totally
20 disabled and who receives benefits under section
21 97A.6, subsection 5, or was killed in the line of duty
22 as determined by the board of trustees of the Iowa
23 department of public safety peace officers' retirement,
24 accident, and disability system in accordance with
25 section 97A.6, subsection 16.
26 (b) Is the child of a police officer or a
27 fire fighter, as defined in section 411.1, who is
28 permanently and totally disabled and who receives
29 benefits under section 411.6, subsection 5, or
30 was killed in the line of duty as determined by
31 the statewide fire and police retirement system in
32 accordance with section 411.6, subsection 15.
33 (c) Is the child of a person described as a peace
34 officer under section 97B.49B or is the child of
35 a sheriff or deputy sheriff as defined in section
36 97B.49C, who is permanently and totally disabled and
37 who receives an in-service disability retirement
38 allowance under section 97B.50A, subsection 2, or is
39 killed in the line of duty as determined by the Iowa
40 public employees' retirement system in accordance with
41 section 97B.52, subsection 2.
42 (2) If a student receives financial aid under any
43 other federal, state, or institutional scholarship or
44 grant program, the full amount of the other financial
45 aid shall be applied to the student's expenses first
46 and shall be considered part of the student's available
47 financial resources in determining the amount of the
48 student's award under this paragraph "d". The total
49 financial aid for the student's education, including
50 financial aid under any other program, shall not exceed

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1 the student's cost of attendance at the institution
2 which the student attends.
3 (3) For purposes of this paragraph "d":
4 (a) "Approved postsecondary education or training
5 program" means a program offered by an Iowa community
6 college or institution of higher education governed by
7 the state board of regents.
8 (b) "Permanently and totally disabled" means the
9 individual is unable to engage in any substantial
10 gainful activity by reason of a medically determinable
11 physical impairment which can be expected to last
12 for a continuous period or can be expected to result
13 in death. A certificate from a qualified physician
14 attesting to the individual's permanent and total
15 disability must be submitted to the commission. The
16 certificate must include the name and address of
17 the physician and contain an acknowledgment that the
18 certificate will be used by the individual to qualify
19 for educational assistance pursuant to this section.
20 Sec. 15. Section 261.19, Code 2011, is amended to
21 read as follows:
22 261.19 ~~Osteopathic physician~~ Health care
23 professional recruitment program.
24 1. A ~~physician health care professional~~ recruitment
25 program is established, to be administered by the
26 college student aid commission, for Des Moines
27 university — osteopathic medical center. The
28 program shall consist of a ~~forgivable loan program~~
29 ~~and a tuition scholarship program for students and~~
30 a loan repayment program for ~~physicians~~ health care
31 professionals. The commission shall regularly adjust
32 the ~~physician~~ service requirement under each aspect
33 of the program to provide, to the extent possible,
34 an equal financial benefit for each period of service
35 required.
36 2. ~~a. Notwithstanding the administration~~
37 ~~provisions of subsection 1, the forgivable loan~~
38 ~~program established pursuant to subsection 1 shall be~~
39 ~~administered by the commission in conjunction with Des~~
40 ~~Moines university — osteopathic medical center. Des~~
41 ~~Moines university — osteopathic medical center shall~~
42 ~~match on an equal basis state aid appropriated for~~
43 ~~purposes of the forgivable loan program.~~
44 ~~b. Des Moines university — osteopathic medical~~
45 ~~center shall provide recommendations to the commission~~
46 ~~for students who meet the eligibility requirements of~~
47 ~~the forgivable loan program. A forgivable loan may~~
48 ~~be awarded to a resident of Iowa who is enrolled at~~
49 ~~Des Moines university — osteopathic medical center~~
50 ~~if the student agrees to practice in this state for~~

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1 a period of time to be determined by the commission
2 at the time the loan is awarded. Forgivable loans to
3 eligible students shall not become due until after the
4 student completes a residency program. Interest on
5 the loans shall begin to accrue the day following the
6 student's graduation date. If the student completes
7 the period of practice established by the commission
8 and agreed to by the student, the loan amount shall
9 be forgiven. The loan amount shall not be forgiven
10 if the osteopathic physician fails to complete the
11 required time period of practice in this state or fails
12 to satisfactorily continue in the university's program
13 of medical education.

14 ~~3. A student enrolled at Des Moines university
15 — osteopathic medical center shall be eligible for
16 a tuition scholarship for the student's study at the
17 university. The scholarship shall be for an amount
18 not to exceed the annual tuition at the university. A
19 student who receives a tuition scholarship shall not
20 be eligible for the loan repayment program provided
21 for by this section. A student who receives a tuition
22 scholarship shall agree to practice in an eligible
23 rural community in this state for a period of time
24 to be determined by the commission at the time the
25 scholarship is awarded. The student shall repay the
26 scholarship to the commission if the student fails to
27 practice in a medically underserved rural community in
28 this state for the required period of time.~~

29 4. A physician health care professional shall be
30 eligible for the physician loan repayment program
31 if the physician health care professional agrees
32 to practice in an eligible rural community in this
33 state. Des Moines university — osteopathic medical
34 center shall recruit and place physicians health
35 care professionals in rural communities which have
36 agreed to provide additional funds for the physician's
37 recipient's loan repayment. The contract for the
38 loan repayment shall stipulate the time period the
39 physician recipient shall practice in an eligible rural
40 community in this state. In addition, the contract
41 shall stipulate that the physician recipient repay any
42 funds paid on the physician's recipient's loan by the
43 commission if the physician recipient fails to practice
44 in an eligible rural community in this state for the
45 required period of time.

46 3. A health care professional recruitment revolving
47 fund is created in the state treasury as a separate
48 fund under the control of the commission. The
49 commission shall deposit payments made by health care
50 professional recruitment program recipients and the

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1 proceeds from the sale of osteopathic loans awarded
2 pursuant to section 261.19, subsection 2, paragraph
3 "b", Code 2011, into the health care professional
4 recruitment revolving fund. Moneys credited to the
5 fund shall be used to supplement moneys appropriated
6 for the health care professional recruitment program,
7 for loan repayment in accordance with this section,
8 and to pay for loan or interest repayment defaults by
9 program recipients. Notwithstanding section 8.33, any
10 balance in the fund on June 30 of any fiscal year shall
11 not revert to the general fund of the state.

12 4. For purposes of this subsection, "eligible
13 section:

14 a. "Eligible rural community" means a medically
15 underserved rural community which agrees to match
16 state funds provided on at least a dollar-for-dollar
17 basis for the loan repayment of a ~~physician~~ health care
18 professional who practices in the community.

19 b. "Health care professional" means a physician,
20 physician assistant, podiatrist, or physical therapist.

21 5. The commission shall adopt rules pursuant to
22 chapter 17A to administer this section.

23 Sec. 16. Section 261.25, subsections 2 and 3, Code
24 2011, are amended to read as follows:

25 2. There is appropriated from the general fund
26 of the state to the commission for each fiscal year
27 the sum of four million six hundred fifty thousand
28 four hundred eighty-seven dollars for tuition grants
29 for students attending for-profit accredited private
30 institutions located in Iowa. A for-profit institution
31 which, effective March 9, 2005, ~~or effective January~~
32 ~~8, 2010,~~ purchased an accredited private institution
33 that was exempt from taxation under section 501(c)
34 of the Internal Revenue Code, shall be an eligible
35 institution under the tuition grant program. For
36 purposes of the tuition grant program, "for-profit
37 accredited private institution" means an accredited
38 private institution which is not exempt from taxation
39 under section 501(c)(3) of the Internal Revenue Code
40 but which otherwise meets the requirements of section
41 261.9, subsection 1, paragraph "b", and whose students
42 were eligible to receive tuition grants in the fiscal
43 year beginning July 1, 2003.

44 3. There is appropriated from the general fund
45 of the state to the commission for each fiscal year
46 the sum of two million ~~four three~~ hundred ~~thirteen~~
47 ~~thirty-eight~~ thousand ~~nine~~ ~~four~~ hundred ~~fifty-nine~~
48 ~~twenty-one~~ dollars for vocational-technical tuition
49 grants.

50 Sec. 17. Section 261E.3, subsection 1, paragraph e,

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1 Code 2011, is amended to read as follows:

2 e. The student shall have demonstrated proficiency
3 in reading, mathematics, and science as evidenced by
4 achievement scores on the latest administration of
5 the state assessment for which scores are available
6 and as defined by the department. However, a student
7 receiving competent private instruction under chapter
8 299A may demonstrate proficiency by submitting the
9 written recommendation of the licensed practitioner
10 providing supervision to the student in accordance
11 with section 299A.2; may demonstrate proficiency
12 as evidenced by achievement scores on the annual
13 achievement evaluation required under section 299A.4;
14 or may demonstrate proficiency as evidenced by a
15 selection index, which is the sum of the critical
16 reading, mathematics, and writing skills assessments,
17 of at least one hundred forty-one on the preliminary
18 scholastic aptitude test administered by the college
19 board; a composite score of at least twenty-one on
20 the college readiness assessment administered by ACT,
21 inc.; or a sum of the critical reading and mathematics
22 scores of at least nine hundred ninety on the college
23 readiness assessment administered by the college board.

24 If a student is not proficient in one or more of the
25 content areas listed in this paragraph, has not taken
26 the college readiness assessments identified in this
27 paragraph, or has not achieved the scores specified
28 in this paragraph, the school board may establish
29 alternative but equivalent qualifying performance
30 measures including but not limited to additional
31 administrations of the state assessment, portfolios
32 of student work, student performance rubric, or
33 end-of-course assessments.

34 Sec. 18. Section 261E.9, subsections 1 through 3,
35 Code 2011, are amended to read as follows:

36 1. a. A regional academy is a program established
37 by a school district to which multiple school districts
38 send students in grades ~~nine~~ seven through twelve,
39 ~~and which may include internet-based coursework~~
40 ~~and courses delivered via the Iowa communications~~
41 ~~network. A regional academy shall include in its~~
42 ~~curriculum advanced level courses and may include~~
43 ~~in its curriculum career and technical courses. A~~
44 school district establishing a regional academy may
45 collaborate and partner with, enter into an agreement
46 pursuant to chapter 28E with, or enter into a contract
47 with, one or more school districts, area education
48 agencies, community colleges, accredited public
49 and private postsecondary institutions, accredited
50 nonpublic schools, businesses, and private agencies

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1 located within or outside of the state.
2 b. The purpose of a regional academy established
3 pursuant to this section shall be to build a culture
4 of innovation for students and community, to diversify
5 educational and economic opportunities by engaging in
6 learning experiences that involve students in complex,
7 real-world projects, and to develop regional or global
8 innovation networks.
9 c. If a school district establishing a regional
10 academy in accordance with this section submits a plan
11 to the department for approval that demonstrates how
12 the regional academy will increase and assess student
13 achievement or increase and assess competency-based
14 learning opportunities for students, the department may
15 waive or modify any statutory or regulatory provision
16 applicable to school districts except the department
17 shall not waive or modify any statutory or regulatory
18 provision relating to requirements applicable to school
19 districts under chapters 11, 21, 22, 216, 216A, 256B,
20 279, 284, and 285; or relating to contracts with and
21 discharge of teachers and administrators under chapters
22 20 and 279; or relating to audit requirements under
23 section 256.9, subsection 20, and section 279.29.
24 2. a. A regional academy course shall not qualify
25 as a concurrent enrollment course include in its
26 curriculum advanced level courses.
27 b. A regional academy may include in its curriculum
28 virtual or internet-based coursework and courses
29 delivered via the Iowa communications network, career
30 and technical courses, core curriculum coursework,
31 courses required pursuant to section 256.7, subsection
32 26, or section 256.11, subsections 4 and 5, and
33 asynchronous learning networks.
34 3. School districts participating in regional
35 academies are eligible for supplementary weighting as
36 provided in section 257.11, subsection 2. The school
37 districts participating in the regional academy shall
38 enter into an agreement on how the funding generated
39 by the supplementary weighting received shall be used
40 and shall submit the agreement to the department for
41 approval.
42 Sec. 19. Section 262.13, Code 2011, is amended to
43 read as follows:
44 262.13 ~~Security~~ ~~Peace~~ officers at institutions as
45 ~~peace~~ officers.
46 The board may authorize any institution under its
47 control to commission one or more of its employees
48 as ~~special security~~ ~~peace~~ officers. ~~Special security~~
49 officers ~~Such~~ officers shall have the same powers,
50 duties, privileges, and immunities of ~~as~~ conferred on

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1 regular peace officers ~~when acting in the interests~~
2 ~~of the institution by which they are employed.~~ The
3 board shall provide as rapidly as practicable for the
4 adequate training and certification of such ~~speeial~~
5 ~~security peace~~ officers at the Iowa law enforcement
6 academy or ~~in an equivalent at a law enforcement~~
7 ~~training program school approved by the academy,~~ unless
8 ~~they have the peace officers are already received such~~
9 ~~training certified by the Iowa law enforcement academy~~
10 ~~or by an approved law enforcement training school.~~

11 Sec. 20. Section 263.8A, Code 2011, is amended to
12 read as follows:

13 263.8A International center for talented and gifted
14 education — Iowa online advanced placement academy
15 science, technology, engineering, and mathematics
16 initiative.

17 1. a. The state board of regents shall establish
18 and maintain at Iowa City as an integral part of the
19 state university of Iowa the international center for
20 talented and gifted education. The international
21 center shall provide programs to assist classroom
22 teachers to teach gifted and talented students in
23 regular classrooms, provide programs to enhance the
24 learning experiences of gifted and talented students,
25 serve as a center for national and international
26 symposiums and policy forums for enhancing the teaching
27 of gifted and talented students, and undertake other
28 appropriate activities to enhance the programs of the
29 center, including, but not limited to, coordinating and
30 working with the world council for gifted and talented
31 children, incorporated.

32 b. An international center endowment fund is
33 established at the state university of Iowa and gifts
34 and grants to the international center and investment
35 earnings and returns on the endowment fund shall be
36 deposited in the fund and may be expended by the state
37 university of Iowa for the purposes for which the
38 international center was established.

39 2. The Iowa online advanced placement academy
40 science, technology, engineering, and mathematics
41 initiative is established within the international
42 center for talented and gifted education at the state
43 university of Iowa to deliver, with an emphasis on
44 science, technology, engineering, and mathematics
45 coursework, preadvanced placement and advanced
46 placement courses to high school students throughout
47 the state, provide training opportunities for teachers
48 to learn how to teach advanced placement courses in
49 Iowa's high schools, and provide preparation for middle
50 school students to ensure success in high school.

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1 Sec. 21. Section 273.7A, unnumbered paragraph 1,
2 Code 2011, is amended to read as follows:

3 The board of an area education agency may provide
4 services to school districts located in the area
5 education agency under contract with the school
6 districts. These services may include, but are not
7 limited to, superintendency services, personnel
8 services, business management services, purchasing
9 services, specialized maintenance services, and
10 transportation services. In addition, the board of
11 the area education agency may provide for furnishing
12 expensive and specialized equipment for school
13 districts. School districts shall pay to area
14 education agencies the cost of providing the services.

15 Sec. 22. Section 284.13, subsection 1, paragraphs a
16 through d, Code 2011, are amended to read as follows:

17 a. For the fiscal year beginning July 1, ~~2010~~ 2011,
18 and ending June 30, ~~2011~~ 2012, to the department of
19 education, the amount of ~~nine six hundred sixty-four~~
20 eighty-five thousand dollars for the issuance of
21 national board certification awards in accordance
22 with section 256.44. Of the amount allocated under
23 this paragraph, not less than ~~seventy-six~~ eighty-five
24 ~~thousand five hundred~~ dollars shall be used to
25 administer the ambassador to education position in
26 accordance with section 256.45.

27 b. For the fiscal year beginning July 1, ~~2010~~ 2011,
28 and ~~succeeding fiscal years ending June 30, 2012~~,
29 an amount up to ~~four three million one five hundred~~
30 ~~seven sixty-three thousand two hundred forty four~~
31 hundred eight dollars for first-year and second-year
32 beginning teachers, to the department of education for
33 distribution to school districts and area education
34 agencies for purposes of the beginning teacher
35 mentoring and induction programs. A school district or
36 area education agency shall receive one thousand three
37 hundred dollars per beginning teacher participating in
38 the program. If the funds appropriated for the program
39 are insufficient to pay mentors, school districts, and
40 area education agencies as provided in this paragraph,
41 the department shall prorate the amount distributed
42 to school districts and area education agencies based
43 upon the amount appropriated. Moneys received by a
44 school district or area education agency pursuant to
45 this paragraph shall be expended to provide each mentor
46 with an award of five hundred dollars per semester, at
47 a minimum, for participation in the school district's
48 or area education agency's beginning teacher mentoring
49 and induction program; to implement the plan; and to
50 pay any applicable costs of the employer's share of

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1 contributions to federal social security and the Iowa
2 public employees' retirement system or a pension and
3 annuity retirement system established under chapter
4 294, for such amounts paid by the district or area
5 education agency.

6 c. For the fiscal year beginning July 1, ~~2010~~
7 2011, and ending June 30, ~~2011~~ 2012, up to six
8 hundred ~~thirteen ninety-five~~ thousand ~~eight hundred~~
9 ~~seventy-eight~~ dollars to the department for purposes
10 of implementing the professional development program
11 requirements of section 284.6, assistance in developing
12 model evidence for teacher quality committees
13 established pursuant to section 284.4, subsection 1,
14 paragraph "c", and the evaluator training program in
15 section 284.10. A portion of the funds allocated to
16 the department for purposes of this paragraph may be
17 used by the department for administrative purposes and
18 for not more than four full-time equivalent positions.

19 d. For ~~each the~~ fiscal year ~~in which funds are~~
20 ~~appropriated for purposes of this chapter beginning~~
21 July 1, 2011, and ending June 30, 2012, an amount up
22 to one million six hundred ~~twenty-nine~~ thirty-three
23 thousand ~~six two~~ hundred ~~forty-seven~~ thirty dollars
24 to the department for the establishment of teacher
25 development academies in accordance with section 284.6,
26 subsection 10. A portion of the funds allocated to the
27 department for purposes of this paragraph may be used
28 for administrative purposes.

29 Sec. 23. Section 298.3, subsection 1, paragraph c,
30 Code 2011, is amended to read as follows:

31 c. The purchase, lease, or lease-purchase of a
32 ~~single unit of~~ equipment or technology exceeding five
33 hundred dollars in value per ~~unit~~ purchase, lease,
34 or lease-purchase transaction. Each transaction may
35 include multiple equipment or technology units.

36 Sec. 24. Section 299A.2, Code 2011, is amended to
37 read as follows:

38 299A.2 Competent private instruction by licensed
39 practitioner.

40 If a licensed practitioner provides competent
41 instruction to a ~~school-age~~ child of ~~compulsory~~
42 ~~attendance age~~, the practitioner shall possess a
43 valid license or certificate which has been issued
44 by the state board of educational examiners under
45 chapter 272 and which is appropriate to the ages and
46 grade levels of the children to be taught. Competent
47 private instruction may include, but is not limited
48 to; a home school assistance program which provides
49 instruction or instructional supervision offered
50 through an accredited nonpublic school or public

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1 school district by a teacher, who is employed by the
2 accredited nonpublic school or public school district,
3 who assists and supervises a parent, guardian, or legal
4 custodian in providing instruction to a child. If
5 competent private instruction is provided through a
6 public school district, the child shall be enrolled and
7 included in the basic enrollment of the school district
8 as provided in section 257.6. Sections 299A.3 through
9 299A.7 do not apply to competent private instruction
10 provided by a licensed practitioner under this section.
11 However, the reporting requirement contained in section
12 299A.3, subsection 1, shall apply to competent private
13 instruction provided by licensed practitioners that is
14 not part of a home school assistance program offered
15 through an accredited nonpublic school or public school
16 district.

17 Sec. 25. Section 299A.8, Code 2011, is amended to
18 read as follows:

19 299A.8 Dual enrollment.

20 If a parent, guardian, or legal custodian of a
21 ~~school-age~~ child who is receiving competent private
22 instruction under this chapter ~~or a child over~~
23 ~~compulsory age who is receiving private instruction~~
24 submits a request, the child shall also be registered
25 in a public school for dual enrollment purposes. If
26 the child is enrolled in a public school district for
27 dual enrollment purposes, the child shall be permitted
28 to participate in any academic activities in the
29 district and shall also be permitted to participate
30 on the same basis as public school children in any
31 extracurricular activities available to children in
32 the child's grade or group, and the parent, guardian,
33 or legal custodian shall not be required to pay the
34 costs of any annual evaluation under this chapter. If
35 the child is enrolled for dual enrollment purposes,
36 the child shall be included in the public school's
37 basic enrollment under section 257.6. A pupil who is
38 participating only in extracurricular activities shall
39 be counted under section 257.6, subsection 1, paragraph
40 "a", subparagraph (6). A pupil enrolled in grades nine
41 through twelve under this section shall be counted in
42 the same manner as a shared-time pupil under section
43 257.6, subsection 1, paragraph "a", subparagraph (3).

44 Sec. 26. Section 299A.12, subsection 1, Code 2011,
45 is amended to read as follows:

46 1. The board of directors of a school district ~~may~~
47 ~~shall~~ expend moneys received pursuant to section 257.6,
48 subsection 1, paragraph "a", subparagraph (5), for
49 purposes of providing a home school assistance program.

50 Sec. 27. Section 299A.12, subsection 2, paragraphs

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1 a and b, Code 2011, are amended to read as follows:
2 a. ~~Assisting Instruction~~ Instruction for students and assisting
3 parents with instruction.
4 b. ~~Student Support services for students and~~
5 ~~teaching parent support services~~ teaching parents and
6 staff support services.
7 Sec. 28. Section 299A.12, subsection 2, paragraph
8 g, unnumbered paragraph 1, Code 2011, is amended to
9 read as follows:
10 Resources, materials, computer software and
11 hardware, ~~and~~ supplies, and purchased services that
12 meet the following criteria:
13 Sec. 29. Section 299A.12, subsection 3, paragraphs
14 b, c, e, and f, Code 2011, are amended to read as
15 follows:
16 b. Operational or maintenance costs ~~in addition~~
17 ~~to the cost of maintaining school district facilities~~
18 other than those necessary to operate and maintain the
19 program.
20 c. Capital expenditures other than equipment or
21 facility acquisition, including the lease or rental of
22 space to supplement existing schoolhouse facilities.
23 e. Administrative costs other than the costs
24 necessary to administer the program.
25 f. Concurrent ~~and dual~~ enrollment ~~program~~ costs and
26 postsecondary enrollment options program costs.
27 Sec. 30. Section 321.89, subsection 1, paragraph c,
28 Code 2011, is amended to read as follows:
29 c. "Police authority" means the state patrol, any
30 law enforcement agency of a county or city, or any
31 ~~special security peace~~ officer employed by the state
32 board of regents under section 262.13.
33 Sec. 31. Section 801.4, subsection 11, paragraph f,
34 Code 2011, is amended to read as follows:
35 f. ~~Special security Peace~~ officers employed by
36 board of regents institutions as set forth in section
37 262.13.
38 Sec. 32. REPEAL. Section 261.19B, Code 2011, is
39 repealed.
40 Sec. 33. EFFECTIVE UPON ENACTMENT. The section
41 of this division of this Act transferring moneys
42 appropriated pursuant to 2010 Iowa Acts, chapter 1183,
43 section 6, subsection 18, being deemed of immediate
44 importance, takes effect upon enactment.
45 Sec. 34. EFFECTIVE DATE AND APPLICABILITY. The
46 section of this division of this Act amending section
47 261E.9, subsections 1 through 3, takes effect July 1,
48 2012, and is applicable to school years beginning on or
49 after July 1, 2012.
50 Sec. 35. EFFECTIVE UPON ENACTMENT. The section

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1 of this division of this Act amending section 261.6,
2 subsection 2, being deemed of immediate importance,
3 takes effect upon enactment.

4 Sec. 36. APPLICABILITY. The section of this
5 division of this Act that amends section 298.3 applies
6 to school budget years beginning on or after July 1,
7 2011.

8 Sec. 37. RETROACTIVE APPLICABILITY. The sections
9 of this division of this Act amending sections 299A.2
10 and 299A.8 apply retroactively to the base year
11 beginning July 1, 2009.

12 DIVISION II
13 LIBRARY PROVISIONS

14 Sec. 38. Section 8A.454, subsection 2, Code 2011,
15 is amended to read as follows:

16 2. A monthly per contract administrative charge
17 shall be assessed by the department on all health
18 insurance plans administered by the department in which
19 the contract holder has a state employer to pay the
20 charge. The amount of the administrative charge shall
21 be established by the general assembly. The department
22 shall collect the administrative charge from each
23 department utilizing the centralized payroll system and
24 shall deposit the proceeds in the fund. In addition,
25 the state board of regents, ~~all library service~~
26 ~~areas~~, the state fair board, the state department of
27 transportation, and each judicial district department
28 of correctional services shall remit the administrative
29 charge on a monthly basis to the department and shall
30 submit a report to the department containing the number
31 and type of health insurance contracts held by each of
32 its employees whose health insurance is administered by
33 the department.

34 Sec. 39. Section 8D.2, subsection 5, paragraph a,
35 Code 2011, is amended to read as follows:

36 a. "Public agency" means a state agency, an
37 institution under the control of the board of regents,
38 the judicial branch as provided in section 8D.13,
39 subsection 16, a school corporation, a city library,
40 ~~a library service area as provided in chapter 256,~~
41 a county library as provided in chapter 336, or a
42 judicial district department of correctional services
43 established in section 905.2, to the extent provided in
44 section 8D.13, subsection 14, an agency of the federal
45 government, or a United States post office which
46 receives a federal grant for pilot and demonstration
47 projects.

48 Sec. 40. Section 8D.9, subsection 1, Code 2011, is
49 amended to read as follows:

50 1. A private or public agency, other than a state

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1 agency, local school district or nonpublic school, city
2 library, ~~library service area~~, county library, judicial
3 branch, judicial district department of correctional
4 services, agency of the federal government, a hospital
5 or physician clinic, or a post office authorized to be
6 offered access pursuant to this chapter as of May 18,
7 1994, shall certify to the commission no later than
8 July 1, 1994, that the agency is a part of or intends
9 to become a part of the network. Upon receiving such
10 certification from an agency not a part of the network
11 on May 18, 1994, the commission shall provide for the
12 connection of such agency as soon as practical. An
13 agency which does not certify to the commission that
14 the agency is a part of or intends to become a part of
15 the network as required by this subsection shall be
16 prohibited from using the network.

17 Sec. 41. Section 8D.11, subsection 4, Code 2011, is
18 amended to read as follows:

19 4. A political subdivision receiving communications
20 services from the state as of April 1, 1986, may
21 continue to do so but communications services shall
22 not be provided or resold to additional political
23 subdivisions other than a school corporation, a city
24 library, ~~a library service area as provided in chapter~~
25 ~~256~~, and a county library as provided in chapter 336.
26 The rates charged to the political subdivision shall be
27 the same as the rates charged to state agencies.

28 Sec. 4. Section 12C.1, subsection 1, Code 2011, is
29 amended to read as follows:

30 1. All funds held by the following officers
31 or institutions shall be deposited in one or more
32 depositories first approved by the appropriate
33 governing body as indicated: for the treasurer of
34 state, by the executive council; for judicial officers
35 and court employees, by the supreme court; for the
36 county treasurer, recorder, auditor, and sheriff, by
37 the board of supervisors; for the city treasurer or
38 other designated financial officer of a city, by the
39 city council; for the county public hospital or merged
40 area hospital, by the board of hospital trustees;
41 for a memorial hospital, by the memorial hospital
42 commission; for a school corporation, by the board
43 of school directors; for a city utility or combined
44 utility system established under chapter 388, by the
45 utility board; ~~for a library service area established~~
46 ~~under chapter 256, by the library service area board of~~
47 ~~trustees~~; and for an electric power agency as defined
48 in section 28F.2 or 390.9, by the governing body of the
49 electric power agency. However, the treasurer of state
50 and the treasurer of each political subdivision or the

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1 designated financial officer of a city shall invest
2 all funds not needed for current operating expenses in
3 time certificates of deposit in approved depositories
4 pursuant to this chapter or in investments permitted by
5 section 12B.10. The list of public depositories and
6 the amounts severally deposited in the depositories
7 are matters of public record. This subsection does
8 not limit the definition of "public funds" contained
9 in subsection 2. Notwithstanding provisions of this
10 section to the contrary, public funds of a state
11 government deferred compensation plan established
12 by the executive council may also be invested in the
13 investment products authorized under section 509A.12.

14 Sec. 43. Section 218.22, Code 2011, is amended to
15 read as follows:

16 218.22 Record privileged.

17 Except with the consent of the administrator in
18 charge of an institution, or on an order of a court of
19 record, the record provided in section 218.21 shall be
20 accessible only to the administrator of the division
21 of the department of human services in control of
22 such institution, the director of the department of
23 human services and to assistants and proper clerks
24 authorized by such administrator or the administrator's
25 director. The administrator of the division of such
26 institution is authorized to permit the division of
27 ~~libraries and information~~ library services of the
28 department of education and the historical division of
29 the department of cultural affairs to copy or reproduce
30 by any photographic, photostatic, microfilm, microcard
31 or other process which accurately reproduces a durable
32 medium for reproducing the original and to destroy in
33 the manner described by law such records of residents
34 designated in section 218.21.

35 Sec. 44. Section 256.7, unnumbered paragraph 1,
36 Code 2011, is amended to read as follows:

37 Except for the college student aid commission,
38 ~~the commission of libraries and division of library~~
39 ~~services~~, and the public broadcasting board and
40 division, the state board shall:

41 Sec. 45. Section 256.7, subsection 17, Code 2011,
42 is amended to read as follows:

43 17. Receive and review the budget and unified plan
44 of service submitted by the division of ~~libraries and~~
45 ~~information~~ library services.

46 Sec. 46. Section 256.9, unnumbered paragraph 1,
47 Code 2011, is amended to read as follows:

48 Except for the college student aid commission,
49 ~~the commission of libraries and division of library~~
50 ~~services~~, and the public broadcasting board and

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1 division, the director shall:

2 Sec. 47. Section 256.50, subsection 2, Code 2011,
3 is amended to read as follows:

4 2. "Division" means the division of ~~libraries and~~
5 ~~information~~ library services of the department of
6 education.

7 Sec. 48. Section 256.51, subsection 1, unnumbered
8 paragraph 1, Code 2011, is amended to read as follows:

9 The division of ~~libraries and information~~ library
10 services is ~~established within~~ attached to the
11 department of education for administrative purposes.
12 The state librarian shall be responsible for the
13 division's budgeting and related management functions
14 in accordance section 256.52, subsection 3. The
15 division shall do all of the following:

16 Sec. 49. Section 256.51, subsection 1, Code 2011,
17 is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. 0a. Provide support services to
19 libraries, including but not limited to consulting,
20 continuing education, interlibrary loan services, and
21 references services to assure consistency of service
22 statewide and to encourage local financial support for
23 library services.

24 NEW PARAGRAPH. 1. Allow a public library that
25 receives state assistance under section 256.57, or
26 financial support from a city or county pursuant
27 to section 256.69, to dispose of, through sale,
28 conveyance, or exchange, any library materials that may
29 be obsolete or worn out or that may no longer be needed
30 or appropriate to the mission of the public library.
31 These materials may be sold by the public library
32 directly or the governing body of the public library
33 may sell the materials by consignment to a public
34 agency or to a private agency organized to raise funds
35 solely for support of the public library. Proceeds
36 from the sale of the library materials may be remitted
37 to the public library and may be used by the public
38 library for the purchase of books and other library
39 materials or equipment, or for the provision of library
40 services.

41 Sec. 50. Section 256.51, subsection 1, paragraph d,
42 Code 2011, is amended to read as follows:

43 d. Develop, in consultation with the ~~library~~
44 ~~service areas and the area education agency media~~
45 centers, a biennial unified plan of service and service
46 delivery for the division of ~~libraries and information~~
47 library services.

48 Sec. 51. Section 256.51, subsection 1, paragraph j,
49 Code 2011, is amended to read as follows:

50 j. Establish and administer standards for state

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1 agency libraries, ~~the library service areas~~, and public
2 libraries.

3 Sec. 52. Section 256.51, subsection 1, paragraph k,
4 Code 2011, is amended by striking the paragraph.

5 Sec. 53. Section 256.51, subsection 2, paragraph c,
6 Code 2011, is amended to read as follows:

7 c. Accept gifts, contributions, bequests,
8 endowments, or other moneys, including but not limited
9 to the Westgate endowment fund, for any or all purposes
10 of the division. Interest earned on moneys accepted
11 under this paragraph shall be credited to the fund
12 or funds to which the gifts, contributions, bequests,
13 endowments, or other moneys have been deposited, and
14 is available for any or all purposes of the division.
15 The division shall report annually to the ~~director~~
16 commission and the general assembly regarding the
17 gifts, contributions, bequests, endowments, or other
18 moneys accepted pursuant to this paragraph and the
19 interest earned on them.

20 Sec. 54. Section 256.52, subsection 1, Code 2011,
21 is amended to read as follows:

22 1. a. The state commission of libraries consists
23 of one member appointed by the supreme court, the
24 director of the department of education, or the
25 director's designee, and ~~six~~ the following seven
26 members ~~who shall be~~ appointed by the governor to serve
27 four-year terms beginning and ending as provided in
28 section 69.19. ~~The governor's appointees shall~~

29 (1) Two members shall be employed in the state as
30 public librarians.

31 (2) One member shall be a public library trustee.

32 (3) One member shall be employed in this state as
33 an academic librarian.

34 (4) One member shall be employed as a librarian by
35 a school district or area education agency.

36 (5) Two members shall be selected at large.

37 b. The members shall be reimbursed for their actual
38 expenditures necessitated by their official duties.
39 Members may also be eligible for compensation as
40 provided in section 7E.6.

41 Sec. 55. Section 256.52, subsection 3, paragraph
42 b, subparagraphs (1) and (4), Code 2011, are amended
43 to read as follows:

44 (1) ~~Direct and organize the activities of~~ Organize,
45 staff, and administer the division so as to render the
46 greatest benefit to libraries in the state.

47 (4) Appoint and approve the technical,
48 professional, ~~excepting the law librarian,~~ secretarial,
49 and clerical staff necessary to accomplish the purposes
50 of the division subject to chapter 8A, subchapter IV.

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1 Sec. 56. Section 256.52, subsection 3, paragraph
2 b, Code 2011, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (4A) (a) Assume all of the
5 outstanding obligations of the library service
6 areas and be liable for and recognize, assume, and
7 carry out all valid contracts and obligations of the
8 library service areas that are consolidated under the
9 commission and administered by the division effective
10 beginning July 1, 2011. Each library service area
11 shall transfer, prior to July 1, 2011, its state-funded
12 assets and title to any state-funded real estate owned
13 by the library service area to the state librarian.

14 (b) This subparagraph is repealed July 1, 2015.

15 Sec. 57. Section 256.52, subsection 5, Code 2011,
16 is amended to read as follows:

17 5. The commission shall receive and approve the
18 budget and unified plan of service submitted by the
19 division of ~~libraries and information services~~.

20 Sec. 58. Section 256.54, subsection 1, Code 2011,
21 is amended to read as follows:

22 1. The state library includes but is not limited
23 to ~~a law library~~ the library support network, the
24 specialized library services unit, and the state data
25 center. The law library shall be under the direction
26 of the specialized library services unit.

27 Sec. 59. Section 256.54, subsection 2, unnumbered
28 paragraph 1, Code 2011, is amended to read as follows:

29 The law library shall be administered by a law
30 librarian appointed by the ~~director~~ state librarian
31 subject to chapter 8A, subchapter IV, who shall do all
32 of the following:

33 Sec. 60. Section 256.55, unnumbered paragraph 1,
34 Code 2011, is amended to read as follows:

35 A state data center is established in the ~~department~~
36 ~~of education~~ division. The state data center shall be
37 administered by the state data center coordinator, who
38 shall do all of the following:

39 Sec. 61. NEW SECTION. 256.58 Library support
40 network.

41 1. A library support network is established in the
42 division to offer services and programs for libraries,
43 including but not limited to individualized, locally
44 delivered consulting and training, and to facilitate
45 resource sharing and innovation through the use of
46 technology, administer enrich Iowa programs, advocate
47 for libraries, promote excellence and innovation in
48 library services, encourage governmental subdivisions
49 to provide local financial support for local libraries,
50 and ensure the consistent availability of quality

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1 service to all libraries throughout the state,
2 regardless of location or size.

3 2. The organizational structure to deliver library
4 support network services shall include district
5 offices. The district offices shall serve as a basis
6 for providing field services to local libraries in the
7 counties comprising the district. The division shall
8 determine which counties are served by each district
9 office.

10 Sec. 62. NEW SECTION. 256.59 Specialized library
11 services.

12 The specialized library services unit is established
13 in the division to provide information services to the
14 three branches of state government and to offer focused
15 information services to the general public in the areas
16 of Iowa law, Iowa state documents, and Iowa history and
17 culture.

18 Sec. 63. NEW SECTION. 256.62 Library services
19 advisory panel.

20 1. The state librarian shall convene a library
21 services advisory panel to advise and recommend to
22 the commission and the division evidence-based best
23 practices, to assist the commission and division to
24 determine service priorities and launch programs,
25 articulate the needs and interests of Iowa librarians,
26 and share research and professional development
27 information.

28 2. The library services advisory panel shall
29 consist of no fewer than eleven members representing
30 libraries of all sizes and types, and various
31 population levels and geographic regions of the
32 state. A simple majority of the members appointed
33 shall be appointed by the executive board of the Iowa
34 library association and the remaining members shall be
35 appointed by the state librarian. Terms of members
36 shall begin and end as provided in section 69.19. Any
37 vacancy shall be filled in the same manner as regular
38 appointments are made for the unexpired portion of the
39 regular term. Members shall serve four-year terms
40 which are staggered at the discretion of the state
41 librarian. A member is eligible for reappointment for
42 three successive terms. The members shall elect a
43 chairperson annually.

44 3. The library services advisory panel shall
45 meet at least twice annually and shall submit its
46 recommendations in a report to the commission and the
47 state librarian at least once annually. The report
48 shall be timely submitted to allow for consideration
49 of the recommendations prior to program planning and
50 budgeting for the following fiscal year.

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1 4. Members of the library services advisory panel
2 shall receive actual and necessary expenses incurred
3 in the performance of their duties. Expenses shall
4 be paid from funds appropriated to the department for
5 purposes of the division.

6 Sec. 64. Section 256.70, unnumbered paragraph 1,
7 Code 2011, is amended to read as follows:

8 The division of ~~libraries and information~~ library
9 services of the department of education is hereby
10 authorized to enter into interstate library compacts on
11 behalf of the state of Iowa with any state bordering on
12 Iowa which legally joins therein in substantially the
13 following form and the contracting states agree that:

14 Sec. 65. Section 256.71, Code 2011, is amended to
15 read as follows:

16 256.71 Administrator.

17 The administrator of the division of ~~libraries and~~
18 ~~information~~ library services shall be the compact
19 administrator. The compact administrator shall
20 receive copies of all agreements entered into by the
21 state or its political subdivisions and other states
22 or political subdivisions; consult with, advise and
23 aid such governmental units in the formulation of
24 such agreements; make such recommendations to the
25 governor, legislature, governmental agencies and units
26 as the administrator deems desirable to effectuate the
27 purposes of this compact and consult and ~~co-operate~~
28 cooperate with the compact administrators of other
29 party states.

30 Sec. 66. Section 273.2, subsection 4, Code 2011, is
31 amended to read as follows:

32 4. The area education agency board shall provide
33 for special education services and media services
34 for the local school districts in the area and shall
35 encourage and assist school districts in the area to
36 establish programs for gifted and talented children.
37 The board shall assist in facilitating interlibrary
38 loans of materials between school districts and other
39 libraries. ~~Each area education agency shall include~~
40 ~~as a member of its media center advisory committee a~~
41 ~~library service area trustee or library service area~~
42 ~~staff member, who is appointed to the committee by the~~
43 ~~commission of libraries.~~

44 Sec. 67. Section 669.2, subsection 5, Code 2011, is
45 amended to read as follows:

46 5. "State agency" includes all executive
47 departments, agencies, boards, bureaus, and commissions
48 of the state of Iowa, and corporations whose
49 primary function is to act as, and while acting as,
50 instrumentalities or agencies of the state of Iowa,

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1 whether or not authorized to sue and be sued in
2 their own names. This definition does not include a
3 contractor with the state of Iowa. Soil and water
4 conservation districts as defined in section 161A.3,
5 subsection 6, and judicial district departments
6 of correctional services as established in section
7 905.2, and ~~library service area boards of trustees~~
8 ~~as established in chapter 256~~ are state agencies for
9 purposes of this chapter.

10 Sec. 68. Section 904.601, unnumbered paragraph 1,
11 Code 2011, is amended to read as follows:

12 The director shall keep the following record of
13 every person committed to any of the department's
14 institutions: Name, residence, sex, age, place of
15 birth, occupation, civil condition, date of entrance
16 or commitment, date of discharge, whether a discharge
17 is final, condition of the person when discharged,
18 the name of the institutions from which and to which
19 the person has been transferred, and if the person
20 is dead, the date and cause of death. The director
21 may permit the division of ~~libraries and information~~
22 library services of the department of education and
23 the historical division of the department of cultural
24 affairs to copy or reproduce by any photographic,
25 photostatic, microfilm, microcard, or other process
26 which accurately reproduces in a durable medium and to
27 destroy in the manner described by law the records of
28 inmates required by this paragraph.

29 Sec. 69. REPEAL. Sections 256.60, 256.61, 256.66
30 through 256.68, Code 2011, are repealed.

31 Sec. 70. TRANSITION PROVISION. A governor's
32 appointee serving on the state commission of libraries
33 on the effective date of this Act shall continue
34 to serve as a member of the commission until the
35 appointee's term expires.

36 Sec. 71. LIBRARY SERVICE AREA EMPLOYEES — LENGTH
37 OF SERVICE — TRANSFER OF PERSONNEL RECORDS.

38 1. The length of service of a permanent employee
39 of a library service area who is employed by a library
40 service area on June 30, 2011, and who is hired by the
41 division of library services on or after July 1, 2011,
42 shall be prorated and credited as state employment
43 service for purposes of vacation and sick leave
44 accrual.

45 2. The area administrator of each library service
46 area shall submit to the division of library services
47 the personnel records of each permanent full-time
48 employee of the library service area by July 1, 2011.

49 Sec. 72. EFFECTIVE UPON ENACTMENT. The section
50 of this division of this Act enacting section 256.52,

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1 subsection 3, paragraph "b", subparagraph (4A), being
2 deemed of immediate importance, takes effect upon
3 enactment.

4 DIVISION III

5 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

6 Sec. 73. Section 260C.18A, subsection 2, Code 2011,

7 is amended by adding the following new paragraphs:

8 NEW PARAGRAPH. g. Development and implementation
9 of pathways for academic career and employment programs
10 under chapter 260H.

11 NEW PARAGRAPH. h. Development and implementation
12 of programs for the gap tuition assistance program
13 under chapter 260I.

14 NEW PARAGRAPH. i. Entrepreneurial education, small
15 business assistance, and business incubators.

16 Sec. 74. NEW SECTION. 260H.1 Title.

17 This chapter shall be known and may be cited as the
18 "Pathways for Academic Career and Employment Act".

19 Sec. 75. NEW SECTION. 260H.2 Pathways for academic
20 career and employment program.

21 A pathways for academic career and employment
22 program is established to provide funding to
23 community colleges for the development of projects
24 in coordination with the department of economic
25 development, the department of education, Iowa
26 workforce development, regional advisory boards
27 established pursuant to section 84A.4, and community
28 partners to implement a simplified, streamlined, and
29 comprehensive process, along with customized support
30 services, to enable eligible participants to acquire
31 effective academic and employment training to secure
32 gainful, quality, in-state employment.

33 Sec. 76. NEW SECTION. 260H.3 Eligibility criteria.

34 1. Projects eligible for funding for the pathways
35 for academic career and employment program shall be
36 projects that further the ability of members of target
37 populations to secure gainful, quality employment.
38 For the purposes of this chapter, "target population"
39 includes:

40 a. Persons deemed low skilled for the purposes of
41 attaining gainful, quality, in-state employment.

42 b. Persons earning incomes at or below two hundred
43 percent of the federal poverty level as defined by
44 the most recently revised poverty income guidelines
45 published by the United States department of health and
46 human services.

47 c. Unemployed persons.

48 d. Underemployed persons.

49 e. Dislocated workers, including workers eligible
50 for services and benefits under the federal Trade

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1 Adjustment Act of 2002, Pub. L. No. 107-210, as
2 determined by the department of workforce development
3 and the federal internal revenue service.
4 2. Projects eligible for funding for the pathways
5 for academic career and employment program shall
6 be projects that further partnerships that link
7 the community colleges to industry and nonprofit
8 organizations and projects that further program
9 outcomes as provided in section 260H.4.
10 Sec. 77. NEW SECTION. 260H.4 Program outcomes.
11 Projects eligible for funding for the pathways
12 for academic career and employment program shall be
13 programs which further the following program outcomes:
14 1. Enabling the target populations to:
15 a. Acquire and demonstrate competency in basic
16 skills.
17 b. Acquire and demonstrate competency in a
18 specified technical field.
19 c. Complete a specified level of postsecondary
20 education.
21 d. Earn a national career readiness certificate.
22 e. Obtain employer-validated credentials.
23 f. Secure gainful employment in high-quality, local
24 jobs.
25 2. Satisfaction of economic and employment goals
26 including but not limited to:
27 a. Economic and workforce development requirements
28 in each region served by the community colleges
29 as defined by regional advisory boards established
30 pursuant to section 84A.4.
31 b. Needs of industry partners in areas including
32 but not limited to:
33 (1) Information technology.
34 (2) Health care.
35 (3) Advanced manufacturing.
36 (4) Transportation and logistics.
37 c. Any other industry designated as in-demand by a
38 regional advisory board established pursuant to section
39 84A.4.
40 Sec. 78. NEW SECTION. 260H.5 Program component
41 requirements.
42 Program components of a pathways for academic career
43 and employment project implemented at a community
44 college shall:
45 1. Include measurable and effective recruitment,
46 assessment, and referral activities designed for the
47 target populations.
48 2. Integrate basics skills and work-readiness
49 training with occupational skills training.
50 3. Combine customized supportive and case

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1 management services with training services to help
2 participants overcome barriers to employment.

3 4. Provide training services at times, locations,
4 and through multiple, flexible modalities that are
5 easily understood and readily accessible to the
6 target populations. Such modalities shall support
7 timeless entry, individualized learning, and flexible
8 scheduling, and may include online remediation,
9 learning lab and cohort learning communities, tutoring,
10 and modularization.

11 Sec. 79. NEW SECTION. 260H.6 Pipeline program.
12 Each community college receiving funding for the
13 pathways for academic career and employment program
14 shall develop a pipeline program in order to better
15 serve the academic, training, and employment needs of
16 the target populations. A pipeline program shall have
17 the following goals:

- 18 1. To strengthen partnerships with community-based
19 organizations and industry representatives.
- 20 2. To improve and simplify the identification,
21 recruitment, and assessment of qualified participants.
- 22 3. To conduct and manage an outreach, recruitment,
23 and intake process, along with accompanying support
24 services, reflecting sensitivity to the time and
25 financial constraints and remediation needs of the
26 target populations.
- 27 4. To conduct orientations for qualified
28 participants to describe regional labor market
29 opportunities, employer partners, and program
30 requirements and expectations.
- 31 5. To describe the concepts of the project
32 implemented with funds from the pathways for academic
33 career and employment program and the embedded
34 educational and support resources available through
35 such project.
- 36 6. To outline the basic skills participants will
37 learn and describe the credentials participants will
38 earn.
- 39 7. To describe success milestones and ways in which
40 temporal and instructional barriers have been minimized
41 or eliminated.
- 42 8. To review how individualized and customized
43 service strategies for participants will be developed
44 and provided.

45 Sec. 80. NEW SECTION. 260H.7 Career pathways and
46 bridge curriculum development program.

47 Each community college receiving funding for the
48 pathways for academic career and employment program
49 shall develop a career pathways and bridge curriculum
50 development program in order to better serve the

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1 academic, training, and employment needs of the target
2 populations. A career pathways and bridge curriculum
3 development program shall have the following goals:

4 1. The articulation of courses and modules, the
5 mapping of programs within career pathways, and
6 establishment of bridges between credit and noncredit
7 programs.

8 2. The integration and contextualization of
9 basic skills education and skills training. This
10 process shall provide for seamless progressions
11 between adult basic education and general education
12 development programs and continuing education and
13 credit certificate, diploma, and degree programs.

14 3. The development of career pathways that support
15 the attainment of industry-recognized credentials,
16 diplomas, and degrees through stackable, modularized
17 program delivery.

18 Sec. 81. NEW SECTION. 260H.8 Rules.

19 The department of education, in consultation with
20 the community colleges, the department of economic
21 development, and Iowa workforce development, shall
22 adopt rules pursuant to chapter 17A and this chapter
23 to implement the provisions of this chapter. Regional
24 advisory boards established pursuant to section
25 84A.4 shall be consulted in the development and
26 implementation of rules to be adopted pursuant to this
27 chapter.

28 Sec. 82. NEW SECTION. 260I.1 Title.

29 This chapter shall be known and may be cited as the
30 "Gap Tuition Assistance Act".

31 Sec. 83. NEW SECTION. 260I.2 Gap tuition
32 assistance program.

33 A gap tuition assistance program is established to
34 provide funding to community colleges for need-based
35 tuition assistance to applicants to enable completion
36 of continuing education certificate training programs
37 for in-demand occupations.

38 Sec. 84. NEW SECTION. 260I.3 Applicants for
39 tuition assistance — eligibility criteria.

40 1. The department of education, in consultation
41 with the department of economic development, shall
42 adopt rules pursuant to this chapter defining
43 eligibility criteria for persons applying to receive
44 tuition assistance under this chapter.

45 2. Eligibility for tuition assistance under this
46 chapter shall be based on financial need. Criteria to
47 be assessed in determining financial need shall include
48 but is not limited to:

49 a. The applicant's family income for the twelve
50 months prior to the date of application.

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1 b. The applicant's family size.
2 c. The applicant's county of residence.
3 3. a. An applicant for tuition assistance under
4 this chapter must have a demonstrated capacity to
5 achieve the following outcomes:
6 (1) The ability to complete an eligible certificate
7 program.
8 (2) The ability to enter a postsecondary
9 certificate, diploma, or degree program for credit.
10 (3) The ability to gain full-time employment.
11 (4) The ability to maintain full-time employment
12 over time.
13 b. The community college receiving the application
14 shall only approve an applicant for tuition assistance
15 under this chapter if the community college determines
16 the applicant has a strong likelihood of achieving the
17 outcomes described in paragraph "a" after considering
18 factors including but not limited to:
19 (1) Barriers that may prevent an applicant from
20 completing the certificate program.
21 (2) Barriers that may prevent an applicant from
22 gaining employment in an in-demand occupation.
23 4. Applicants may be found eligible for partial or
24 total tuition assistance.
25 5. Tuition assistance shall not be approved when
26 the community college receiving the application
27 determines that funding for an applicant's
28 participation in an eligible certificate program is
29 available from any other public or private funding
30 source.
31 Sec. 85. NEW SECTION. 260I.4 Applicants for
32 tuition assistance — additional provisions.
33 1. An applicant for tuition assistance under
34 this chapter shall provide to the community college
35 receiving the application documentation of all sources
36 of income.
37 2. Only an applicant eligible to work in the United
38 States shall be approved for tuition assistance under
39 this chapter.
40 3. An application shall be valid for six months
41 from the date of signature on the application.
42 4. A person shall not be approved for tuition
43 assistance under this chapter for more than one
44 eligible certificate program.
45 5. Eligibility for tuition assistance under this
46 chapter shall not be construed to guarantee enrollment
47 in any community college certificate program.
48 6. Eligibility for tuition assistance under this
49 chapter shall be limited to persons earning incomes at
50 or below two hundred percent of the federal poverty

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1 level as defined by the most recently revised poverty
2 income guidelines published by the United States
3 department of health and human services.

4 Sec. 86. NEW SECTION. 260I.5 Eligible costs.

5 Costs of a certificate program eligible for coverage
6 by tuition assistance shall include but are not limited
7 to:

8 1. Tuition.

9 2. Direct training costs.

10 3. Required books and equipment.

11 4. Fees including but not limited to fees for
12 industry testing services and background check testing
13 services.

14 Sec. 87. NEW SECTION. 260I.6 Eligible certificate
15 programs.

16 For the purposes of this chapter, "eligible
17 certificate program" means a program meeting all of the
18 following criteria:

19 1. The program is not offered for credit, but is
20 aligned with a certificate, diploma, or degree for
21 credit, and does any of the following:

22 a. Offers a state, national, or locally recognized
23 certificate.

24 b. Offers preparation for a professional
25 examination or licensure.

26 c. Provides endorsement for an existing credential
27 or license.

28 d. Represents recognized skill standards defined by
29 an industrial sector.

30 e. Offers a similar credential or training.

31 2. The program offers training or a credential in
32 an in-demand occupation. For the purposes of this
33 chapter, "in-demand occupation" includes occupations in
34 the following industries:

35 a. Information technology.

36 b. Health care.

37 c. Advanced manufacturing.

38 d. Transportation and logistics.

39 e. Any other industry designated as in-demand by a
40 regional advisory board established pursuant to section
41 84A.4.

42 Sec. 88. NEW SECTION. 260I.7 Initial assessment.

43 An applicant for tuition assistance under this
44 chapter shall complete an initial assessment
45 administered by the community college receiving the
46 application to determine the applicant's readiness
47 to complete an eligible certificate program. The
48 assessment shall include assessments for completion of
49 a national career readiness certificate, including the
50 areas of reading for information, applied mathematics,

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1 and locating information. An applicant must achieve a
2 bronze-level certificate or the minimum score required
3 for an eligible certificate program, whichever is
4 higher, in order to be approved for tuition assistance.
5 An applicant shall complete any additional assessments
6 and occupational research required by an eligible
7 certificate program.

8 Sec. 89. NEW SECTION. 260I.8 Program interview.

9 An applicant for tuition assistance under this
10 chapter shall meet with a member of the staff for
11 an eligible certificate program offered by the
12 community college receiving the application. The
13 staff member shall discuss the relevant industry, any
14 applicable occupational research, and any applicable
15 training relating to the eligible certificate program.
16 The discussion shall include an evaluation of the
17 applicant's capabilities, needs, family situation,
18 work history, educational background, attitude and
19 motivation, employment skills, vocational potential,
20 and employment barriers. The discussion shall also
21 include potential start dates, support needs, and other
22 requirements for an eligible certificate program.

23 Sec. 90. NEW SECTION. 260I.9 Participation
24 requirements.

25 1. A participant in an eligible certificate program
26 who receives tuition assistance pursuant to this
27 chapter shall do all of the following:

28 a. Maintain regular contact with staff members for
29 the certificate program to document the applicant's
30 progress in the program.

31 b. Sign a release form to provide relevant
32 information to community college faculty or case
33 managers.

34 c. Discuss with staff members for the certificate
35 program any issues that may impact the participant's
36 ability to complete the certificate program, obtain
37 employment, and maintain employment over time.

38 d. Attend all required courses regularly.

39 e. Meet with staff members for the certificate
40 program to develop a job search plan.

41 2. A community college may terminate tuition
42 assistance for a participant who fails to meet the
43 requirements of this section.

44 Sec. 91. NEW SECTION. 260I.10 Oversight.

45 1. The department of education, in coordination
46 with the community colleges, shall establish a steering
47 committee. The steering committee shall determine if
48 the performance measures of the gap tuition assistance
49 program are being met and shall take necessary steps
50 to correct any deficiencies. The steering committee

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1 shall meet at least quarterly to evaluate and monitor
2 the performance of the gap tuition assistance program.
3 2. The department of education, in coordination
4 with the community colleges, shall develop a common
5 intake tracking system that shall be implemented
6 consistently by each participating community college.
7 3. The department of education shall coordinate
8 statewide oversight, evaluation, and reporting efforts
9 for the gap tuition assistance program.
10 Sec. 92. NEW SECTION. 260I.11 Rules.
11 The department of education, in consultation
12 with the department of economic development and
13 the community colleges, shall adopt rules pursuant
14 to chapter 17A and this chapter to implement the
15 provisions of this chapter.>
16 2. By renumbering as necessary.

SENATE AMENDMENT

H-1732

1 Amend House File 649, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 19, by striking <9,852,577> and
4 inserting <10,302,577>
5 2. Page 1, after line 29 by inserting:
6 <1A. The amount appropriated in this section
7 includes additional funding of \$450,000 for delivery of
8 long-term care services to seniors with low or moderate
9 incomes.>
10 3. Page 2, line 35, by striking <20,703,190> and
11 inserting <25,703,190>
12 4. Page 3, by striking lines 2 through 11 and
13 inserting:
14 <a. (1) Of the funds appropriated in this
15 subsection, \$5,453,830 shall be used for the tobacco
16 use prevention and control initiative, including
17 efforts at the state and local levels, as provided in
18 chapter 142A.
19 (2) Of the funds allocated in this paragraph
20 "a", \$453,830 shall be transferred to the alcoholic
21 beverages division of the department of commerce
22 for enforcement of tobacco laws, regulations, and
23 ordinances in accordance with 2011 Iowa Acts, House
24 File 467, as enacted.>
25 5. Page 6, line 16, by striking <2,601,905> and
26 inserting <2,594,270>
27 6. Page 6, line 17, by striking <10.00> and
28 inserting <11.00>
29 7. Page 6, line 25, by striking <287,520> and

30 inserting <329,885>
 31 8. Page 6, line 30, after <children.> by inserting
 32 <A portion of the funds allocated in this lettered
 33 paragraph may be used for a full-time equivalent
 34 position to coordinate the activities under this
 35 paragraph.>
 36 9. Page 7, by striking lines 8 through 14.
 37 10. Page 7, line 19, by striking <3,262,256> and
 38 inserting <3,399,156>
 39 11. Page 7, line 20, by striking <4.00> and
 40 inserting <5.00>
 41 12. Page 7, line 21, by striking <136,808> and
 42 inserting <160,582>
 43 13. Page 7, line 25, by striking <383,600> and
 44 inserting <483,600>
 45 14. Page 7, line 32, by striking <468,874> and
 46 inserting <498,874>
 47 15. Page 8, line 6, by striking <755,791> and
 48 inserting <788,303>
 49 16. Page 8, line 8, by striking <711,052> and
 50 inserting <547,065>

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1 17. Page 8, line 12, by striking <363,987> and
 2 inserting <200,000>
 3 18. Page 8, line 18, by striking <421,782> and
 4 inserting <528,834>
 5 19. Page 8, line 20, after <disorders.> by
 6 inserting <A portion of the funds allocated in this
 7 paragraph may be used for one full-time equivalent
 8 position for administration of the center.>
 9 20. Page 8, line 28, by striking <3,677,659> and
 10 inserting <4,826,699>
 11 21. Page 9, line 32, after <designated> by
 12 inserting <. The following amounts allocated under
 13 this lettered paragraph shall be distributed to
 14 the specified provider and shall not be reduced for
 15 administrative or other costs prior to distribution>
 16 22. Page 9, line 33, by striking <Iowa-Nebraska>
 17 and inserting <Iowa>
 18 23. Page 10, line 1, by striking <116,597> and
 19 inserting <132,580>
 20 24. Page 10, after line 1 by inserting:
 21 <(1A) For distribution to the Iowa family planning
 22 network agencies for necessary infrastructure,
 23 statewide coordination, provider recruitment, service
 24 delivery, and provision of assistance to patients in
 25 determining an appropriate medical home:
 26 \$ 74,517>
 27 25. Page 10, line 5, by striking <68,332> and
 28 inserting <74,517>

29 26. Page 10, line 9, by striking <68,332> and
30 inserting <74,517>
31 27. Page 10, line 14, by striking <113,754> and
32 inserting <124,050>
33 28. Page 10, line 19, by striking <101,264> and
34 inserting <110,430>
35 29. Page 10, line 23, by striking <238,420> and
36 inserting <260,000>
37 30. Page 10, line 27, by striking <247,590> and
38 inserting <270,000>
39 31. By striking page 10, line 32, through page 11,
40 line 5, and inserting:
41 <h. (1) Of the funds appropriated in this
42 subsection, \$149,000 shall be used for continued
43 implementation of the recommendations of the direct
44 care worker task force established pursuant to 2005
45 Iowa Acts, chapter 88, based upon the report submitted
46 to the governor and the general assembly in December
47 2006. The department may use a portion of the funds
48 allocated in this lettered paragraph for an additional
49 position to assist in the continued implementation.
50 (2) It is the intent of the general assembly that

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1 a board of direct care workers shall be established
2 within the department of public health by July 1, 2014,
3 contingent upon the availability of funds to establish
4 and maintain the board.
5 (3) The direct care worker advisory council
6 shall submit a final report no later than March 1,
7 2012, to the governor and the general assembly, in
8 accordance with 2010 Iowa Acts, chapter 1192, section
9 2, subsection 4, paragraph "h", subparagraph (3).
10 (4) The department of public health shall report to
11 the persons designated in this Act for submission of
12 reports regarding use of the funds allocated in this
13 lettered paragraph, on or before January 15, 2012.
14 i. (1) Of the funds appropriated in this
15 subsection, \$130,100 shall be used for allocation to an
16 independent statewide direct care worker association
17 for education, outreach, leadership development,
18 mentoring, and other initiatives intended to enhance
19 the recruitment and retention of direct care workers in
20 health care and long-term care settings.
21 (2) Of the funds appropriated in this subsection,
22 \$58,000 shall be used to provide scholarships or
23 other forms of subsidization for direct care worker
24 educational conferences, training, or outreach
25 activities.>
26 32. Page 11, after line 13 by inserting:
27 <k. Of the funds appropriated in this subsection,

28 \$50,000 shall be used for a matching dental education
29 loan repayment program to be allocated to a dental
30 nonprofit health service corporation to develop the
31 criteria and implement the loan repayment program.
32 l. Of the funds appropriated in this subsection, up
33 to \$134,214 shall be used to support the department's
34 activities relating to health and long-term care access
35 as specified pursuant to chapter 135, division XXIV.
36 m. Of the funds appropriated in this subsection,
37 \$363,987 shall be used as state matching funds for the
38 health information network as enacted by this Act.
39 n. Of the funds appropriated in this subsection,
40 \$25,000 shall be used for a pilot program established
41 through a grant to an organization that has an
42 existing program for children and adults and that is
43 solely dedicated to preserving sight and preventing
44 blindness to provide vision screening to elementary
45 school children in one urban and one rural school
46 district in the state, on a voluntary basis, over a
47 multiyear period. The grantee organization shall
48 develop protocol for participating schools including
49 the grade level of the children to be screened, the
50 training and certification necessary for individuals

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1 conducting the vision screening, vision screening
2 equipment requirements, and documentation and tracking
3 requirements. Following the conclusion of the pilot
4 program, the grantee organization shall report findings
5 and recommendations for statewide implementation of the
6 vision screening program to the department of public
7 health.>
8 o. The department of public health in collaboration
9 with other appropriate state agencies shall review
10 state regulatory oversight provisions relating to
11 outpatient surgical facilities including ambulatory
12 surgical centers, hospice programs, assisted living
13 programs, and home health agencies, and shall submit
14 recommendations to the persons designated in this Act
15 for submission of reports by December 15, 2011, to
16 improve quality of care for consumers and to increase
17 regulatory compliance by such entities.
18 33. Page 11, line 19, by striking <7,297,142> and
19 inserting <7,336,142>
20 34. Page 11, line 22, by striking <5,287,955> and
21 inserting <5,326,955>
22 35. Page 12, line 7, by striking <2,906,532> and
23 inserting <2,778,688>
24 36. Page 12, after line 24 by inserting:
25 <d. Of the funds appropriated in this subsection,
26 \$50,000 shall be used for education, testing, training,

27 and other costs to conform the requirements for
28 certification of emergency medical care providers with
29 national standards.>

30 37. Page 12, by striking lines 25 through 30.

31 38. Page 16, by striking lines 15 through 24 and
32 inserting:

33 <Pregnancy prevention grants shall be awarded
34 to programs in existence on or before July 1, 2011,
35 if the programs are comprehensive in scope and have
36 demonstrated positive outcomes. Grants shall be
37 awarded to pregnancy prevention programs which are
38 developed after July 1, 2011, if the programs are
39 comprehensive in scope and are based on existing models
40 that have demonstrated positive outcomes. Grants
41 shall comply with the requirements provided in 1997
42 Iowa Acts, chapter 208, section 14, subsections 1 and
43 2, including the requirement that grant programs must
44 emphasize sexual abstinence. Priority in the awarding
45 of grants shall be given to programs that serve areas
46 of the state which demonstrate the highest percentage
47 of unplanned pregnancies of females of childbearing age
48 within the geographic area to be served by the grant.>

49 39. Page 23, line 27, by striking <897,237,190> and
50 inserting <878,216,915>

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1 40. Page 23, by striking lines 28 through 34 and
2 inserting:

3 <1. Medically necessary abortions are those

4 performed under any of the following conditions:

5 a. The attending physician certifies that
6 continuing the pregnancy would endanger the life of the
7 pregnant woman.

8 b. The attending physician certifies that the
9 fetus is physically deformed, mentally deficient, or
10 afflicted with a congenital illness.

11 c. The pregnancy is the result of a rape which
12 is reported within 45 days of the incident to a law
13 enforcement agency or public or private health agency
14 which may include a family physician.

15 d. The pregnancy is the result of incest which
16 is reported within 150 days of the incident to a law
17 enforcement agency or public or private health agency
18 which may include a family physician.

19 e. Any spontaneous abortion, commonly known as a
20 miscarriage, if not all of the products of conception
21 are expelled.>

22 41. By striking page 28, line 17, through page 29,
23 line 8, and inserting:

24 <___. a. The department may implement cost
25 containment strategies recommended by the governor, and

26 may adopt emergency rules for such implementation.
27 b. The department shall not implement the cost
28 containment strategy to require a primary care referral
29 for the provision of chiropractic services.
30 c. The department may increase the amounts
31 allocated for salaries, support, maintenance, and
32 miscellaneous purposes associated with the medical
33 assistance program, as necessary, to implement the cost
34 containment strategies. The department shall report
35 any such increase to the legislative services agency
36 and the department of management.
37 d. If the savings to the medical assistance
38 program exceed the cost, the department may transfer
39 any savings generated for the fiscal year due to
40 medical assistance program cost containment efforts
41 initiated pursuant to 2010 Iowa Acts, chapter 1031,
42 Executive Order No. 20, issued December 16, 2009, or
43 cost containment strategies initiated pursuant to
44 this subsection, to the appropriation made in this
45 division of this Act for medical contracts or general
46 administration to defray the increased contract costs
47 associated with implementing such efforts.
48 e. The department shall report the implementation
49 of any cost containment strategies under this
50 subsection to the individuals specified in this

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1 division of this Act for submission of reports on a
2 quarterly basis.>
3 42. Page 29, after line 12 by inserting:
4 <__. Of the funds appropriated in this section,
5 \$6,100,000 shall be used to reduce the waiting lists
6 of the medical assistance home and community-based
7 services waivers, including the waiver for persons with
8 intellectual disabilities for which the nonfederal
9 share is paid as state case services and other support
10 pursuant to section 331.440. The department shall
11 distribute the funding allocated under this subsection
12 proportionately among all home and community-based
13 services waivers.
14 __. a. The department may submit medical
15 assistance program state plan amendments to the centers
16 for Medicare and Medicaid services of the United
17 States department of health and human services, and may
18 adopt administrative rules pursuant to chapter 17A to
19 implement any of the following if the respective state
20 plan amendment is approved:
21 (1) Health homes pursuant to section 2703 of the
22 federal Patient Protection and Affordable Care Act,
23 Pub. L. No. 111-148. The department shall collaborate
24 with the medical home system advisory council created

25 pursuant to section 135.159 in developing such health
26 homes.

27 (2) Accountable care organization pilot programs,
28 if such programs are advantageous to the medical
29 assistance program.

30 b. Any health home or accountable care organization
31 pilot program implemented pursuant to this subsection
32 shall demonstrate value to the state with a
33 positive return on investment within two years of
34 implementation, and may utilize care coordination fees,
35 pay-for-performance fees, or shared saving strategies
36 if approved as part of the state plan amendment.>

37 43. Page 29, line 19, by striking <5,773,844> and
38 inserting <9,893,844>

39 44. Page 29, line 20, before <The> by inserting
40 <1.>

41 45. Page 29, after line 24 by inserting:

42 <2. Of the funds appropriated in this section,
43 \$150,000 shall be used for implementation of a
44 uniform cost report to be used in the development
45 of specified Medicaid reimbursement rates over a
46 multiyear timeframe. The department of human services,
47 in collaboration with affected providers, shall
48 finalize a uniform cost report that includes provider
49 type-specific cost schedules by December 15, 2011.
50 The uniform cost report shall be applied to providers

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1 of home and community-based services waiver services,
2 habilitation services, case management services
3 and community mental health centers, residential
4 care facilities, psychiatric medical institutions
5 for children, and intermediate care facilities
6 for the mentally retarded in the development of
7 Medicaid reimbursement rates. The department shall
8 collaborate with affected Medicaid providers to test
9 the effectiveness of the cost report and determine
10 the fiscal impact of implementing the uniform cost
11 report during the fiscal year beginning July 1, 2012.
12 A report of the findings and fiscal impact shall be
13 submitted to the governor and the general assembly by
14 December 31, 2013. The rates paid in the fiscal year
15 beginning July 1, 2014, shall be established using
16 uniform cost reports submitted in the fiscal year
17 beginning July 1, 2012. Implementation of the uniform
18 cost report shall be limited to the extent of the
19 funding available.

20 3. a. Of the funds appropriated in this section,
21 \$100,000 shall be used for implementation of an
22 electronic medical record system, including system
23 purchase or development, for home and community-based

24 services providers and mental health services providers
25 that comply with the requirements of federal and state
26 laws and regulation by the fiscal year beginning July
27 1, 2013.

28 b. The department shall analyze the costs and
29 benefits of providing an electronic medical record and
30 billing system for home and community-based services
31 providers and mental health services providers that
32 comply with the requirements of federal and state laws
33 and regulation. The analysis shall include a review
34 of all of the following: including the capability for
35 an electronic medical record and billing system within
36 the procurement for the Medicaid management information
37 system, developing the system, and utilizing capacity
38 within the health information network established by
39 the department of public health as enacted in this
40 Act. If the analysis demonstrates that a program
41 may be implemented in a cost-effective manner and
42 within available funds, the department may take steps
43 to implement such a system. The department shall
44 report the results of the analysis, activities, and
45 recommendations to the persons designated in this
46 division of this Act for submission of reports by
47 December 15, 2011.

48 c. Notwithstanding section 8.33, funds allocated in
49 this subsection that remain unencumbered or unobligated
50 at the close of the fiscal year shall not revert but

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1 shall remain available in succeeding fiscal years to be
2 used for the purposes designated.

3 4. Of the amount appropriated in this section,
4 \$3,500,000 shall be used for technology upgrades
5 necessary to support Medicaid claims and other health
6 operations, worldwide federal Health Insurance
7 Portability and Accountability Act of 1996 (HIPAA)
8 claims, transactions, and coding requirements, and
9 the Iowa automated benefits calculation system.
10 Notwithstanding section 8.33, funds allocated in this
11 subsection that remain unencumbered or unobligated at
12 the close of the fiscal year shall not revert but shall
13 remain available in succeeding fiscal years to be used
14 for the purposes designated.

15 5. Of the funds appropriated in this section,
16 \$100,000 shall be used for an accountable care
17 organization pilot project as specified in the division
18 of this Act relating to prior appropriations and
19 related changes.

20 6. Of the funds appropriated in this section,
21 \$200,000 shall be used for the development of a
22 provider payment system plan to provide recommendations

23 to reform the health care provider payment system as an
24 effective way to promote coordination of care, lower
25 costs, and improve quality as specified in the division
26 of this Act relating to cost containment.

27 7. Of the funds appropriated in this section,
28 \$20,000 shall be used for the development of a plan
29 to establish an all-payer claims database to provide
30 for the collection and analysis of claims data from
31 multiple payers of health care as specified in the
32 division of this Act relating to cost containment.

33 8. The department shall amend the state Medicaid
34 health information technology plan to include costs
35 related to the one-time development costs of the health
36 information network as enacted in this Act.

37 9. Of the amount appropriated in this section, up
38 to \$250,000 may be transferred to the appropriation for
39 general administration in this division of this Act to
40 be used for additional full-time equivalent positions
41 in the development of key health initiatives such as
42 cost containment, development and oversight of managed
43 care programs, and development of health strategies
44 targeted toward improved quality and reduced costs in
45 the Medicaid program.

46 10. Of the funds appropriated in this section,
47 \$50,000 shall be used for home and community-based
48 services waiver quality assurance programs, including
49 the review and streamlining of processes and policies
50 related to oversight and quality management to meet

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1 state and federal requirements. The department shall
2 submit a report to the persons designated by this
3 division of this Act for submission of reports by
4 December 15, 2011, regarding the modifications to the
5 quality assurance programs.>

6 46. Page 30, line 22, by striking <There> and
7 inserting <1. There>

8 47. Page 30, line 32, by striking <32,927,152> and
9 inserting <33,056,102>

10 48. Page 30, after line 32 by inserting:

11 <2. Of the funds appropriated in this section,
12 \$128,950 is allocated for continuation of the contract
13 for advertising and outreach with the department of
14 public health.>

15 49. Page 31, line 4, by striking <51,237,662> and
16 inserting <55,265,509>

17 50. Page 31, line 5, by striking <49,868,235> and
18 inserting <51,896,082>

19 51. Page 31, by striking lines 25 through 30 and
20 inserting <system in accordance with section 237A.30.>

21 52. Page 33, after line 32 by inserting:

22 <4. For the fiscal year beginning July 1, 2011,
23 notwithstanding section 232.52, subsection 2, and
24 section 907.3A, subsection 1, the court shall not order
25 the placement of a child at the Iowa juvenile home
26 or the state training school under section 232.52, if
27 that placement is not in accordance with the population
28 guidelines for the respective juvenile institution
29 established pursuant to section 233A.1 or 233B.1.>
30 53. Page 34, line 5, by striking <82,020,163> and
31 inserting <83,377,336>
32 54. Page 35, line 29, by striking <7,170,116> and
33 inserting <7,670,116>
34 55. Page 37, line 32, by striking <4,522,602> and
35 inserting <6,022,602>
36 56. Page 39, after line 35 by inserting:
37 <__. Of the funds appropriated in this section,
38 \$257,173 shall be used for continuation of the central
39 Iowa system of care program grant through June 30,
40 2012.>
41 57. Page 40, line 8, by striking <34,897,591> and
42 inserting <34,466,591>
43 58. Page 41, line 8, by striking <department of
44 human services> and inserting <criminal and juvenile
45 justice planning advisory council established in
46 section 216A.132>
47 59. Page 41, by striking lines 14 and 15 and
48 inserting <submission of reports and to the department
49 of human services by>
50 60. Page 47, after line 35 by inserting:

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1 <Notwithstanding section 8.33, moneys appropriated
2 in this section that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the succeeding fiscal
6 year.>
7 61. Page 48, line 10, by striking <285.00> and
8 inserting <290.00>
9 62. Page 48, by striking lines 17 through 25 and
10 inserting:
11 <3. Of the funds appropriated in this section,
12 \$132,300 shall be used to contract with a statewide
13 association representing community providers of mental
14 health, mental retardation and brain injury services
15 programs to provide technical assistance, support, and
16 consultation to providers of habilitation services and
17 home and community-based waiver services for adults
18 with disabilities under the medical assistance program.
19 Notwithstanding section 8.47 or any other provision of
20 law to the contrary, the department may utilize a sole

21 source approach to contract with the association.
22 4. Of the funds appropriated in this section,
23 \$176,400 shall be used to contract with an appropriate
24 entity to expand the provision of nationally accredited
25 and recognized internet-based training to include
26 mental health and disability services providers.
27 Notwithstanding section 8.47 or any other provision of
28 law to the contrary, the department may utilize a sole
29 site source approach to enter into such contract.>
30 63. Page 48, before line 30 by inserting:
31 <__. Notwithstanding section 8.33, moneys
32 appropriated in this section that remain unencumbered
33 or unobligated at the close of the fiscal year shall
34 not revert but shall remain available for expenditure
35 for the purposes designated until the close of the
36 succeeding fiscal year.>
37 64. Page 49, line 7, by striking <225,502,551> and
38 inserting <235,493,065>
39 65. Page 50, line 6, after <lower.> by inserting
40 <The reimbursement specified under this paragraph shall
41 be adjusted in accordance with chapter 249N, as enacted
42 in this Act.>
43 66. Page 50, line 19, after <2011> by inserting
44 <, except that the portion of the fund attributable
45 to graduate medical education shall be reduced in
46 an amount that reflects the elimination of graduate
47 medical education payments made to out-of-state
48 hospitals.>
49 67. Page 51, line 10, by striking <For> and
50 inserting <(1) For>

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1 68. Page 51, by striking lines 14 through 16 and
2 inserting: <medical assistance.
3 (2) For the nonstate-owned psychiatric medical
4 institutions for children, reimbursement rates shall
5 remain at the rates in effect on June 30, 2011. The
6 department, in consultation with representatives of the
7 nonstate-owned psychiatric medical institutions for
8 children, shall develop a reimbursement methodology to
9 include all ancillary medical services costs and any
10 other changes required for federal compliance, to be
11 implemented on July 1, 2012. To the extent possible,
12 the reimbursement methodology shall be in a manner so
13 as to be budget neutral to the institutions and cost
14 effective for the state.
15 69. Page 56, after line 10 by inserting:
16 <Sec. ____. CIVIL MONETARY PENALTIES — DIRECT CARE
17 WORKER INITIATIVES PROPOSAL. The department of human
18 services shall develop a proposal, in collaboration
19 with the department of public health, requesting

20 federal approval for the use of a portion of the
21 funds received by the department of human services as
22 civil monetary penalties from nursing facilities to
23 support direct care worker initiatives that enhance the
24 quality of care in nursing facilities. The proposal
25 shall request use of the funds for direct care worker
26 initiatives based on recommendations of the direct care
27 worker task force established pursuant to 2005 Iowa
28 Acts, chapter 88, as included in the report submitted
29 to the governor and the general assembly in December
30 2006. Upon completion of the proposal, the department
31 of human services shall submit the proposal to the
32 centers for Medicare and Medicaid services of the
33 United States department of health and human services
34 for approval. The department of human services shall
35 notify the persons designated in this division of this
36 Act for submission of reports upon receipt of approval
37 of the proposal.>

38 70. Page 56, line 32, by striking <The> and
39 inserting <1. The>

40 71. Page 57, after line 1 by inserting:

41 <2. The provision under the section of the division
42 of this Act providing for reimbursement of medical
43 assistance, state supplementary assistance, and social
44 service providers by the department of human services
45 relating to reimbursement of nonstate-owned psychiatric
46 medical institutions for children.>

47 72. Page 57, line 4, after <ACCOUNT,> by inserting
48 <NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,>

49 73. Page 57, by striking line 7 and inserting:

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1 <HOSPITAL HEALTH CARE ACCESS TRUST FUND, AND PHARMACY
2 ASSESSMENT TRUST FUND>

3 74. By striking page 57, line 35, through page
4 58, line 7, and inserting <necessary abortions. For
5 the purpose of this subsection, an abortion is the
6 purposeful interruption of pregnancy with the intention
7 other than to produce a live-born infant or to remove a
8 dead fetus, and a medically necessary abortion is one
9 performed under one of the following conditions:

10 (1) The attending physician certifies that
11 continuing the pregnancy would endanger the life of the
12 pregnant woman.

13 (2) The attending physician certifies that the
14 fetus is physically deformed, mentally deficient, or
15 afflicted with a congenital illness.

16 (3) The pregnancy is the result of a rape which
17 is reported within 45 days of the incident to a law
18 enforcement agency or public or private health agency
19 which may include a family physician.

20 (4) The pregnancy is the result of incest which
21 is reported within 150 days of the incident to a law
22 enforcement agency or public or private health agency
23 which may include a family physician.
24 (5) The abortion is a spontaneous abortion,
25 commonly known as a miscarriage, wherein not all of the
26 products of conception are expelled.>
27 75. Page 58, line 27, by striking <54,226,279> and
28 inserting <44,226,279>
29 76. Page 59, line 8, by striking <14,000,000> and
30 inserting <16,277,753>
31 77. Page 59, line 26, by striking <51,500,000> and
32 inserting <65,000,000>
33 78. Page 59, line 32, by striking <48,500,000> and
34 inserting <60,000,000>
35 79. Page 59, line 35, by striking <48,500,00> and
36 inserting <60,000,000>
37 80. Page 60, line 1, by striking <48,500,000> and
38 inserting <60,000,000>
39 81. Page 60, line 5, by striking <48,500,000> and
40 inserting <60,000,000>
41 82. Page 60, line 7, after <allocated.> by
42 inserting <Pursuant to paragraph "b", of the amount
43 appropriated in this subsection, not more than
44 \$4,000,000 shall be distributed for prescription drugs
45 and podiatry services.>
46 83. Page 60, after line 7 by inserting:
47 <b. Notwithstanding any provision of law to the
48 contrary, the hospital identified in this subsection,
49 shall be reimbursed for outpatient prescription drugs
50 and podiatry services provided to members of the

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1 expansion population pursuant to all applicable medical
2 assistance program rules, in an amount not to exceed
3 \$4,000,000.>
4 84. Page 60, line 8, by striking <b.> and inserting
5 <c.>
6 85. Page 60, line 9, by striking <6> and inserting
7 <4>
8 86. Page 60, line 26, after <subsection.> by
9 inserting <Of the collections in excess of the
10 \$19,000,000 received by the acute care teaching
11 hospital under this subparagraph (1), \$2,000,000 shall
12 be distributed by the acute care teaching hospital to
13 the treasurer of state for deposit in the IowaCare
14 account in the month of January 2012, following the
15 July 1 through December 31, 2011, period.>
16 87. Page 60, line 35, after <subsection.> by
17 inserting <Of the collections in excess of the
18 \$19,000,000 received by the acute care teaching

19 hospital under this subparagraph (2), \$2,000,000 shall
20 be distributed by the acute care teaching hospital to
21 the treasurer of state for deposit in the IowaCare
22 account in the month of July 2012, following the
23 January 1 through June 30, 2012, period.>

24 88. Page 61, line 10, by striking <6,000,000> and
25 inserting <3,472,176>

26 89. Page 61, by striking lines 18 through 25 and
27 inserting:

28 <6. There is appropriated from the IowaCare account
29 created in section 249J.24 to the department of human
30 services for the fiscal year beginning July 1, 2011,
31 and ending June 30, 2012, the following amount, or
32 so much thereof as is necessary to be used for the
33 purposes designated:

34 For a care coordination pool to pay the expansion
35 population providers consisting of the university of
36 Iowa hospitals and clinics, the publicly owned acute
37 care teaching hospital as specified in section 249J.7,
38 and current medical assistance program providers that
39 are not expansion population network providers pursuant
40 to section 249J.7, for services covered by the full
41 benefit medical assistance program but not under the
42 IowaCare program pursuant to section 249J.6, that are
43 provided to expansion population members:

44 \$ 1,500,000

45 a. Notwithstanding sections 249J.6 and 249J.7,
46 the amount appropriated in this subsection is
47 intended to provide payment for medically necessary
48 services provided to expansion population members for
49 continuation of care provided by the university of
50 Iowa hospitals and clinics or the publicly owned acute

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1 care teaching hospital as specified in section 249J.7.
2 Payment may only be made for services that are not
3 otherwise covered under section 249J.6, and which are
4 follow-up services to covered services provided by the
5 hospitals specified in this paragraph "a".

6 b. The funds appropriated in this subsection are
7 intended to provide limited payment for continuity
8 of care services for an expansion population member,
9 and are intended to cover the costs of services
10 to expansion population members, regardless of
11 the member's county of residence or medical home
12 assignment, if the care is related to specialty or
13 hospital services provided by the hospitals specified
14 in paragraph "a".

15 c. The funds appropriated in this subsection are
16 not intended to provide for expanded coverage under
17 the IowaCare program, and shall not be used to cover

18 emergency transportation services.
19 d. The department shall adopt administrative
20 rules pursuant to chapter 17A to establish a prior
21 authorization process and to identify covered services
22 for reimbursement under this subsection.

23 7. There is appropriated from the IowaCare account
24 created in section 249J.24 to the department of human
25 services for the fiscal year beginning July 1, 2011,
26 and ending June 30, 2012, the following amount or
27 so much thereof as is necessary to be used for the
28 purposes designated:

29 For a laboratory test and radiology pool for
30 services authorized by a federally qualified health
31 center designated by the department as part of the
32 IowaCare regional provider network that does not have
33 the capability to provide these services on site:

34 \$ 500,000

35 Notwithstanding sections 249J.6 and 249J.7, the
36 amount appropriated in this subsection is intended
37 to provide reimbursement for services provided to
38 expansion population members that have previously
39 been paid for through expenditure by designated
40 regional provider network providers of their own
41 funds, not to expand coverage under the IowaCare
42 program or to expand the expansion population
43 provider network. The department shall designate the
44 laboratory and radiology provider associated with
45 each designated regional provider network provider
46 that may receive reimbursement. The department shall
47 adopt administrative rules pursuant to chapter 17A
48 to establish a prior authorization process and to
49 identify covered services for reimbursement under this
50 subsection. All other medical assistance program

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1 payment policies and rules for laboratory and radiology
2 services shall apply to services provided under this
3 subsection. If the entire amount appropriated under
4 this subsection is expended, laboratory tests and
5 radiology services ordered by a designated regional
6 provider network provider shall be the financial
7 responsibility of the regional provider network
8 provider.>

9 90. Page 61, before line 26 by inserting:

10 <Sec. ____ APPROPRIATIONS FROM NONPARTICIPATING
11 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN
12 SERVICES. Notwithstanding any provision to the
13 contrary, and subject to the availability of funds,
14 there is appropriated from the nonparticipating
15 provider reimbursement fund created in section 249J.24A
16 to the department of human services for the fiscal year

17 beginning July 1, 2011, and ending June 30, 2012, the
18 following amount or so much thereof as is necessary for
19 the purposes designated:

20 To reimburse nonparticipating providers in
21 accordance with section 249J.24A:
22 \$ 2,000,000>

23 91. By striking page 61, line 34, through page 62,
24 line 1.

25 92. Page 62, by striking lines 33 through 35 and
26 inserting:

27 <10. For transfer to the department of public
28 health to be used for the costs of medical home
29 system advisory council established pursuant to
30 section 135.159, including for the incorporation of
31 the work and duties of the prevention and chronic
32 care management advisory council pursuant to section
33 135.161, as amended by this Act:

34 \$ 233,357>

35 93. Page 64, line 3, by striking <To> and inserting
36 <1. To>

37 94. Page 64, line 6, by striking <29,000,000> and
38 inserting <60,496,712>

39 95. Page 64, after line 6 by inserting:

40 <2. To increase the monthly upper cost limit
41 for services under the medical assistance home and
42 community-based services waiver for the elderly:
43 \$ 1,000,000>

44 96. Page 64, after line 22 by inserting:

45 <Sec. ____ PHARMACY ASSESSMENT TRUST FUND —
46 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
47 any provision to the contrary and subject to the
48 availability of funds, there is appropriated from the
49 pharmacy assessment trust fund created in section
50 249N.4, as enacted in this Act, to the department of

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1 human services for the fiscal year beginning July 1,
2 2011, and ending June 30, 2012, the following amounts,
3 or so much thereof as is necessary, for the purposes
4 designated:

5 To supplement the appropriation made in this Act
6 from the general fund of the state to the department of
7 human services for medical assistance:
8 \$ 17,377,252>

9 97. By striking page 70, line 22, through page 72,
10 line 17.

11 98. Page 72, line 33, after <Grenada.> by inserting
12 <Lebanon.>

13 99. Page 73, line 28, after <72,> by inserting
14 <shall not revert but shall remain available in
15 succeeding fiscal years to be used for the purposes

16 designated until expended and any other>
17 100. Page 74, by striking lines 19 through 27 and
18 inserting:
19 <Sec. ____ 2009 Iowa Acts, chapter 183, section 62,
20 subsection 4, is amended to read as follows:
21 4. The financial assistance shall be for any of the
22 following purposes:
23 a. For making temporary payments to qualifying
24 families whose members are recently unemployed and
25 seeking work to use in meeting immediate family needs.
26 b. For providing sliding scale subsidies for
27 qualifying families for child care provided to the
28 families' infants and toddlers by providers who
29 are accredited by the national association for the
30 education of young children or the national association
31 for family child care, or who have a rating at level 3
32 2 or higher under the child care quality rating system
33 implemented pursuant to section 237A.30.
34 c. For expanding training and other support for
35 infant care providers in the community and this state.
36 d. For ensuring child care environments are healthy
37 and safe.
38 e. For promoting positive relationships between
39 parents and providers in their mutual efforts to care
40 for very young children.
41 f. For ensuring that parents have the information
42 and resources needed to choose quality child care.>
43 101. By striking page 74, line 28, through page 75,
44 line 7.
45 102. Page 76, after line 31 by inserting:
46 <CHILD WELFARE TRAINING ACADEMY
47 Sec. ____ 2010 Iowa Acts, chapter 1192, section 19,
48 subsection 22, is amended to read as follows:
49 22. Of the funds appropriated in this section,
50 at least \$47,158 shall be used for the child welfare

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1 training academy. Notwithstanding section 8.33, moneys
2 allocated in this subsection that remain unencumbered
3 or unobligated at the close of the fiscal year shall
4 not revert but shall remain available for expenditure
5 for the purposes designated until the close of the
6 succeeding fiscal year.>>
7 103. Page 76, line 32, after <TRANSFER> by
8 inserting <AND NONREVERSION>
9 104. Page 76, line 34, by striking <subsection> and
10 inserting <subsections>
11 105. Page 77, after line 4 by inserting:
12 <NEW SUBSECTION. 5. Notwithstanding section
13 8.33, moneys appropriated in this section that remain
14 unencumbered or unobligated at the close of the fiscal

15 year shall not revert but shall remain available for
16 expenditure for the purposes designated until the close
17 of the succeeding fiscal year.>

18 106. Page 77, after line 4 by inserting:
19 <DEPARTMENT OF HUMAN SERVICES — FIELD OPERATIONS

20 Sec. ____ 2010 Iowa Acts, chapter 1192, section
21 29, is amended by adding the following new unnumbered
22 paragraph:

23 NEW UNNUMBERED PARAGRAPH Notwithstanding section
24 8.33, moneys appropriated in this section that remain
25 unencumbered or unobligated at the close of the fiscal
26 year shall not revert but shall remain available for
27 expenditure for the purposes designated until the close
28 of the succeeding fiscal year.

29 DEPARTMENT OF HUMAN SERVICES — GENERAL ADMINISTRATION

30 Sec. ____ 2010 Iowa Acts, chapter 1192, section 30,
31 is amended by adding the following new subsection:

32 NEW SUBSECTION. 5. Notwithstanding section 8.33,
33 moneys appropriated in this section and the designated
34 allocations that remain unencumbered or unobligated
35 at the close of the fiscal year shall not revert but
36 shall remain available for expenditure for the purposes
37 designated until the close of the succeeding fiscal
38 year.>

39 107. Page 77, before line 30 by inserting:
40 <QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
41 SERVICES>

42 108. Page 79, after line 3 by inserting:
43 <STATE INSTITUTION — APPROPRIATION TRANSFERS

44 Sec. ____ DEPARTMENT OF HUMAN SERVICES. There
45 is transferred between the following designated
46 appropriations made to the department of human services
47 for the fiscal year beginning July 1, 2010, and ending
48 June 30, 2011, not more than the following amounts:
49 1. From the appropriation made for purposes of the
50 state resource center at Glenwood in 2010 Iowa Acts,

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1 chapter 1192, section 25, subsection 1, paragraph "a",
2 to the appropriation made for purposes of the Iowa
3 juvenile home at Toledo in 2010 Iowa Acts, chapter
4 1192, section 17, subsection 1:

5 \$ 400,000

6 2. From the appropriation made for purposes of the
7 state resource center at Woodward in 2010 Iowa Acts,
8 chapter 1192, section 25, subsection 1, paragraph "b",
9 to the appropriation made for purposes of the state
10 mental health institute at Independence in 2010 Iowa
11 Acts, chapter 1192, section 24, subsection 1, paragraph
12 "c":

13 \$ 400,000>

14 109. Page 79, by striking lines 4 through 14.
 15 110. Page 81, after line 2 by inserting:
 16 <Sec. _____. RETROACTIVE APPLICABILITY. The section
 17 of this division of this Act making transfers between
 18 appropriations made to the department of human services
 19 for state institutions in 2010 Iowa Acts, chapter 1192,
 20 applies retroactively to January 1, 2011.>
 21 111. Page 82, after line 3 by inserting:
 22 <Sec. _____. Section 29C.20B, Code 2011, is amended
 23 to read as follows:
 24 29C.20B Disaster case management.
 25 1. The ~~rebuild Iowa office~~ homeland security
 26 and emergency management division shall work with
 27 the department of human services and nonprofit,
 28 voluntary, and faith-based organizations active
 29 in disaster recovery and response in coordination
 30 with ~~the homeland security and emergency management~~
 31 ~~division~~ the department of human services to establish
 32 a statewide system of disaster case management to be
 33 activated following the governor's proclamation of
 34 a disaster emergency or the declaration of a major
 35 disaster by the president of the United States for
 36 individual assistance purposes. Under the system, the
 37 ~~department of human services~~ homeland security and
 38 emergency management division shall coordinate case
 39 management services locally through local committees
 40 as established in each local emergency management
 41 commission's emergency plan. ~~Beginning July 1,~~
 42 ~~2011, the department of human services shall assume~~
 43 ~~the duties of the rebuild Iowa office under this~~
 44 ~~subsection.~~
 45 2. The ~~department of human services~~ homeland
 46 security and emergency management division, in
 47 conjunction with the ~~rebuild Iowa office~~, ~~the homeland~~
 48 ~~security and emergency management division~~ department
 49 of human services, and an Iowa representative to
 50 the national voluntary organizations active in

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1 disaster, shall adopt rules pursuant to chapter 17A to
 2 create coordination mechanisms and standards for the
 3 establishment and implementation of a statewide system
 4 of disaster case management which shall include at
 5 least all of the following:
 6 a. Disaster case management standards.
 7 b. Disaster case management policies.
 8 c. Reporting requirements.
 9 d. Eligibility criteria.
 10 e. Coordination mechanisms necessary to carry out
 11 the services provided.
 12 f. Develop formal working relationships with

13 agencies and create interagency agreements for
14 those considered to provide disaster case management
15 services.

16 g. Coordination of all available services for
17 individuals from multiple agencies.>

18 112. Page 82, after line 3 by inserting:

19 <Sec. ____ Section 135.106, Code 2011, is amended

20 by adding the following new subsection:

21 NEW SUBSECTION. 4. It is the intent of the general
22 assembly that priority for home visitation funding be
23 given to approaches using evidence-based or promising
24 models for home visitation.>

25 113. Page 82, after line 3 by inserting:

26 <Sec. ____ Section 135H.6, subsection 8, Code 2011,
27 is amended to read as follows:

28 8. The department of human services may give
29 approval to conversion of beds approved under
30 subsection 6, to beds which are specialized to provide
31 substance abuse treatment. However, the total number
32 of beds approved under subsection 6 and this subsection
33 shall not exceed four hundred thirty. Conversion of
34 beds under this subsection shall not require a revision
35 of the certificate of need issued for the psychiatric
36 institution making the conversion. Beds for children
37 who do not reside in this state and whose service costs
38 are not paid by public funds in this state are not
39 subject to the limitations on the number of beds and
40 certificate of need requirements otherwise applicable
41 under this section.>

42 114. Page 82, after line 31 by inserting:

43 <Sec. ____ Section 154A.24, subsection 3, paragraph
44 s, Code 2011, is amended by striking the paragraph.>

45 115. Page 82, after line 31 by inserting:

46 <Sec. ____ NEW SECTION. 155A.43 Pharmaceutical
47 collection and disposal program — annual allocation.

48 Of the fees collected pursuant to sections 124.301
49 and 147.80 and chapter 155A by the board of pharmacy,
50 and retained by the board pursuant to section 147.82,

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1 not more than one hundred twenty-five thousand
2 dollars, may be allocated annually by the board for
3 administering the pharmaceutical collection and
4 disposal program originally established pursuant to
5 2009 Iowa Acts, chapter 175, section 9. The program
6 shall provide for the management and disposal of
7 unused, excess, and expired pharmaceuticals. The
8 board of pharmacy may cooperate with the Iowa pharmacy
9 association and may consult with the department and
10 sanitary landfill operators in administering the
11 program.>

12 116. Page 82, after line 31 by inserting:
13 <Sec. ____ Section 225B.8, Code 2011, is amended to
14 read as follows:
15 225B.8 Repeal.
16 This chapter is repealed July 1, ~~2011~~2016.>
17 117. Page 83, after line 9 by inserting:
18 <Sec. ____ Section 235B.19, Code 2011, is amended
19 by adding the following new subsection:
20 NEW SUBSECTION. 2A. a. The department shall
21 serve a copy of the petition and any order authorizing
22 protective services, if issued, on the dependent adult
23 and on persons who are competent adults and reasonably
24 ascertainable at the time the petition is filed in
25 accordance with the following priority:
26 (1) An attorney in fact named by the dependent
27 adult in a durable power of attorney for health care
28 pursuant to chapter 144B.
29 (2) The dependent adult's spouse.
30 (3) The dependent adult's children.
31 (4) The dependent adult's grandchildren.
32 (5) The dependent adult's siblings.
33 (6) The dependent adult's aunts and uncles.
34 (7) The dependent adult's nieces and nephews.
35 (8) The dependent adult's cousins.
36 b. When the department has served a person in one
37 of the categories specified in paragraph "a", the
38 department shall not be required to serve a person in
39 any other category.
40 c. The department shall serve the dependent adult's
41 copy of the petition and order personally upon the
42 dependent adult. Service of the petition and all other
43 orders and notices shall be in a sealed envelope with
44 the proper postage on the envelope, addressed to the
45 person being served at the person's last known post
46 office address, and deposited in a mail receptacle
47 provided by the United States postal service. The
48 department shall serve such copies of emergency orders
49 authorizing protective services and notices within
50 three days after filing the petition and receiving such

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1 orders.
2 d. The department and all persons served by the
3 department with notices under this subsection shall
4 be prohibited from all of the following without prior
5 court approval after the department's petition has been
6 filed:
7 (1) Selling, removing, or otherwise disposing of
8 the dependent adult's personal property.
9 (2) Withdrawing funds from any bank, savings and
10 loan association, credit union, or other financial

11 institution, or from an account containing securities
 12 in which the dependent adult has an interest.>
 13 118. Page 83, after line 9 by inserting:
 14 <Sec. ____ Section 237A.1, subsection 3, paragraph
 15 n, Code 2011, is amended to read as follows:
 16 n. A program offered to a child whose parent,
 17 guardian, or custodian is engaged solely in a
 18 recreational or social activity, remains immediately
 19 available and accessible on the physical premises on
 20 which the child's care is provided, and does not engage
 21 in employment while the care is provided. However,
 22 if the recreational or social activity is provided in
 23 a fitness center or on the premises of a nonprofit
 24 organization the parent, guardian, or custodian of the
 25 child may be employed to teach or lead the activity.>

26 119. Page 83, after line 9 by inserting:
 27 <Sec. ____ Section 249A.4B, subsection 2, paragraph
 28 a, subparagraph (18), Code 2011, is amended to read as
 29 follows:

30 (18) The ~~Iowa/Nebraska~~ Iowa primary care
 31 association.>

32 120. Page 83, after line 9 by inserting:
 33 <Sec. ____ NEW SECTION. 261.113 Licensed social
 34 worker loan repayment program.

35 1. A licensed social worker loan repayment program
 36 is established, to be administered by the college
 37 student aid commission for the purpose of increasing
 38 the number of social workers serving in critical human
 39 service areas. For purposes of this section, "critical
 40 human service area" includes but is not limited to an
 41 area of the state with a shortage of social workers
 42 providing health, mental health, substance abuse,
 43 aging, HIV/AIDS, victim, or child welfare services, or
 44 communities with multilingual needs. These areas shall
 45 be designated by the college student aid commission,
 46 in consultation with a committee comprised of one
 47 representative each from the commission, the department
 48 of public health, and the department of human services.

49 2. The contract for the loan repayment shall
 50 stipulate the time period the licensed social worker

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1 shall practice in a critical human service area.
 2 In addition, the contract shall stipulate that the
 3 licensed social worker repay any funds paid on the
 4 person's loan by the commission if the person fails
 5 to practice in a critical human service area for the
 6 required period of time.

7 Sec. ____ NEW SECTION. 261.114 Licensed social
 8 worker loan repayment revolving fund.

9 1. A licensed social worker loan repayment

10 revolving fund is created in the state treasury as a
 11 separate fund under the control of the commission.
 12 The commission shall deposit payments made by program
 13 participants under section 261.113, subsection 2,
 14 moneys appropriated for purposes of the licensed social
 15 worker loan repayment program, and any other available
 16 funds into the loan repayment revolving fund. Moneys
 17 in the fund shall be used for purposes of the licensed
 18 social worker loan repayment program. Notwithstanding
 19 section 8.33, moneys deposited in the fund shall
 20 not revert to any fund of the state at the end of
 21 any fiscal year but shall remain in the fund and be
 22 continuously available for the program.

23 2. Notwithstanding section 12C.7, subsection 2,
 24 interest or earnings on moneys deposited in the fund
 25 shall be credited to the fund.

26 3. a. The annual amount of loan repayment is six
 27 thousand five hundred dollars for individuals who
 28 have provided full-time social work services in a
 29 critical human service area in the year prior to such
 30 application, provided that no recipient shall receive
 31 loan repayment that exceeds the total remaining balance
 32 of the student loan debt and that no recipient shall
 33 receive cumulative awards in excess of twenty-five
 34 thousand dollars.

35 b. Awards shall be within the amounts appropriated
 36 for such purpose and based on availability of funds.

37 4. Loan repayment awards shall be made annually to
 38 applicants in the following order of priority:

39 a. First priority is given to applicants who have
 40 received payment of an award pursuant to this section
 41 in a prior year and who have provided social work
 42 services in a critical human service area in the year
 43 prior to such application.

44 b. Second priority is given to applicants who have
 45 not received payment of an award pursuant to this
 46 section in a prior year and who have provided social
 47 work services in a critical human service area in the
 48 year prior to such application.

49 c. Third priority is given to applicants who
 50 are economically disadvantaged, as defined by the

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1 commission.

2 5. The commission shall adopt rules pursuant to
 3 chapter 17A to administer this section.>

4 121. Page 83, by striking lines 10 through 19.

5 122. Page 83, after line 21 by inserting:

6 <DIVISION ____

7 MEDICAID PRESCRIPTION DRUGS

8 Sec. ____ Section 249A.20A, subsection 4, Code

9 2011, is amended to read as follows:

10 4. With the exception of drugs prescribed for the
11 treatment of human immunodeficiency virus or acquired
12 immune deficiency syndrome, transplantation, or cancer
13 ~~and drugs prescribed for mental illness~~ with the
14 exception of drugs and drug compounds that do not
15 have a significant variation in a therapeutic profile
16 or side effect profile within a therapeutic class,
17 prescribing and dispensing of prescription drugs not
18 included on the preferred drug list shall be subject to
19 prior authorization.

20 Sec. ____ 2010 Iowa Acts, chapter 1031, section
21 348, is amended to read as follows:

22 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
23 PRESCRIBING.

24 ~~1.~~ The department shall adopt rules pursuant
25 to chapter 17A to restrict physicians and other
26 prescribers to prescribing not more than a 72-hour
27 or three-day supply of a prescription drug not
28 included on the medical assistance preferred drug list
29 while seeking approval to continue prescribing the
30 medication.

31 ~~2.~~ Notwithstanding subsection 1, the department
32 shall adopt rules pursuant to chapter 17A to restrict a
33 physician or other prescriber prescribing a chemically
34 unique mental health prescription drug to prescribing
35 not more than a seven-day supply of the prescription
36 drug while requesting approval to continue to prescribe
37 the medication. The rules shall provide that if
38 an approval or disapproval is not received by the
39 physician or other prescriber within 48 hours of the
40 request, the request is deemed approved.

41 Sec. ____ REPEAL. 2010 Iowa Acts, chapter 1031,
42 section 349, is repealed.

43 Sec. ____ RESCINDING AND ADOPTION OF RULES. The
44 department of human services shall rescind the rules
45 adopted pursuant to 2010 Iowa Acts, chapter 1031,
46 section 347, chapter 1031, section 348, subsection
47 2, and chapter 1031, section 349, and shall instead
48 adopt emergency rules under section 17A.4, subsection
49 3, and section 17A.5, subsection 2, paragraph "b",
50 to implement section 249A.20A, as amended in this

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1 division of this Act, and the rules shall be effective
2 immediately upon filing and retroactively applicable to
3 January 1, 2011, unless a later date is specified in
4 the rules. Any rules adopted in accordance with this
5 section shall also be published as a notice of intended
6 action as provided in section 17A.4.

7 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE

8 APPLICABILITY. This division of this Act, being deemed
9 of immediate importance, takes effect upon enactment
10 and applies retroactively to January 1, 2011.>

11 123. Page 83, after line 21 by inserting:

12 <DIVISION ____

13 IOWA FALSE CLAIMS ACT

14 Sec. ____ Section 685.1, subsection 11, Code 2011,
15 is amended to read as follows:

16 11. "Original source" means an individual who ~~has~~
17 ~~direct and independent prior to a public disclosure~~
18 ~~under section 685.3, subsection 5, paragraph "c", has~~
19 ~~voluntarily disclosed to the state the information on~~
20 ~~which the allegations or transactions in a claim are~~
21 ~~based; or who has knowledge of the information on which~~
22 ~~the allegations are based that is independent of and~~
23 ~~materially adds to the publicly disclosed allegations~~
24 ~~or transactions, and has voluntarily provided the~~
25 ~~information to the state before filing an action under~~
26 ~~section 685.3 which is based on the information this~~
27 ~~chapter.~~

28 Sec. ____ Section 685.1, Code 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 15. "State" means the state of
31 Iowa.

32 Sec. ____ Section 685.2, subsection 1, unnumbered
33 paragraph 1, Code 2011, is amended to read as follows:

34 A person who commits any of the following acts is
35 jointly and severally liable to the state for a civil
36 penalty of not less than ~~five thousand dollars~~ and
37 not more than ~~ten thousand dollars~~ the civil penalty
38 allowed under the federal False Claims Act, as codified
39 in 31 U.S.C. § 3729 et seq., as may be adjusted in
40 accordance with the inflation adjustment procedures
41 prescribed in the federal Civil Penalties Inflation
42 Adjustment Act of 1990, Pub. L. No. 101-410, for each
43 false or fraudulent claim, plus three times the amount
44 of damages which the state sustains ~~because of the act~~
45 ~~of that person~~:

46 Sec. ____ Section 685.3, subsection 5, paragraph
47 c, Code 2011, is amended by striking the paragraph and
48 inserting in lieu thereof the following:

49 c. A court shall dismiss an action or claim
50 under this section, unless opposed by the state, if

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1 substantially the same allegations or transactions as
2 alleged in the action or claim were publicly disclosed
3 in a state criminal, civil, or administrative hearing
4 in which the state or an agent of the state is a
5 party; in a state legislative, state auditor, or other
6 state report, hearing, audit, or investigation; or

7 by the news media, unless the action is brought by
 8 the attorney general or the qui tam plaintiff is an
 9 original source of the information.
 10 Sec. ____ Section 685.3, subsection 6, Code 2011,
 11 is amended to read as follows:
 12 6. a. Any employee, contractor, or agent ~~who~~
 13 ~~shall be entitled to all relief necessary to make~~
 14 ~~that employee, contractor, or agent whole, if that~~
 15 ~~employee, contractor, or agent~~ is discharged, demoted,
 16 suspended, threatened, harassed, or in any other manner
 17 discriminated against in the terms and conditions of
 18 employment because of lawful acts ~~performed done~~ by
 19 the employee, contractor, or agent ~~on behalf of the~~
 20 ~~employee, contractor, or agent~~ or associated others in
 21 furtherance of an action under this section or other
 22 efforts to stop ~~a violation one or more violations~~ of
 23 this chapter, ~~shall be entitled to all relief necessary~~
 24 ~~to make the employee, contractor, or agent whole. Such~~
 25 ~~relief~~
 26 b. Relief under paragraph "a" shall include
 27 reinstatement with the same seniority status ~~such~~
 28 ~~that~~ employee, contractor, or agent would have had
 29 but for the discrimination, two times the amount of
 30 back pay, interest on the back pay, and compensation
 31 for any special damages sustained as a result of
 32 the discrimination, including litigation costs and
 33 reasonable attorney fees. An ~~employee, contractor, or~~
 34 ~~agent may bring an action under this subsection may be~~
 35 brought in the appropriate district court of the state
 36 for the relief provided in this subsection.
 37 c. A civil action under this subsection shall not
 38 be brought more than three years after the date when
 39 the retaliation occurred.

40 DIVISION ____

41 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

42 <Sec. ____ Section 135.24, subsection 2, Code 2011,
 43 is amended by adding the following new paragraph:
 44 NEW PARAGRAPH. e. Procedures for a hospital to
 45 register and act as a sponsor entity for the program.
 46 A hospital acting as a sponsor entity under this
 47 paragraph shall enter into an agreement with the
 48 program to allow an individual health care provider
 49 who registers and complies with the requirements of
 50 this section to deliver free health care services to

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1 uninsured and underinsured individuals at the sponsor
 2 entity location. The sponsor entity shall not bill,
 3 charge, or receive compensation and shall not be
 4 considered a state agency under chapter 669 when acting
 5 as a sponsor entity under this paragraph.

6 Sec. ____ Section 135.24, subsection 3, paragraph
7 b, Code 2011, is amended to read as follows:
8 b. Provided medical, dental, chiropractic,
9 pharmaceutical, nursing, optometric, psychological,
10 social work, behavioral science, podiatric, physical
11 therapy, occupational therapy, respiratory therapy, or
12 emergency medical care services through a hospital,
13 clinic, free clinic, field dental clinic, specialty
14 health care provider office, or other health care
15 facility, health care referral program, or charitable
16 organization listed as eligible and participating by
17 the department pursuant to subsection 1 or through
18 a hospital that has entered into a sponsor entity
19 agreement as described in subsection 2.>

DIVISION ____

HEALTH CARE COST CONTAINMENT

22 Sec. ____ ALL-PAYER CLAIMS DATABASE PLAN. The
23 department of human services shall develop a plan to
24 establish an all-payer claims database to provide
25 for the collection and analysis of claims data from
26 multiple payers of health care. The plan shall
27 establish the goals of the database which may include
28 but are not limited to determining health care
29 utilization patterns and rates; identifying gaps in
30 prevention and health promotion services; evaluating
31 access to care; assisting with benefit design and
32 planning; analyzing statewide and local health care
33 expenditures by provider, employer, and geography;
34 informing the development of payment systems for
35 providers; and establishing clinical guidelines related
36 to quality, safety, and continuity of care. The plan
37 shall identify a standard means of data collection,
38 statutory changes necessary to the collection and
39 use of the data, and the types of claims for which
40 collection of data is required which may include
41 but are not limited to eligibility data; provider
42 information; medical data; private and public medical,
43 pharmacy, and dental claims data; and other appropriate
44 data. The plan shall also include an implementation
45 and maintenance schedule including a proposed budget
46 and funding plan and vision for the future.
47 Sec. ____ PROVIDER PAYMENT SYSTEM PLAN — PILOT
48 PROJECT. The department of human services shall
49 develop a provider payment system plan to provide
50 recommendations to reform the health care provider

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1 payment system as an effective way to promote
2 coordination of care, lower costs, and improve quality.
3 The plan shall provide analysis and recommendations
4 regarding but not limited to accountable care

5 organizations, a global payment system, or an episode
 6 of care payment system.
 7 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 8 of this Act, being deemed of immediate importance,
 9 takes effect upon enactment.>

10 124. Page 83, after line 21 by inserting:

11 <DIVISION ____

12 NURSING FACILITY QUALITY ASSURANCE ASSESSMENT PROGRAM

13 Sec. ____ Section 249L.2, Code 2011, is amended by
 14 adding the following new subsection:

15 NEW SUBSECTION. 8A. "Patient service revenue" means
 16 the total Medicaid, Medicare, and private pay revenues
 17 as they correlate with the Medicaid cost reports.

18 Sec. ____ Section 249L.3, subsection 1, paragraph
 19 d, Code 2011, is amended to read as follows:

20 d. The aggregate quality assurance assessments
 21 imposed under this chapter shall not exceed the lower
 22 of ~~three~~ five percent of the aggregate ~~non-Medicare~~
 23 patient service revenues of a nursing facility or the
 24 maximum amount that may be assessed pursuant to the
 25 indirect guarantee threshold as established pursuant to
 26 42 C.F.R. § 433.68(f)(3)(i), and shall be stated on a
 27 per-patient-day basis.

28 Sec. ____ Section 249L.4, subsection 2, Code 2011,
 29 is amended to read as follows:

30 2. a. Moneys in the trust fund shall be used,
 31 subject to their appropriation by the general assembly,
 32 by the department only for reimbursement of services
 33 for which federal financial participation under the
 34 medical assistance program is available to match state
 35 funds.

36 b. Any moneys appropriated from the trust fund for
 37 reimbursement of nursing facilities, in addition to
 38 the quality assurance assessment pass-through and the
 39 quality assurance assessment rate add-on which shall be
 40 used as specified in subsection 5, paragraph "b", shall
 41 be used in a manner such that no less than thirty-five
 42 percent of the amount received by a nursing facility
 43 is used for increases in compensation and costs
 44 of employment for direct care workers, and no less
 45 than sixty percent of the total is used to increase
 46 compensation and costs of employment for all nursing
 47 facility staff. For the purposes of use of such
 48 funds, "direct care worker", "nursing facility staff",
 49 "increases in compensation", and "costs of employment"
 50 mean as defined or specified in this chapter.

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1 c. One million dollars of the moneys in the trust
 2 fund shall be used to increase the monthly upper cost
 3 limit for services under the medical assistance home

4 and community-based services waiver for the elderly.
5 Sec. ____ Section 249L.4, subsection 5, paragraph
6 a, subparagraph (2), Code 2011, is amended to read as
7 follows:

8 (2) A quality assurance assessment rate
9 add-on. This rate add-on shall be calculated on a
10 per-patient-day basis for medically indigent residents.
11 The amount paid to a nursing facility as a quality
12 assurance assessment rate add-on shall ~~be ten~~ not
13 exceed fifteen dollars per patient day.

14 Sec. ____ DIRECTIVE TO DEPARTMENT OF HUMAN
15 SERVICES. Upon enactment of this division of this Act,
16 the department of human services shall request any
17 medical assistance state plan amendment necessary to
18 implement the revisions to the nursing facility quality
19 assurance assessment program specified in this division
20 of this Act from the centers for Medicare and Medicaid
21 services of the United States department of health and
22 human services.

23 Sec. ____ CONTINGENCY PROVISION. The revised
24 quality assurance assessment specified in this Act
25 shall accrue beginning July 1, 2011. However, accrued
26 quality assurance assessments shall not be collected
27 prior to completion of both of the following:

28 1. The approval of the medical assistance state
29 plan amendment necessary to implement the revisions
30 specified in this division of this Act by the centers
31 for Medicare and Medicaid services of the United States
32 department of health and human services.

33 2. An appropriation enacted by the general assembly
34 to implement the revised nursing facility provider
35 reimbursements as provided in this Act.

36 Sec. ____ EFFECTIVE UPON ENACTMENT AND
37 APPLICABILITY. This division of this Act, being deemed
38 of immediate importance, takes effect upon enactment.
39 However, the department of human services shall only
40 implement this division of this Act if the department
41 receives approval of the state plan amendment necessary
42 to implement the revisions to the nursing facility
43 quality assurance assessment program as specified in
44 this division of this Act.>

45 125. Page 83, after line 21 by inserting:

46 <DIVISION ____

47 PHARMACY ASSESSMENT

48 Sec. ____ NEW SECTION. 249N.1 Title.

49 This chapter shall be known and may be cited as the
50 "Pharmacy Assessment Program".

Page 29

1 Sec. ____ NEW SECTION. 249N.2 Definitions.

2 As used in this chapter, unless the context

3 otherwise requires:

4 1. "Department" means the department of human
5 services.

6 2. "Pharmacy" means pharmacy as defined in section
7 155A.3.

8 Sec. ____ NEW SECTION. 249N.3 Pharmacy assessment
9 program.

10 1. Beginning July 1, 2011, or the implementation
11 date of the pharmacy assessment program as determined
12 by receipt of approval from the centers for Medicare
13 and Medicaid services of the United States department
14 of health and human services, whichever is later, a
15 pharmacy in this state shall be assessed a fee based
16 on a methodology determined by the department in
17 consultation with pharmacy representatives. Pharmacies
18 domiciled or headquartered outside the state that are
19 engaged in prescription drug sales that are delivered
20 directly to patients within the state via common
21 carrier, mail, or a carrier service are not subject to
22 the provisions of this chapter.

23 2. The aggregate assessment imposed under this
24 section shall not exceed the maximum amount that may be
25 assessed pursuant to the indirect guarantee threshold
26 as established pursuant to 42 C.F.R. § 433.68(f)(3)(i),
27 and shall be stated on a per prescription basis.

28 3. The assessment shall be paid by or on behalf of
29 each pharmacy to the department on a quarterly basis.
30 The department shall prepare and distribute a form
31 upon which pharmacies shall calculate and report the
32 assessment. A pharmacy shall submit the completed
33 form with the assessment amount no later than the last
34 day of the month following the end of each calendar
35 quarter. The department may deduct the monthly amount
36 from medical assistance payments to a pharmacy. The
37 amount deducted from the payments shall not exceed the
38 total amount of the assessment due.

39 4. A pharmacy shall retain and preserve for a
40 period of three years such books and records as may be
41 necessary to determine the amount of the assessment
42 for which the pharmacy is liable under this chapter.
43 The department may inspect and copy the books and
44 records of a pharmacy for the purpose of auditing
45 the calculation of the assessment. All information
46 obtained by the department under this subsection is
47 confidential and does not constitute a public record.

48 5. The department shall collect the assessment
49 imposed and shall deposit all revenues collected in
50 the pharmacy assessment trust fund created in section

Page 30

1 249N.4.

2 6. a. A pharmacy that fails to pay the assessment
3 within the time frame specified in this section
4 shall pay, in addition to the outstanding assessment,
5 a penalty of one and five-tenths percent of the
6 assessment amount owed for each month or portion of
7 each month that the payment is overdue.

8 b. If the assessment has not been received by the
9 department by seven days after the last day of the
10 month in which the payment is due, the department shall
11 withhold an amount equal to the assessment and penalty
12 owed from any payment due such pharmacy under the
13 medical assistance program.

14 c. The assessment imposed under this section
15 constitutes a debt due the state and may be collected
16 by civil action, including but not limited to the
17 filing of tax liens, and any other method provided for
18 by law.

19 d. Any penalty collected pursuant to this
20 subsection shall be credited to the pharmacy assessment
21 trust fund.

22 7. a. If pharmacies are not reimbursed at the
23 reimbursement rates established pursuant to this
24 chapter, the department shall terminate the imposition
25 of the assessment under this section no later than
26 ninety days from the date such reimbursement takes
27 effect.

28 b. If federal financial participation to match the
29 assessments made under this section becomes unavailable
30 under federal law, the department shall terminate the
31 imposition of the assessments beginning on the date the
32 federal statutory, regulatory, or interpretive change
33 takes effect.

34 Sec. ____ NEW SECTION. 249N.4 Pharmacy assessment
35 trust fund.

36 1. A pharmacy assessment trust fund is created
37 in the state treasury under the authority of the
38 department. Moneys received through the collection of
39 the pharmacy assessment imposed under this chapter and
40 any other moneys specified for deposit in the trust
41 fund shall be deposited in the trust fund.

42 2. Moneys in the trust fund shall be used, subject
43 to their appropriation by the general assembly, by
44 the department only for reimbursement of services for
45 which federal financial participation under the medical
46 assistance program is available to match state funds.

47 3. Beginning July 1, 2011, or the implementation
48 date of the pharmacy assessment program as determined
49 by receipt of approval from the centers for Medicare
50 and Medicaid services of the United States department

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1 of health and human services, whichever is later,
2 moneys that are appropriated from the trust fund for
3 reimbursement to pharmacies shall be used to provide
4 the following pharmacy reimbursement adjustment
5 increases within the parameters specified:

6 a. Enhanced generic prescription drug dispensing
7 fee. The department shall reimburse pharmacy
8 dispensing fees using a rate of four dollars and
9 thirty-four cents per prescription plus the enhanced
10 generic prescription drug dispensing fee per generic
11 prescription.

12 b. Enhanced brand name prescription drug dispensing
13 fee. The department shall reimburse pharmacy
14 dispensing fees using a rate of four dollars and
15 thirty-four cents per prescription plus the enhanced
16 brand name prescription drug dispensing fee per brand
17 name prescription.

18 4. Appropriations from the trust fund shall be
19 based on the following:

20 a. For the fiscal year beginning July 1, 2011,
21 fifty-one percent of the moneys in the trust fund shall
22 be appropriated for reimbursement to pharmacies.

23 b. For the fiscal year beginning July 1, 2012,
24 seventy-five percent of the moneys in the trust fund
25 shall be appropriated for reimbursement to pharmacies.

26 5. Any payments made to pharmacies under this
27 section shall result in budget neutrality to the
28 general fund of the state.

29 6. The trust fund shall be separate from the
30 general fund of the state and shall not be considered
31 part of the general fund of the state. The moneys
32 in the trust fund shall not be considered revenue of
33 the state, but rather shall be funds of the pharmacy
34 assessment program. The moneys deposited in the
35 trust fund are not subject to section 8.33 and shall
36 not be transferred, used, obligated, appropriated,
37 or otherwise encumbered, except to provide for the
38 purposes of this chapter. Notwithstanding section
39 12C.7, subsection 2, interest or earnings on moneys
40 deposited in the trust fund shall be credited to the
41 trust fund.

42 7. The department shall adopt rules pursuant
43 to chapter 17A to administer the trust fund and
44 reimbursements made from the trust fund.

45 8. The department shall report annually to the
46 general assembly regarding the use of moneys deposited
47 in the trust fund and appropriated to the department.

48 Sec. ____ **NEW SECTION. 249N.5 REPEAL.**

49 This chapter is repealed June 30, 2013.

50 Sec. ____ **DIRECTIVE TO DEPARTMENT OF HUMAN**

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1 SERVICES. Upon enactment of this division of this Act,
2 the department of human services shall request any
3 medical assistance state plan amendment necessary to
4 implement this division of this Act from the centers
5 for Medicare and Medicaid services of the United States
6 department of health and human services.

7 Sec. ____ CONTINGENCY PROVISIONS.

8 1. The pharmacy assessment imposed pursuant to this
9 division of this Act shall not be imposed retroactively
10 prior to July 1, 2011.

11 2. The pharmacy assessment shall not be collected
12 until the department of human services has received
13 approval of the assessment from the centers for
14 Medicare and Medicaid services of the United States
15 department of health and human services.

16 Sec. ____ EFFECTIVE UPON ENACTMENT AND
17 APPLICABILITY. This division of this Act, being deemed
18 of immediate importance, takes effect upon enactment.
19 However, the department of human services shall only
20 implement this division of this Act if the department
21 receives federal approval of the requests relating to
22 the medical assistance state plan amendment necessary
23 to implement this division of this Act.>

24 126. Page 83, after line 21 by inserting:

25 <DIVISION ____

26 BISPHENOL A PROHIBITION

27 Sec. ____ NEW SECTION. 135.181 Bisphenol A
28 prohibition.

29 1. As used in this section, unless the context
30 otherwise requires:

31 a. "Infant pacifier" means a device designed to be
32 bitten or sucked by an infant for the sole purpose of
33 soothing or providing comfort to the infant, including
34 soothing discomfort caused by teething.

35 b. "Reusable beverage container" means a baby bottle
36 or spill-proof container primarily intended by the
37 manufacturer for use by a child three years of age or
38 younger.

39 1A. For purposes of this section, "reusable beverage
40 container" includes disposable baby bottle liners
41 designed to hold liquids in a baby bottle.

42 2. Beginning January 1, 2013, a person shall
43 not manufacture, sell, or distribute in commerce in
44 this state any infant pacifier or reusable beverage
45 container containing bisphenol A. A manufacturer or
46 wholesaler who sells or offers for sale in this state a
47 reusable beverage container that is intended for retail
48 sale shall do all of the following:

49 a. Ensure that the container is conspicuously
50 labeled as not containing bisphenol A.

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1 b. Provide the retailer with affirmation that the
2 container does not contain bisphenol A.

3 3. A manufacturer shall use the least toxic
4 alternative when replacing bisphenol A in accordance
5 with this section.

6 4. In complying with this section, a manufacturer
7 shall not replace bisphenol A with a substance rated
8 by the United States environmental protection agency
9 as a class A, B, or C carcinogen or a substance listed
10 on the agency's list of chemicals evaluated for
11 carcinogenic potential as known or likely carcinogens,
12 known to be human carcinogens, or likely to be human
13 carcinogens.

14 5. In complying with this section, a manufacturer
15 shall not replace bisphenol A with a reproductive
16 toxicant that has been identified by the United States
17 environmental protection agency as causing birth
18 defects, reproductive harm, or developmental harm.

19 6. A person who violates this section is subject
20 to a civil penalty of five hundred dollars for each
21 violation.

22 Sec. ____ EFFECTIVE DATE. This division of this
23 Act takes effect January 1, 2013.>

24 127. Page 83, after line 21 by inserting:

25 <DIVISION ____

26 HEALTH INFORMATION TECHNOLOGY

27 Sec. ____ NEW SECTION. 135D.1 Findings and intent.

28 1. The general assembly finds all of the following:

29 a. Technology used to support health-related
30 functions is widely known as health information
31 technology. Electronic health records are used to
32 collect and store relevant patient health information.
33 Electronic health records serve as a means of bringing
34 evidence-based knowledge resources and patient
35 information to the point of care to support better
36 decision making and more efficient care processes.

37 b. Health information technology allows for
38 comprehensive management of health information and its
39 secure electronic exchange between providers, public
40 health agencies, payers, and consumers. Broad use of
41 health information technology should improve health
42 care quality and the overall health of the population,
43 increase efficiencies in administrative health care,
44 reduce unnecessary health care costs, and help prevent
45 medical errors.

46 c. Health information technology provides a
47 mechanism to transform the delivery of health and
48 medical care in Iowa and across the nation.

49 2. It is the intent of the general assembly to
50 use health information technology as a catalyst

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1 to achieve a healthier Iowa through the electronic
2 sharing of health information. A health information
3 network involves sharing health information across the
4 boundaries of individual practice and institutional
5 health settings and with consumers. The result is a
6 public good that will contribute to improved clinical
7 outcomes and patient safety, population health, access
8 to and quality of health care, and efficiency in health
9 care delivery.

10 3. It is the intent of the general assembly that
11 the health information network shall not constitute a
12 health benefit exchange or a health insurance exchange.
13 Sec. __. NEW SECTION. 135D.2 Definitions.

14 For the purposes of this chapter, unless the context
15 otherwise requires:

16 1. "Authorized" means having met the requirements
17 as a participant for access to the health information
18 network.

19 2. "Board" means the board of directors of Iowa
20 e-health.

21 3. "Consumers" means people who acquire and use
22 goods and services for personal need.

23 4. "Continuity of care document" means a summary
24 of a patient's health information for each visit to a
25 provider to be delivered through the health information
26 network.

27 5. "Department" means the department of public
28 health.

29 6. "Deputy director" means the deputy director of
30 public health.

31 7. "Director" means the director of public health.

32 8. "Exchange" means the authorized electronic
33 sharing of health information between providers,
34 payers, consumers, public health agencies, the
35 department, and other authorized participants utilizing
36 the health information network and health information
37 network services.

38 9. "Executive director" means the executive director
39 of the office of health information technology.

40 10. "Health information" means any information,
41 in any form or medium, that is created, transmitted,
42 or received by a provider, payer, consumer, public
43 health agency, the department, or other authorized
44 participant, which relates to the past, present,
45 or future physical or mental health or condition of
46 an individual; the provision of health care to an
47 individual; or the past, present, or future payment for
48 the provision of health care to an individual.

49 11. "Health information network" means the exclusive
50 statewide electronic health information network.

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1 12. "Health information network services" means
2 the exchanging of health information via the health
3 information network; education and outreach to
4 support connection and access to and use of the health
5 information network; and all other activities related
6 to the electronic exchange of health information.

7 13. "Health Insurance Portability and Accountability
8 Act" means the federal Health Insurance Portability
9 and Accountability Act of 1996, Pub. L. No. 104-191,
10 including amendments thereto and regulations
11 promulgated thereunder.

12 14. "Infrastructure" means technology including
13 architecture, hardware, software, networks, terminology
14 and standards, and policies and procedures governing
15 the electronic exchange of health information.

16 15. "Iowa e-health" means the collaboration
17 between the department and other public and private
18 stakeholders to establish, operate, and sustain an
19 exclusive statewide health information network.

20 16. "Iowa Medicaid enterprise" means Iowa medicaid
21 enterprise as defined in section 249J.3.

22 17. "Local board of health" means a city, county, or
23 district board of health.

24 18. "Office" means the office of health information
25 technology within the department.

26 19. "Participant" means an authorized provider,
27 payer, patient, public health agency, the department,
28 or other authorized person that has voluntarily agreed
29 to authorize, submit, access, and disclose health
30 information through the health information network in
31 accordance with this chapter and all applicable laws,
32 rules, agreements, policies, and procedures.

33 20. "Participation and data sharing agreement" means
34 the agreement outlining the terms of access and use for
35 participation in the health information network.

36 21. "Patient" means a person who has received or is
37 receiving health services from a provider.

38 22. "Payer" means a person who makes payments
39 for health services, including but not limited to an
40 insurance company, self-insured employer, government
41 program, individual, or other purchaser that makes such
42 payments.

43 23. "Protected health information" means
44 individually identifiable patient information,
45 including demographic information, related to the past,
46 present, or future health or condition of a person;
47 the provision of health care to a person; or the past,
48 present, or future payment for such health care; which
49 is created, transmitted, or received by a participant.

50 "Protected health information" does not include

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1 education and other records that are covered under the
2 federal Family Educational Rights and Privacy Act of
3 1974, as codified at 20 U.S.C. 1232g, as amended; or
4 any employment records maintained by a covered entity,
5 as defined under the Health Insurance Portability and
6 Accountability Act, in its role as an employer.

7 24. "Provider" means a hospital, physician clinic,
8 pharmacy, laboratory, health service provider, or
9 other person that is licensed, certified, or otherwise
10 authorized or permitted by law to administer health
11 care in the ordinary course of business or in the
12 practice of a profession, or any other person or
13 organization that furnishes, bills, or is paid for
14 health care in the normal course of business.

15 25. "Public health agency" means an entity that is
16 governed by or contractually responsible to a local
17 board of health or the department to provide services
18 focused on the health status of population groups and
19 their environments.

20 26. "Purchaser" means any individual, employer,
21 or organization that purchases health insurance or
22 services and includes intermediaries.

23 27. "Vendor" means a person or organization that
24 provides or proposes to provide goods or services to
25 the department pursuant to a contract, but does not
26 include an employee of the state, a retailer, or a
27 state agency or instrumentality.

28 Sec. __. **NEW SECTION.** 135D.3 Iowa e-health
29 established — guiding principles, goals, domains.

30 1. Iowa e-health is established as a
31 public-private, multi-stakeholder collaborative.
32 The purpose of Iowa e-health is to develop, administer,
33 and sustain the health information network to improve
34 the quality, safety, and efficiency of health care
35 available to Iowans.

36 2. Iowa e-health shall manage and operate
37 the health information network. Nothing in
38 this chapter shall be interpreted to impede or
39 preclude the formation and operation of regional,
40 population-specific, or local health information
41 networks or their participation in the health
42 information network.

43 3. Iowa e-health shall facilitate the exchange
44 of health information for prevention and treatment
45 purposes to help providers make the best health care
46 decisions for patients and to provide patients with
47 continuity of care regardless of the provider the
48 patient visits.

49 4. The guiding principles of Iowa e-health include
50 all of the following:

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- 1 a. To engage in a collaborative, public-private,
- 2 multi-stakeholder effort including providers, payers,
- 3 purchasers, governmental entities, educational
- 4 institutions, and consumers.
- 5 b. To create a sustainable health information
- 6 network which makes information available when and
- 7 where it is needed.
- 8 c. To ensure the health information network
- 9 incorporates provider priorities and appropriate
- 10 participant education.
- 11 d. To instill confidence in consumers that their
- 12 health information is secure, private, and accessed
- 13 appropriately.
- 14 e. To build on smart practices and align with
- 15 federal standards to ensure interoperability within and
- 16 beyond the state.
- 17 5. The goals of Iowa e-health include all of the
- 18 following:
 - 19 a. To build awareness and trust of health
 - 20 information technology through communication and
 - 21 outreach to providers and consumers.
 - 22 b. To safeguard privacy and security of health
 - 23 information shared electronically between participants
 - 24 through the health information network so that the
 - 25 health information is secure, private, and accessed
 - 26 only by authorized individuals and entities.
 - 27 c. To promote statewide deployment and use of
 - 28 electronic health records.
 - 29 d. To enable the electronic exchange of health
 - 30 information.
 - 31 e. To advance coordination of activities across
 - 32 state and federal governments.
 - 33 f. To establish a governance model for the health
 - 34 information network.
 - 35 g. To establish sustainable business and technical
 - 36 operations for the health information exchange.
 - 37 h. To secure financial resources to develop and
 - 38 sustain the health information network.
 - 39 i. To monitor and evaluate health information
 - 40 technology progress and outcomes.
- 41 6. Iowa e-health shall include the following five
- 42 domains:
 - 43 a. Governance. Iowa e-health shall be governed
 - 44 by a board of directors whose members represent
 - 45 stakeholders such as provider organizations and
 - 46 associations, providers, payers, purchasers,
 - 47 governmental entities, business, and consumers. Iowa
 - 48 e-health shall be supported by the department's office
 - 49 of health information technology. The board shall
 - 50 set direction, goals, and policies for Iowa e-health

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1 and provide oversight of the business and technical
2 operations of the health information network and health
3 information network services.

4 b. Business and technical operations. The office of
5 health information technology shall perform day-to-day
6 operations to support and advance Iowa e-health, the
7 health information network, and health information
8 network services.

9 c. Finance. Iowa e-health shall identify and
10 manage financial resources to achieve short-term and
11 long-term sustainability of the health information
12 network. The health information network shall be
13 financed by participants based on a business model and
14 financial sustainability plan approved by the board
15 no later than December 31, 2011, and submitted to the
16 governor and the general assembly. The model and plan
17 may contemplate participant fees based on value-based
18 principles. Fees shall not be assessed to participants
19 prior to approval by the board and an enactment of the
20 general assembly establishing such fees.

21 d. Technical infrastructure. Iowa e-health shall
22 implement and manage the core infrastructure and
23 standards to enable the safe and secure delivery of
24 health information to providers and consumers through
25 the health information network.

26 e. Legal and policy. Iowa e-health shall establish
27 privacy and security policies and guidelines, and
28 participation and data sharing agreements, to protect
29 consumers and enforce rules for utilization of the
30 health information network.

31 Sec. __. NEW SECTION. 135D.4 Governance — board
32 of directors — advisory council.

33 1. Iowa e-health shall be governed by a board of
34 directors. Board members shall be residents of the
35 state of Iowa. The membership of the board shall
36 comply with sections 69.16 and 69.16A.

37 2. The board of directors shall be comprised of the
38 following members:

39 a. The board shall include all of the following as
40 voting members:

41 (1) Two members who represent the Iowa
42 collaborative safety net provider network created in
43 section 135.153, designated by the network.

44 (2) Four members who represent hospitals, two of
45 whom are designated by the two largest health care
46 systems in the state, one of whom is designated by the
47 university of Iowa hospitals and clinics, and one of
48 whom is designated by the Iowa hospital association to
49 represent critical access hospitals.

50 (3) Two members who represent two different private

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1 health insurance carriers, designated by the federation
2 of Iowa insurers, one of which has the largest health
3 market share in Iowa.

4 (4) One member who is a licensed physician,
5 designated by the Iowa medical society.

6 (5) One member representing the department who is
7 designated by the department.

8 (6) One member representing the Iowa Medicaid
9 enterprise who is the Iowa Medicaid director, or the
10 director's designee.

11 b. The board shall include as ex officio,
12 nonvoting members four members of the general
13 assembly, one appointed by the speaker of the house of
14 representatives, one appointed by the minority leader
15 of the house of representatives, one appointed by the
16 majority leader of the senate, and one appointed by the
17 minority leader of the senate.

18 3. A person shall not serve on the board in any
19 capacity if the person is required to register as a
20 lobbyist under section 68B.36 because of the person's
21 activities for compensation on behalf of a profession
22 or an entity that is engaged in providing health care,
23 reviewing or analyzing health care, paying for health
24 care services or procedures, or providing health
25 information technology or health information network
26 services.

27 4. a. Board members shall serve four-year terms
28 but shall not serve more than two consecutive four-year
29 terms. However, the board members who represent state
30 agencies are not subject to term limits.

31 b. At the end of any term, a member of the
32 board may continue to serve until the appointing or
33 designating authority names a successor.

34 c. A vacancy on the board shall be filled for the
35 remainder of the term in the manner of the original
36 appointment. A vacancy in the membership of the board
37 shall not impair the right of the remaining members to
38 exercise all the powers and perform all the duties of
39 the board.

40 d. A board member may be removed by the board for
41 cause including but not limited to malfeasance in
42 office, failure to attend board meetings, misconduct,
43 or violation of ethical rules and standards.
44 Nonattendance of the board members appointed by the
45 governor shall be governed by the provisions of section
46 69.15. A board member may be removed by a vote of the
47 board if, based on the criteria provided in section
48 69.15, subsection 1, paragraphs "a" and "b", the board
49 member would be deemed to have submitted a resignation
50 from the board.

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1 e. The board members shall elect a chairperson from
2 their membership. The department's designee shall
3 serve as vice chairperson.

4 5. Meetings of the board shall be governed by the
5 provisions of chapter 21.

6 a. The board shall meet upon the call of the
7 chairperson or the vice chairperson. Notice of the
8 time and place of each board meeting shall be given
9 to each member. The board shall keep accurate and
10 complete records of all of its meetings.

11 b. A simple majority of the members shall
12 constitute a quorum to enable the transaction of any
13 business and for the exercise of any power or function
14 of the board. Action may be taken and motions and
15 resolutions adopted by the affirmative vote of a
16 majority of the members attending the meeting whether
17 in person, by telephone, web conference, or other
18 means. A board member shall not vote by proxy or
19 through a delegate.

20 c. Public members of the board shall receive
21 reimbursement for actual expenses incurred while
22 serving in their official capacity, only if they are
23 not eligible for reimbursement by the organization that
24 they represent. A person who serves as a member of
25 the board shall not by reason of such membership be
26 entitled to membership in the Iowa public employees'
27 retirement system or service credit for any public
28 retirement system.

29 6. The board may exercise its powers, duties,
30 and functions as provided in this chapter and as
31 prescribed by law. The director and the board shall
32 ensure that matters under the purview of the board
33 are carried out in a manner that does not violate or
34 risk violation of applicable state or federal laws or
35 regulations, and that supports overriding public policy
36 and public safety concerns, fiscal compliance, and
37 compliance with the office of the national coordinator
38 for health information technology state health
39 information exchange cooperative agreement program or
40 any other cooperative agreement programs or grants
41 supporting Iowa e-health. The board shall do all of
42 the following:

43 a. Participate in the selection of the executive
44 director and assist in the development of performance
45 standards and evaluations of the executive director.

46 b. Establish priorities among health information
47 network services based on the needs of the population
48 of this state.

49 c. Oversee the handling and accounting of assets
50 and moneys received for or generated by the health

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1 information network.
2 d. Establish committees and workgroups as needed.
3 e. Review and approve or disapprove all of the
4 following, as proposed by the department:
5 (1) Strategic, operational, and financial
6 sustainability plans for Iowa e-health, the health
7 information network, and health information network
8 services.
9 (2) Standards, requirements, policies, and
10 procedures for access, use, secondary use, and privacy
11 and security of health information network through the
12 health information exchange, consistent with applicable
13 federal and state standards and laws.
14 (3) Policies and procedures for administering the
15 infrastructure, technology, and associated professional
16 services necessary for the business and technical
17 operation of the health information network and health
18 information network services.
19 (4) Policies and procedures for evaluation of the
20 health information network and health information
21 network services.
22 (5) Mechanisms for periodic review and update of
23 policies and procedures.
24 (6) An annual budget and fiscal report for the
25 operations of the health information network and an
26 annual report for Iowa e-health and health information
27 network services.
28 (7) Major purchases of goods and services.
29 f. Adopt administrative rules pursuant to chapter
30 17A to implement this chapter and relating to the
31 management and operation of the health information
32 network and health information network services.
33 g. Adopt rules for monitoring access to and use
34 of the health information network and enforcement
35 of health information network rules, standards,
36 requirements, policies, and procedures. The board
37 may suspend, limit, or terminate a participant's
38 utilization of the health information network for
39 violation of such rules, standards, requirements,
40 policies, or procedures, and shall establish, by rule,
41 a process for notification, right to respond, and
42 appeal relative to such violations.
43 h. Have all remedies allowed by law to address any
44 violation of the terms of the participation and data
45 sharing agreement.
46 i. Perform any and all other activities in
47 furtherance of its purpose.
48 7. a. A board member is subject to chapter 68B,
49 the rules adopted by the Iowa ethics and campaign
50 disclosure board, and the ethics rules and requirements

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- 1 that apply to the executive branch of state government.
2 b. A board member shall not participate in any
3 matter before the board in which the board member
4 has a direct or indirect interest in an undertaking
5 that places the board member's personal or business
6 interests in conflict with those of Iowa e-health,
7 including but not limited to an interest in a
8 procurement contract, or that may create the appearance
9 of impropriety.
- 10 8. Advisory council.
- 11 a. An advisory council to the board is established
12 to provide an additional mechanism for obtaining
13 broader stakeholder advice and input regarding health
14 information technology, the health information network,
15 and health information network services.
- 16 b. The advisory council shall be comprised of the
17 following members who shall serve two-year staggered
18 terms:
- 19 (1) The following members designated as specified:
- 20 (a) One member who is a licensed practicing nurse
21 in an office or clinic setting, designated by the Iowa
22 nurses association.
- 23 (b) One member representing licensed pharmacists,
24 designated by the Iowa pharmacy association.
- 25 (c) One member representing the Iowa healthcare
26 collaborative, designated by the collaborative.
- 27 (d) One member representing substance abuse
28 programs, designated by the Iowa behavioral health
29 association.
- 30 (e) One member representing community mental
31 health centers, designated by the Iowa association of
32 community providers.
- 33 (f) One member representing long-term care
34 providers, designated by the Iowa health care
35 association/Iowa center for assisted living and the
36 Iowa association of homes and services for the aging.
- 37 (g) One member representing licensed physicians,
38 designated by the Iowa academy of family physicians.
- 39 (h) One member representing chiropractors,
40 designated by the Iowa chiropractic society.
- 41 (i) One member who is a practicing physician in
42 an office or clinic setting, designated by the Iowa
43 osteopathic medical association.
- 44 (j) One member representing business interests,
45 designated by the Iowa association of business and
46 industry.
- 47 (2) The following members appointed by the board:
- 48 (a) One member representing the state board of
49 health.
- 50 (b) One member representing academics.

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- 1 (c) One member representing the Iowa Medicare
2 quality improvement organization.
- 3 (d) One member who is the state chief information
4 officer.
- 5 (e) One member representing the private
6 telecommunications industry.
- 7 (f) One member representing Des Moines university.
- 8 (g) One member representing home health care
9 providers.
- 10 (h) One member representing the department of
11 veterans affairs.
- 12 c. The board may change the membership and the
13 composition of the advisory council, by rule, to
14 accommodate changes in stakeholder interests and the
15 evolution of health information technology, the health
16 information network, and health information network
17 services. An advisory council member may be removed by
18 a vote of the board if, based on the criteria provided
19 in section 69.15, subsection 1, paragraphs "a" and "b",
20 the advisory council member would be deemed to have
21 submitted a resignation from the advisory council.
- 22 Sec. ____ NEW SECTION. 135D.5 Business and
23 technical operations — office of health information
24 technology.
- 25 1. The office of health information technology
26 is established within the department and shall be
27 responsible for the day-to-day business and operations
28 of Iowa e-health, the health information network, and
29 health information network services. The office shall
30 be under the direction of the director and under the
31 supervision of the deputy director.
- 32 2. a. The department shall employ an executive
33 director to manage the office and the executive
34 director shall report to the deputy director.
- 35 b. The executive director shall manage the planning
36 and implementation of Iowa e-health, the health
37 information network, and health information network
38 services, and shall provide high-level coordination
39 across public and private sector stakeholders.
- 40 c. The executive director shall serve as Iowa's
41 health information technology coordinator and primary
42 point of contact for the office of the national
43 coordinator for health information technology,
44 other federal and state agencies involved in health
45 information technology, and state health information
46 technology coordinators from other states.
- 47 3. a. The executive director and all other
48 employees of the office shall be employees of the
49 state, classified and compensated in accordance with
50 chapter 8A, subchapter IV, and chapter 20.

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1 b. Subject to approval of the board, the director
2 shall have the sole power to determine the number of
3 full-time and part-time equivalent positions necessary
4 to carry out the provisions of this chapter.
5 c. An employee of the office shall not have a
6 financial interest in any vendor doing business or
7 proposing to do business with Iowa e-health.
8 4. The department shall do all of the following:
9 a. Develop, implement, and enforce the following,
10 as approved by the board:
11 (1) Strategic, operational, and financial
12 sustainability plans for the health information
13 network, Iowa e-health, and health information network
14 services.
15 (2) Standards, requirements, policies, and
16 procedures for access, use, secondary use, and privacy
17 and security of health information exchanged through
18 the health information network, consistent with
19 applicable federal and state standards and laws.
20 (3) Policies and procedures for monitoring
21 participant usage of the health information network
22 and health information network services; enforcing
23 noncompliance with health information network
24 standards, requirements, policies, rules, and
25 procedures.
26 (4) Policies and procedures for administering
27 the infrastructure, technology, and associated
28 professional services required for operation of the
29 health information network and health information
30 network services.
31 (5) Policies and procedures for evaluation of the
32 health information network and health information
33 network services.
34 (6) A mechanism for periodic review and update of
35 policies and procedures.
36 (7) An annual budget and fiscal report for the
37 business and technical operations of the health
38 information network and an annual report for Iowa
39 e-health, the health information network, and health
40 information network services. The department shall
41 submit all such reports to the general assembly.
42 b. Convene and facilitate board, advisory council,
43 workgroup, committee, and other stakeholder meetings.
44 c. Provide technical and operational assistance for
45 planning and implementing Iowa e-health activities,
46 the health information network, and health information
47 network services.
48 d. Provide human resource, budgeting, project and
49 activity coordination, and related management functions
50 to Iowa e-health, the health information network, and

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1 health information network services.
2 e. Develop educational materials and educate the
3 general public on the benefits of electronic health
4 records, the health information network, and the
5 safeguards available to prevent unauthorized disclosure
6 of health information.
7 f. Enter into participation and data sharing
8 agreements with participants of the health information
9 network.
10 g. Record receipts and approval of payments, and
11 file required financial reports.
12 h. Apply for, acquire by gift or purchase, and
13 hold, dispense, or dispose of funds and real or
14 personal property from any person, governmental entity,
15 or organization in the exercise of its powers and
16 performance of its duties in accordance with this
17 chapter.
18 i. Administer grant funds in accordance with the
19 terms of the grant and all applicable state and federal
20 laws, rules, and regulations.
21 j. Select and contract with vendors in compliance
22 with applicable state and federal procurement laws and
23 regulations.
24 k. Coordinate with other health information
25 technology and health information network programs and
26 activities.
27 l. Work to align interstate and intrastate
28 interoperability and standards in accordance with
29 national health information exchange standards.
30 m. Execute all instruments necessary or incidental
31 to the performance of its duties and the execution of
32 its powers.
33 Sec. ____ NEW SECTION. 135D.6 Iowa e-health
34 finance fund.
35 1. The Iowa e-health finance fund is created as
36 a separate fund within the state treasury under the
37 control of the board. Revenues, donations, gifts,
38 interest, or other moneys received or generated
39 relative to the operation and administration of the
40 health information network and health information
41 network services, shall be deposited in the fund.
42 2. Moneys in the fund shall be expended by
43 the department only on activities and operations
44 suitable to the performance of the department's
45 duties on behalf of the board and Iowa e-health as
46 specified in this chapter, subject to board approval.
47 Disbursements may be made from the fund for purposes
48 related to the administration, management, operations,
49 functions, activities, and sustainability of the health
50 information network and health information network

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1 services.

2 3. Notwithstanding section 12C.7, subsection 2,
3 earnings or interest on moneys deposited in the fund
4 shall be credited to the fund. Notwithstanding section
5 8.33, any unexpended balance in the fund at the end
6 of each fiscal year shall be retained in the fund and
7 shall not be transferred to the general fund of the
8 state.

9 4. The moneys in the fund shall be subject to
10 financial and compliance audits by the auditor of
11 state.

12 5. The general assembly may appropriate moneys
13 in the fund to the department on behalf of Iowa
14 e-health for the health information network and health
15 information network services.

16 Sec. __. NEW SECTION. 135D.7 Technical
17 infrastructure.

18 1. The health information network shall provide
19 a mechanism to facilitate and support the secure
20 electronic exchange of health information between
21 participants. The health information network shall
22 not function as a central repository of all health
23 information.

24 2. The health information network shall provide a
25 mechanism for participants without an electronic health
26 record system to access health information from the
27 health information network.

28 3. The technical infrastructure of the health
29 information network shall be designed to facilitate
30 the secure electronic exchange of health information
31 using functions including but not limited to all of the
32 following:

33 a. A master patient index, in the absence of a
34 single, standardized patient identifier, to exchange
35 secure health information among participants.

36 b. A record locator service to locate and exchange
37 secure health information among participants.

38 c. Authorization, authentication, access, and
39 auditing processes for security controls to protect
40 the privacy of consumers and participants and the
41 confidentiality of health information by limiting
42 access to the health information network and health
43 information to participants whose identity has been
44 authenticated, and whose access to health information
45 is limited by their role and recorded through an audit
46 trail.

47 d. Electronic transmission procedures and software
48 necessary to facilitate the electronic exchange of
49 various types of health information through the health
50 information network.

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1 e. Telecommunications through coordination of
2 public and private networks to provide the backbone
3 infrastructure to connect participants exchanging
4 health information. The networks may include but
5 are not limited to the state-owned communications
6 network, other fiber optic networks, and private
7 telecommunications service providers.

8 4. The state shall own or possess the rights
9 to use all processes and software developed, and
10 hardware installed, leased, designed, or purchased
11 for the health information network, and shall permit
12 participants to use the health information network
13 and health information network services in accordance
14 with the standards, policies, procedures, rules, and
15 regulations approved by the board, and the terms of the
16 participation and data sharing agreement.

17 Sec. ____ NEW SECTION. 135D.8 Legal and policy.

18 1. Upon approval from the board, the office
19 of health information technology shall establish
20 appropriate security standards, policies, and
21 procedures to protect the transmission and receipt of
22 individually identifiable health information exchanged
23 through the health information network. The security
24 standards, policies, and procedures shall, at a
25 minimum, comply with the Health Insurance Portability
26 and Accountability Act security rule pursuant to 45
27 C.F.R. pt. 164, subpt. C, and shall reflect all of the
28 following:

29 a. Include authorization controls, including the
30 responsibility to authorize, maintain, and terminate a
31 participant's use of the health information network.

32 b. Require authentication controls to verify the
33 identity and role of the participant using the health
34 information network.

35 c. Include role-based access controls to restrict
36 functionality and information available through the
37 health information network.

38 d. Include a secure and traceable electronic audit
39 system to document and monitor the sender and the
40 recipient of health information exchanged through the
41 health information network.

42 e. Require standard participation and data sharing
43 agreements which define the minimum privacy and
44 security obligations of all participants using the
45 health information network and health information
46 network services.

47 f. Include controls over access to and the
48 collection, organization, and maintenance of records
49 and data for purposes of research or population health
50 that protect the confidentiality of consumers who are

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1 the subject of the health information.

2 2. a. A patient shall have the opportunity to
3 decline exchange of their health information through
4 the health information network. The board shall
5 provide by rule the means and process by which patients
6 may decline participation. A patient shall not be
7 denied care or treatment for declining to exchange
8 their health information, in whole or in part, through
9 the health information network. The means and process
10 utilized under the rules shall minimize the burden on
11 patients and providers.

12 b. Unless otherwise authorized by law or rule,
13 a patient's decision to decline participation means
14 that none of the patient's health information shall be
15 exchanged through the health information network. If a
16 patient does not decline participation, the patient's
17 health information may be exchanged through the health
18 information network except as follows:

19 (1) If health information associated with a patient
20 visit with a provider is protected by state law that is
21 more restrictive than the Health Insurance Portability
22 and Accountability Act, a patient shall have the right
23 to decline sharing of health information through the
24 health information network from such visit as provided
25 by rule.

26 (2) With the consent of the patient, a provider
27 may limit health information associated with a patient
28 visit from being shared through the health information
29 network if such limitation is reasonably determined
30 by the provider, in consultation with the patient, to
31 be in the best interest of the patient as provided by
32 rule.

33 c. A patient who declines participation in the
34 health information network may later decide to
35 have health information shared through the health
36 information network. A patient who is participating
37 in the health information network may later decline
38 participation in the health information network.

39 3. The office shall develop and distribute
40 educational tools and information for consumers,
41 patients, and providers to inform them about the health
42 information network, including but not limited to the
43 safeguards available to prevent unauthorized disclosure
44 of health information and a patient's right to decline
45 participation in the health information network.

46 4. a. A participant shall not release or use
47 protected health information exchanged through the
48 health information network for purposes unrelated
49 to prevention, treatment, payment, or health care
50 operations unless otherwise authorized or required by

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1 law. Participants shall limit the use and disclosure
2 of protected health information to the minimum amount
3 required to accomplish the intended purpose of the use
4 or request, in compliance with the Health Insurance
5 Portability and Accountability Act and other applicable
6 federal law. Use or distribution of the information
7 for a marketing purpose, as defined by the Health
8 Insurance Portability and Accountability Act, is
9 strictly prohibited.

10 b. The department, the office, and all persons
11 using the health information network shall be
12 individually responsible for following breach
13 notification policies as provided by the Health
14 Insurance Portability and Accountability Act.

15 c. A participant shall not be compelled by
16 subpoena, court order, or other process of law
17 to access health information through the health
18 information network in order to gather records or
19 information not created by the participant.

20 5. a. If a patient has declined participation in
21 the health information network, the patient's health
22 information may be released to a provider through the
23 health information network if all of the following
24 circumstances exist:

25 (1) The patient is unable to provide consent due to
26 incapacitation.

27 (2) The requesting provider believes, in good
28 faith, that the information is necessary to prevent
29 imminent serious injury to the patient. Imminent
30 serious injury includes but is not limited to death,
31 injury or disease that creates a substantial risk of
32 death, or injury or disease that causes protracted loss
33 or impairment of any organ or body system.

34 (3) Such information cannot otherwise be readily
35 obtained.

36 b. The department shall provide by rule for the
37 reporting of emergency access and use by a provider.

38 6. All participants exchanging health information
39 and data through the health information network
40 shall grant to participants of the health information
41 network a nonexclusive license to retrieve and use that
42 information or data in accordance with applicable state
43 and federal laws, and the policies, procedures, and
44 rules established by the board.

45 7. The department shall establish by rule the
46 procedures for a patient who is the subject of health
47 information to do all of the following:

48 a. Receive notice of a violation of the
49 confidentiality provisions required under this chapter.

50 b. Upon request to the department, view an audit

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1 report created under this chapter for the purpose of
2 monitoring access to the patient's records.

3 8. a. A provider who relies reasonably and in
4 good faith upon any health information provided
5 through the health information network in treatment
6 of a patient shall be immune from criminal or civil
7 liability arising from any damages caused by such
8 reasonable, good faith reliance. Such immunity shall
9 not apply to acts or omissions constituting negligence,
10 recklessness, or intentional misconduct.

11 b. A participant that has disclosed health
12 information through the health information network
13 in compliance with applicable law and the standards,
14 requirements, policies, procedures, and agreements of
15 the health information network shall not be subject to
16 criminal or civil liability for the use or disclosure
17 of the health information by another participant.

18 9. a. Notwithstanding chapter 22, the following
19 records shall be kept confidential, unless otherwise
20 ordered by a court or consented to by the patient or by
21 a person duly authorized to release such information:

22 (1) The protected health information contained in,
23 stored in, submitted to, transferred or exchanged by,
24 or released from the health information network.

25 (2) Any protected health information in the
26 possession of Iowa e-health or the department due to
27 its administration of the health information network.

28 b. Unless otherwise provided in this chapter, when
29 using the health information network for the purpose of
30 patient treatment, a provider is exempt from any other
31 state law that is more restrictive than the Health
32 Insurance Portability and Accountability Act that would
33 otherwise prevent or hinder the exchange of patient
34 information by the patient's providers.

35 Sec. __. NEW SECTION. 135D.9 Iowa e-health —
36 health information network services.

37 Iowa e-health shall facilitate services through
38 the health information network or through other
39 marketplace mechanisms to improve the quality, safety,
40 and efficiency of health care available to consumers.
41 These services shall include but are not limited to all
42 of the following:

43 1. Patient summary records such as continuity of
44 care documents.

45 2. A provider directory and provider messaging.

46 3. Clinical orders and results.

47 4. Public health reporting such as electronic
48 reporting to the statewide immunization registry and
49 reportable diseases.

50 5. Medication history.

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1 Sec. ____ NEW SECTION. 135D.10 Governance review
2 and transition.

3 1. a. The Iowa e-health governance structure
4 shall continue during the first two years of the term
5 of the state health information exchange cooperative
6 agreement with the office of the national coordinator
7 for health information technology to address the
8 development of policies and procedures; dissemination
9 of interoperability standards; the initiation, testing,
10 and operation of the health information network
11 infrastructure; and the evolution of health information
12 network services to improve patient care for the
13 population.

14 b. Following the end of the first two years of the
15 term of the cooperative agreement, the board and the
16 department shall review the Iowa e-health governance
17 structure, operations of the health information
18 network, and the business and sustainability plan to
19 determine if the existing Iowa e-health governance
20 structure should continue or should be replaced by any
21 of the following:

22 (1) A public authority or similar body with broad
23 stakeholder representation on its governing board.

24 (2) A not-for-profit entity with broad stakeholder
25 representation on its governing board.

26 2. If the board and department determine that the
27 governance structure should be replaced, Iowa e-health
28 shall develop a transition plan to transfer the
29 responsibilities for the domains specified in section
30 135D.3.

31 Sec. ____ Section 136.3, subsection 14, Code 2011,
32 is amended to read as follows:

33 14. Perform those duties authorized pursuant to
34 sections ~~135.156~~, 135.159, and 135.161, and other
35 provisions of law.

36 Sec. ____ Section 249J.14, subsection 2, paragraphs
37 a and b, Code 2011, are amended to read as follows:

38 a. Design and implement a program for distribution
39 and monitoring of provider incentive payments,
40 including development of a definition of "meaningful
41 use" for purposes of promoting the use of electronic
42 medical recordkeeping by providers. The department
43 shall develop this program in collaboration with the
44 department of public health and the ~~electronic health~~
45 ~~information advisory council and executive committee~~
46 board of directors and the advisory council to the
47 board of Iowa e-health created pursuant to section
48 ~~135.156~~ 135D.4.

49 b. Develop the medical assistance health
50 information technology plan as required by the centers

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1 for Medicare and Medicaid services of the United
2 States department of health and human services. The
3 plan shall provide detailed implementation plans for
4 the medical assistance program for promotion of the
5 adoption and meaningful use of health information
6 technology by medical assistance providers and the
7 Iowa Medicaid enterprise. The plan shall include the
8 integration of health information technology and ~~the~~
9 ~~health information exchange network~~ with the medical
10 assistance management information system. The plan
11 shall be developed in collaboration with the department
12 of public health and the ~~electronic health information~~
13 ~~advisory council and executive committee~~ board of
14 directors and the advisory council to the board of Iowa
15 e-health created pursuant to section ~~135.156~~ 135D.4.

16 Sec. ____. INITIAL APPOINTMENTS — BOARD.

17 1. The initial appointments of board member
18 positions described in section 135D.4, as enacted by
19 this division of this Act, shall have staggered terms
20 as follows:

21 a. The board members designated by the Iowa
22 collaborative safety net provider network and the Iowa
23 medical society, shall have initial terms of two years,
24 after which the members shall serve four-year terms.

25 b. The board members designated by the two largest
26 health care systems in the state, the university of
27 Iowa hospitals and clinics, and the Iowa hospital
28 association, shall have initial terms of four years,
29 after which the members shall serve four-year terms.

30 c. The board members designated by the federation
31 of Iowa insurers shall serve initial terms of six
32 years, after which the members shall serve four-year
33 terms.

34 2. With the exception of board members who are
35 representatives of state agencies and not subject
36 to term limits as provided in section 135D.4, board
37 members appointed under this section may serve an
38 additional four-year term, with the exception of those
39 board members initially serving a two-year term, who
40 may serve two consecutive four-year terms following the
41 initial two-year term.

42 Sec. ____. REPEAL. Sections 135.154, 135.155, and
43 135.156, Code 2011, are repealed.

44 Sec. ____. TRANSITION PROVISIONS. Notwithstanding
45 any other provision of this division of this Act,
46 the department of public health, and the executive
47 committee and the advisory council created pursuant to
48 section 135.156, shall continue to exercise the powers
49 and duties specified under that section until such time
50 as all board members have been appointed as provided

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1 in section 135D.4, as enacted by this division of this
2 Act.
3 Sec. ____ EFFECTIVE DATE. The sections of this
4 division of this Act repealing sections 135.154,
5 135.155, and 135.156, and amending sections 136.3 and
6 249J.14, take effect on the date all board members are
7 appointed as provided in section 135D.4, as enacted by
8 this division of this Act. The department of public
9 health shall notify the Code editor of such date.
10 Sec. ____ EFFECTIVE UPON ENACTMENT. Except as
11 otherwise provided in this division of this Act,
12 this division of this Act, being deemed of immediate
13 importance, takes effect upon enactment.>
14 128. By striking page 83, line 22, through page
15 150, line 23.
16 129. Title page, line 3, after <appropriations> by
17 inserting <, providing penalties,>
18 130. By renumbering as necessary.

SENATE AMENDMENT

H-1733

1 Amend the amendment, S-3335, to Senate File 525,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 30 by inserting:
5 <d. Meeting the needs of consumers for disability
6 services in a responsive and cost-effective manner.>
7 2. Page 1, by striking lines 36 through 41 and
8 inserting <and propose legislation concerning the
9 recommendations and proposals developed by the
10 workgroups and other bodies addressed by this Act,
11 particularly with regard to the identification of core
12 services.>
13 3. Page 1, line 46, after <health> by inserting
14 <and a representative of the Iowa state association of
15 counties>
16 4. Page 2, line 9, after <229,> by inserting
17 <recommend revisions to the chapter 230A amendments
18 contained in this Act as necessary to conform with the
19 system redesign proposed by the interim committee,>
20 5. Page 2, by striking lines 15 through 18 and
21 inserting <Acts, Senate File 209. In addressing the
22 repeal provisions, the interim committee shall provide
23 options for replacing the county authority to levy for
24 adult disability services with levy authority that is
25 adequate and fair and for revising the repeal dates
26 and making other statutory revisions as necessary to
27 be consistent with the system redesign proposed by the

28 interim committee.>

29 6. Page 2, line 32, after <providers,> by inserting
30 <county representatives,>

31 7. Page 4, by striking lines 18 through 22 and
32 inserting:

33 <g. Developing a proposal for addressing service
34 provider and other workforce shortages. The
35 development of the proposal shall incorporate an
36 examination of scope of practice limitations and
37 barriers to recruiting providers and maintaining the
38 workforce, including but not limited to engagement
39 of minorities and other cross-cultural diversity
40 considerations for the workforce in general and for
41 accrediting professional level providers, evaluating
42 the impact of inadequate reimbursement, identifying the
43 appropriate state role in providing the resources to
44 ensure an appropriately trained workforce is available,
45 and an examination of the variation in health>

46 8. Page 4, line 43, after <subcommittee> by
47 inserting <led by the department of human services, in
48 consultation with the department of public health,>

49 9. Page 4, by striking lines 45 and 46 and
50 inserting <section, the membership shall include

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1 the department of human services staff involved with
2 child welfare, children's mental health, and Medicaid
3 services, and education system and juvenile court
4 representatives. The proposal shall be integrated
5 with the transition plan developed pursuant to this
6 Act for transitioning psychiatric medical institution
7 for children services into the Iowa plan contract for
8 administering behavioral health services under the
9 Medicaid program. The preliminary>

10 10. Page 6, after line 37 by inserting:

11 <k. Incorporating into proposals any necessary
12 changes to the chapter 230A amendments contained in
13 this Act.

14 l. Providing cost estimates for the proposals.>

15 11. Page 7, line 16, after <order;> by inserting
16 <for implementing jail diversion programs,
17 comprehensive training of law enforcement in dealing
18 with individuals who are experiencing a mental health
19 crisis, mental health courts, and other promising
20 reforms involving mental health and the criminal
21 justice system;>

22 12. Page 8, after line 11 by inserting:

23 <Sec. ____ 2010 Iowa Acts, chapter 1193, section
24 99, is amended to read as follows:

25 SEC. 99. MH/MR/DD SERVICES FUND
26 TRANSFER. Notwithstanding section 331.424A, subsection

27 5, and section 331.432, subsection 3, for the
28 fiscal year beginning July 1, 2010, and ending June
29 30, 2011, a county may transfer moneys from other
30 funds of the county to the county's mental health,
31 mental retardation, and developmental disabilities
32 services fund created in section 331.424A. A county
33 transferring moneys from other funds of the county to
34 the county's services fund pursuant to this section
35 shall submit a report detailing the transfers made and
36 funds affected. The county shall submit the report
37 along with the county expenditure and information
38 report submitted by December 1, ~~2010~~ 2011, in
39 accordance with section 331.439.>

40 13. Page 9, line 42, after <guidelines.> by
41 inserting <The transition plan shall be integrated with
42 the proposal for redesign of publicly funded disability
43 services developed by the workgroup implemented by the
44 department pursuant to division I of this Act.>

45 14. Page 11, by striking lines 4 through 6 and
46 inserting <A preliminary plan shall be provided to
47 the legislative interim committee authorized pursuant
48 to division I of this Act for consideration by the
49 committee in October 2011. The completed plan shall be
50 provided to the interim committee by December 9, 2011,

Page 3

1 and any revisions to address concerns identified by the
2 interim committee shall be incorporated into a final
3 plan developed by December 31, 2011, which shall be
4 submitted to the general assembly by January 16, 2012.
5 The submitted plan shall include>

6 15. Page 11, after line 41 by inserting:
7 <Sec. ____ IMPLEMENTATION OF DIVISION —
8 LEGISLATIVE INTENT. It is the intent of the general
9 assembly that the statutory amendments contained in
10 this division shall receive further consideration
11 in the disability services system redesign process
12 implemented pursuant to division I of this Act and
13 by the general assembly during the 2012 legislative
14 session. The purpose of the further consideration is
15 to ensure that the statutory amendments are integrated
16 with the system redesign provisions, including but not
17 limited to the provisions involving meeting the needs
18 of consumers, connecting the regional administration
19 of the overall system with the catchment areas for
20 community mental health services, involvement of
21 counties, terminology utilized, matching core services
22 for centers with the core services for the overall
23 system redesign, and matching accreditation standards,
24 financing provisions, and accountability measures.>

25 16. Page 12, by striking lines 29 and 30 and

26 inserting <mental health center under this chapter for
27 addressing the mental health needs of>
28 17. Page 17, line 2, by striking <federal and
29 state> and inserting <federal, state, and county>

SENATE AMENDMENT

H-1734

1 Amend House File 697 as follows:
2 1. Page 457, after line 6 by inserting:
3 <Sec. ____ NEW SECTION. 7E.8 Implementation of
4 federal statute, regulation, or policy.
5 1. Except as otherwise explicitly authorized by
6 state law, a state administrative agency charged with
7 the implementation of a federal statute, regulation, or
8 policy shall not exceed the specific requirements of
9 that statute, regulation, or policy.
10 2. Any portion of a state administrative agency
11 rule or policy that is in violation of subsection 1 is
12 void.>
13 2. Page 457, after line 6 by inserting:
14 <Sec. ____ NEW SECTION. 9.8 Employee
15 classifications.
16 In addition to public employees listed in section
17 20.4, public employees of the secretary of state who
18 hold positions that are classified in the information
19 technology specialist series and administrative
20 assistant series are excluded from chapter 20.>
21 3. Page 457, after line 6 by inserting:
22 <Sec. ____ NEW SECTION. 274.3 Exercise of powers
23 — construction.
24 1. The board of directors of a school district
25 shall operate, control, and supervise all public
26 schools located within its district boundaries and may
27 exercise any broad and implied power related to the
28 operation, control, and supervision of those public
29 schools except as expressly prohibited or prescribed by
30 the Constitution of the State of Iowa or by statute.
31 2. Notwithstanding subsection 1, the board of
32 directors of a school district shall not have power to
33 levy any tax unless expressly authorized by the general
34 assembly.
35 3. This section shall not apply to a research and
36 development school as defined in section 256G.2 or to
37 a laboratory school as defined in section 265.1. The
38 board of directors of a school district in which such a
39 research and development school or laboratory school
40 is located shall not exercise over such a school any
41 powers granted to the board by subsection 1.
42 4. This chapter, chapter 257 and chapters 275
43 through 301, and other statutes relating to the
44 boards of directors of school districts and to school

45 districts shall be liberally construed to effectuate
46 the purposes of subsection 1.>
47 4. Page 457, after line 12 by inserting:
48 <Sec. ____ Section 422.11P, subsection 2, paragraph
49 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
50 531, section 25, is amended to read as follows:

Page 2

1 b. The tax credit shall apply to biodiesel blended
2 fuel classified as provided in this section, if the
3 classification meets the standards provided in section
4 214A.2. In ensuring that biodiesel blended fuel meets
5 the classification requirements of this section, the
6 department shall take into account reasonable variances
7 due to testing and other limitations.>

8 5. Page 457, after line 12 by inserting:
9 <Sec. ____ Section 455A.6, subsection 5, Code 2011,
10 is amended by striking the subsection and inserting in
11 lieu thereof the following:

12 5. Six members of the commission is a quorum, and a
13 majority of the commission membership may act in any
14 matter within the jurisdiction of the commission.

15 Sec. ____ Section 455A.6, subsection 6, paragraph
16 a, Code 2011, is amended to read as follows:

17 a. Establish policy for the department and adopt
18 rules, pursuant to chapter 17A, necessary to provide
19 for the effective administration of chapter 455B, 455C,
20 or 459. The commission shall have only that authority
21 or discretion which is explicitly delegated to or
22 conferred upon the commission by chapter 455B, 455C, or
23 459, and shall not expand or enlarge on that authority
24 or discretion.>

25 6. Page 475, before line 24 by inserting:

26 <DIVISION ____

27 HALLUCINOGENIC SUBSTANCES

28 Sec. ____ Section 124.204, subsection 4, Code 2011,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. ai. (1) Mephedrone, also known as
31 4-methylmethcathinone, (RS)-2-methylamino-1-(4-methylphenyl)
32 propan-1-one.

33 (2) Methylene-dioxypropylvalerone (MDPV)[(1-(1,3-
34 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

35 (3) Salvia divinorum.

36 (4) Salvinorin A.

37 (5) Any substance, compound, mixture or preparation
38 which contains any quantity of any synthetic
39 cannabinoid that is not approved as a pharmaceutical,
40 including but not limited to the following:

41 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-

42 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).

43 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-

- 44 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
45 chromen-1-ol].
46 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
47 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
48 chromen-1-ol).
49 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
50 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

Page 3

1 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
2 naphthalenyl-methanone.

3 Sec. ____ Section 124.401, subsection 1, paragraph
4 c, subparagraph (8), Code 2011, is amended to read as
5 follows:

6 (8) Any other controlled substance, counterfeit
7 substance, or simulated controlled substance classified
8 in schedule I, II, or III, except as provided in
9 paragraph "d".

10 Sec. ____ Section 124.401, subsection 1, paragraph
11 d, Code 2011, is amended to read as follows:

12 d. (1) Violation of this subsection, with respect
13 to any other controlled substances, counterfeit
14 substances, or simulated controlled substances
15 classified in schedule IV or V is an aggravated
16 misdemeanor. ~~However,~~

17 (2) A violation of this subsection involving fifty
18 any of the following is a class "D" felony:

19 (a) Fifty kilograms or less of marijuana or
20 involving flunitrazepam is a class "D" felony.

21 (b) Flunitrazepam.

22 (c) A controlled substance, counterfeit substance,
23 or simulated controlled substance classified in section
24 124.204, subsection 4, paragraph "ai".

25 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
26 of this Act, being deemed of immediate importance,
27 takes effect upon enactment.>

28 7. Page 475, before line 24 by inserting:

29 <DIVISION ____
30 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND
31 INSTALLERS — ELECTRICIANS AND ELECTRICAL CONTRACTORS
32 — LICENSING

33 Sec. ____ Section 100C.1, subsection 13, Code 2011,
34 is amended by adding the following new paragraph:

35 NEW PARAGRAPH. c. For a telecommunications
36 company that has been issued a certificate of public
37 convenience and necessity pursuant to section 476.29,
38 a person with whom the telecommunications company
39 contracts, who is certified by the national institute
40 for certification in engineering technologies as
41 required in paragraph "a" or "b" or who meets any other
42 criteria established by rule.

43 Sec. ____ Section 100C.2, subsection 3, Code 2011,
44 is amended by adding the following new paragraph:
45 NEW PARAGRAPH. d. This subsection shall not
46 apply to a responsible managing employee with whom a
47 telecommunications company contracts as provided in
48 section 100C.1, subsection 13, paragraph "c".
49 Sec. ____ NEW SECTION. 103.1A Term "commercial"
50 applied.

Page 4

1 As used in this chapter:

2 1. "Commercial" refers to a use, installation,
3 structure, or premises associated with a place of
4 business where goods, wares, services, or merchandise
5 is stored or offered for sale on a wholesale or retail
6 basis.

7 2. "Commercial" refers to a residence only if
8 the residence is also used as a place of business as
9 provided in subsection 1.

10 3. "Commercial" does not refer to a use,
11 installation, structure, or premises associated with
12 any of the following:

13 a. A farm.

14 b. An industrial installation.

15 Sec. ____ Section 103.22, subsection 7, Code 2011,
16 is amended to read as follows:

17 7. Prohibit an owner of property from performing
18 work on the owner's principal residence, if such
19 residence is an existing dwelling rather than new
20 construction and is not an apartment that is attached
21 to any other apartment or building, as those terms are
22 defined in section 499B.2, and is not larger than a
23 single-family dwelling, ~~or farm property, excluding~~
24 ~~commercial or industrial installations or installations~~
25 ~~in public use buildings or facilities,~~ or require
26 such owner to be licensed under this chapter. In
27 order to qualify for inapplicability pursuant to this
28 subsection, a residence shall qualify for the homestead
29 tax exemption.

30 Sec. ____ Section 103.22, Code 2011, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 15. Apply to a person performing
33 any installation on a farm, if the person is associated
34 with the farm as a holder of a legal or equitable
35 interest, a relative or employee of the holder, or
36 an operator or manager of the farm. The provisions
37 of this chapter do not require such person to be
38 licensed. In addition, a permit is not required for an
39 installation on a farm, and an installation on a farm
40 is not required to be inspected. In order for a farm
41 building to qualify under this subsection, the farm

42 building must not be regularly open to the public as a
43 place of business for the retail sale of goods, wares,
44 services, or merchandise.>

45 8. Page 475, before line 24 by inserting:

46 <DIVISION ____

47 CLASS "A" FELONIES — JUVENILES

48 Sec. ____ Section 232.8, subsection 3, paragraph a,
49 Code 2011, is amended to read as follows:

50 a. The juvenile court, after a hearing and in

Page 5

1 accordance with the provisions of section 232.45, may
2 waive jurisdiction of a child alleged to have committed
3 a public offense so that the child may be prosecuted
4 as an adult or youthful offender for such offense in
5 another court. If the child, ~~except a child being~~
6 ~~prosecuted as a youthful offender~~, pleads guilty or is
7 found guilty of a public offense other than a class "A"
8 felony in another court of this state, that court may
9 suspend the sentence or, with the consent of the child,
10 defer judgment and without regard to restrictions
11 placed upon deferred judgments for adults, place the
12 child on probation for a period of not less than one
13 year upon such conditions as it may require. Upon
14 fulfillment of the conditions of probation, a child
15 who receives a deferred judgment shall be discharged
16 without entry of judgment. A child prosecuted as
17 a youthful offender shall be sentenced pursuant to
18 section 907.3A.

19 Sec. ____ Section 232.50, subsection 1, Code 2011,
20 is amended to read as follows:

21 1. As soon as practicable following the entry
22 of an order of adjudication pursuant to section
23 232.47 or notification that the child has ~~received a~~
24 ~~youthful offender deferred sentence~~ been placed on
25 youthful offender status pursuant to section 907.3A,
26 the court shall hold a dispositional hearing in order
27 to determine what disposition should be made of the
28 matter.

29 Sec. ____ Section 232.52, subsection 1, Code 2011,
30 is amended to read as follows:

31 1. Pursuant to a hearing as provided in section
32 232.50, the court shall enter the least restrictive
33 dispositional order appropriate in view of the
34 seriousness of the delinquent act, the child's
35 culpability as indicated by the circumstances of
36 the particular case, the age of the child, the
37 child's prior record, or the fact that the child has
38 ~~received a youthful offender deferred sentence~~ been
39 placed on youthful offender status under section
40 907.3A. The order shall specify the duration and

41 the nature of the disposition, including the type of
42 residence or confinement ordered and the individual,
43 agency, department, or facility in whom custody is
44 vested. In the case of a child who has ~~received a~~
45 ~~youthful offender deferred sentence~~ been placed on
46 youthful offender status, the initial duration of the
47 dispositional order shall be until the child reaches
48 the age of eighteen.

49 Sec. ____ Section 232.54, subsection 1, paragraph
50 g, Code 2011, is amended to read as follows:

Page 6

1 g. With respect to a juvenile court dispositional
2 order entered regarding a child who has ~~received a~~
3 ~~youthful offender deferred sentence~~ been placed on
4 youthful offender status under section 907.3A, the
5 dispositional order may be terminated prior to the
6 child reaching the age of eighteen upon motion of the
7 child, the person or agency to whom custody of the
8 child has been transferred, or the county attorney
9 following a hearing before the juvenile court if it is
10 shown by clear and convincing evidence that it is in
11 the best interests of the child and the community to
12 terminate the order. The hearing may be waived if all
13 parties to the proceeding agree. The dispositional
14 order regarding a child who has ~~received a youthful~~
15 ~~offender deferred sentence~~ been placed on youthful
16 offender status may also be terminated prior to the
17 child reaching the age of eighteen upon motion of the
18 county attorney, if the waiver of the child to district
19 court was conditioned upon the terms of an agreement
20 between the county attorney and the child, and the
21 child violates the terms of the agreement after the
22 waiver order has been entered. The district court
23 shall discharge the child's youthful offender status
24 upon receiving a termination order under this section.

25 Sec. ____ Section 232.54, subsection 1, paragraph
26 h, unnumbered paragraph 1, Code 2011, is amended to
27 read as follows:

28 With respect to a dispositional order entered
29 regarding a child who has ~~received a youthful offender~~
30 ~~deferred sentence~~ been placed on youthful offender
31 status under section 907.3A, the juvenile court may,
32 in the case of a child who violates the terms of the
33 order, modify or terminate the order in accordance with
34 the following:

35 Sec. ____ Section 232.55, subsection 3, Code 2011,
36 is amended to read as follows:

37 3. This section does not apply to dispositional
38 orders entered regarding a child who has ~~received a~~
39 ~~youthful offender deferred sentence~~ been placed on

40 youthful offender status under section 907.3A who
41 is not discharged from probation before or upon the
42 child's eighteenth birthday.
43 Sec. ____ Section 232.56, Code 2011, is amended to
44 read as follows:
45 232.56 Youthful offenders — transfer to district
46 court supervision.
47 The juvenile court shall deliver a report, which
48 includes an assessment of the child by a juvenile court
49 officer after consulting with the judicial district
50 department of correctional services, to the district

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1 court prior to the eighteenth birthday of a child who
2 has received a ~~youthful offender deferred sentence~~
3 been placed on youthful offender status under section
4 907.3A. A hearing shall be held in the district court
5 in accordance with section 907.3A to determine whether
6 the child should be discharged from youthful offender
7 status or whether the child shall continue under the
8 supervision of the district court after the child's
9 eighteenth birthday.
10 Sec. ____ Section 654.4B, subsection 2, paragraph
11 b, Code 2011, is amended to read as follows:
12 b. This subsection is repealed July 1, ~~2011~~ 2012.
13 Sec. ____ Section 902.1, Code 2011, is amended to
14 read as follows:
15 902.1 Class "A" felony.
16 1. Upon a plea of guilty, a verdict of guilty, or
17 a special verdict upon which a judgment of conviction
18 of a class "A" felony may be rendered, the court shall
19 enter a judgment of conviction and shall commit the
20 defendant into the custody of the director of the
21 Iowa department of corrections for the rest of the
22 defendant's life. Nothing in the Iowa corrections code
23 pertaining to deferred judgment, deferred sentence,
24 suspended sentence, or reconsideration of sentence
25 applies to a class "A" felony, and a person convicted
26 of a class "A" felony shall not be released on parole
27 unless the governor commutes the sentence to a term of
28 years.
29 2. a. Notwithstanding subsection 1, a person
30 convicted of a class "A" felony, and who was under the
31 age of eighteen at the time the offense was committed
32 shall be eligible for parole after serving a minimum
33 term of confinement of twenty-five years.
34 b. If a person is paroled pursuant to this
35 subsection the person shall be subject to the same set
36 of procedures set out in chapters 901B, 905, 906, and
37 chapter 908, and rules adopted under those chapters for
38 persons on parole.

39 c. A person convicted of murder in the first degree
40 in violation of section 707.2 shall not be eligible for
41 parole pursuant to this subsection.
42 d. A person convicted of murder in the second
43 degree in violation of section 707.3 and who was also
44 convicted of either kidnapping in the first degree
45 in violation of section 710.2 or sexual abuse in the
46 first degree in violation of section 709.2, which
47 conviction arose out of the same set of facts as the
48 murder-in-the-second-degree conviction, shall not be
49 eligible for parole pursuant to this subsection.
50 Sec. ____ Section 907.3A, Code 2011, is amended to

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1 read as follows:
2 907.3A Youthful offender deferred sentence —
3 youthful offender status.
4 1. Notwithstanding section 907.3 but subject to any
5 conditions of the waiver order, the trial court shall,
6 upon a plea of guilty or a verdict of guilty, ~~defer~~
7 ~~sentence of a youthful offender~~ place the juvenile
8 over whom the juvenile court has waived jurisdiction
9 pursuant to section 232.45, subsection 7, and place
10 the juvenile on youthful offender status. The court
11 shall transfer supervision of the youthful offender to
12 the juvenile court for disposition in accordance with
13 section 232.52. An adjudication of delinquency entered
14 by the juvenile court for a public offense shall not
15 be deemed a conviction and shall not preclude the
16 subsequent entry of a deferred judgment, conviction,
17 or sentence by the district court. The court shall
18 require supervision of the youthful offender in
19 accordance with section 232.54, subsection 1, paragraph
20 "h", or subsection 2 of this section. ~~Notwithstanding~~
21 ~~section 901.2, a presentence investigation shall not be~~
22 ~~ordered by the court subsequent to an entry of a plea~~
23 ~~of guilty or verdict of guilty or prior to deferral of~~
24 ~~sentence of a youthful offender under this section.~~
25 2. The court shall hold a hearing prior to a
26 youthful offender's eighteenth birthday to determine
27 whether the youthful offender shall continue on
28 youthful offender status after the youthful offender's
29 eighteenth birthday ~~under the supervision of the~~
30 ~~court or be discharged.~~ Notwithstanding section
31 901.2, the court may order a presentence investigation
32 report including a report for an offense classified
33 as a class "A" felony. The court shall review the
34 report of the juvenile court regarding the youthful
35 offender ~~and prepared pursuant to section 232.56,~~
36 ~~and any presentence investigation report, if ordered~~
37 ~~by the court.~~ The court shall hear evidence by or

38 on behalf of the youthful offender, by the county
39 attorney, and by the person or agency to whom custody
40 of the youthful offender was transferred. The court
41 shall make its decision, pursuant to the sentencing
42 options available in subsection 3, after considering
43 the services available to the youthful offender, the
44 evidence presented, the juvenile court's report, the
45 presentence investigation report if ordered by the
46 court, the interests of the youthful offender, and
47 interests of the community.
48 3. a. Notwithstanding any provision of the Code
49 which prescribes a mandatory minimum sentence for the
50 offense committed by the youthful offender, following

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1 transfer of the youthful offender from the juvenile
2 court back to the court having jurisdiction over the
3 criminal proceedings involving the youthful offender,
4 the court ~~may continue the youthful offender deferred~~
5 ~~sentence or enter a sentence, which may be a suspended~~
6 ~~sentence; shall order one of the following sentencing~~
7 ~~options:~~
8 (1) Defer judgment and place the youthful offender
9 on probation, upon the consent of the youthful
10 offender.
11 (2) Defer the sentence and place the youthful
12 offender on probation upon such terms and conditions
13 as the court may require.
14 (3) Suspend the sentence and place the youthful
15 offender on probation upon such terms and conditions
16 as the court may require.
17 (4) A term of confinement.
18 (5) Discharge the youthful offender from youthful
19 offender status and terminate the sentence.
20 b. Notwithstanding anything in section 907.7 to
21 the contrary, if the district court ~~either grants~~
22 the youthful offender a deferred judgment, continues
23 the youthful offender deferred sentence, or enters a
24 sentence, and suspends the sentence, and places the
25 youthful offender on probation, the term of formal
26 supervision shall commence upon entry of the order by
27 the district court and may continue for a period not
28 to exceed five years. If the district court enters a
29 sentence of confinement, and the youthful offender was
30 previously placed in secure confinement by the juvenile
31 court under the terms of the initial disposition order
32 or any modification to the initial disposition order,
33 the person shall receive credit for any time spent in
34 secure confinement. During any period of probation
35 imposed by the district court, a youthful offender who
36 violates the terms of probation is subject to section

37 908.11.

38 Sec. ____ Section 907.9, subsection 4, Code 2011,
39 is amended to read as follows:

40 4. At the expiration of the period of probation
41 if the fees imposed under section 905.14 and court
42 debt collected pursuant to section 602.8107 have been
43 paid, the court shall order the discharge of the person
44 from probation. If portions of the court debt remain
45 unpaid, the person shall establish a payment plan with
46 the clerk of the district court or the county attorney
47 prior to the discharge. The court shall forward to the
48 governor a recommendation for or against restoration
49 of citizenship rights to that person upon discharge.
50 A person who has been discharged from probation shall

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1 no longer be held to answer for the person's offense.
2 Upon discharge from probation, if judgment has been
3 deferred under section 907.3, the court's criminal
4 record with reference to the deferred judgment and any
5 counts dismissed by the court, which were contained in
6 the indictment, information, or complaint that resulted
7 in the deferred judgement, shall be expunged. The
8 record maintained by the state court administrator
9 as required by section 907.4 shall not be expunged.
10 The court's record shall not be expunged in any other
11 circumstances.

12 Sec. ____ EFFECTIVE UPON ENACTMENT. The section
13 of this division of this Act amending section 654.4B,
14 being deemed of immediate importance, takes effect upon
15 enactment.>

16 9. Page 475, before line 24 by inserting:

17 <DIVISION ____
18 STATE EXPENDITURE REQUIREMENTS — REVENUE ESTIMATING
19 CONFERENCE — APPROPRIATION TRANSFERS

20 Sec. ____ Section 8.22A, subsection 2, Code 2011,
21 is amended to read as follows:

22 2. The conference shall meet as often as deemed
23 necessary, but shall meet at least ~~quarterly~~ three
24 times per year. The conference may use sources of
25 information deemed appropriate. At each meeting,
26 the conference shall agree to estimates for the
27 current and the following fiscal years for the general
28 fund of the state, lottery revenues to be available
29 for disbursement, and from gambling revenues and
30 from interest earned on the cash reserve fund and
31 the economic emergency fund to be deposited in the
32 rebuild Iowa infrastructure fund. An estimate for the
33 following fiscal year, other than an estimate agreed to
34 pursuant to subsection 3, 4, or 5, shall be considered
35 a preliminary estimate.

36 Sec. ____ Section 8.39, subsections 1 and 2, Code
37 2011, are amended to read as follows:
38 1. Except as otherwise provided by law, an
39 appropriation or any part of it shall not be used
40 for any other purpose than that for which it was
41 made. However, with the prior written consent and
42 approval of the governor and the director of the
43 department of management, the governing board or head
44 of any state department, institution, or agency may,
45 at any time during the fiscal year, make a whole or
46 partial intradepartmental transfer of its unexpended
47 appropriations for purposes within the scope of such
48 department, institution, or agency. Such transfer
49 shall be to an appropriation made from the same
50 funding source and within the same fiscal year. The

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1 amount of a transfer made from an appropriation under
2 this subsection shall be limited to not more than
3 one-twentieth of one percent of the total of all
4 appropriations made from the funding source of the
5 transferred appropriation for the fiscal year in which
6 the transfer is made.
7 2. If the appropriation of a department,
8 institution, or agency is insufficient to properly meet
9 the legitimate expenses of the department, institution,
10 or agency, the director, with the approval of the
11 governor, may make an interdepartmental transfer from
12 any other department, institution, or agency of the
13 state having an appropriation in excess of its needs,
14 of sufficient funds to meet that deficiency. Such
15 transfer shall be to an appropriation made from the
16 same funding source and within the same fiscal year.
17 The amount of a transfer made from an appropriation
18 under this subsection shall be limited to not more
19 than one-twentieth of one percent of the total of all
20 appropriations made from the funding source of the
21 transferred appropriation for the fiscal year in which
22 the transfer is made. An interdepartmental transfer
23 to an appropriation which is not an entitlement
24 appropriation is not authorized when the general
25 assembly is in regular session and, in addition,
26 the sum of interdepartmental transfers in a fiscal
27 year to an appropriation which is not an entitlement
28 appropriation shall not exceed fifty percent of the
29 amount of the appropriation as enacted by the general
30 assembly. For the purposes of this subsection, an
31 entitlement appropriation is a line item appropriation
32 to the state public defender for indigent defense or to
33 the department of human services for foster care, state
34 supplementary assistance, or medical assistance, or for

35 the family investment program.
 36 Sec. ____ Section 8.39, Code 2011, is amended by
 37 adding the following new subsection:
 38 NEW SUBSECTION. 2A. The aggregate amount of
 39 intradepartmental and interdepartmental transfers
 40 made from all appropriations for a fiscal year
 41 pursuant to this section is limited to not more than
 42 one-fourth of one percent of the total amount of the
 43 appropriations made from the general fund of the state
 44 for the fiscal year. The aggregate amount of the
 45 intradepartmental and interdepartmental transfers made
 46 from an appropriation for a fiscal year is limited to
 47 fifty percent of the appropriation.
 48 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 49 of this Act, being deemed of immediate importance,
 50 takes effect upon enactment.>

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1 10. Page 475 before line 24 by inserting:
 2 <DIVISION ____
 3 SCHOOL DRESS CODES
 4 Sec. ____ Section 279.58, subsection 1, Code 2011,
 5 is amended by striking the subsection.
 6 Sec. ____ Section 279.58, subsection 2, Code 2011,
 7 is amended to read as follows:
 8 2. The board of directors of a school district may
 9 adopt, for the district or for an individual school
 10 within the district, a dress code policy that ~~prohibits~~
 11 ~~students from wearing gang-related or other specific~~
 12 ~~apparel prescribes standard dress, or that otherwise~~
 13 ~~imposes limitations on student dress without limiting~~
 14 ~~a student's constitutional rights and privileges,~~
 15 if the board determines that the policy is necessary
 16 for ~~would improve~~ the health, safety, or positive
 17 educational environment of students and staff in the
 18 school environment or for the appropriate discipline
 19 and operation of the school.
 20 3. Adoption and enforcement of a dress code policy
 21 pursuant to this section is not a violation of section
 22 280.22.
 23 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 24 of this Act, being deemed of immediate importance,
 25 takes effect upon enactment.>
 26 11. Page 475, before line 24 by inserting:
 27 <DIVISION ____
 28 DAYS OF INSTRUCTION
 29 Sec. ____ Section 256.7, subsection 19, Code 2011,
 30 is amended to read as follows:
 31 19. Define the ~~minimum school day as a day~~
 32 ~~consisting of five and one-half hours of instructional~~
 33 ~~time for grades one through twelve. The minimum~~

34 hours as time spent with a licensed teacher that shall
 35 be exclusive of the lunch period and parent-teacher
 36 conferences, but may include passing time between
 37 classes. Time spent on parent-teacher conferences
 38 shall be considered instructional time. A school or
 39 school district may record a day of school with less
 40 than the minimum instructional hours as a minimum
 41 school day if any of the following apply:

42 a. If emergency health or safety factors require
 43 the late arrival or early dismissal of students on a
 44 specific day.

45 b. If the total hours of instructional school
 46 time for grades one through twelve for any five
 47 consecutive school days equal a minimum of twenty-seven
 48 and one-half hours, even though any one day of
 49 school is less than the minimum instructional hours
 50 because of a staff development opportunity provided

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1 for the professional instructional staff or because
 2 parent-teacher conferences have been scheduled
 3 beyond the regular school day. Furthermore, if the
 4 total hours of instructional time for the first four
 5 consecutive days equal at least twenty-seven and
 6 one-half hours because parent-teacher conferences
 7 have been scheduled beyond the regular school day, a
 8 school or school district may record zero hours of
 9 instructional time on the fifth consecutive school day
 10 as a minimum school day.

11 Sec. ____ Section 256F.4, subsection 5, Code 2011,
 12 is amended to read as follows:

13 5. A charter school or innovation zone school shall
 14 provide instruction for at least the number of days
 15 hours required by section 279.10, subsection 1, or
 16 shall provide at least the equivalent number of total
 17 hours.

18 Sec. ____ Section 279.10, subsection 1, Code 2011,
 19 is amended to read as follows:

20 1. The school year for each school district and
 21 accredited nonpublic school shall begin on the first
 22 day of July 1 and each regularly established elementary
 23 and secondary school shall begin no sooner than a day
 24 during the calendar week in which the first day of
 25 September falls but no later than the first Monday
 26 in December. However, if the first day of September
 27 falls on a Sunday, school may begin on a day during the
 28 calendar week which immediately precedes the first day
 29 of September. School shall continue for at least one
 30 hundred eighty days, except as provided in subsection
 31 3, and may be maintained. The school calendar shall
 32 include not less than one thousand eighty hours of

33 instruction during the entire calendar year. However,
34 if The board of directors of a school district and the
35 authorities in charge of an accredited nonpublic school
36 shall set the number of days of required attendance
37 for the school year as provided in section 299.1,
38 subsection 2, but the board of directors of a school
39 district shall hold a public hearing on any proposed
40 school calendar prior to adopting the school calendar.
41 If the board of directors of a district or the
42 authorities in charge of an accredited nonpublic school
43 extends the school calendar because inclement weather
44 caused the school district or accredited nonpublic
45 school to temporarily close school during the regular
46 school calendar, the school district or accredited
47 nonpublic school may excuse a graduating senior who
48 has met district or school requirements for graduation
49 from attendance during the extended school calendar. A
50 school corporation may begin employment of personnel

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1 for in-service training and development purposes before
2 the date to begin elementary and secondary school.
3 Sec. ____ Section 279.10, subsections 2 and 3, Code
4 2011, are amended by striking the subsections.
5 Sec. ____ Section 299.4, subsection 1, Code 2011,
6 is amended to read as follows:
7 1. The parent, guardian, or legal custodian of a
8 child who is of compulsory attendance age, who places
9 the child under competent private instruction under
10 either section 299A.2 or 299A.3, not in an accredited
11 school or a home school assistance program operated
12 by a school district or accredited nonpublic school,
13 shall furnish a report in duplicate on forms provided
14 by the public school district, to the district by ~~the~~
15 ~~earliest starting date specified in section 279.10,~~
16 ~~subsection 1~~ September 1 of the school year in which
17 the child will be under competent private instruction.
18 The secretary shall retain and file one copy and
19 forward the other copy to the district's area education
20 agency. The report shall state the name and age of the
21 child, the period of time during which the child has
22 been or will be under competent private instruction
23 for the year, an outline of the course of study, texts
24 used, and the name and address of the instructor. The
25 parent, guardian, or legal custodian of a child, who is
26 placing the child under competent private instruction
27 for the first time, shall also provide the district
28 with evidence that the child has had the immunizations
29 required under section 139A.8, and, if the child is
30 elementary school age, a blood lead test in accordance
31 with section 135.105D. The term "outline of course of

32 study" shall include subjects covered, lesson plans,
33 and time spent on the areas of study.

34 Sec. ____ REPEAL. Section 256.22, Code 2011, is
35 repealed.

36 Sec. ____ EFFECTIVE DATE. This division of this
37 Act takes effect July 1, 2012.>

38 12. Page 475, before line 24 by inserting:

39 <DIVISION ____
40 PRISON INDUSTRIES

41 Sec. ____ Section 904.805, Code 2011, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 7. a. Report semiannually to the
44 general assembly's standing committees on government
45 oversight regarding the operations of Iowa state
46 industries.

47 b. Report quarterly and annually to the industries
48 board, the governor, the auditor of state, and the
49 general assembly a full and complete statement of
50 Iowa state industries revenues and expenses for the

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1 preceding quarter, and with respect to the annual
2 report, for the preceding year.

3 Sec. ____ Section 904.813, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 3A. A capital expenditure in
6 an amount exceeding two hundred fifty thousand
7 dollars shall not be made from the Iowa state
8 industries revolving fund without authorization by a
9 constitutional majority of each house of the general
10 assembly, or approval by the legislative council if the
11 general assembly is not in session.

12 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
13 of this Act, being deemed of immediate importance,
14 takes effect upon enactment.>

15 13. Page 475, before line 24 by inserting:

16 <DIVISION ____
17 MEDICATION THERAPY MANAGEMENT

18 Sec. ____ NEW SECTION. 8A.440 Medication therapy
19 management.

20 1. As used in this section, unless the context
21 otherwise requires:

22 a. "Eligible employee" means an employee of the
23 state, with the exception of an employee of the state
24 board of regents or institutions under the state board
25 of regents, for whom group health plans are established
26 pursuant to chapter 509A providing for third-party
27 payment or prepayment for health or medical expenses.

28 b. "Medication therapy management" means a
29 systematic process performed by a licensed pharmacist,
30 designed to optimize therapeutic outcomes through

31 improved medication use and reduced risk of adverse
32 drug events, including all of the following services:
33 (1) A medication therapy review and in-person
34 consultation relating to all medications, vitamins, and
35 herbal supplements currently being taken by an eligible
36 individual.
37 (2) A medication action plan, subject to the
38 limitations specified in this section, communicated
39 to the individual and the individual's primary care
40 physician or other appropriate prescriber to address
41 safety issues, inconsistencies, duplicative therapy,
42 omissions, and medication costs. The medication action
43 plan may include recommendations to the prescriber for
44 changes in drug therapy.
45 (3) Documentation and follow-up to ensure
46 consistent levels of pharmacy services and positive
47 outcomes.
48 2. a. The department shall amend the contract
49 for the provision of medication therapy management
50 services as initially required pursuant to 2010 Iowa

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1 Acts, chapter 1193, section 166, to provide for the
2 continuation of medication therapy management services
3 for eligible employees who meet any of the following
4 criteria:
5 (1) An individual who takes four or more
6 prescription drugs to treat or prevent two or more
7 chronic medical conditions.
8 (2) An individual with a prescription drug therapy
9 problem who is identified by the prescribing physician
10 or other appropriate prescriber, and referred to a
11 pharmacist for medication therapy management services.
12 (3) An individual who meets other criteria
13 established by the third-party payment provider
14 contract, policy, or plan.
15 b. The contract shall require the entity to provide
16 annual reports to the general assembly detailing the
17 costs, savings, estimated cost avoidance and return
18 on investment, and patient outcomes related to the
19 medication therapy management services provided. The
20 entity shall guarantee demonstrated annual savings,
21 including any savings associated with cost avoidance at
22 least equal to the program's costs with any shortfall
23 amount refunded to the state. The contract shall
24 include terms, conditions, and applicable measurement
25 standards associated with the demonstration of savings.
26 The department shall verify the demonstrated savings
27 reported by the entity was achieved in accordance with
28 the agreed upon measurement standards. The entity
29 shall be prohibited from using the entity's employees

30 to provide the medication therapy management services
31 and shall instead be required to contract with licensed
32 pharmacies, pharmacists, or physicians.

33 c. The fees for pharmacist-delivered medication
34 therapy management services shall be separate from
35 the reimbursement for prescription drug product or
36 dispensing services; shall be determined by each
37 third-party payment provider contract, policy, or plan;
38 and must be reasonable based on the resources and time
39 required to provide the service.

40 d. A fee shall be established for physician
41 reimbursement for services delivered for medication
42 therapy management as determined by each third-party
43 payment provider contract, policy, or plan, and must be
44 reasonable based on the resources and time required to
45 provide the service.

46 e. If any part of the medication therapy management
47 plan developed by a pharmacist incorporates services
48 which are outside the pharmacist's independent scope
49 of practice including the initiation of therapy,
50 modification of dosages, therapeutic interchange, or

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1 changes in drug therapy, the express authorization
2 of the individual's physician or other appropriate
3 prescriber is required.

4 f. The department shall utilize the services of the
5 college of pharmacy at a state university to validate
6 reported drug cost savings.

7 g. The results of the pilot program established
8 pursuant to 2010 Iowa Acts, chapter 1193, section 166,
9 for the period beginning July 1, 2010, and ending
10 December 31, 2011, shall be submitted to the general
11 assembly no later than March 1, 2012.

12 Sec. ____ APPROPRIATION — DEPARTMENT OF
13 ADMINISTRATIVE SERVICES. There is appropriated from
14 the fees collected by the board of pharmacy pursuant
15 to chapter 155A and retained by the board of pharmacy
16 pursuant to the authority granted in section 147.82
17 to the department of administrative services for the
18 fiscal year beginning July 1, 2011, and ending June 30,
19 2012, the following amount or so much thereof as is
20 necessary, to be used for the purpose specified:

21 For the medication therapy management program as
22 enacted in this Act:

23 \$ 510,000

24 Sec. ____ REPEAL. 2010 Iowa Acts, chapter 1193,
25 section 166, is repealed.

26 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
27 of this Act, being deemed of immediate importance,
28 takes effect upon enactment.>

29 14. Page 475, before line 24 by inserting:

30 <DIVISION ____

31 NOTICE OF MORTGAGE MEDIATION ASSISTANCE — SUNSET

32 Sec. ____ Section 654.4B, subsection 2, paragraph
33 b, Code 2011, is amended to read as follows:

34 b. This subsection is repealed July 1, ~~2011~~ 2012.

35 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
36 APPLICABILITY. This division of this Act, being deemed
37 of immediate importance, takes effect upon enactment
38 and, if approved by the governor on or after July 1,
39 2011, shall apply retroactively to June 30, 2011.>

40 15. Page 475, before line 24 by inserting:

41 <DIVISION ____

42 HOUSING DEVELOPMENT — TAX STATUS

43 Sec. ____ Section 405.1, Code 2011, is amended to
44 read as follows:

45 405.1 Housing development — tax status —
46 limitation.

47 ~~1. The board of supervisors of a county with a~~
48 ~~population of less than twenty thousand may adopt~~
49 ~~an ordinance providing that property acquired and~~
50 ~~subdivided for development of housing shall continue~~

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1 to be assessed for taxation in the manner that it was
2 prior to the acquisition for housing. Each lot shall
3 continue to be taxed in the manner it was prior to
4 its acquisition for housing until the lot is sold for
5 construction or occupancy of housing or five years from
6 the date of subdivision, whichever is shorter. Upon
7 the sale or the expiration of the ~~five-year~~ ten-year
8 period, the property shall be assessed for taxation
9 as residential or commercial multifamily property,
10 whichever is applicable.

11 ~~2. The board of supervisors of a county with~~
12 ~~a population of twenty thousand or more may adopt~~
13 ~~an ordinance providing that property acquired and~~
14 ~~subdivided for development of housing shall continue~~
15 ~~to be assessed for taxation in the manner that it was~~
16 ~~prior to the acquisition for housing. Each lot shall~~
17 ~~continue to be taxed in the manner it was prior to~~
18 ~~its acquisition for housing until the lot is sold for~~
19 ~~construction or occupancy of housing or three years~~
20 ~~from the date of subdivision, whichever is shorter.~~
21 ~~Upon the sale or the expiration of the three-year~~
22 ~~period, the property shall be assessed for taxation~~
23 ~~as residential or commercial multifamily property,~~
24 ~~whichever is applicable.~~

25 Sec. ____ Section 441.72, Code 2011, is amended to
26 read as follows:

27 441.72 Assessment of platted lots.

28 When a subdivision plat is recorded pursuant to
 29 chapter 354, the individual lots within the subdivision
 30 plat shall not be assessed in excess of the total
 31 assessment of the land as acreage or unimproved
 32 property for ~~three ten~~ years after the recording of
 33 the plat or until the lot is actually improved with
 34 permanent construction, whichever occurs first. When
 35 an individual lot has been improved with permanent
 36 construction, the lot shall be assessed for taxation
 37 purposes as provided in chapter 428 and this chapter.
 38 This section does not apply to special assessment
 39 levies.

40 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 41 APPLICABILITY. This division of this Act, being deemed
 42 of immediate importance, takes effect upon enactment
 43 and applies retroactively to assessment years beginning
 44 on or after January 1, 2011. The division applies
 45 to subdivision plats recorded on or after January 1,
 46 2004.>

47 16. Page 475, before line 24 by inserting:

48 <DIVISION ____
 49 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
 50 SERVICE SYSTEM REDESIGN

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1 Sec. ____ ADULT DISABILITY SERVICES SYSTEM
 2 REDESIGN.

3 1. For the purposes of this section, "disability
 4 services" means services and other support available
 5 to a person with mental illness or an intellectual
 6 disability or other developmental disability.

7 2. It is the intent of the general assembly to
 8 redesign the system for adult disability services to
 9 implement all of the following:

10 a. Shifting the funding responsibility for the
 11 nonfederal share of adult disability services paid for
 12 by the Medicaid program, including but not limited to
 13 all costs for the state resource centers, from the
 14 counties to the state.

15 b. Reorganizing adult disability services not paid
 16 for by the Medicaid program into a system administered
 17 on a regional basis in a manner that provides multiple
 18 local points of access to adult disability services
 19 both paid for by the Medicaid program and not paid for
 20 by the Medicaid program.

21 c. Replacing legal settlement as the basis for
 22 determining financial responsibility for publicly
 23 funded disability services by determining such
 24 responsibility based upon residency.

25 3. a. The legislative council is requested to
 26 authorize an interim committee on mental health and

27 disability services for the 2011 legislative interim to
28 commence as soon as practicable. The purpose of the
29 interim committee is to closely engage with, monitor,
30 and make recommendations concerning the efforts of
31 the department of human services and workgroups of
32 stakeholders and experts created by the department
33 to develop detailed proposals for the redesign of
34 disability services pursuant to this Act, particularly
35 with regard to the identification of core services.

36 b. (1) It is intended that the interim committee
37 members consist of equal numbers of legislators from
38 both chambers and from both political parties and
39 for staff from the office of the governor and the
40 departments of human services and public health to be
41 designated to serve as ex officio, nonvoting members.

42 It is also requested that legislators serving on the
43 interim committee and other interested legislators
44 be authorized to participate in the meetings of the
45 workgroups and subcommittees addressed in this Act.

46 (2) In addition to addressing workgroup
47 recommendations, it is intended that the interim
48 committee address property tax issues, devise a means
49 of ensuring the state maintains its funding commitments
50 for the redesigned services system, recommend revisions

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1 in the requirements for mental health professionals
2 who are engaged in the involuntary commitment and
3 examination processes under chapter 229, develop
4 proposed legislation for amending Code references to
5 mental retardation to instead refer to intellectual
6 disabilities, and consider issues posed by the
7 July 1, 2013, repeals of county disability services
8 administration and funding provisions in 2011 Iowa
9 Acts, Senate File 209, as amended by this Act. In
10 addressing the repeal provisions, the interim committee
11 shall include options for further revisions to the
12 repeal date amendments enacted by this Act.

13 (3) It is intended that the interim committee
14 shall receive and make recommendations concerning the
15 detailed and final proposals submitted by workgroups
16 during the 2011 legislative interim for consideration
17 by the general assembly in the 2012 legislative
18 session.

19 c. (1) The department of human services shall
20 design the workgroup process to facilitate effective
21 decision making while allowing for a broad array of
22 input. The workgroup process shall begin as soon after
23 the effective date of this Act as is practicable. The
24 membership of workgroups and subcommittees involved
25 with the process shall include consumers, service

26 providers, and advocates and provide for adequate
27 representation by both rural and urban interests.
28 The department of public health shall be represented
29 on those workgroups and subcommittees with a focus
30 relevant to the department.

31 (2) The detailed and final proposals developed
32 by the workgroups during the 2011 interim shall
33 be submitted to the interim committee on or before
34 December 9, 2011.

35 d. At least one workgroup shall address redesign
36 of the adult mental health system and at least
37 one workgroup shall address redesign of the adult
38 intellectual and other developmental disability system.
39 The workgroup process shall engage separate workgroups
40 and subcommittees enumerated in this Act and may
41 involve additional bodies in the process as determined
42 by the department.

43 e. It is intended that interim committee members
44 be engaged, to the extent possible, in workgroup
45 deliberations and begin formal discussions of
46 preliminary proposals developed by the workgroups
47 beginning in October.

48 4. The workgroup process implemented by the
49 department of human services pursuant to subsection
50 3 shall result in the submission of proposals for

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1 redesign of adult disability services that include but
2 are not limited to all of the following:

3 a. Identifying clear definitions and requirements
4 for the following:

5 (1) Eligibility criteria for the individuals to be
6 served.

7 (2) The array of core services and other support to
8 be included in regional adult disability services plans
9 and to be delivered by providers based on individual
10 needs and medical necessity and in a manner that
11 promotes cost-effectiveness, uniformity, accessibility,
12 and best practice approaches. The array shall
13 encompass and integrate services and other support paid
14 for by both the Medicaid program and other sources.

15 (3) Outcome measures that focus on consumer needs,
16 including but not limited to measures addressing
17 individual choice, empowerment, and community.

18 (4) Quality assurance measures.

19 (5) Provider accreditation, certification,
20 or licensure requirements to ensure high quality
21 services while avoiding unreasonable expectations and
22 duplicative surveys.

23 (6) Input in regional service plans and delivery
24 provisions by consumer and provider representatives.

25 The input process shall engage local consumers,
26 providers, and counties in developing the regional
27 provisions.
28 (7) Provisions for representatives of the regional
29 system and the department to regularly engage in
30 discussions to resolve Medicaid and non-Medicaid
31 issues involving documentation requirements, electronic
32 records, reimbursement methodologies, cost projections,
33 and other measures to improve the services and other
34 support available to consumers.
35 b. Incorporating strategies to allow individuals
36 to receive services in accordance with the principles
37 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
38 in order for services to be provided in the most
39 community-based, least restrictive, and integrated
40 setting appropriate to an individual's needs.
41 c. Continuing the department's leadership role
42 in the Medicaid program in defining services covered,
43 establishing reimbursement methodologies, providing
44 other administrative functions, and engaging in federal
45 options for program enhancements that are beneficial to
46 consumers and the state such as medical or behavioral
47 health homes.
48 d. Implementing mental health crisis response
49 services statewide in a manner determined to be most
50 appropriate by each region.

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1 e. Implementing a subacute level of care to provide
2 short-term mental health services in a structured
3 residential setting that supplies a less intensive
4 level of care than is supplied by acute psychiatric
5 services.
6 f. Reviewing best practices and programs utilized
7 by other states in identifying new approaches for
8 addressing the needs for publicly funded services for
9 persons with brain injury. The proposals regarding
10 these approaches may be submitted after the workgroup
11 submission date set out in subsection 3.
12 g. Developing a proposal for addressing service
13 provider shortages. The development of the proposal
14 shall incorporate an examination of scope of practice
15 limitations and barriers to recruiting providers,
16 including but not limited to variation in health
17 insurance payment provisions for the services provided
18 by different types of providers.
19 h. Developing a proposal for service providers
20 addressing co-occurring mental health, intellectual
21 disability, brain injury, and substance abuse
22 disorders. Each workgroup or subcommittee shall
23 address co-occurring disorders as appropriate to the

24 focus of the workgroup or subcommittee. The overall
25 proposal may be developed by a body consisting of
26 members from other workgroups or subcommittees. The
27 proposal shall also provide options, developed in
28 coordination with the judicial branch and department
29 of human services workgroup, for implementation
30 of the provision of advocates to patients with
31 substance-related disorders.

32 i. Developing a proposal for redesign of publicly
33 funded children's disability services, including but
34 not limited to the needs of children who are placed
35 out-of-state due to the lack of treatment services
36 in this state. The proposal shall be developed by a
37 separate workgroup or subcommittee and in addition to
38 the other interests and representation required by this
39 section, the membership shall include education system
40 and juvenile court representatives. The preliminary
41 findings and recommendations, and the initial proposal
42 shall be submitted by the October and December 2011
43 dates required for other workgroups and subcommittees.
44 The initial proposal developed during the 2011
45 legislative interim shall include an analysis of gaps
46 in the children's system and other planning provisions
47 necessary to complete the final proposal for submission
48 on or before December 10, 2012.

49 j. Developing a proposal for adult disability
50 services not paid for by the Medicaid program to be

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1 administered on a regional basis in a manner that
2 provides multiple local points of access for consumers
3 needing adult disability services, regardless of
4 the funding sources for the services. The proposal
5 shall be integrated with the other proposals under
6 this subsection and shall be developed by a separate
7 workgroup or subcommittee engaging both urban and rural
8 county supervisors and central-point-of-coordination
9 administrators and other experts. The considerations
10 for inclusion in the proposal for forming regional
11 entities shall include but are not limited to all of
12 the following:

13 (1) Modifying the relevant provisions of chapter
14 28E for use by counties in forming regional entities
15 and addressing other necessary contracting measures.

16 (2) Providing for performance-based contracting
17 between the department of human services and regional
18 entities to ensure the existence of multiple, local
19 points of access for adult disability services
20 eligibility, intake, and authorization, service
21 navigation support, and case coordination or case
22 management, regardless of the funding sources for the

23 services.

24 (3) Developing a three-year service plan and annual
25 update to meet the needs of consumers.

26 (4) Providing for the regional entities to
27 implement performance-based contracts, uniform cost
28 reports, and consistent reimbursement practices and
29 payment methodologies with local providers of services
30 not paid for by the Medicaid program.

31 (5) Providing for the regional entities to
32 determine the Medicaid program targeted case managers
33 to serve the regions.

34 (6) Providing for the regional entities and the
35 department of human services to regularly coordinate
36 and communicate with one another concerning the adult
37 disability services paid for by the Medicaid program so
38 that services paid for by the program and the regional
39 entities are integrated and coordinated.

40 (7) Identifying sufficient population size to
41 attain economy of scale, adequate financial resources,
42 and appropriate service delivery.

43 (8) Addressing full participation in regional
44 entities by counties.

45 (9) Including dispute resolution provisions for
46 county-to-county relationships, county-to-region
47 relationships, and region-to-state relationships.

48 (10) Providing for a consumer appeal process that
49 is clear, impartial, and consistent, with consideration
50 of an option that appeals beyond the regional level

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1 should be to a state administrative law judge.

2 (11) Addressing financial management provisions,
3 including appropriate financial reserve levels.

4 (12) Proposing other criteria for forming regional
5 entities. The other criteria considered shall include
6 but are not limited to all of the following:

7 (a) Requiring a region to consist of contiguous
8 counties.

9 (b) Evaluating a proposed region's capacity
10 for providing core services and performing required
11 functions.

12 (c) Requiring a region to encompass at least
13 one community mental health center or federally
14 qualified health center with providers qualified to
15 provide psychiatric services, either directly or with
16 assistance from psychiatric consultants, that has the
17 capacity to provide outpatient services for the region
18 and has provided evidence of a commitment to provide
19 outpatient services for the region.

20 (d) Requiring a region to encompass or have
21 reasonably close proximity to a hospital with an

22 inpatient psychiatric unit or to a state mental health
23 institute, that has the capacity to provide inpatient
24 services for the region and has provided evidence of
25 a commitment to provide inpatient services for the
26 region.

27 (e) Requiring an administrative structure utilized
28 by a region to have clear lines of accountability and
29 to serve as a lead agency with shared county staff or
30 other means of limiting administrative costs to not
31 more than five percent of expenditures.

32 5. The target date for full implementation of
33 the plan and implementation provisions described in
34 subsections 3 and 4 shall be July 1, 2013, provided,
35 however, that any expansion of services is subject to
36 available funding.

37 Sec. ____. CONTINUATION OF WORKGROUP BY JUDICIAL
38 BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial
39 branch and department of human services shall continue
40 the workgroup implemented pursuant to 2010 Iowa Acts,
41 chapter 1192, section 24, subsection 2, to improve
42 the processes for involuntary commitment for chronic
43 substance abuse under chapter 125 and for serious
44 mental illness under chapter 229, and shall coordinate
45 its efforts with the legislative interim committee and
46 other workgroups initiated pursuant to this Act. The
47 recommendations issued by the workgroup shall address
48 options to the current provision of transportation
49 by the county sheriff; to the role, supervision,
50 and funding of mental health patient advocates and

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1 substance-related disorder patient advocates, along
2 with options for implementation of the provision of
3 advocates to patients with such disorders; for revising
4 requirements for mental health professionals who are
5 engaged in the involuntary commitment and examination
6 processes under chapter 229; for authorizing the
7 court to order an involuntary hold of a patient under
8 section 229.10 for not more than twenty-three hours
9 who was not initially taken into custody but declined
10 to be examined pursuant to a previous court order;
11 and for civil commitment prescreening. Preliminary
12 recommendations shall be submitted to the legislative
13 interim committee in October 2011, as specified by the
14 interim committee. Additional stakeholders shall be
15 added as necessary to facilitate the workgroup efforts.
16 The workgroup shall complete deliberations and submit
17 a final report to the legislative interim committee
18 providing findings and recommendations on or before
19 December 9, 2011.

20 Sec. ____. SERVICE SYSTEM DATA AND STATISTICAL

21 INFORMATION INTEGRATION. In coordination with
 22 the legislative interim committee and workgroups
 23 initiated pursuant to this Act, representatives of the
 24 department of human services, department of public
 25 health, and the community services network hosted by
 26 the Iowa state association of counties shall develop
 27 implementation provisions for an integrated data and
 28 statistical information system for mental health,
 29 disability services, and substance abuse services.
 30 The implementation provisions shall incorporate
 31 federal data and statistical information requirements.
 32 When completed, the departments and affiliate shall
 33 report on the integrated system to the governor,
 34 the joint appropriations subcommittee on health and
 35 human services, and the legislative services agency,
 36 providing their findings and recommendations.
 37 Sec. ____ DEPARTMENT OF HUMAN SERVICES. There is
 38 appropriated from the general fund of the state to
 39 the department of human services for the fiscal year
 40 beginning July 1, 2010, and ending June 30, 2011, the
 41 following amount, or so much thereof as is necessary,
 42 to be used for the purposes designated:
 43 For the costs of planning and other processes
 44 associated with implementation of this Act:
 45 \$ 250,000
 46 Notwithstanding section 8.47 or any other provision
 47 of law to the contrary, the department may utilize a
 48 sole source approach to contract to support planning
 49 and other processes associated with implementation
 50 of this Act. Notwithstanding section 8.33, moneys

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1 appropriated in this section that remain unencumbered
 2 or unobligated at the close of the fiscal year shall
 3 not revert but shall remain available for expenditure
 4 for the purposes designated until the close of the
 5 succeeding fiscal year.
 6 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 7 of this Act, being deemed of immediate importance,
 8 takes effect upon enactment and, unless otherwise
 9 provided by this division of this Act, if approved by
 10 the governor on or after July 1, 2011, shall apply
 11 retroactively to June 30, 2011.
 12 DIVISION ____
 13 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
 14 CONFORMING PROVISIONS
 15 Sec. ____ CONFORMING PROVISIONS. The legislative
 16 services agency shall prepare a study bill for
 17 consideration by the committees on human resources of
 18 the senate and house of representatives for the 2012
 19 legislative session, providing any necessary conforming

20 Code changes for implementation of the mental health
21 and disabilities services redesign divisions contained
22 in this Act.

23 DIVISION ____

24 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
25 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

26 Sec. ____ Section 135H.3, subsection 1, Code 2011,
27 is amended to read as follows:

28 1. A psychiatric medical institution for children
29 shall utilize a team of professionals to direct an
30 organized program of diagnostic services, psychiatric
31 services, nursing care, and rehabilitative services
32 to meet the needs of residents in accordance with a
33 medical care plan developed for each resident. The
34 membership of the team of professionals may include
35 but is not limited to an advanced registered nurse
36 practitioner or a physician assistant. Social and
37 rehabilitative services shall be provided under the
38 direction of a qualified mental health professional.

39 Sec. ____ Section 135H.6, subsection 8, Code 2011,
40 is amended to read as follows:

41 8. The department of human services may give
42 approval to conversion of beds approved under
43 subsection 6, to beds which are specialized to provide
44 substance abuse treatment. However, the total number
45 of beds approved under subsection 6 and this subsection
46 shall not exceed four hundred thirty. Conversion of
47 beds under this subsection shall not require a revision
48 of the certificate of need issued for the psychiatric
49 institution making the conversion. Beds for children
50 who do not reside in this state and whose service costs

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1 are not paid by public funds in this state are not
2 subject to the limitations on the number of beds and
3 certificate of need requirements otherwise applicable
4 under this section.

5 Sec. ____ PSYCHIATRIC MEDICAL INSTITUTIONS FOR
6 CHILDREN AND RELATED SERVICES — TRANSITION COMMITTEE.

7 1. For the purposes of this section, unless the
8 context otherwise requires:

9 a. "Iowa plan" means the contract to administer the
10 behavioral health managed care plan under the state's
11 Medicaid program.

12 b. "PMIC" means a psychiatric medical institution
13 for children.

14 2. It is the intent of the general assembly to do
15 the following under this section:

16 a. Improve the reimbursement, expected outcomes,
17 and integration of PMIC services to serve the best
18 interests of children within the context of a redesign

19 of the delivery of publicly funded children's mental
20 health services in this state.

21 b. Support the development of specialized programs
22 for children with high acuity requirements whose needs
23 are not met by Iowa's current system and must be served
24 in out-of-state placements.

25 c. Transition PMIC services while providing
26 services in a manner that applies best practices and is
27 cost-effective.

28 3. The department of human services, in
29 collaboration with PMIC providers, shall develop a
30 plan for transitioning the administration of PMIC
31 services to the Iowa plan. The transition plan
32 shall address specific strategies for appropriately
33 addressing PMIC lengths of stay by increasing the
34 availability of less intensive levels of care,
35 establishing vendor performance standards, identifying
36 levels of PMIC care, providing for performance and
37 quality improvement technical assistance to providers,
38 identifying methods and standards for credentialing
39 providers of specialized programs, using innovative
40 reimbursement incentives to improve access while
41 building the capacity of less intensive levels of care,
42 and providing implementation guidelines.

43 4. a. The transition plan shall address the
44 development of specialized programs to address the
45 needs of children in need of more intensive treatment
46 who are currently underserved. All of the following
47 criteria shall be used for such programs:

48 (1) Geographic accessibility.
49 (2) Expertise needed to assure appropriate and
50 effective treatment.

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1 (3) Capability to define and provide the
2 appropriate array of services and report on
3 standardized outcome measures.

4 (4) Best interests of the child.

5 b. The transition plan shall also address all of
6 the following:

7 (1) Providing navigation, access, and care
8 coordination for children and families in need of
9 services from the children's mental health system.

10 (2) Integrating the children's mental health
11 waiver services under the Medicaid program with
12 other services addressed by the transition plan as a
13 means for supporting the transition plan and ensuring
14 availability of choices for community placements.

15 (3) Identifying admission and continued stay
16 criteria for PMIC providers.

17 (4) Evaluating changes in licensing standards for

18 PMICs as necessary to ensure that the standards are
19 aligned with overall system goals.
20 (5) Evaluating alternative reimbursement and
21 service models that are innovative and could support
22 overall system goals. The models may include but are
23 not limited to accountable care organizations, medical
24 or other health homes, and performance-based payment
25 methods.
26 (6) Evaluating the adequacy of reimbursement at all
27 levels of the children's mental health system.
28 (7) Developing profiles of the conditions and
29 behaviors that result in a child's involuntary
30 discharge or out-of-state placement. The plan shall
31 incorporate provisions for developing specialized
32 programs that are designed to appropriately meet the
33 needs identified in the profiles.
34 (8) Evaluating and defining the appropriate array
35 of less intensive services for a child leaving a
36 hospital or PMIC placement.
37 (9) Evaluating and defining the standards for
38 existing and new PMIC and other treatment levels.
39 5. a. The department shall establish a
40 transition committee that includes departmental
41 staff representatives for Medicaid, child welfare,
42 field, and mental health services, the director of
43 the Iowa plan, the department of inspections and
44 appeals, a representative of each licensed PMIC, the
45 executive director of the coalition of family and
46 children's services in Iowa, a person with knowledge
47 and expertise in care coordination and integration
48 of PMIC and community-based services, two persons
49 representing families affected by the children's mental
50 health system, and a representative of juvenile court

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1 officers.
2 b. The transition committee shall develop the plan
3 and manage the transition if the plan is implemented.
4 The plan shall be developed by December 31, 2011,
5 and shall be submitted to the general assembly by
6 January 16, 2012. The submitted plan shall include
7 an independent finding by the director of human
8 services, in consultation with the office of the
9 governor and the chairpersons and ranking members of
10 the joint appropriations subcommittee on health and
11 human services, that the plan meets the intent of the
12 general assembly under this section. Unless otherwise
13 directed by enactment of the general assembly the
14 department and the transition committee may proceed
15 with implementation of the submitted plan on or before
16 July 1, 2012.

17 c. The transition committee shall continue to meet
 18 through December 31, 2013, to oversee transition of
 19 PMIC services to the Iowa plan.
 20 6. The director of the Medicaid enterprise of the
 21 department of human services shall annually report on
 22 or before December 15 to the chairpersons and ranking
 23 members of the joint appropriations subcommittee on
 24 health and human services through December 15, 2016,
 25 regarding the implementation of this section. The
 26 content of the report shall include but is not limited
 27 to information on children served by PMIC providers,
 28 the types of locations to which children are discharged
 29 following a hospital or PMIC placement and the
 30 community-based services available to such children,
 31 and the incidence of readmission to a PMIC within 12
 32 months of discharge. The report shall also recommend
 33 whether or not to continue administration of PMIC
 34 services under the Iowa plan based upon the quality
 35 of service delivery, the value of utilizing the Iowa
 36 plan administration rather than the previous approach
 37 through the Medicaid enterprise, and analysis of the
 38 cost and benefits of utilizing the Iowa plan approach.

39 DIVISION ____

40 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
 41 COMMUNITY MENTAL HEALTH CENTERS
 42 COMMUNITY MENTAL HEALTH CENTERS — CATCHMENT AREAS

43 Sec. ____ NEW SECTION. 230A.101 Services system
 44 roles.

45 1. The role of the department of human services,
 46 through the division of the department designated as
 47 the state mental health authority with responsibility
 48 for state policy concerning mental health and
 49 disability services, is to develop and maintain
 50 policies for the mental health and disability services

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1 system. The policies shall address the service
 2 needs of individuals of all ages with disabilities
 3 in this state, regardless of the individuals' places
 4 of residence or economic circumstances, and shall be
 5 consistent with the requirements of chapter 225C and
 6 other applicable law.

7 2. The role of community mental health centers in
 8 the mental health and disability services system is
 9 to provide an organized set of services in order to
 10 adequately meet the mental health needs of this state's
 11 citizens based on organized catchment areas.

12 Sec. ____ NEW SECTION. 230A.102 Definitions.

13 As used in this chapter, unless the context
 14 otherwise requires:

15 1. "Administrator", "commission", "department",

16 "disability services", and "division" mean the same as
17 defined in section 225C.2.
18 2. "Catchment area" means a community mental health
19 center catchment area identified in accordance with
20 this chapter.
21 3. "Community mental health center" or "center"
22 means a community mental health center designated in
23 accordance with this chapter.
24 Sec. ____ NEW SECTION. 230A.103 Designation of
25 community mental health centers.
26 1. The division, subject to agreement by any
27 community mental health center that would provide
28 services for the catchment area and approval by the
29 commission, shall designate at least one community
30 mental health center under this chapter to serve as
31 lead agency for addressing the mental health needs of
32 the county or counties comprising the catchment area.
33 The designation process shall provide for the input
34 of potential service providers regarding designation
35 of the initial catchment area or a change in the
36 designation.
37 2. The division shall utilize objective criteria
38 for designating a community mental health center
39 to serve a catchment area and for withdrawing such
40 designation. The commission shall adopt rules
41 outlining the criteria. The criteria shall include but
42 are not limited to provisions for meeting all of the
43 following requirements:
44 a. An appropriate means shall be used for
45 determining which prospective designee is best able to
46 serve all ages of the targeted population within the
47 catchment area with minimal or no service denials.
48 b. An effective means shall be used for determining
49 the relative ability of a prospective designee to
50 appropriately provide mental health services and other

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1 support to consumers residing within a catchment area
2 as well as consumers residing outside the catchment
3 area. The criteria shall address the duty for a
4 prospective designee to arrange placements outside the
5 catchment area when such placements best meet consumer
6 needs and to provide services within the catchment area
7 to consumers who reside outside the catchment area when
8 the services are necessary and appropriate.
9 3. The board of directors for a designated
10 community mental health center shall enter into
11 an agreement with the division. The terms of the
12 agreement shall include but are not limited to all of
13 the following:
14 a. The period of time the agreement will be in

15 force.

16 b. The services and other support the center will
17 offer or provide for the residents of the catchment
18 area.

19 c. The standards to be followed by the center in
20 determining whether and to what extent the persons
21 seeking services from the center shall be considered to
22 be able to pay the costs of the services.

23 d. The policies regarding availability of the
24 services offered by the center to the residents of the
25 catchment area as well as consumers residing outside
26 the catchment area.

27 e. The requirements for preparation and submission
28 to the division of annual audits, cost reports, program
29 reports, performance measures, and other financial and
30 service accountability information.

31 4. This section does not limit the authority of
32 the board or the boards of supervisors of any county
33 or group of counties to continue to expend money to
34 support operation of a center.

35 Sec. __. NEW SECTION. 230A.104 Catchment areas.

36 1. The division shall collaborate with affected
37 counties in identifying community mental health center
38 catchment areas in accordance with this section.

39 2. a. Unless the division has determined that
40 exceptional circumstances exist, a catchment area
41 shall be served by one community mental health center.
42 The purpose of this general limitation is to clearly
43 designate the center responsible and accountable for
44 providing core mental health services to the target
45 population in the catchment area and to protect the
46 financial viability of the centers comprising the
47 mental health services system in the state.

48 b. A formal review process shall be used in
49 determining whether exceptional circumstances exist
50 that justify designating more than one center to

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1 serve a catchment area. The criteria for the review
2 process shall include but are not limited to a means
3 of determining whether the catchment area can support
4 more than one center.

5 c. Criteria shall be provided that would allow
6 the designation of more than one center for all
7 or a portion of a catchment area if designation or
8 approval for more than one center was provided by the
9 division as of October 1, 2010. The criteria shall
10 require a determination that all such centers would be
11 financially viable if designation is provided for all.

12 Sec. __. NEW SECTION. 230A.105 Target population
13 — eligibility.

14 1. The target population residing in a catchment
15 area to be served by a community mental health
16 center shall include but is not limited to all of the
17 following:
18 a. Individuals of any age who are experiencing a
19 mental health crisis.
20 b. Individuals of any age who have a mental health
21 disorder.
22 c. Adults who have a serious mental illness or
23 chronic mental illness.
24 d. Children and youth who are experiencing a
25 serious emotional disturbance.
26 e. Individuals described in paragraph "a", "b",
27 "c", or "d" who have a co-occurring disorder, including
28 but not limited to substance abuse, mental retardation,
29 a developmental disability, brain injury, autism
30 spectrum disorder, or another disability or special
31 health care need.

32 2. Specific eligibility criteria for members of the
33 target population shall be identified in administrative
34 rules adopted by the commission. The eligibility
35 criteria shall address both clinical and financial
36 eligibility.

37 Sec. ____ NEW SECTION. 230A.106 Services offered.

38 1. A community mental health center designated
39 in accordance with this chapter shall offer core
40 services and support addressing the basic mental health
41 and safety needs of the target population and other
42 residents of the catchment area served by the center
43 and may offer other services and support. The core
44 services shall be identified in administrative rules
45 adopted by the commission for this purpose.

46 2. The initial core services identified shall
47 include all of the following:
48 a. Outpatient services. Outpatient services shall
49 consist of evaluation and treatment services provided
50 on an ambulatory basis for the target population.

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1 Outpatient services include psychiatric evaluations,
2 medication management, and individual, family, and
3 group therapy. In addition, outpatient services shall
4 include specialized outpatient services directed to the
5 following segments of the target population: children,
6 elderly, individuals who have serious and persistent
7 mental illness, and residents of the service area
8 who have been discharged from inpatient treatment
9 at a mental health facility. Outpatient services
10 shall provide elements of diagnosis, treatment, and
11 appropriate follow-up. The provision of only screening
12 and referral services does not constitute outpatient

13 services.

14 b. Twenty-four-hour emergency services.

15 Twenty-four-hour emergency services shall be
16 provided through a system that provides access to a
17 clinician and appropriate disposition with follow-up
18 documentation of the emergency service provided.

19 A patient shall have access to evaluation and
20 stabilization services after normal business hours.
21 The range of emergency services that shall be available
22 to a patient may include but are not limited to direct
23 contact with a clinician, medication evaluation,
24 and hospitalization. The emergency services may be
25 provided directly by the center or in collaboration
26 or affiliation with other appropriately accredited
27 providers.

28 c. Day treatment, partial hospitalization, or
29 psychosocial rehabilitation services. Such services
30 shall be provided as structured day programs in
31 segments of less than twenty-four hours using a
32 multidisciplinary team approach to develop treatment
33 plans that vary in intensity of services and the
34 frequency and duration of services based on the needs
35 of the patient. These services may be provided
36 directly by the center or in collaboration or
37 affiliation with other appropriately accredited
38 providers.

39 d. Admission screening for voluntary patients.
40 Admission screening services shall be available for
41 patients considered for voluntary admission to a state
42 mental health institute to determine the patient's
43 appropriateness for admission.

44 e. Community support services. Community support
45 services shall consist of support and treatment
46 services focused on enhancing independent functioning
47 and assisting persons in the target population who
48 have a serious and persistent mental illness to live
49 and work in their community setting, by reducing or
50 managing mental illness symptoms and the associated

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1 functional disabilities that negatively impact such
2 persons' community integration and stability.

3 f. Consultation services. Consultation services
4 may include provision of professional assistance and
5 information about mental health and mental illness to
6 individuals, service providers, or groups to increase
7 such persons' effectiveness in carrying out their
8 responsibilities for providing services. Consultations
9 may be case-specific or program-specific.

10 g. Education services. Education services may
11 include information and referral services regarding

12 available resources and information and training
13 concerning mental health, mental illness, availability
14 of services and other support, the promotion
15 of mental health, and the prevention of mental
16 illness. Education services may be made available to
17 individuals, groups, organizations, and the community
18 in general.

19 3. A community mental health center shall be
20 responsible for coordinating with associated services
21 provided by other unaffiliated agencies to members
22 of the target population in the catchment area and
23 to integrate services in the community with services
24 provided to the target population in residential or
25 inpatient settings.

26 Sec. __. NEW SECTION. 230A.107 Form of
27 organization.

28 1. Except as authorized in subsection 2, a
29 community mental health center designated in accordance
30 with this chapter shall be organized and administered
31 as a nonprofit corporation.

32 2. A for-profit corporation, nonprofit corporation,
33 or county hospital providing mental health services to
34 county residents pursuant to a waiver approved under
35 section 225C.7, subsection 3, Code 2011, as of October
36 1, 2010, may also be designated as a community mental
37 health center.

38 Sec. __. NEW SECTION. 230A.108 Administrative,
39 diagnostic, and demographic information.

40 Release of administrative and diagnostic
41 information, as defined in section 228.1, and
42 demographic information necessary for aggregated
43 reporting to meet the data requirements established by
44 the division, relating to an individual who receives
45 services from a community mental health center, may
46 be made a condition of support of that center by the
47 division.

48 Sec. __. NEW SECTION. 230A.109 Funding —
49 legislative intent.

50 1. It is the intent of the general assembly that

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1 public funding for community mental health centers
2 designated in accordance with this chapter shall be
3 provided as a combination of federal and state funding.

4 2. It is the intent of the general assembly that
5 the state funding provided to centers be a sufficient
6 amount for the core services and support addressing the
7 basic mental health and safety needs of the residents
8 of the catchment area served by each center to be
9 provided regardless of individual ability to pay for
10 the services and support.

11 3. While a community mental health center must
12 comply with the core services requirements and other
13 standards associated with designation, provision of
14 services is subject to the availability of a payment
15 source for the services.

16 Sec. ____ NEW SECTION. 230A.110 Standards.

17 1. The division shall recommend and the commission
18 shall adopt standards for designated community
19 mental health centers and comprehensive community
20 mental health programs, with the overall objective of
21 ensuring that each center and each affiliate providing
22 services under contract with a center furnishes
23 high-quality mental health services within a framework
24 of accountability to the community it serves. The
25 standards adopted shall conform with federal standards
26 applicable to community mental health centers and
27 shall be in substantial conformity with the applicable
28 behavioral health standards adopted by the joint
29 commission, formerly known as the joint commission
30 on accreditation of health care organizations, and
31 other recognized national standards for evaluation of
32 psychiatric facilities unless in the judgment of the
33 division, with approval of the commission, there are
34 sound reasons for departing from the standards.

35 2. When recommending standards under this section,
36 the division shall designate an advisory committee
37 representing boards of directors and professional
38 staff of designated community mental health centers to
39 assist in the formulation or revision of standards.
40 The membership of the advisory committee shall include
41 representatives of professional and nonprofessional
42 staff and other appropriate individuals.

43 3. The standards recommended under this section
44 shall include requirements that each community mental
45 health center designated under this chapter do all of
46 the following:

47 a. Maintain and make available to the public a
48 written statement of the services the center offers
49 to residents of the catchment area being served. The
50 center shall employ or contract for services with

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1 affiliates to employ staff who are appropriately
2 credentialed or meet other qualifications in order to
3 provide services.

4 b. If organized as a nonprofit corporation, be
5 governed by a board of directors which adequately
6 represents interested professions, consumers of
7 the center's services, socioeconomic, cultural, and
8 age groups, and various geographical areas in the
9 catchment area served by the center. If organized

10 as a for-profit corporation, the corporation's policy
11 structure shall incorporate such representation.
12 c. Arrange for the financial condition and
13 transactions of the community mental health center to
14 be audited once each year by the auditor of state.
15 However, in lieu of an audit by state accountants,
16 the local governing body of a community mental health
17 center organized under this chapter may contract with
18 or employ certified public accountants to conduct the
19 audit, pursuant to the applicable terms and conditions
20 prescribed by sections 11.6 and 11.19 and audit format
21 prescribed by the auditor of state. Copies of each
22 audit shall be furnished by the accountant to the
23 administrator of the division of mental health and
24 disability services.
25 d. Comply with the accreditation standards
26 applicable to the center.
27 Sec. __. NEW SECTION. 230A.111 Review and
28 evaluation.
29 1. The review and evaluation of designated centers
30 shall be performed through a formal accreditation
31 review process as recommended by the division and
32 approved by the commission. The accreditation process
33 shall include all of the following:
34 a. Specific time intervals for full accreditation
35 reviews based upon levels of accreditation.
36 b. Use of random or complaint-specific, on-site
37 limited accreditation reviews in the interim between
38 full accreditation reviews, as a quality review
39 approach. The results of such reviews shall be
40 presented to the commission.
41 c. Use of center accreditation self-assessment
42 tools to gather data regarding quality of care and
43 outcomes, whether used during full or limited reviews
44 or at other times.
45 2. The accreditation process shall include but is
46 not limited to addressing all of the following:
47 a. Measures to address centers that do not meet
48 standards, including authority to revoke accreditation.
49 b. Measures to address noncompliant centers that
50 do not develop a corrective action plan or fail to

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1 implement steps included in a corrective action plan
2 accepted by the division.
3 c. Measures to appropriately recognize centers that
4 successfully complete a corrective action plan.
5 d. Criteria to determine when a center's
6 accreditation should be denied, revoked, suspended, or
7 made provisional.
8 Sec. __. REPEAL. Sections 230A.1 through 230A.18,

9 Code 2011, are repealed.

10 Sec. ____ IMPLEMENTATION — EFFECTIVE DATE.

11 1. Community mental health centers operating
12 under the provisions of chapter 230A, Code 2011, and
13 associated standards, rules, and other requirements as
14 of June 30, 2012, may continue to operate under such
15 requirements until the department of human services,
16 division of mental health and disability services, and
17 the mental health and disability services commission
18 have completed the rules adoption process to implement
19 the amendments to chapter 230A enacted by this division
20 of this Act, identified catchment areas, and completed
21 designations of centers.

22 2. The division and the commission shall complete
23 the rules adoption process and other requirements
24 addressed in subsection 1 on or before June 30, 2012.

25 3. Except for this section, which shall take effect
26 July 1, 2011, this division of this Act takes effect
27 July 1, 2012.

28 DIVISION ____
29 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
30 PERSONS WITH SUBSTANCE-RELATED DISORDERS
31 AND PERSONS WITH MENTAL ILLNESS

32 Sec. ____ Section 125.1, subsection 1, Code 2011,
33 is amended to read as follows:

34 1. That ~~substance abusers and persons suffering~~
35 ~~from chemical dependency persons with substance-related~~
36 ~~disorders~~ be afforded the opportunity to receive
37 quality treatment and directed into rehabilitation
38 services which will help them resume a socially
39 acceptable and productive role in society.

40 Sec. ____ Section 125.2, subsection 2, Code 2011,
41 is amended by striking the subsection.

42 Sec. ____ Section 125.2, subsection 5, Code 2011,
43 is amended by striking the subsection and inserting in
44 lieu thereof the following:

45 5. "Substance-related disorder" means a diagnosable
46 substance abuse disorder of sufficient duration to meet
47 diagnostic criteria specified within the most current
48 diagnostic and statistical manual of mental disorders
49 published by the American psychiatric association that
50 results in a functional impairment.

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1 Sec. ____ Section 125.2, subsection 9, Code 2011,
2 is amended to read as follows:

3 9. "Facility" means an institution, a
4 detoxification center, or an installation providing
5 care, maintenance and treatment for ~~substance abusers~~
6 ~~persons with substance-related disorders~~ licensed
7 by the department under section 125.13, hospitals

8 licensed under chapter 135B, or the state mental health
9 institutes designated by chapter 226.

10 Sec. ____ Section 125.2, subsection 13, 17, and
11 18, Code 2011, are amended by striking the subsections.

12 Sec. ____ Section 125.9, subsections 2 and 4, Code
13 2011, are amended to read as follows:

14 2. Make contracts necessary or incidental to the
15 performance of the duties and the execution of the
16 powers of the director, including contracts with public
17 and private agencies, organizations and individuals
18 to pay them for services rendered or furnished to
19 ~~substance abusers, chronic substance abusers, or~~
20 ~~intoxicated persons~~ persons with substance-related
21 disorders.

22 4. Coordinate the activities of the department and
23 cooperate with substance abuse programs in this and
24 other states, and make contracts and other joint or
25 cooperative arrangements with state, local or private
26 agencies in this and other states for the treatment
27 of ~~substance abusers, chronic substance abusers, and~~
28 ~~intoxicated persons~~ persons with substance-related
29 disorders and for the common advancement of substance
30 abuse programs.

31 Sec. ____ Section 125.10, subsections 2, 3, 4, 5,
32 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to
33 read as follows:

34 2. Develop, encourage, and foster statewide,
35 regional and local plans and programs for the
36 prevention of substance ~~abuse~~ misuse and the treatment
37 of ~~substance abusers, chronic substance abusers, and~~
38 ~~intoxicated persons~~ persons with substance-related
39 disorders in cooperation with public and private
40 agencies, organizations and individuals, and provide
41 technical assistance and consultation services for
42 these purposes.

43 3. Coordinate the efforts and enlist the assistance
44 of all public and private agencies, organizations and
45 individuals interested in the prevention of substance
46 abuse and the treatment of ~~substance abusers, chronic~~
47 ~~substance abusers, and intoxicated persons~~ persons with
48 substance-related disorders.

49 4. Cooperate with the department of human
50 services and the Iowa department of public health

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1 in establishing and conducting programs to provide
2 treatment for ~~substance abusers, chronic substance~~
3 ~~abusers, and intoxicated persons~~ persons with
4 substance-related disorders.

5 5. Cooperate with the department of education,
6 boards of education, schools, police departments,

7 courts, and other public and private agencies,
8 organizations, and individuals in establishing programs
9 for the prevention of substance abuse and the treatment
10 of ~~substance abusers, chronic substance abusers, and~~
11 ~~intoxicated persons~~ persons with substance-related
12 disorders, and in preparing relevant curriculum
13 materials for use at all levels of school education.

14 7. Develop and implement, as an integral part
15 of treatment programs, an educational program for
16 use in the treatment of ~~substance abusers, chronic~~
17 ~~substance abusers, and intoxicated persons~~ persons
18 with substance-related disorders, which program shall
19 include the dissemination of information concerning the
20 nature and effects of ~~chemical~~ substances.

21 8. Organize and implement, in cooperation with
22 local treatment programs, training programs for all
23 persons engaged in treatment of ~~substance abusers,~~
24 ~~chronic substance abusers, and intoxicated persons~~
25 persons with substance-related disorders.

26 9. Sponsor and implement research in cooperation
27 with local treatment programs into the causes and
28 nature of substance ~~abuse~~ misuse and treatment of
29 ~~substance abusers, chronic substance abusers, and~~
30 ~~intoxicated persons~~ persons with substance-related
31 disorders, and serve as a clearing house for
32 information relating to substance abuse.

33 11. Develop and implement, with the counsel and
34 approval of the board, the comprehensive plan for
35 treatment of ~~substance abusers, chronic substance~~
36 ~~abusers, and intoxicated persons~~ persons with
37 substance-related disorders in accordance with this
38 chapter.

39 13. Utilize the support and assistance of
40 interested persons in the community, particularly
41 ~~recovered substance abusers and chronic substance~~
42 ~~abusers, persons who are recovering from~~
43 substance-related disorders to encourage ~~substance~~
44 ~~abusers and chronic substance abusers~~ persons with
45 substance-related disorders to voluntarily undergo
46 treatment.

47 15. Encourage general hospitals and other
48 appropriate health facilities to admit without
49 discrimination ~~substance abusers, chronic substance~~
50 ~~abusers, and intoxicated persons~~ persons with

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1 substance-related disorders and to provide them with
2 adequate and appropriate treatment. The director may
3 negotiate and implement contracts with hospitals and
4 other appropriate health facilities with adequate
5 detoxification facilities.

6 17. Review all state health, welfare, education and
7 treatment proposals to be submitted for federal funding
8 under federal legislation, and advise the governor on
9 provisions to be included relating to substance abuse,
10 ~~substance abusers, chronic substance abusers, and~~
11 ~~intoxicated persons and persons with substance-related~~
12 ~~disorders.~~

13 Sec. ____ Section 125.12, subsections 1 and 3, Code
14 2011, are amended to read as follows:

15 1. The board shall review the comprehensive
16 substance abuse program implemented by the department
17 for the treatment of ~~substance abusers, chronic~~
18 ~~substance abusers, intoxicated persons~~ persons with
19 substance-related disorders, and concerned family
20 members. Subject to the review of the board, the
21 director shall divide the state into appropriate
22 regions for the conduct of the program and establish
23 standards for the development of the program on
24 the regional level. In establishing the regions,
25 consideration shall be given to city and county lines,
26 population concentrations, and existing substance abuse
27 treatment services.

28 3. The director shall provide for adequate and
29 appropriate treatment for ~~substance abusers, chronic~~
30 ~~substance abusers, intoxicated persons~~ persons with
31 substance-related disorders, and concerned family
32 members admitted under sections 125.33 and 125.34, or
33 under section 125.75, 125.81, or 125.91. Treatment
34 shall not be provided at a correctional institution
35 except for inmates.

36 Sec. ____ Section 125.13, subsection 1, paragraph
37 a, Code 2011, is amended to read as follows:

38 a. Except as provided in subsection 2, a person
39 shall not maintain or conduct any chemical substitutes
40 or antagonists program, residential program, or
41 nonresidential outpatient program, the primary purpose
42 of which is the treatment and rehabilitation of
43 ~~substance abusers or chronic substance abusers~~ persons
44 with substance-related disorders without having first
45 obtained a written license for the program from the
46 department.

47 Sec. ____ Section 125.13, subsection 2, paragraphs
48 a and c, Code 2011, are amended to read as follows:

49 a. A hospital providing care or treatment to
50 ~~substance abusers or chronic substance abusers~~ persons

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1 with substance-related disorders licensed under chapter
2 135B which is accredited by the joint commission
3 on the accreditation of health care organizations,
4 the commission on accreditation of rehabilitation

5 facilities, the American osteopathic association, or
6 another recognized organization approved by the board.
7 All survey reports from the accrediting or licensing
8 body must be sent to the department.

9 c. Private institutions conducted by and
10 for persons who adhere to the faith of any well
11 recognized church or religious denomination for the
12 purpose of providing care, treatment, counseling,
13 or rehabilitation to ~~substance abusers or chronic~~
14 ~~substance abusers~~ persons with substance-related
15 disorders and who rely solely on prayer or other
16 spiritual means for healing in the practice of religion
17 of such church or denomination.

18 Sec. ____ Section 125.15, Code 2011, is amended to
19 read as follows:

20 125.15 Inspections.

21 The department may inspect the facilities and review
22 the procedures utilized by any chemical substitutes
23 or antagonists program, residential program, or
24 nonresidential outpatient program that has as a
25 primary purpose the treatment and rehabilitation of
26 ~~substance abusers or chronic substance abusers~~ persons
27 with substance-related disorders, for the purpose of
28 ensuring compliance with this chapter and the rules
29 adopted pursuant to this chapter. The examination
30 and review may include case record audits and
31 interviews with staff and patients, consistent with the
32 confidentiality safeguards of state and federal law.

33 Sec. ____ Section 125.32, unnumbered paragraph 1,
34 Code 2011, is amended to read as follows:

35 The department shall adopt and may amend and repeal
36 rules for acceptance of persons into the treatment
37 program, subject to chapter 17A, considering available
38 treatment resources and facilities, for the purpose of
39 early and effective treatment of ~~substance abusers,~~
40 ~~chronic substance abusers, intoxicated persons,~~ persons
41 with substance-related disorders and concerned family
42 members. In establishing the rules the department
43 shall be guided by the following standards:

44 Sec. ____ Section 125.33, subsections 1, 3, and 4,
45 Code 2011, are amended to read as follows:

46 1. A ~~substance abuser or chronic substance abuser~~
47 person with a substance-related disorder may apply
48 for voluntary treatment or rehabilitation services
49 directly to a facility or to a licensed physician and
50 surgeon or osteopathic physician and surgeon. If the

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1 proposed patient is a minor or an incompetent person, a
2 parent, a legal guardian or other legal representative
3 may make the application. The licensed physician

4 and surgeon or osteopathic physician and surgeon or
5 any employee or person acting under the direction or
6 supervision of the physician and surgeon or osteopathic
7 physician and surgeon, or the facility shall not
8 report or disclose the name of the person or the fact
9 that treatment was requested or has been undertaken
10 to any law enforcement officer or law enforcement
11 agency; nor shall such information be admissible as
12 evidence in any court, grand jury, or administrative
13 proceeding unless authorized by the person seeking
14 treatment. If the person seeking such treatment or
15 rehabilitation is a minor who has personally made
16 application for treatment, the fact that the minor
17 sought treatment or rehabilitation or is receiving
18 treatment or rehabilitation services shall not be
19 reported or disclosed to the parents or legal guardian
20 of such minor without the minor's consent, and the
21 minor may give legal consent to receive such treatment
22 and rehabilitation.

23 3. A ~~substance abuser or chronic substance abuser~~
24 person with a substance-related disorder seeking
25 treatment or rehabilitation and who is either addicted
26 or dependent on a chemical substance may first be
27 examined and evaluated by a licensed physician and
28 surgeon or osteopathic physician and surgeon who may
29 prescribe a proper course of treatment and medication,
30 if needed. The licensed physician and surgeon
31 or osteopathic physician and surgeon may further
32 prescribe a course of treatment or rehabilitation
33 and authorize another licensed physician and surgeon
34 or osteopathic physician and surgeon or facility to
35 provide the prescribed treatment or rehabilitation
36 services. Treatment or rehabilitation services may
37 be provided to a person individually or in a group.
38 A facility providing or engaging in treatment or
39 rehabilitation shall not report or disclose to a law
40 enforcement officer or law enforcement agency the name
41 of any person receiving or engaged in the treatment
42 or rehabilitation; nor shall a person receiving or
43 participating in treatment or rehabilitation report
44 or disclose the name of any other person engaged in
45 or receiving treatment or rehabilitation or that the
46 program is in existence, to a law enforcement officer
47 or law enforcement agency. Such information shall
48 not be admitted in evidence in any court, grand jury,
49 or administrative proceeding. However, a person
50 engaged in or receiving treatment or rehabilitation

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1 may authorize the disclosure of the person's name and
2 individual participation.

3 4. If a patient receiving inpatient or residential
4 care leaves a facility, the patient shall be encouraged
5 to consent to appropriate outpatient or halfway house
6 treatment. If it appears to the administrator in
7 charge of the facility that the patient is a ~~substance~~
8 ~~abuser or chronic substance abuser~~ person with a
9 substance-related disorder who requires help, the
10 director may arrange for assistance in obtaining
11 supportive services.

12 Sec. ____ Section 125.34, Code 2011, is amended to
13 read as follows:

14 125.34 Treatment and services for ~~intoxicated~~
15 ~~persons and persons incapacitated by alcohol~~ persons
16 with substance-related disorders due to intoxication and
17 substance-induced incapacitation.

18 1. ~~An intoxicated~~ A person with a substance-related
19 disorder due to intoxication or substance-induced
20 incapacitation may come voluntarily to a facility
21 for emergency treatment. A person who appears to be
22 intoxicated or incapacitated by a ~~chemical~~ substance
23 in a public place and in need of help may be taken to a
24 facility by a peace officer under section 125.91. If
25 the person refuses the proffered help, the person may
26 be arrested and charged with intoxication under section
27 123.46, if applicable.

28 2. If no facility is readily available the
29 person may be taken to an emergency medical service
30 customarily used for incapacitated persons. The
31 peace officer in detaining the person and in taking
32 the person to a facility shall make every reasonable
33 effort to protect the person's health and safety. In
34 detaining the person the detaining officer may take
35 reasonable steps for self-protection. Detaining a
36 person under section 125.91 is not an arrest and no
37 entry or other record shall be made to indicate that
38 the person who is detained has been arrested or charged
39 with a crime.

40 3. A person who arrives at a facility and
41 voluntarily submits to examination shall be examined
42 by a licensed physician as soon as possible after the
43 person arrives at the facility. The person may then
44 be admitted as a patient or referred to another health
45 facility. The referring facility shall arrange for
46 transportation.

47 4. If a person is voluntarily admitted to a
48 facility, the person's family or next of kin shall be
49 notified as promptly as possible. If an adult patient
50 who is not incapacitated requests that there be no

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1 notification, the request shall be respected.

2 5. A peace officer who acts in compliance with
3 this section is acting in the course of the officer's
4 official duty and is not criminally or civilly liable
5 therefor, unless such acts constitute willful malice
6 or abuse.

7 6. If the physician in charge of the facility
8 determines it is for the patient's benefit, the patient
9 shall be encouraged to agree to further diagnosis and
10 appropriate voluntary treatment.

11 7. A licensed physician and surgeon or osteopathic
12 physician and surgeon, facility administrator, or an
13 employee or a person acting as or on behalf of the
14 facility administrator, is not criminally or civilly
15 liable for acts in conformity with this chapter, unless
16 the acts constitute willful malice or abuse.

17 Sec. ____ Section 125.43, Code 2011, is amended to
18 read as follows:

19 125.43 Funding at mental health institutes.
20 Chapter 230 governs the determination of the
21 costs and payment for treatment provided to ~~substance~~
22 ~~abusers or chronic substance abusers~~ persons with
23 substance-related disorders in a mental health
24 institute under the department of human services,
25 except that the charges are not a lien on real estate
26 owned by persons legally liable for support of the
27 ~~substance abuser or chronic substance abuser person~~
28 with a substance-related disorder and the daily per
29 diem shall be billed at twenty-five percent. The
30 superintendent of a state hospital shall total only
31 those expenditures which can be attributed to the
32 cost of providing inpatient treatment to ~~substance~~
33 ~~abusers or chronic substance abusers~~ persons with
34 substance-related disorders for purposes of determining
35 the daily per diem. Section 125.44 governs the
36 determination of who is legally liable for the cost
37 of care, maintenance, and treatment of a ~~substance~~
38 ~~abuser or chronic substance abuser person with a~~
39 substance-related disorder and of the amount for which
40 the person is liable.

41 Sec. ____ Section 125.43A, Code 2011, is amended to
42 read as follows:

43 125.43A Prescreening — exception.

44 Except in cases of medical emergency or
45 court-ordered admissions, a person shall be admitted
46 to a state mental health institute for substance
47 abuse treatment only after a preliminary intake and
48 assessment by a department-licensed treatment facility
49 or a hospital providing care or treatment for ~~substance~~
50 ~~abusers~~ persons with substance-related disorders

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1 licensed under chapter 135B and accredited by the
2 joint commission on the accreditation of health care
3 organizations, the commission on accreditation of
4 rehabilitation facilities, the American osteopathic
5 association, or another recognized organization
6 approved by the board, or by a designee of a
7 department-licensed treatment facility or a hospital
8 other than a state mental health institute, which
9 confirms that the admission is appropriate to the
10 person's substance abuse service needs. A county board
11 of supervisors may seek an admission of a patient
12 to a state mental health institute who has not been
13 confirmed for appropriate admission and the county
14 shall be responsible for one hundred percent of the
15 cost of treatment and services of the patient.

16 Sec. ____ Section 125.44, Code 2011, is amended to
17 read as follows:

18 125.44 Agreements with facilities — liability for
19 costs.

20 The director may, consistent with the comprehensive
21 substance abuse program, enter into written
22 agreements with a facility as defined in section
23 125.2 to pay for one hundred percent of the cost of
24 the care, maintenance, and treatment of ~~substance~~
25 ~~abusers and chronic substance abusers~~ persons with
26 substance-related disorders, except when section
27 125.43A applies. All payments for state patients shall
28 be made in accordance with the limitations of this
29 section. Such contracts shall be for a period of no
30 more than one year.

31 The contract may be in the form and contain
32 provisions as agreed upon by the parties. The contract
33 shall provide that the facility shall admit and
34 treat ~~substance abusers and chronic substance abusers~~
35 persons with substance-related disorders regardless
36 of where they have residence. If one payment for
37 care, maintenance, and treatment is not made by the
38 patient or those legally liable for the patient, the
39 payment shall be made by the department directly to
40 the facility. Payment shall be made each month and
41 shall be based upon the rate of payment for services
42 negotiated between the department and the contracting
43 facility. If the facility projects a temporary cash flow
44 deficit, the department may make cash advances at the
45 beginning of each fiscal year to the facility. The
46 repayment schedule for advances shall be part of the
47 contract between the department and the facility. This
48 section does not pertain to patients treated at the
49 mental health institutes.

50 If the appropriation to the department is

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1 insufficient to meet the requirements of this section,
2 the department shall request a transfer of funds and
3 section 8.39 shall apply.

4 ~~The substance abuser or chronic substance abuser~~
5 ~~person with a substance-related disorder~~ is legally
6 liable to the facility for the total amount of the cost
7 of providing care, maintenance, and treatment for the
8 ~~substance abuser or chronic substance abuser person~~
9 ~~with a substance-related disorder~~ while a voluntary or
10 committed patient in a facility. This section does not
11 prohibit any individual from paying any portion of the
12 cost of treatment.

13 The department is liable for the cost of
14 care, treatment, and maintenance of ~~substance~~
15 ~~abusers and chronic substance abusers persons with~~
16 ~~substance-related disorders~~ admitted to the facility
17 voluntarily or pursuant to section 125.75, 125.81,
18 or 125.91 or section 321J.3 or 124.409 only to those
19 facilities that have a contract with the department
20 under this section, only for the amount computed
21 according to and within the limits of liability
22 prescribed by this section, and only when the ~~substance~~
23 ~~abuser or chronic substance abuser person with a~~
24 ~~substance-related disorder~~ is unable to pay the costs
25 and there is no other person, firm, corporation, or
26 insurance company bound to pay the costs.

27 The department's maximum liability for the costs
28 of care, treatment, and maintenance of ~~substance~~
29 ~~abusers and chronic substance abusers persons with~~
30 ~~substance-related disorders~~ in a contracting facility
31 is limited to the total amount agreed upon by the
32 parties and specified in the contract under this
33 section.

34 Sec. ____. Section 125.46, Code 2011, is amended to
35 read as follows:

36 125.46 County of residence determined.

37 The facility shall, when a ~~substance abuser~~
38 ~~or chronic substance abuser person with a~~
39 ~~substance-related disorder~~ is admitted, or as
40 soon thereafter as it receives the proper information,
41 determine and enter upon its records the Iowa county of
42 residence of the ~~substance abuser or chronic substance~~
43 ~~abuser person with a substance-related disorder~~, or
44 that the person resides in some other state or country,
45 or that the person is unclassified with respect to
46 residence.

47 Sec. ____. Section 125.75, unnumbered paragraph 1,
48 Code 2011, is amended to read as follows:

49 Proceedings for the involuntary commitment or
50 treatment of a ~~chronic substance abuser person with~~

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1 a substance-related disorder to a facility may be
2 commenced by the county attorney or an interested
3 person by filing a verified application with the
4 clerk of the district court of the county where
5 the respondent is presently located or which is
6 the respondent's place of residence. The clerk or
7 the clerk's designee shall assist the applicant in
8 completing the application. The application shall:
9 Sec. ____ Section 125.75, subsection 1, Code 2011,
10 is amended to read as follows:
11 1. State the applicant's belief that the
12 respondent is a ~~chronic substance abuser person with a~~
13 substance-related disorder.
14 Sec. ____ Section 125.80, subsections 3 and 4, Code
15 2011, are amended to read as follows:
16 3. If the report of a court-designated physician
17 is to the effect that the respondent is not a ~~chronic~~
18 ~~substance abuser person with a substance-related~~
19 disorder, the court, without taking further action, may
20 terminate the proceeding and dismiss the application on
21 its own motion and without notice.
22 4. If the report of a court-designated physician
23 is to the effect that the respondent is a ~~chronic~~
24 ~~substance abuser person with a substance-related~~
25 disorder, the court shall schedule a commitment
26 hearing as soon as possible. The hearing shall be
27 held not more than forty-eight hours after the report
28 is filed, excluding Saturdays, Sundays, and holidays,
29 unless an extension for good cause is requested by
30 the respondent, or as soon thereafter as possible if
31 the court considers that sufficient grounds exist for
32 delaying the hearing.
33 Sec. ____ Section 125.81, subsection 1, Code 2011,
34 is amended to read as follows:
35 1. If a person filing an application requests that
36 a respondent be taken into immediate custody, and the
37 court upon reviewing the application and accompanying
38 documentation, finds probable cause to believe that the
39 respondent is a ~~chronic substance abuser person with~~
40 a substance-related disorder who is likely to injure
41 the person or other persons if allowed to remain at
42 liberty, the court may enter a written order directing
43 that the respondent be taken into immediate custody
44 by the sheriff, and be detained until the commitment
45 hearing, which shall be held no more than five days
46 after the date of the order, except that if the fifth
47 day after the date of the order is a Saturday, Sunday,
48 or a holiday, the hearing may be held on the next
49 business day. The court may order the respondent
50 detained for the period of time until the hearing is

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1 held, and no longer except as provided in section
2 125.88, in accordance with subsection 2, paragraph
3 "a", if possible, and if not, then in accordance with
4 subsection 2, paragraph "b", or, only if neither of
5 these alternatives is available in accordance with
6 subsection 2, paragraph "c".

7 Sec. ____ Section 125.82, subsection 4, Code 2011,
8 is amended to read as follows:

9 4. The respondent's welfare is paramount, and the
10 hearing shall be tried as a civil matter and conducted
11 in as informal a manner as is consistent with orderly
12 procedure. Discovery as permitted under the Iowa rules
13 of civil procedure is available to the respondent. The
14 court shall receive all relevant and material evidence,
15 but the court is not bound by the rules of evidence.
16 A presumption in favor of the respondent exists, and
17 the burden of evidence and support of the contentions
18 made in the application shall be upon the person who
19 filed the application. If upon completion of the
20 hearing the court finds that the contention that the
21 respondent is a ~~chronic substance abuser~~ person with a
22 substance-related disorder has not been sustained by
23 clear and convincing evidence, the court shall deny the
24 application and terminate the proceeding.

25 Sec. ____ Section 125.83, Code 2011, is amended to
26 read as follows:

27 125.83 Placement for evaluation.

28 If upon completion of the commitment hearing,
29 the court finds that the contention that the
30 respondent is a ~~chronic substance abuser~~ person with
31 a substance-related disorder has been sustained by
32 clear and convincing evidence, the court shall order
33 the respondent placed at a facility or under the
34 care of a suitable facility on an outpatient basis as
35 expeditiously as possible for a complete evaluation
36 and appropriate treatment. The court shall furnish to
37 the facility at the time of admission or outpatient
38 placement, a written statement of facts setting forth
39 the evidence on which the finding is based. The
40 administrator of the facility shall report to the court
41 no more than fifteen days after the individual is
42 admitted to or placed under the care of the facility,
43 which shall include the chief medical officer's
44 recommendation concerning substance abuse treatment.
45 An extension of time may be granted for a period not
46 to exceed seven days upon a showing of good cause. A
47 copy of the report shall be sent to the respondent's
48 attorney who may contest the need for an extension of
49 time if one is requested. If the request is contested,
50 the court shall make an inquiry as it deems appropriate

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1 and may either order the respondent released from
2 the facility or grant extension of time for further
3 evaluation. If the administrator fails to report to
4 the court within fifteen days after the individual is
5 admitted to the facility, and no extension of time has
6 been requested, the administrator is guilty of contempt
7 and shall be punished under chapter 665. The court
8 shall order a rehearing on the application to determine
9 whether the respondent should continue to be held at
10 the facility.

11 Sec. ____ Section 125.83A, subsection 1, Code 2011,
12 is amended to read as follows:

13 1. If upon completion of the commitment hearing,
14 the court finds that the contention that the
15 respondent is a ~~chronic substance abuser~~ person with a
16 substance-related disorder has been sustained by clear
17 and convincing evidence, and the court is furnished
18 evidence that the respondent is eligible for care
19 and treatment in a facility operated by the United
20 States department of veterans affairs or another
21 agency of the United States government and that the
22 facility is willing to receive the respondent, the
23 court may so order. The respondent, when so placed in
24 a facility operated by the United States department
25 of veterans affairs or another agency of the United
26 States government within or outside of this state,
27 shall be subject to the rules of the United States
28 department of veterans affairs or other agency, but
29 shall not lose any procedural rights afforded the
30 respondent by this chapter. The chief officer of the
31 facility shall have, with respect to the respondent
32 so placed, the same powers and duties as the chief
33 medical officer of a hospital in this state would
34 have in regard to submission of reports to the court,
35 retention of custody, transfer, convalescent leave, or
36 discharge. Jurisdiction is retained in the court to
37 maintain surveillance of the respondent's treatment and
38 care, and at any time to inquire into the respondent's
39 condition and the need for continued care and custody.

40 Sec. ____ Section 125.84, subsections 2, 3, and 4,
41 Code 2011, are amended to read as follows:

42 2. That the respondent is a ~~chronic substance~~
43 ~~abuser~~ person with a substance-related disorder who
44 is in need of full-time custody, care, and treatment
45 in a facility, and is considered likely to benefit
46 from treatment. If the report so states, the court
47 shall enter an order which may require the respondent's
48 continued placement and commitment to a facility for
49 appropriate treatment.

50 3. That the respondent is a ~~chronic substance~~

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1 ~~abuser~~ person with a substance-related disorder who is
2 in need of treatment, but does not require full-time
3 placement in a facility. If the report so states,
4 the report shall include the chief medical officer's
5 recommendation for treatment of the respondent on an
6 outpatient or other appropriate basis, and the court
7 shall enter an order which may direct the respondent to
8 submit to the recommended treatment. The order shall
9 provide that if the respondent fails or refuses to
10 submit to treatment, as directed by the court's order,
11 the court may order that the respondent be taken into
12 immediate custody as provided by section 125.81 and,
13 following notice and hearing held in accordance with
14 the procedures of sections 125.77 and 125.82, may order
15 the respondent treated as a patient requiring full-time
16 custody, care, and treatment as provided in subsection
17 2, and may order the respondent involuntarily committed
18 to a facility.

19 4. That the respondent is a ~~chronic substance~~
20 ~~abuser~~ person with a substance-related disorder who is
21 in need of treatment, but in the opinion of the chief
22 medical officer is not responding to the treatment
23 provided. If the report so states, the report shall
24 include the facility administrator's recommendation
25 for alternative placement, and the court shall enter
26 an order which may direct the respondent's transfer
27 to the recommended placement or to another placement
28 after consultation with respondent's attorney and the
29 facility administrator who made the report under this
30 subsection.

31 Sec. ____ Section 125.91, subsections 1, 2, and 3,
32 Code 2011, are amended to read as follows:

33 1. The procedure prescribed by this section
34 shall only be used for ~~an intoxicated~~ a person with
35 a substance-related disorder due to intoxication or
36 substance-induced incapacitation who has threatened,
37 attempted, or inflicted physical self-harm or harm on
38 another, and is likely to inflict physical self-harm or
39 harm on another unless immediately detained, or who is
40 incapacitated by a ~~chemical~~ substance, if that person
41 cannot be taken into immediate custody under sections
42 125.75 and 125.81 because immediate access to the court
43 is not possible.

44 2. a. A peace officer who has reasonable
45 grounds to believe that the circumstances described
46 in subsection 1 are applicable may, without a
47 warrant, take or cause that person to be taken to the
48 nearest available facility referred to in section
49 125.81, subsection 2, paragraph "b" or "c". Such
50 ~~an intoxicated or incapacitated~~ a person with a

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1 substance-related disorder due to intoxication or
2 substance-induced incapacitation who also demonstrates
3 a significant degree of distress or dysfunction may
4 also be delivered to a facility by someone other than
5 a peace officer upon a showing of reasonable grounds.
6 Upon delivery of the person to a facility under this
7 section, the examining physician may order treatment
8 of the person, but only to the extent necessary to
9 preserve the person's life or to appropriately control
10 the person's behavior if the behavior is likely to
11 result in physical injury to the person or others
12 if allowed to continue. The peace officer or other
13 person who delivered the person to the facility
14 shall describe the circumstances of the matter to
15 the examining physician. If the person is a peace
16 officer, the peace officer may do so either in person
17 or by written report. If the examining physician has
18 reasonable grounds to believe that the circumstances in
19 subsection 1 are applicable, the examining physician
20 shall at once communicate with the nearest available
21 magistrate as defined in section 801.4, subsection 10.
22 The magistrate shall, based upon the circumstances
23 described by the examining physician, give the
24 examining physician oral instructions either directing
25 that the person be released forthwith, or authorizing
26 the person's detention in an appropriate facility.
27 The magistrate may also give oral instructions and
28 order that the detained person be transported to an
29 appropriate facility.

30 b. If the magistrate orders that the person be
31 detained, the magistrate shall, by the close of
32 business on the next working day, file a written order
33 with the clerk in the county where it is anticipated
34 that an application may be filed under section 125.75.
35 The order may be filed by facsimile if necessary. The
36 order shall state the circumstances under which the
37 person was taken into custody or otherwise brought to
38 a facility and the grounds supporting the finding of
39 probable cause to believe that the person is a ~~chronic~~
40 ~~substance abuser~~ person with a substance-related
41 disorder likely to result in physical injury to the
42 person or others if not detained. The order shall
43 confirm the oral order authorizing the person's
44 detention including any order given to transport the
45 person to an appropriate facility. The clerk shall
46 provide a copy of that order to the ~~chief medical~~
47 ~~officer of the facility~~ attending physician, to
48 which the person was originally taken, any subsequent
49 facility to which the person was transported, and
50 to any law enforcement department or ambulance

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1 service that transported the person pursuant to the
2 magistrate's order.

3 3. ~~The chief medical officer of the facility~~
4 attending physician shall examine and may detain the
5 person pursuant to the magistrate's order for a period
6 not to exceed forty-eight hours from the time the order
7 is dated, excluding Saturdays, Sundays, and holidays,
8 unless the order is dismissed by a magistrate. The
9 facility may provide treatment which is necessary to
10 preserve the person's life or to appropriately control
11 the person's behavior if the behavior is likely to
12 result in physical injury to the person or others if
13 allowed to continue or is otherwise deemed medically
14 necessary by the ~~chief medical officer~~ attending
15 physician, but shall not otherwise provide treatment to
16 the person without the person's consent. The person
17 shall be discharged from the facility and released
18 from detention no later than the expiration of the
19 forty-eight-hour period, unless an application for
20 involuntary commitment is filed with the clerk pursuant
21 to section 125.75. The detention of a person by the
22 procedure in this section, and not in excess of the
23 period of time prescribed by this section, shall not
24 render the peace officer, attending physician, or
25 facility detaining the person liable in a criminal or
26 civil action for false arrest or false imprisonment
27 if the peace officer, physician, or facility had
28 reasonable grounds to believe that the circumstances
29 described in subsection 1 were applicable.

30 Sec. ____ Section 226.9C, subsection 2, paragraph
31 c, Code 2011, is amended to read as follows:

32 c.(1) Prior to an individual's admission for dual
33 diagnosis treatment, the individual shall have been
34 prescreened. The person performing the prescreening
35 shall be either the mental health professional, as
36 defined in section 228.1, who is contracting with the
37 county central-point-of-coordination process to provide
38 the prescreening or a mental health professional
39 with the requisite qualifications. A mental health
40 professional with the requisite qualifications shall
41 meet all of the following qualifications: is a mental
42 health professional as defined in section 228.1, is
43 a certified alcohol and drug counselor certified by
44 the nongovernmental Iowa board of substance abuse
45 certification, and is employed by or providing services
46 for a facility, as defined in section 125.2.

47 (2) Prior to an individual's admission for dual
48 diagnosis treatment, the individual shall have
49 been screened through a county's central point of
50 coordination process implemented pursuant to section

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1 331.440 to determine the appropriateness of the
2 treatment.

3 Sec. ____ Section 229.1, subsection 12, Code 2011,
4 is amended to read as follows:

5 12. "Psychiatric advanced registered nurse
6 practitioner" means an individual currently licensed as
7 a registered nurse under chapter 152 or 152E who holds
8 a national certification in psychiatric mental health
9 care and who is registered with the board of nursing as
10 an advanced registered nurse practitioner.

11 Sec. ____ Section 229.15, subsection 3, paragraph
12 a, Code 2011, is amended to read as follows:

13 a. A psychiatric advanced registered nurse
14 practitioner treating a patient previously hospitalized
15 under this chapter may complete periodic reports
16 pursuant to this section on the patient if the patient
17 has been recommended for treatment on an outpatient or
18 other appropriate basis pursuant to section 229.14,
19 subsection 1, paragraph "c"; ~~and if a psychiatrist~~
20 ~~licensed pursuant to chapter 148 personally evaluates~~
21 ~~the patient on at least an annual basis.~~

22 Sec. ____ Section 229.21, subsection 2, Code 2011,
23 is amended to read as follows:

24 2. When an application for involuntary
25 hospitalization under this chapter or an application
26 for involuntary commitment or treatment of ~~chronic~~
27 ~~substance abusers~~ persons with substance-related
28 disorders under sections 125.75 to 125.94 is filed with
29 the clerk of the district court in any county for which
30 a judicial hospitalization referee has been appointed,
31 and no district judge, district associate judge, or
32 magistrate who is admitted to the practice of law in
33 this state is accessible, the clerk shall immediately
34 notify the referee in the manner required by section
35 229.7 or section 125.77. The referee shall discharge
36 all of the duties imposed upon the court by sections
37 229.7 to 229.22 or sections 125.75 to 125.94 in the
38 proceeding so initiated. Subject to the provisions of
39 subsection 4, orders issued by a referee, in discharge
40 of duties imposed under this section, shall have the
41 same force and effect as if ordered by a district
42 judge. However, any commitment to a facility regulated
43 and operated under chapter 135C, shall be in accordance
44 with section 135C.23.

45 Sec. ____ Section 229.21, subsection 3, paragraphs
46 a and b, Code 2011, are amended to read as follows:

47 a. Any respondent with respect to whom the
48 magistrate or judicial hospitalization referee has
49 found the contention that the respondent is seriously
50 mentally impaired or a ~~chronic substance abuser~~ person

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1 with a substance-related disorder sustained by clear
2 and convincing evidence presented at a hearing held
3 under section 229.12 or section 125.82, may appeal from
4 the magistrate's or referee's finding to a judge of the
5 district court by giving the clerk notice in writing,
6 within ten days after the magistrate's or referee's
7 finding is made, that an appeal is taken. The appeal
8 may be signed by the respondent or by the respondent's
9 next friend, guardian, or attorney.

10 b. An order of a magistrate or judicial
11 hospitalization referee with a finding that the
12 respondent is seriously mentally impaired or a ~~chronic~~
13 ~~substance-abuser person~~ person with a substance-related
14 disorder shall include the following notice, located
15 conspicuously on the face of the order:
16 NOTE: The respondent may appeal from this order to a
17 judge of the district court by giving written notice of
18 the appeal to the clerk of the district court within
19 ten days after the date of this order. The appeal may
20 be signed by the respondent or by the respondent's next
21 friend, guardian, or attorney. For a more complete
22 description of the respondent's appeal rights, consult
23 section 229.21 of the Code of Iowa or an attorney.

24 Sec. ____ Section 229.21, subsection 4, Code 2011,
25 is amended to read as follows:

26 4. If the appellant is in custody under the
27 jurisdiction of the district court at the time
28 of service of the notice of appeal, the appellant
29 shall be discharged from custody unless an order
30 that the appellant be taken into immediate custody
31 has previously been issued under section 229.11 or
32 section 125.81, in which case the appellant shall
33 be detained as provided in that section until the
34 hospitalization or commitment hearing before the
35 district judge. If the appellant is in the custody of
36 a hospital or facility at the time of service of the
37 notice of appeal, the appellant shall be discharged
38 from custody pending disposition of the appeal unless
39 the chief medical officer, not later than the end of
40 the next secular day on which the office of the clerk
41 is open and which follows service of the notice of
42 appeal, files with the clerk a certification that in
43 the chief medical officer's opinion the appellant is
44 seriously mentally ill or a ~~substance-abuser person~~
45 with a substance-related disorder. In that case, the
46 appellant shall remain in custody of the hospital
47 or facility until the hospitalization or commitment
48 hearing before the district court.

49 Sec. ____ Section 230.15, unnumbered paragraph 2,
50 Code 2011, is amended to read as follows:

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1 ~~A substance abuser or chronic substance abuser~~
2 ~~person with a substance-related disorder~~ is legally
3 liable for the total amount of the cost of providing
4 care, maintenance, and treatment for the ~~substance~~
5 ~~abuser or chronic substance abuser person with a~~
6 ~~substance-related disorder~~ while a voluntary or
7 committed patient. When a portion of the cost is paid
8 by a county, the ~~substance abuser or chronic substance~~
9 ~~abuser person with a substance-related disorder~~ is
10 legally liable to the county for the amount paid.

11 The ~~substance abuser or chronic substance abuser~~
12 ~~person with a substance-related disorder~~ shall assign
13 any claim for reimbursement under any contract of
14 indemnity, by insurance or otherwise, providing for
15 the ~~abuser's person's~~ care, maintenance, and treatment
16 in a state hospital to the state. Any payments
17 received by the state from or on behalf of a ~~substance~~
18 ~~abuser or chronic substance abuser person with a~~
19 ~~substance-related disorder~~ shall be in part credited
20 to the county in proportion to the share of the costs
21 paid by the county. Nothing in this section shall be
22 construed to prevent a relative or other person from
23 voluntarily paying the full actual cost or any portion
24 of the care and treatment of any person with mental
25 illness, ~~substance abuser, or chronic substance abuser~~
26 ~~or a substance-related disorder~~ as established by the
27 department of human services.

28 Sec. ____ Section 232.116, subsection 1, paragraph
29 1, subparagraph (2), Code 2011, is amended to read as
30 follows:

31 (2) The parent has a severe, ~~chronic substance~~
32 ~~abuse problem, substance-related disorder~~ and presents
33 a danger to self or others as evidenced by prior acts.

34 Sec. ____ Section 600A.8, subsection 8, paragraph
35 a, Code 2011, is amended to read as follows:

36 a. The parent has been determined to be a ~~chronic~~
37 ~~substance abuser person with a substance-related~~
38 ~~disorder~~ as defined in section 125.2 and the parent has
39 committed a second or subsequent domestic abuse assault
40 pursuant to section 708.2A.

41 Sec. ____ Section 602.4201, subsection 3, paragraph
42 h, Code 2011, is amended to read as follows:

43 h. Involuntary commitment or treatment of ~~substance~~
44 ~~abusers persons with a substance-related disorders.~~

45 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
46 subsection 3, shall not apply to this division of this
47 Act.

48 Sec. ____ EFFECTIVE DATE. This division of this
49 Act takes effect July 1, 2012.>

50 17. Page 475, before line 24 by inserting:

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1 <DIVISION ____
2 HEALTH AND HUMAN SERVICES STATUTORY
3 Sec. ____ Section 153.14, subsection 1, Code 2011,
4 is amended to read as follows:
5 1. Students of dentistry who practice dentistry
6 upon patients at clinics in connection with their
7 regular course of instruction at ~~the state an~~
8 accredited dental college, students of dental
9 hygiene who practice upon patients at clinics in
10 connection with their regular course of instruction
11 at state-approved schools, and students of dental
12 assisting who practice upon patients at clinics
13 in connection with a regular course of instruction
14 determined by the board pursuant to section 153.39.
15 Sec. ____ Section 154A.24, subsection 3, paragraph
16 s, Code 2011, is amended by striking the paragraph.
17 Sec. ____ Section 235B.19, Code 2011, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 2A. a. The department shall
20 serve a copy of the petition and any order authorizing
21 protective services, if issued, on the dependent adult
22 and on persons who are competent adults and reasonably
23 ascertainable at the time the petition is filed in
24 accordance with the following priority:
25 (1) An attorney in fact named by the dependent
26 adult in a durable power of attorney for health care
27 pursuant to chapter 144B.
28 (2) The dependent adult's spouse.
29 (3) The dependent adult's children.
30 (4) The dependent adult's grandchildren.
31 (5) The dependent adult's siblings.
32 (6) The dependent adult's aunts and uncles.
33 (7) The dependent adult's nieces and nephews.
34 (8) The dependent adult's cousins.
35 b. When the department has served a person in one
36 of the categories specified in paragraph "a", the
37 department shall not be required to serve a person in
38 any other category.
39 c. The department shall serve the dependent adult's
40 copy of the petition and order personally upon the
41 dependent adult. Service of the petition and all other
42 orders and notices shall be in a sealed envelope with
43 the proper postage on the envelope, addressed to the
44 person being served at the person's last known post
45 office address, and deposited in a mail receptacle
46 provided by the United States postal service. The
47 department shall serve such copies of emergency orders
48 authorizing protective services and notices within
49 three days after filing the petition and receiving such
50 orders.

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1 d. The department and all persons served by the
2 department with notices under this subsection shall
3 be prohibited from all of the following without prior
4 court approval after the department's petition has been
5 filed:

6 (1) Selling, removing, or otherwise disposing of
7 the dependent adult's personal property.

8 (2) Withdrawing funds from any bank, savings and
9 loan association, credit union, or other financial
10 institution, or from an account containing securities
11 in which the dependent adult has an interest.

12 Sec. ____ Section 237A.1, subsection 3, paragraph
13 n, Code 2011, is amended to read as follows:

14 n. A program offered to a child whose parent,
15 guardian, or custodian is engaged solely in a
16 recreational or social activity, remains immediately
17 available and accessible on the physical premises on
18 which the child's care is provided, and does not engage
19 in employment while the care is provided. However,
20 if the recreational or social activity is provided in
21 a fitness center or on the premises of a nonprofit
22 organization the parent, guardian, or custodian of the
23 child may be employed to teach or lead the activity.>

24 18. Page 475, before line 24 by inserting:

25 <DIVISION ____

26 PUBLIC LIBRARIES

27 Sec. ____ Section 256.51, subsection 1, Code 2011,
28 is amended by adding the following new paragraph:
29 NEW PARAGRAPH. 1. Allow a public library that
30 receives state assistance under section 256.57, or
31 financial support from a city or county pursuant
32 to section 256.69, to dispose of, through sale,
33 conveyance, or exchange, any library materials that may
34 be obsolete or worn out or that may no longer be needed
35 or appropriate to the mission of the public library.
36 These materials may be sold by the public library
37 directly or the governing body of the public library
38 may sell the materials by consignment to a public
39 agency or to a private agency organized to raise funds
40 solely for support of the public library. Proceeds
41 from the sale of the library materials may be remitted
42 to the public library and may be used by the public
43 library for the purchase of books and other library
44 materials or equipment, or for the provision of library
45 services.>

46 19. By renumbering as necessary.

COWNIE of Polk

H-1735

1 Amend House File 697 as follows:

2 1. Page 475, by striking lines 19 through 23 and
3 inserting:

4 <DIVISION _____

5 EDUCATION FINANCE

6 REGULAR PROGRAM FOUNDATION BASE

7 Sec. ____ Section 257.1, subsection 2, paragraph
8 b, Code 2011, is amended by striking the paragraph and
9 inserting in lieu thereof the following:

10 b. (1) The regular program foundation base per
11 pupil is the following:

12 (a) For the budget year commencing July 1, 2011,
13 the regular program foundation base per pupil is
14 eighty-seven and five-tenths percent of the regular
15 program state cost per pupil.

16 (b) For the budget year commencing July 1, 2012,
17 the regular program foundation base per pupil is
18 eighty-seven and five-tenths percent of the regular
19 program state cost per pupil.

20 (c) For the budget year commencing July 1, 2013,
21 the regular program foundation base per pupil is
22 eighty-eight percent of the regular program state cost
23 per pupil.

24 (d) For the budget year commencing July 1, 2014,
25 the regular program foundation base per pupil is
26 eighty-eight and five-tenths percent of the regular
27 program state cost per pupil.

28 (e) For the budget year commencing July 1, 2015,
29 the regular program foundation base per pupil is
30 eighty-nine percent of the regular program state cost
31 per pupil.

32 (f) For the budget year commencing July 1, 2016,
33 the regular program foundation base per pupil is
34 eighty-nine and five-tenths percent of the regular
35 program state cost per pupil.

36 (g) For the budget year commencing July 1, 2017,
37 and succeeding budget years, the regular program
38 foundation base per pupil is ninety percent of the
39 regular program state cost per pupil.

40 (2) For each budget year, the special education
41 support services foundation base is seventy-nine
42 percent of the special education support services state
43 cost per pupil. The combined foundation base is the
44 sum of the regular program foundation base, the special
45 education support services foundation base, the total
46 teacher salary supplement district cost, the total
47 professional development supplement district cost, the
48 total early intervention supplement district cost, the
49 total area education agency teacher salary supplement
50 district cost, and the total area education agency

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1 professional development supplement district cost.
2 DIVISION _____
3 PROPERTY TAX
4 PROPERTY ASSESSMENT LIMITATIONS
5 Sec. ____ Section 441.21, subsection 4, Code 2011,
6 is amended to read as follows:
7 4. For valuations established as of January
8 1, 1979, the percentage of actual value at which
9 agricultural and residential property shall be assessed
10 shall be the quotient of the dividend and divisor as
11 defined in this section. The dividend for each class
12 of property shall be the dividend as determined for
13 each class of property for valuations established as
14 of January 1, 1978, adjusted by the product obtained
15 by multiplying the percentage determined for that year
16 by the amount of any additions or deletions to actual
17 value, excluding those resulting from the revaluation
18 of existing properties, as reported by the assessors
19 on the abstracts of assessment for 1978, plus six
20 percent of the amount so determined. However, if the
21 difference between the dividend so determined for
22 either class of property and the dividend for that
23 class of property for valuations established as of
24 January 1, 1978, adjusted by the product obtained by
25 multiplying the percentage determined for that year
26 by the amount of any additions or deletions to actual
27 value, excluding those resulting from the revaluation
28 of existing properties, as reported by the assessors
29 on the abstracts of assessment for 1978, is less than
30 six percent, the 1979 dividend for the other class of
31 property shall be the dividend as determined for that
32 class of property for valuations established as of
33 January 1, 1978, adjusted by the product obtained by
34 multiplying the percentage determined for that year
35 by the amount of any additions or deletions to actual
36 value, excluding those resulting from the revaluation
37 of existing properties, as reported by the assessors on
38 the abstracts of assessment for 1978, plus a percentage
39 of the amount so determined which is equal to the
40 percentage by which the dividend as determined for the
41 other class of property for valuations established as
42 of January 1, 1978, adjusted by the product obtained
43 by multiplying the percentage determined for that year
44 by the amount of any additions or deletions to actual
45 value, excluding those resulting from the revaluation
46 of existing properties, as reported by the assessors
47 on the abstracts of assessment for 1978, is increased
48 in arriving at the 1979 dividend for the other class
49 of property. The divisor for each class of property
50 shall be the total actual value of all such property

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1 in the state in the preceding year, as reported by the
2 assessors on the abstracts of assessment submitted
3 for 1978, plus the amount of value added to said
4 total actual value by the revaluation of existing
5 properties in 1979 as equalized by the director of
6 revenue pursuant to section 441.49. The director shall
7 utilize information reported on abstracts of assessment
8 submitted pursuant to section 441.45 in determining
9 such percentage. For valuations established as of
10 January 1, 1980, and each assessment year thereafter
11 beginning before January 1, 2012, the percentage of
12 actual value as equalized by the director of revenue
13 as provided in section 441.49 at which agricultural
14 and residential property shall be assessed shall be
15 calculated in accordance with the methods provided
16 herein including the limitation of increases in
17 agricultural and residential assessed values to the
18 percentage increase of the other class of property if
19 the other class increases less than the allowable limit
20 adjusted to include the applicable and current values
21 as equalized by the director of revenue, except that
22 any references to six percent in this subsection shall
23 be four percent. For valuations established as of
24 January 1, 2012, and each assessment year thereafter,
25 the percentage of actual value as equalized by the
26 director of revenue as provided in section 441.49 at
27 which agricultural and residential property shall be
28 assessed shall be calculated in accordance with the
29 methods provided herein including the limitation of
30 increases in agricultural and residential assessed
31 values to the percentage increase of the other class
32 of property if the other class increases less than the
33 allowable limit adjusted to include the applicable and
34 current values as equalized by the director of revenue,
35 except that any references to six percent in this
36 subsection shall be two percent.
37 Sec. ____ Section 441.21, subsection 5, Code 2011,
38 is amended to read as follows:
39 5. a. ~~For valuations established as of January~~
40 ~~1, 1979, commercial property and industrial property,~~
41 ~~excluding properties referred to in section 427A.1,~~
42 ~~subsection 8, shall be assessed as a percentage of~~
43 ~~the actual value of each class of property. The~~
44 ~~percentage shall be determined for each class of~~
45 ~~property by the director of revenue for the state in~~
46 ~~accordance with the provisions of this section. For~~
47 ~~valuations established as of January 1, 1979, the~~
48 ~~percentage shall be the quotient of the dividend and~~
49 ~~divisor as defined in this section. The dividend~~
50 ~~for each class of property shall be the total actual~~

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1 valuation for each class of property established for
2 1978, plus six percent of the amount so determined.
3 The divisor for each class of property shall be the
4 valuation for each class of property established for
5 1978, as reported by the assessors on the abstracts
6 of assessment for 1978, plus the amount of value
7 added to the total actual value by the revaluation
8 of existing properties in 1979 as equalized by the
9 director of revenue pursuant to section 441.49. For
10 valuations established as of January 1, 1979, property
11 valued by the department of revenue pursuant to
12 chapters 428, 433, 437, and 438 shall be considered
13 as one class of property and shall be assessed as a
14 percentage of its actual value. The percentage shall
15 be determined by the director of revenue in accordance
16 with the provisions of this section. For valuations
17 established as of January 1, 1979, the percentage
18 shall be the quotient of the dividend and divisor as
19 defined in this section. The dividend shall be the
20 total actual valuation established for 1978 by the
21 department of revenue, plus ten percent of the amount
22 so determined. The divisor for property valued by
23 the department of revenue pursuant to chapters 428,
24 433, 437, and 438 shall be the valuation established
25 for 1978, plus the amount of value added to the total
26 actual value by the revaluation of the property by
27 the department of revenue as of January 1, 1979.
28 For valuations established as of January 1, 1980,
29 commercial property and industrial property, excluding
30 properties referred to in section 427A.1, subsection
31 8, shall be assessed at a percentage of the actual
32 value of each class of property. The percentage
33 shall be determined for each class of property by
34 the director of revenue for the state in accordance
35 with the provisions of this section. For valuations
36 established as of January 1, 1980, the percentage
37 shall be the quotient of the dividend and divisor as
38 defined in this section. The dividend for each class
39 of property shall be the dividend as determined for
40 each class of property for valuations established as
41 of January 1, 1979, adjusted by the product obtained
42 by multiplying the percentage determined for that year
43 by the amount of any additions or deletions to actual
44 value, excluding those resulting from the revaluation
45 of existing properties, as reported by the assessors
46 on the abstracts of assessment for 1979, plus four
47 percent of the amount so determined. The divisor
48 for each class of property shall be the total actual
49 value of all such property in 1979, as equalized by
50 the director of revenue pursuant to section 441.49,

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1 ~~plus the amount of value added to the total actual~~
2 ~~value by the revaluation of existing properties in~~
3 ~~1980. The director shall utilize information reported~~
4 ~~on the abstracts of assessment submitted pursuant~~
5 ~~to section 441.45 in determining such percentage.~~
6 For valuations established as of January 1, 1980,
7 property valued by the department of revenue pursuant
8 to chapters 428, 433, 437, and 438 shall be assessed
9 at a percentage of its actual value. The percentage
10 shall be determined by the director of revenue in
11 accordance with the provisions of this section. For
12 valuations established as of January 1, 1980, the
13 percentage shall be the quotient of the dividend and
14 divisor as defined in this section. The dividend shall
15 be the total actual valuation established for 1979 by
16 the department of revenue, plus eight percent of the
17 amount so determined. The divisor for property valued
18 by the department of revenue pursuant to chapters 428,
19 433, 437, and 438 shall be the valuation established
20 for 1979, plus the amount of value added to the total
21 actual value by the revaluation of the property by
22 the department of revenue as of January 1, 1980. ~~For~~
23 ~~valuations established as of January 1, 1981, and~~
24 ~~each year thereafter, the percentage of actual value~~
25 ~~as equalized by the director of revenue as provided~~
26 ~~in section 441.49 at which commercial property and~~
27 ~~industrial property, excluding properties referred to~~
28 ~~in section 427A.1, subsection 8, shall be assessed~~
29 ~~shall be calculated in accordance with the methods~~
30 ~~provided herein, except that any references to six~~
31 ~~percent in this subsection shall be four percent.~~ For
32 valuations established as of January 1, 1981, and
33 each year thereafter, the percentage of actual value
34 at which property valued by the department of revenue
35 pursuant to chapters 428, 433, 437, and 438 shall be
36 assessed shall be calculated in accordance with the
37 methods provided herein, except that any references
38 to ten percent in this subsection shall be eight
39 percent. Beginning with valuations established as of
40 January 1, 1979, and each assessment year thereafter
41 beginning before January 1, 2012, property valued
42 by the department of revenue pursuant to chapter 434
43 shall also be assessed at a percentage of its actual
44 value which percentage shall be equal to the percentage
45 determined by the director of revenue for commercial
46 property, industrial property, or property valued by
47 the department of revenue pursuant to chapters 428,
48 433, 437, and 438, whichever is lowest. For valuations
49 established on or after January 1, 2012, property
50 valued by the department of revenue pursuant to chapter

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1 434 shall be assessed at a percentage of its actual
2 value equal to the percentage of actual value at which
3 commercial property is assessed for the same assessment
4 year.

5 b. For valuations established on or after January
6 1, 2012, commercial property, excluding properties
7 referred to in section 427A.1, subsection 8, shall
8 be assessed as a percentage of the actual value, as
9 determined in this paragraph "b".

10 (1) For valuations established for the assessment
11 year beginning January 1, 2012, the percentage of
12 actual value as equalized by the director of revenue as
13 provided in section 441.49 at which commercial property
14 shall be assessed shall be ninety-five percent.

15 (2) For valuations established for the assessment
16 year beginning January 1, 2013, the percentage of
17 actual value as equalized by the director of revenue as
18 provided in section 441.49 at which commercial property
19 shall be assessed shall be ninety percent.

20 (3) For valuations established for the assessment
21 year beginning January 1, 2014, the percentage of
22 actual value as equalized by the director of revenue as
23 provided in section 441.49 at which commercial property
24 shall be assessed shall be eighty-five percent.

25 (4) For valuations established for the assessment
26 year beginning January 1, 2015, the percentage of
27 actual value as equalized by the director of revenue as
28 provided in section 441.49 at which commercial property
29 shall be assessed shall be eighty percent.

30 (5) For valuations established for the assessment
31 year beginning January 1, 2016, and each assessment
32 year thereafter, the percentage of actual value as
33 equalized by the director of revenue as provided in
34 section 441.49 at which commercial property shall be
35 assessed shall be seventy-five percent.

36 c. For valuations established on or after January
37 1, 2012, industrial property, excluding properties
38 referred to in section 427A.1, subsection 8, shall
39 be assessed as a percentage of the actual value, as
40 determined in this paragraph "c".

41 (1) For valuations established for the assessment
42 year beginning January 1, 2012, the percentage of
43 actual value as equalized by the director of revenue as
44 provided in section 441.49 at which industrial property
45 shall be assessed shall be ninety-five percent.

46 (2) For valuations established for the assessment
47 year beginning January 1, 2013, the percentage of
48 actual value as equalized by the director of revenue as
49 provided in section 441.49 at which industrial property
50 shall be assessed shall be ninety percent.

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1 (3) For valuations established for the assessment
2 year beginning January 1, 2014, the percentage of
3 actual value as equalized by the director of revenue as
4 provided in section 441.49 at which industrial property
5 shall be assessed shall be eighty-five percent.

6 (4) For valuations established for the assessment
7 year beginning January 1, 2015, the percentage of
8 actual value as equalized by the director of revenue as
9 provided in section 441.49 at which industrial property
10 shall be assessed shall be eighty percent.

11 (5) For valuations established for the assessment
12 year beginning January 1, 2016, and each assessment
13 year thereafter, the percentage of actual value as
14 equalized by the director of revenue as provided in
15 section 441.49 at which industrial property shall be
16 assessed shall be seventy-five percent.

17 Sec. ____ Section 441.21, Code 2011, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 13. Notwithstanding any provision
20 of law to the contrary, beginning with valuations
21 established on or after January 1, 2012, as used in
22 this section, "residential property" includes that
23 portion of a building or structure and a proportionate
24 share of the land upon which the building or structure
25 is situated that is used as a primary residence by
26 the person who owns the building even if the use as
27 a primary residence is not the primary use of the
28 building or structure. Accordingly, the assessor
29 may assign more than one classification to a parcel
30 of property satisfying the requirements of this
31 subsection.

32 Sec. ____ NEW SECTION. 441.21A Commercial and
33 industrial property tax replacement fund — annual
34 legislative review.

35 1. a. There is created as a permanent fund
36 in the office of the treasurer of state under the
37 control of the department of management a fund to be
38 known as the commercial and industrial property tax
39 replacement fund, and for the purpose of establishing
40 and maintaining this fund for each fiscal year there is
41 appropriated thereto from funds in the general fund not
42 otherwise appropriated the following amounts:

43 (1) For the fiscal year beginning July 1, 2013,
44 thirty million dollars.

45 (2) For the fiscal year beginning July 1, 2014,
46 sixty million dollars.

47 (3) For the fiscal year beginning July 1, 2015,
48 ninety million dollars.

49 (4) For the fiscal year beginning July 1, 2016, one
50 hundred twenty million dollars.

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1 (5) For the fiscal year beginning July 1, 2017, and
2 each fiscal year thereafter, one hundred fifty million
3 dollars.

4 b. If an amount appropriated for a fiscal year
5 is insufficient to pay all claims, the department of
6 management shall prorate the disbursements from the
7 fund to the county treasurers in the proportion that
8 the total assessed value of commercial and industrial
9 property located within the taxing district for taxes
10 payable in that fiscal year bears to the total assessed
11 value of all commercial and industrial property within
12 the state and located in an eligible taxing district.
13 The department of management shall notify the county
14 auditors of the pro rata percentage on or before July
15 15.

16 c. The replacement claims shall be paid to each
17 county treasurer in equal installments in September
18 and March of each year. The county treasurer shall
19 apportion the replacement claim payments among the
20 eligible taxing districts in the county.

21 d. Any balance in the commercial and industrial
22 property tax replacement fund on June 30 shall be
23 transferred to the taxpayers trust fund created in
24 section 8.57E and used for the purposes specified in
25 that section.

26 2. Beginning with the fiscal year beginning July
27 1, 2013, each county treasurer shall be paid from the
28 commercial and industrial property tax replacement fund
29 an amount, subject to the limitations of this section,
30 equal to the amount of the commercial and industrial
31 property tax replacement claim, as calculated in
32 subsection 4.

33 3. On or before March 1 of each year, the assessor
34 shall determine the total assessed value of all
35 commercial and industrial property assessed for taxes
36 payable in the next fiscal year and the total assessed
37 value of all commercial and industrial property
38 assessed as of January 1, 2011, and shall report the
39 valuations to the county auditor.

40 4. On or before May 15 of each year, the county
41 auditor shall prepare a statement, based upon the
42 report received pursuant to subsection 3, listing for
43 each taxing district in the county:

44 a. Beginning with the assessment year beginning
45 January 1, 2012, the difference between the assessed
46 valuation of all commercial and industrial property
47 for that year and the total assessed value of all
48 commercial and industrial property assessed as of
49 January 1, 2011. If the total assessed value of the
50 property assessed as of January 1, 2011, is less,

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1 there is no commercial and industrial property tax
2 replacement for the fiscal year.

3 b. The tax levy rate for each taxing district for
4 the current fiscal year. However, the applicable tax
5 levy rate for a school district shall be the total of
6 all levy rates for the school district for the current
7 fiscal year excluding the foundation property tax levy
8 under section 257.3, subsection 1.

9 c. The commercial and industrial property tax
10 replacement claim for each taxing district. For
11 fiscal years beginning on or after July 1, 2013, the
12 replacement claim is equal to seventy-five percent
13 of the amount determined pursuant to paragraph "a",
14 multiplied by the tax rate specified in paragraph "b".

15 5. The county auditor shall certify and forward one
16 copy of the statement to the department of management
17 not later than July 1 of each year.

18 6. For purposes of determining replacement amounts
19 under this section, that portion of an urban renewal
20 area defined as the sum of the assessed valuations
21 defined in section 403.19, subsections 1 and 2, shall
22 be considered a taxing district. The amount of the
23 replacement claim shall first be credited to the
24 portion of assessed value defined in section 403.19,
25 subsection 2. The amount not allocated to that portion
26 of assessed value defined in section 403.19, subsection
27 2, shall be credited to the portion of assessed value
28 defined in section 403.19, subsection 1.

29 7. The committee on ways and means of the senate
30 and the committee on ways and means of the house of
31 representatives shall each conduct an annual review of
32 the implementation and fiscal impact of the commercial,
33 industrial, and railway property assessment limitations
34 established under section 441.21, subsection 5, on
35 local taxing authorities in this state.

36 Sec. ____ SAVINGS PROVISION. This division of this
37 Act, pursuant to section 4.13, does not affect the
38 operation of, or prohibit the application of, prior
39 provisions of section 441.21, or rules adopted under
40 chapter 17A to administer prior provisions of section
41 441.21, for assessment years beginning before January
42 1, 2012, and for duties, powers, protests, appeals,
43 proceedings, actions, or remedies attributable to an
44 assessment year beginning before January 1, 2012.

45 Sec. ____ APPLICABILITY. This division of this Act
46 applies to property tax assessment years beginning on
47 or after January 1, 2012.

48 DIVISION _____
49 COUNTY AND CITY BUDGET LIMITATION

50 Sec. ____ Section 23A.2, subsection 10, paragraph

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1 h, Code 2011, is amended to read as follows:

2 h. The performance of an activity listed in
3 section 331.424, Code 2011, as a service for which a
4 ~~supplemental levy county may be certified~~ include in
5 its budget.

6 Sec. ____ Section 28M.5, subsection 2, Code 2011,
7 is amended to read as follows:

8 2. If a regional transit district budget allocates
9 revenue responsibilities to the board of supervisors
10 of a participating county, the amount of the regional
11 transit district levy that is the responsibility of the
12 participating county shall be deducted from the maximum
13 ~~rates amount~~ amount of taxes authorized to be levied by the
14 county pursuant to section 331.423, ~~subsections 1 and~~
15 ~~2~~ subsection 3, paragraphs "b" and "c", as applicable,
16 unless the county meets its revenue responsibilities as
17 allocated in the budget from other available revenue
18 sources. However, for a regional transit district
19 that includes a county with a population of less than
20 three hundred thousand, the amount of the regional
21 transit district levy that is the responsibility of
22 such participating county shall be deducted from the
23 maximum ~~rate amount~~ amount of taxes authorized to be levied
24 by the county pursuant to section 331.423, subsection
25 ~~1 3, paragraph "b"~~.

26 Sec. ____ Section 123.38, subsection 2, Code 2011,
27 is amended to read as follows:

28 2. Any licensee or permittee, or the licensee's
29 or permittee's executor or administrator, or any
30 person duly appointed by the court to take charge of
31 and administer the property or assets of the licensee
32 or permittee for the benefit of the licensee's or
33 permittee's creditors, may voluntarily surrender a
34 license or permit to the division. When a license
35 or permit is surrendered the division shall notify
36 the local authority, and the division or the local
37 authority shall refund to the person surrendering the
38 license or permit, a proportionate amount of the fee
39 received by the division or the local authority for
40 the license or permit as follows: if a license or
41 permit is surrendered during the first three months
42 of the period for which it was issued, the refund
43 shall be three-fourths of the amount of the fee;
44 if surrendered more than three months but not more
45 than six months after issuance, the refund shall be
46 one-half of the amount of the fee; if surrendered more
47 than six months but not more than nine months after
48 issuance, the refund shall be one-fourth of the amount
49 of the fee. No refund shall be made, however, for
50 any special liquor permit, nor for a liquor control

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1 license, wine permit, or beer permit surrendered more
2 than nine months after issuance. For purposes of this
3 subsection, any portion of license or permit fees
4 used for the purposes authorized in section 331.424,
5 subsection 1, paragraph "a", subparagraphs (1) and
6 (2), Code 2011, and in section 331.424A, shall not be
7 deemed received either by the division or by a local
8 authority. No refund shall be made to any licensee or
9 permittee, upon the surrender of the license or permit,
10 if there is at the time of surrender, a complaint filed
11 with the division or local authority, charging the
12 licensee or permittee with a violation of this chapter.
13 If upon a hearing on a complaint the license or permit
14 is not revoked or suspended, then the licensee or
15 permittee is eligible, upon surrender of the license
16 or permit, to receive a refund as provided in this
17 section; but if the license or permit is revoked or
18 suspended upon hearing the licensee or permittee is not
19 eligible for the refund of any portion of the license
20 or permit fee.

21 Sec. ____ Section 218.99, Code 2011, is amended to
22 read as follows:

23 218.99 Counties to be notified of patients' personal
24 accounts.

25 The administrator in control of a state institution
26 shall direct the business manager of each institution
27 under the administrator's jurisdiction ~~which is~~
28 ~~mentioned in section 331.424, subsection 1, paragraph~~
29 ~~"a", subparagraphs (1) and (2), and for which services~~
30 are paid under section 331.424A, to quarterly inform
31 the county of legal settlement's entity designated to
32 perform the county's central point of coordination
33 process of any patient or resident who has an amount
34 in excess of two hundred dollars on account in the
35 patients' personal deposit fund and the amount on
36 deposit. The administrators shall direct the business
37 manager to further notify the entity designated to
38 perform the county's central point of coordination
39 process at least fifteen days before the release of
40 funds in excess of two hundred dollars or upon the
41 death of the patient or resident. If the patient or
42 resident has no county of legal settlement, notice
43 shall be made to the director of human services and the
44 administrator in control of the institution involved.

45 Sec. ____ Section 331.263, subsection 2, Code 2011,
46 is amended to read as follows:

47 2. The governing body of the community commonwealth
48 shall have the authority to levy county taxes and shall
49 have the authority to levy city taxes to the extent the
50 city tax levy authority is transferred by the charter

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1 to the community commonwealth. A city participating
2 in the community commonwealth shall transfer a portion
3 of the city's tax levy authorized under section 384.1
4 or 384.12, whichever is applicable, to the governing
5 body of the community commonwealth. The maximum
6 ~~rates amount~~ of taxes authorized to be levied under
7 ~~sections section 384.1 and the maximum amount of taxes~~
8 ~~authorized to be levied under section 384.12~~ by a city
9 participating in the community commonwealth shall be
10 reduced by an amount equal to the rates of the same or
11 similar taxes levied in the city by the governing body
12 of the community commonwealth.

13 Sec. ____ Section 331.301, subsection 12, Code
14 2011, is amended to read as follows:

15 12. The board of supervisors may credit funds to
16 a reserve for the purposes authorized by subsection
17 11 of this section; ~~section 331.424, subsection 1,~~
18 ~~paragraph "a", subparagraph (6);~~ and section 331.441,
19 subsection 2, paragraph "b". Moneys credited to the
20 reserve, and interest earned on such moneys, shall
21 remain in the reserve until expended for purposes
22 authorized by subsection 11 of this section; ~~section~~
23 ~~331.424, subsection 1, paragraph "a", subparagraph (6);~~
24 or section 331.441, subsection 2, paragraph "b".

25 Sec. ____ Section 331.421, subsections 1 and 10,
26 Code 2011, are amended by striking the subsections.

27 Sec. ____ Section 331.421, Code 2011, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 7A. "Item" means a budgeted
30 expenditure, appropriation, or cash reserve from a
31 fund for a service area, program, program element, or
32 purpose.

33 Sec. ____ Section 331.423, Code 2011, is amended by
34 striking the section and inserting in lieu thereof the
35 following:

36 331.423 Property tax dollars — maximums.

37 1. Annually, the board shall determine separate
38 property tax levy limits to pay for general county
39 services and rural county services in accordance with
40 this section. The property tax levies separately
41 certified for general county services and rural county
42 services under section 331.434 shall not raise property
43 tax dollars that exceed the amount determined under
44 this section.

45 2. For purposes of this section and section
46 331.423B, unless the context otherwise requires:

47 a. "Annual growth factor" means an index, expressed
48 as a percentage, determined by the department of
49 management by January 1 of the calendar year in which
50 the budget year begins. In determining the annual

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1 growth factor, the department shall calculate the
2 average of the preceding twelve-month percentage
3 change, which shall be computed on a monthly basis,
4 in the midwest consumer price index, ending with the
5 percentage change for the month of November. The
6 department shall then add that average percentage
7 change to one hundred percent. In no case, however,
8 shall the annual growth factor exceed one hundred four
9 percent.

10 b. "Boundary adjustment" means annexation,
11 severance, incorporation, or discontinuance as those
12 terms are defined in section 368.1.

13 c. "Budget year" is the fiscal year beginning
14 during the calendar year in which a budget is
15 certified.

16 d. "Current fiscal year" is the fiscal year
17 ending during the calendar year in which a budget is
18 certified.

19 e. "Net new valuation taxes" means the amount of
20 property tax dollars equal to the current fiscal year's
21 levy rate in the county for general county services or
22 for rural county services, as applicable, multiplied by
23 the increase from the current fiscal year to the budget
24 year in taxable valuation due to the following:

25 (1) Net new construction, excluding all incremental
26 valuation that is released in any one year from a
27 division of revenue under section 260E.4 or an urban
28 renewal area for which taxes were being divided under
29 section 403.19 if the property for the valuation being
30 released remains subject to the division of revenue
31 under section 260E.4 or remains part of the urban
32 renewal area that is subject to a division of revenue
33 under section 403.19.

34 (2) Additions or improvements to existing
35 structures.

36 (3) Remodeling of existing structures for which a
37 building permit is required.

38 (4) Net boundary adjustment.

39 (5) A municipality no longer dividing tax revenues
40 in an urban renewal area as provided in section 403.19
41 or a community college no longer dividing revenues as
42 provided in section 260E.4.

43 (6) That portion of taxable property located in an
44 urban revitalization area on which an exemption was
45 allowed and such exemption has expired.

46 3. a. For the fiscal year beginning July 1, 2012,
47 and subsequent fiscal years, the maximum amount of
48 property tax dollars which may be certified for levy by
49 a county for general county services and rural county
50 services shall be the maximum property tax dollars

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1 calculated under paragraphs "b" and "c", respectively.

2 b. The maximum property tax dollars that may be
3 levied for general county services is an amount,
4 following the subtraction of replacement claim amounts
5 to be received under section 441.21A during the budget
6 year that are the result of the levy rate for general
7 county services, equal to the sum of the following:

8 (1) The annual growth factor times the sum of the
9 current fiscal year's maximum property tax dollars
10 for general county services and the amount of all
11 replacement claim amounts received under section
12 441.21A during the current fiscal year that are the
13 result of the levy rate for general county services.

14 (2) The amount of net new valuation taxes in the
15 county.

16 c. The maximum property tax dollars that may
17 be levied for rural county services is an amount,
18 following the subtraction of replacement claim amounts
19 to be received under section 441.21A during the budget
20 year that are the result of the levy rate for rural
21 county services, equal to the sum of the following:

22 (1) The annual growth factor times the sum of the
23 current fiscal year's maximum property tax dollars for
24 rural county services and the amount of all replacement
25 claim amounts received under section 441.21A during the
26 current fiscal year that are the result of the levy
27 rate for rural county services.

28 (2) The amount of net new valuation taxes in the
29 unincorporated area of the county.

30 4. a. For purposes of calculating maximum property
31 tax dollars for general county services for the fiscal
32 year beginning July 1, 2012, only, the term "current
33 fiscal year's maximum property tax dollars" shall mean
34 the total amount of property tax dollars certified by
35 the county for general county services for the fiscal
36 year beginning July 1, 2011.

37 b. For purposes of calculating maximum property tax
38 dollars for rural county services for the fiscal year
39 beginning July 1, 2012, only, the term "current fiscal
40 year's maximum property tax dollars" shall mean the
41 total amount of property tax dollars certified by the
42 county for rural county services for the fiscal year
43 beginning July 1, 2011.

44 5. Property taxes certified for deposit in the
45 mental health, mental retardation, and developmental
46 disabilities services fund in section 331.424A, the
47 emergency services fund in section 331.424C, the debt
48 service fund in section 331.430, any capital projects
49 fund established by the county for deposit of bond,
50 loan, or note proceeds, and any temporary increase

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1 approved pursuant to section 331.424, are not included
2 in the maximum amount of property tax dollars that may
3 be certified for a budget year under subsection 3.

4 6. The department of management, in consultation
5 with the county finance committee, shall adopt rules
6 to administer this section. The department shall
7 prescribe forms to be used by counties when making
8 calculations required by this section.

9 Sec. __. NEW SECTION. 331.423B Ending fund
10 balance.

11 1. a. Budgeted ending fund balances for a budget
12 year in excess of twenty-five percent of budgeted
13 expenditures in either the general fund or rural
14 services fund for that budget year shall be explicitly
15 reserved or designated for a specific purpose.

16 b. A county is encouraged, but not required, to
17 reduce budgeted, unreserved, or undesignated ending
18 fund balances for the budget year to an amount equal
19 to approximately twenty-five percent of budgeted
20 expenditures and transfers from the general fund
21 and rural services fund for that budget year unless
22 a decision is certified by the state appeal board
23 ordering a reduction in the ending fund balance of any
24 of those funds.

25 c. In a protest to the county budget under section
26 331.436, the county shall have the burden of proving
27 that the budgeted balances in excess of twenty-five
28 percent are reasonably likely to be appropriated for
29 the explicitly reserved or designated specific purpose.
30 The excess budgeted balance for the specific purpose
31 shall be considered an increase in an item in the
32 budget for purposes of section 24.28.

33 2. a. For a county that has, as of June 30, 2011,
34 reduced its actual ending fund balance to less than
35 twenty-five percent of actual expenditures, additional
36 property taxes may be computed and levied as provided
37 in this subsection. The additional property tax levy
38 amount is an amount not to exceed twenty-five percent
39 of actual expenditures from the general fund and rural
40 services fund for the fiscal year beginning July 1,
41 2010, minus the combined ending fund balances for those
42 funds for that year.

43 b. The amount of the additional property taxes
44 shall be apportioned between the general fund and the
45 rural services fund. However, the amount apportioned
46 for general county services and for rural county
47 services shall not exceed for each fund twenty-five
48 percent of actual expenditures for the fiscal year
49 beginning July 1, 2010.

50 c. All or a portion of additional property tax

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1 dollars may be levied for the purpose of increasing
2 cash reserves for general county services and rural
3 county services in the budget year. The additional
4 property tax dollars authorized under this subsection
5 but not levied may be carried forward as unused ending
6 fund balance taxing authority until and for the fiscal
7 year beginning July 1, 2017. The amount carried
8 forward shall not exceed twenty-five percent of the
9 maximum amount of property tax dollars available in
10 the current fiscal year. Additionally, property taxes
11 that are levied as unused ending fund balance taxing
12 authority under this subsection may be the subject of
13 a protest under section 331.436, and the amount will
14 be considered an increase in an item in the budget for
15 purposes of section 24.28. The amount of additional
16 property taxes levied under this subsection shall not
17 be included in the computation of the maximum amount of
18 property tax dollars which may be certified and levied
19 under section 331.423.

20 Sec. ____ Section 331.424, Code 2011, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 331.424 Authority to levy beyond maximum property
24 tax dollars.

25 1. The board may certify additions to the maximum
26 amount of property tax dollars to be levied for
27 a period of time not to exceed two years if the
28 proposition has been submitted at a special election
29 and received a favorable majority of the votes cast on
30 the proposition.

31 2. The special election is subject to the
32 following:

33 a. The board must give at least thirty-two days'
34 notice to the county commissioner of elections that the
35 special election is to be held. In no case, however,
36 shall a notice be given to the county commissioner
37 of elections after December 31 for an election on a
38 proposition to exceed the statutory limits during the
39 fiscal year beginning in the next calendar year.

40 b. The special election shall be conducted by the
41 county commissioner of elections in accordance with
42 law.

43 c. The proposition to be submitted shall be
44 substantially in the following form:

45 Vote "yes" or "no" on the following: Shall the
46 county of _____ levy for an additional \$_____ each
47 year for ___ years beginning July 1, _____, in excess
48 of the statutory limits otherwise applicable for the
49 (general county services or rural services) fund?

50 d. The canvass shall be held beginning at 1:00 p.m.

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1 on the second day which is not a holiday following the
2 special election.

3 e. Notice of the special election shall be
4 published at least once in a newspaper as specified
5 in section 331.305 prior to the date of the special
6 election. The notice shall appear as early as
7 practicable after the board has voted to submit a
8 proposition to the voters to levy additional property
9 tax dollars.

10 3. Registered voters in the county may vote on the
11 proposition to increase property taxes for the general
12 fund in excess of the statutory limit. Registered
13 voters residing outside the corporate limits of a
14 city within the county may vote on the proposition to
15 increase property taxes for the rural services fund in
16 excess of the statutory limit.

17 4. The amount of additional property tax dollars
18 certified under this section shall not be included in
19 the computation of the maximum amount of property tax
20 dollars which may be certified and levied under section
21 331.423.

22 Sec. ____ Section 331.424A, subsection 4, Code
23 2011, is amended to read as follows:

24 4. For the fiscal year beginning July 1, 1996,
25 and for each subsequent fiscal year, the county shall
26 certify a levy for payment of services. For each
27 fiscal year, county revenues from taxes imposed by the
28 county credited to the services fund shall not exceed
29 an amount equal to the amount of base year expenditures
30 for services as defined in section 331.438, less the
31 amount of property tax relief to be received pursuant
32 to section 426B.2, in the fiscal year for which the
33 budget is certified. The county auditor and the
34 board of supervisors shall reduce the amount of the
35 levy certified for the services fund by the amount of
36 property tax relief to be received. A levy certified
37 under this section is not subject to ~~the appeal~~
38 ~~provisions of section 331.426 or to any other provision~~
39 in law authorizing a county to exceed, increase, or
40 appeal a property tax levy limit.

41 Sec. ____ Section 331.427, subsection 3, paragraph
42 1, Code 2011, is amended to read as follows:

43 1. Services listed in section 331.424, subsection
44 1, Code 2011, and section 331.554.

45 Sec. ____ Section 331.428, subsection 2, paragraph
46 d, Code 2011, is amended to read as follows:

47 d. Services listed under section 331.424,
48 subsection 2, Code 2011.

49 Sec. ____ Section 331.434, subsection 1, Code 2011,
50 is amended to read as follows:

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1 1. The budget shall show the amount required for
2 each class of proposed expenditures, a comparison of
3 the amounts proposed to be expended with the amounts
4 expended for like purposes for the two preceding years,
5 the revenues from sources other than property taxation,
6 and the amount to be raised by property taxation, in
7 the detail and form prescribed by the director of the
8 department of management. For each county that has
9 established an urban renewal area, the budget shall
10 include estimated and actual tax increment financing
11 revenues and all estimated and actual expenditures of
12 the revenues, proceeds from debt and all estimated
13 and actual expenditures of the debt proceeds, and
14 identification of any entity receiving a direct payment
15 of taxes funded by tax increment financing revenues
16 and shall include the total amount of loans, advances,
17 indebtedness, or bonds outstanding at the close of
18 the most recently ended fiscal year, which qualify
19 for payment from the special fund created in section
20 403.19, including interest negotiated on such loans,
21 advances, indebtedness, or bonds. For purposes of this
22 subsection, "indebtedness" includes written agreements
23 whereby the county agrees to suspend, abate, exempt,
24 rebate, refund, or reimburse property taxes, provide a
25 grant for property taxes paid, or make a direct payment
26 of taxes, with moneys in the special fund. The amount
27 of loans, advances, indebtedness, or bonds shall be
28 listed in the aggregate for each county reporting. ~~The~~
29 ~~county finance committee, in consultation with the~~
30 ~~department of management and the legislative services~~
31 ~~agency, shall determine reporting criteria and shall~~
32 ~~prepare a form for reports filed with the department~~
33 ~~pursuant to this section. The department shall make~~
34 ~~the information available by electronic means.~~

35 Sec. ____ Section 373.10, Code 2011, is amended to
36 read as follows:

37 373.10 Taxing authority.

38 The metropolitan council shall have the authority
39 to levy city taxes to the extent the city tax levy
40 authority is transferred by the charter to the
41 metropolitan council. A member city shall transfer
42 a portion of the city's tax levy authorized under
43 section 384.1 or 384.12, whichever is applicable, to
44 the metropolitan council. The maximum ~~rates amount~~ of
45 taxes authorized to be levied under ~~sections~~ section
46 384.1 and the taxes authorized to be levied under
47 section 384.12 by a member city shall be reduced by an
48 amount equal to the rates of the same or similar taxes
49 levied in the city by the metropolitan council.

50 Sec. ____ Section 384.1, Code 2011, is amended by

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1 striking the section and inserting in lieu thereof the
2 following:
3 384.1 Property tax dollars — maximums.
4 1. A city shall certify taxes to be levied by the
5 city on all taxable property within the city limits,
6 for all city government purposes. Annually, the
7 city council may certify levies for city government
8 purposes, subject to the limitation on property tax
9 dollars provided in this section.
10 2. For purposes of this section and section 384.1B,
11 unless the context otherwise requires:
12 a. "Annual growth factor" means an index, expressed
13 as a percentage, determined by the department of
14 management by January 1 of the calendar year in which
15 the budget year begins. In determining the annual
16 growth factor, the department shall calculate the
17 average of the preceding twelve-month percentage
18 change, which shall be computed on a monthly basis,
19 in the midwest consumer price index, ending with the
20 percentage change for the month of November. The
21 department shall then add that average percentage
22 change to one hundred percent. In no case, however,
23 shall the annual growth factor exceed one hundred four
24 percent.
25 b. "Boundary adjustment" means annexation,
26 severance, incorporation, or discontinuance as those
27 terms are defined in section 368.1.
28 c. "Budget year" is the fiscal year beginning
29 during the calendar year in which a budget is
30 certified.
31 d. "Current fiscal year" is the fiscal year
32 ending during the calendar year in which a budget is
33 certified.
34 e. "Net new valuation taxes" means the amount of
35 property tax dollars equal to the current fiscal year's
36 levy rate in the city for the general fund and for the
37 trust and agency funds under section 384.6, subsection
38 1, multiplied by the increase from the current fiscal
39 year to the budget year in taxable valuation due to the
40 following:
41 (1) Net new construction, excluding all incremental
42 valuation that is released in any one year from a
43 division of revenue under section 260E.4 or an urban
44 renewal area for which taxes were being divided under
45 section 403.19 if the property for the valuation being
46 released remains subject to the division of revenue
47 under section 260E.4 or remains part of the urban
48 renewal area that is subject to a division of revenue
49 under section 403.19.
50 (2) Additions or improvements to existing

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1 structures.

2 (3) Remodeling of existing structures for which a
3 building permit is required.

4 (4) Net boundary adjustment.

5 (5) A municipality no longer dividing tax revenues
6 in an urban renewal area as provided in section 403.19
7 or a community college no longer dividing revenues as
8 provided in section 260E.4.

9 (6) That portion of taxable property located in an
10 urban revitalization area on which an exemption was
11 allowed and such exemption has expired.

12 3. a. For the fiscal year beginning July 1, 2012,
13 and subsequent fiscal years, the maximum amount of
14 property tax dollars which may be certified for levy by
15 a city for the general fund and for the city's trust
16 and agency funds under section 384.6, subsection 1,
17 shall be the maximum property tax dollars calculated
18 under paragraph "b".

19 b. The maximum property tax dollars that may be
20 levied for deposit in the general fund and the city's
21 trust and agency funds under section 384.6, subsection
22 1, is an amount, following the subtraction of
23 replacement claim amounts to be received under section
24 441.21A during the budget year that are the result of
25 the levy rates for the general fund and for the trust
26 and agency funds under section 384.6, subsection 1,
27 equal to the sum of the following:

28 (1) The annual growth factor times the sum of the
29 current fiscal year's maximum property tax dollars
30 for the general fund, the trust and agency funds
31 under section 384.6, subsection 1, and the amount of
32 all replacement claim amounts received under section
33 441.21A during the current fiscal year that are the
34 result of the levy rates for the general fund and
35 for the trust and agency funds under section 384.6,
36 subsection 1.

37 (2) The amount of net new valuation taxes in the
38 city.

39 4. For purposes of calculating maximum property tax
40 dollars for the city general fund for the fiscal year
41 beginning July 1, 2012, only, the term "current fiscal
42 year's maximum property tax dollars" shall mean the sum
43 of the total amount of property tax dollars certified
44 by the city for the city's general fund and the city's
45 trust and agency funds under section 384.6, subsection
46 1, for the fiscal year beginning July 1, 2011.

47 5. Property taxes certified for deposit in the debt
48 service fund in section 384.4, capital improvements
49 reserve fund in section 384.7, the emergency fund in
50 section 384.8, any capital projects fund established by

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1 the city for deposit of bond, loan, or note proceeds,
2 any temporary increase approved pursuant to section
3 384.12A, property taxes collected from a voted levy
4 in section 384.12, and property taxes levied under
5 section 384.12, subsection 18, are not counted against
6 the maximum amount of property tax dollars that may be
7 certified for a fiscal year under subsection 3.

8 6. Notwithstanding the maximum amount of taxes
9 a city may certify for levy, the tax levied by a
10 city on tracts of land and improvements on the
11 tracts of land used and assessed for agricultural or
12 horticultural purposes shall not exceed three dollars
13 and three-eighths cents per thousand dollars of
14 assessed value in any year. Improvements located on
15 such tracts of land and not used for agricultural or
16 horticultural purposes and all residential dwellings
17 are subject to the same rate of tax levied by the city
18 on all other taxable property within the city.

19 7. The department of management, in consultation
20 with the city finance committee, shall adopt rules
21 to administer this section. The department shall
22 prescribe forms to be used by cities when making
23 calculations required by this section.

24 Sec. ____ NEW SECTION. 384.1B Ending fund balance.

25 1. a. Budgeted ending fund balances for a budget
26 year in excess of twenty-five percent of budgeted
27 expenditures from the general fund for that budget
28 year shall be explicitly reserved or designated for a
29 specific purpose.

30 b. A city is encouraged, but not required, to
31 reduce budgeted, unreserved, or undesignated ending
32 fund balances for the budget year to an amount equal
33 to approximately twenty-five percent of budgeted
34 expenditures and transfers from the general fund for
35 that budget year unless a decision is certified by the
36 state appeal board ordering a reduction in the ending
37 fund balance of the fund.

38 c. In a protest to the city budget under section
39 384.19, the city shall have the burden of proving
40 that the budgeted balances in excess of twenty-five
41 percent are reasonably likely to be appropriated for
42 the explicitly reserved or designated specific purpose.
43 The excess budgeted balance for the specific purpose
44 shall be considered an increase in an item in the
45 budget for purposes of section 24.28.

46 2. a. For a city that has, as of June 30,
47 2011, reduced its ending fund balance to less than
48 twenty-five percent of actual expenditures, additional
49 property taxes may be computed and levied as provided
50 in this subsection. The additional property tax levy

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1 amount is an amount not to exceed the difference
2 between twenty-five percent of actual expenditures for
3 city government purposes for the fiscal year beginning
4 July 1, 2010, minus the ending fund balance for that
5 year.

6 b. All or a portion of additional property tax
7 dollars may be levied for the purpose of increasing
8 cash reserves for city government purposes in the
9 budget year. The additional property tax dollars
10 authorized under this subsection but not levied may be
11 carried forward as unused ending fund balance taxing
12 authority until and for the fiscal year beginning
13 July 1, 2017. The amount carried forward shall not
14 exceed twenty-five percent of the maximum amount of
15 property tax dollars available in the current fiscal
16 year. Additionally, property taxes that are levied
17 as unused ending fund balance taxing authority under
18 this subsection may be the subject of a protest under
19 section 384.19, and the amount will be considered an
20 increase in an item in the budget for purposes of
21 section 24.28. The amount of additional property tax
22 dollars levied under this subsection shall not be
23 included in the computation of the maximum amount of
24 property tax dollars which may be certified and levied
25 under section 384.1.

26 Sec. ____ Section 384.6, subsection 1, unnumbered
27 paragraph 1, Code 2011, is amended to read as follows:

28 Accounting for pension and related employee benefit
29 funds as provided by the city finance committee. A
30 city may, subject to the limitations of section 384.1,
31 certify taxes to be levied for a trust and agency fund
32 in the amount necessary to meet its obligations.

33 Sec. ____ Section 384.12, subsection 20, Code 2011,
34 is amended by striking the subsection.

35 Sec. ____ NEW SECTION. 384.12A Authority to levy
36 beyond maximum property tax dollars.

37 1. The city council may certify additions to the
38 maximum amount of property tax dollars to be levied
39 for a period of time not to exceed two years if the
40 proposition has been submitted at a special election
41 and received a favorable majority of the votes cast on
42 the proposition.

43 2. The special election is subject to the
44 following:

45 a. The city council must give at least thirty-two
46 days' notice to the county commissioner of elections
47 that the special election is to be held. In no
48 case, however, shall a notice be given to the county
49 commissioner of elections after December 31 for an
50 election on a proposition to exceed the statutory

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1 limits during the fiscal year beginning in the next
2 calendar year.

3 b. The special election shall be conducted by the
4 county commissioner of elections in accordance with
5 law.

6 c. The proposition to be submitted shall be
7 substantially in the following form:

8 Vote "yes" or "no" on the following: Shall the city
9 of _____ levy for an additional \$ _____ each year
10 for ___ years beginning next July 1, ____, in excess of
11 the statutory limits otherwise applicable for the city
12 general fund and the city trust and agency funds?

13 d. The canvass shall be held beginning at 1:00 p.m.
14 on the second day which is not a holiday following the
15 special election.

16 e. Notice of the special election shall be
17 published at least once in a newspaper as specified
18 in section 362.3 prior to the date of the special
19 election. The notice shall appear as early as
20 practicable after the city council has voted to submit
21 a proposition to the voters to levy additional property
22 tax dollars.

23 3. The amount of additional property tax dollars
24 certified under this section shall not be included in
25 the computation of the maximum amount of property tax
26 dollars which may be certified and levied under section
27 384.1.

28 Sec. ____ Section 384.16, subsection 1, paragraph
29 b, Code 2011, is amended to read as follows:

30 b. A budget must show comparisons between the
31 estimated expenditures in each program in the following
32 year, the latest estimated expenditures in each program
33 in the current year, and the actual expenditures in
34 each program from the annual report as provided in
35 section 384.22, or as corrected by a subsequent audit
36 report. Wherever practicable, as provided in rules
37 of the committee, a budget must show comparisons
38 between the levels of service provided by each program
39 as estimated for the following year, and actual
40 levels of service provided by each program during
41 the two preceding years. For each city that has
42 established an urban renewal area, the budget shall
43 include estimated and actual tax increment financing
44 revenues and all estimated and actual expenditures of
45 the revenues, proceeds from debt and all estimated
46 and actual expenditures of the debt proceeds, and
47 identification of any entity receiving a direct payment
48 of taxes funded by tax increment financing revenues
49 and shall include the total amount of loans, advances,
50 indebtedness, or bonds outstanding at the close of

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1 the most recently ended fiscal year, which qualify
2 for payment from the special fund created in section
3 403.19, including interest negotiated on such loans,
4 advances, indebtedness, or bonds. The amount of loans,
5 advances, indebtedness, or bonds shall be listed in the
6 aggregate for each city reporting. ~~The city finance
7 committee, in consultation with the department of
8 management and the legislative services agency, shall
9 determine reporting criteria and shall prepare a form
10 for reports filed with the department pursuant to this
11 section. The department shall make the information
12 available by electronic means.~~

13 Sec. ____ Section 384.19, Code 2011, is amended by
14 adding the following new unnumbered paragraph:
15 NEW UNNUMBERED PARAGRAPH For purposes of a tax
16 protest filed under this section, "item" means a
17 budgeted expenditure, appropriation, or cash reserve
18 from a fund for a service area, program, program
19 element, or purpose.

20 Sec. ____ Section 386.8, Code 2011, is amended to
21 read as follows:

22 386.8 Operation tax.

23 A city may establish a self-supported improvement
24 district operation fund, and may certify taxes not
25 to exceed the rate limitation as established in the
26 ordinance creating the district, or any amendment
27 thereto, each year to be levied for the fund against
28 all of the property in the district, for the purpose
29 of paying the administrative expenses of the district,
30 which may include but are not limited to administrative
31 personnel salaries, a separate administrative office,
32 planning costs including consultation fees, engineering
33 fees, architectural fees, and legal fees and all other
34 expenses reasonably associated with the administration
35 of the district and the fulfilling of the purposes of
36 the district. The taxes levied for this fund may also
37 be used for the purpose of paying maintenance expenses
38 of improvements or self-liquidating improvements for a
39 specified length of time with one or more options to
40 renew if such is clearly stated in the petition which
41 requests the council to authorize construction of the
42 improvement or self-liquidating improvement, whether
43 or not such petition is combined with the petition
44 requesting creation of a district. Parcels of property
45 which are assessed as residential property for property
46 tax purposes are exempt from the tax levied under this
47 section except residential properties within a duly
48 designated historic district. A tax levied under
49 this section is not subject to the ~~levy~~ limitation in
50 section 384.1.

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1 Sec. ____ Section 386.9, Code 2011, is amended to
2 read as follows:

3 386.9 Capital improvement tax.

4 A city may establish a capital improvement fund
5 for a district and may certify taxes, not to exceed
6 the rate established by the ordinance creating the
7 district, or any subsequent amendment thereto,
8 each year to be levied for the fund against all of
9 the property in the district, for the purpose of
10 accumulating moneys for the financing or payment
11 of a part or all of the costs of any improvement or
12 self-liquidating improvement. However, parcels of
13 property which are assessed as residential property
14 for property tax purposes are exempt from the tax
15 levied under this section except residential properties
16 within a duly designated historic district. A tax
17 levied under this section is not subject to the ~~levy~~
18 limitations in section 384.1 or 384.7.

19 Sec. ____ REPEAL. Sections 331.425 and 331.426,
20 Code 2011, are repealed.

21 Sec. ____ APPLICABILITY. This division of this
22 Act applies to fiscal years beginning on or after July
23 1, 2012.

24 DIVISION ____

25 INCOME TAX

26 EARNED INCOME TAX CREDIT

27 Sec. ____ Section 422.12B, subsection 1, Code 2011,
28 is amended to read as follows:

29 1. The taxes imposed under this division less the
30 credits allowed under section 422.12 shall be reduced
31 by an earned income credit equal to ~~seven~~ ten percent
32 of the federal earned income credit provided in section
33 32 of the Internal Revenue Code. Any credit in excess
34 of the tax liability is refundable.

35 Sec. ____ RETROACTIVE APPLICABILITY. This division
36 of this Act applies retroactively to January 1, 2011,
37 for tax years beginning on or after that date.

38 DIVISION ____

39 INCOME TAX

40 SCHOOL TUITION ORGANIZATION TAX CREDITS

41 Sec. ____ Section 422.11S, subsection 7, paragraph
42 a, subparagraph (2), Code 2011, is amended to read as
43 follows:

44 (2) "Total approved tax credits" means ~~for the~~
45 ~~tax year beginning in the 2006 calendar year, two~~
46 ~~million five hundred thousand dollars, for the tax~~
47 ~~year beginning in the 2007 calendar year, five million~~
48 ~~dollars, and for tax years beginning on or after~~
49 ~~January 1, 2008, seven million five hundred thousand~~
50 ~~dollars; the following:~~

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1 (a) For tax years beginning on or after January 1,
2 2008, and before January 1, 2012, seven million five
3 hundred thousand dollars.

4 (b) For the tax year beginning on or after January
5 1, 2012, and before January 1, 2013, eight million
6 seven hundred fifty thousand dollars.

7 (c) For tax years beginning on or after January 1,
8 2013, ten million dollars.

9 DIVISION _____

10 INCOME TAX

11 TEACHER EXPENSES

12 Sec. ____ Section 422.7, Code 2011, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 54. A taxpayer is allowed to
15 take the deduction for certain expenses of elementary
16 and secondary school teachers allowed under section
17 62(a)(2)(D) of the Internal Revenue Code, as amended
18 by the federal Emergency Economic Stabilization Act of
19 2008, Pub. L. No. 110-343, in computing net income for
20 state tax purposes.

21 Sec. ____ REFUNDS. Notwithstanding any provision
22 to the contrary in section 422.25, subsection 3,
23 a taxpayer who files an amended return in the time
24 permitted by statute to claim a refund related to the
25 allowance of the deduction enacted in this division of
26 this Act is only entitled to a refund of the amount
27 paid that is in excess of tax liability. The taxpayer
28 shall not be entitled to interest on such excess.

29 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
30 APPLICABILITY. This division of this Act, being deemed
31 of immediate importance, takes effect upon enactment
32 and applies retroactively to January 1, 2008, for
33 tax years beginning on or after that date and before
34 January 1, 2009.

35 DIVISION _____

36 INCOME TAX

37 QUALIFIED HIGHER EDUCATION EXPENSES

38 Sec. ____ Section 422.7, Code 2011, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 54. A taxpayer is allowed to
41 take the deduction for qualified tuition and related
42 expenses allowed under section 222 of the Internal
43 Revenue Code, as amended by the federal Emergency
44 Economic Stabilization Act of 2008, Pub. L. No.
45 110-343, in computing net income for state tax
46 purposes.

47 Sec. ____ REFUNDS. Notwithstanding any provision
48 to the contrary in section 422.25, subsection 3,
49 a taxpayer who files an amended return in the time
50 permitted by statute to claim a refund related to the

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1 allowance of the deduction enacted in this division of
2 this Act is only entitled to a refund of the amount
3 paid that is in excess of tax liability. The taxpayer
4 shall not be entitled to interest on such excess.
5 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
6 APPLICABILITY. This division of this Act, being deemed
7 of immediate importance, takes effect upon enactment
8 and applies retroactively to January 1, 2008, for
9 tax years beginning on or after that date and before
10 January 1, 2009.

11 DIVISION _____

12 INCOME TAX

13 STATE SALES/USE TAX DEDUCTION

14 Sec. ____ Section 422.9, subsection 2, paragraph i,
15 Code 2011, is amended to read as follows:

16 i. The deduction for state sales and use taxes
17 is allowable only if the taxpayer elected to deduct
18 the state sales and use taxes in lieu of state income
19 taxes under section 164 of the Internal Revenue Code.
20 A deduction for state sales and use taxes is not
21 allowed if the taxpayer has taken the deduction for
22 state income taxes or claimed the standard deduction
23 under section 63 of the Internal Revenue Code. This
24 paragraph applies to taxable years beginning after
25 December 31, 2003, and before January 1, ~~2006~~ 2009, and
26 to taxable years beginning after December 31, 2009, and
27 before January 1, 2012.

28 Sec. ____ REFUNDS. Notwithstanding any provision
29 to the contrary in section 422.25, subsection 3,
30 a taxpayer who files an amended return in the time
31 permitted by statute to claim a refund related to the
32 allowance of the deduction enacted in this division of
33 this Act is only entitled to a refund of the amount
34 paid that is in excess of tax liability. The taxpayer
35 shall not be entitled to interest on such excess.

36 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
37 APPLICABILITY. This division of this Act, being deemed
38 of immediate importance, takes effect upon enactment
39 and applies retroactively to tax years beginning on or
40 after January 1, 2006, and before January 1, 2009, and
41 to tax years beginning on or after January 1, 2010, and
42 before January 1, 2012.

43 DIVISION _____

44 INCOME TAX

45 SPECIAL FILING PROVISIONS

46 Sec. ____ SPECIAL FILING PROVISIONS.

47 1. Adjustments by individuals to federal adjusted
48 gross income and by corporations to federal taxable
49 income for tax returns filed prior to the enactment of
50 2011 Iowa Acts, Senate File 512, may be required as a

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1 result of the provisions of divisions ___ through ___
2 of this Act. These adjustments are as follows:

3 a. The increased expensing allowance authorized in
4 section 179(b) of the Internal Revenue Code for tax
5 years beginning on or after January 1, 2010, but before
6 January 1, 2011.

7 b. The deduction for qualified tuition and related
8 expenses allowed under section 222 of the Internal
9 Revenue Code.

10 c. The deduction for certain expenses of elementary
11 and secondary school teachers allowed under section
12 62(a)(2)(D) of the Internal Revenue Code.

13 2. In lieu of filing an amended tax return,
14 taxpayers may make the adjustments, pursuant to rules
15 adopted by the director of revenue, on the next return
16 filed subsequent to the enactment of 2011 Iowa Acts,
17 Senate File 512. If the taxpayer elects not to file
18 an amended return, these provisions are suspended with
19 regard to the following adjustments otherwise available
20 as a result of this Act.

21 a. The limitation based on income provisions
22 and regulations of section 179(b)(3) of the Internal
23 Revenue Code with regard to the section 179(b)
24 adjustment.

25 b. The applicable dollar limit provisions of
26 section 222(b)(2)(B) of the Internal Revenue Code with
27 regard to the section 222 adjustment.

28 DIVISION _____
29 INCOME TAX

30 WITHHOLDING AGREEMENTS

31 Sec. ____ Section 403.19A, subsection 1, paragraphs
32 c and f, Code 2011, are amended to read as follows:

33 c. "Employer" means a business creating or
34 retaining targeted jobs in an urban renewal area of a
35 pilot project city pursuant to a withholding agreement.

36 f. "Targeted job" means a job in a business which
37 is or will be located in an urban renewal area of a
38 pilot project city that pays a wage at least equal to
39 the countywide average wage. "Targeted job" includes
40 new or retained jobs from Iowa business expansions
41 or retentions within the city limits of the pilot
42 project city and those jobs resulting from established
43 out-of-state businesses, as defined by the department
44 of economic development, moving to or expanding in
45 Iowa.

46 Sec. ____ Section 403.19A, subsection 3, paragraph
47 c, subparagraph (1), Code 2011, is amended to read as
48 follows:

49 (1) The pilot project city shall enter into a
50 withholding agreement with each employer concerning

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1 the targeted jobs withholding credit. The withholding
2 agreement shall provide for the total amount of
3 withholding tax credits awarded. An agreement shall
4 not provide for an amount of withholding credits that
5 exceeds the amount of the qualifying investment made in
6 the project. An agreement shall not be entered into by
7 a pilot project city with a business currently located
8 in this state unless the business either creates or
9 retains ten new jobs or makes a qualifying investment
10 of at least five hundred thousand dollars within
11 the urban renewal area. The withholding agreement
12 may have a term of up to ten years. An employer
13 shall not be obligated to enter into a withholding
14 agreement. An agreement shall not be entered into with
15 an employer not already located in a pilot project
16 city when another Iowa community is competing for the
17 same project and both the pilot project city and the
18 other Iowa community are seeking assistance from the
19 department.

20 Sec. ____ Section 403.19A, subsection 3, paragraph
21 f, Code 2011, is amended to read as follows:

22 f. If the employer ceases to meet the requirements
23 of the withholding agreement, the agreement shall be
24 terminated and any withholding tax credits for the
25 benefit of the employer shall cease. However, in
26 regard to the number of ~~new~~ jobs that are to be created
27 or retained, if the employer has met the number of
28 ~~new~~ jobs to be created or retained pursuant to the
29 withholding agreement and subsequently the number of
30 ~~new~~ jobs falls below the required level, the employer
31 shall not be considered as not meeting the ~~new~~ job
32 requirement until eighteen months after the date of the
33 decrease in the number of ~~new~~ jobs created or retained.

34 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
35 APPLICABILITY. This division of this Act, being
36 deemed of immediate importance, takes effect upon
37 enactment and applies retroactively to July 1, 2006,
38 for agreements entered into on or after that date.

39 DIVISION _____

40 INCOME TAX

41 DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

42 Sec. ____ Section 422.9, Code 2011, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 9. A taxpayer is allowed to take
45 the deduction for disaster-related casualty losses
46 under section 165(h) of the Internal Revenue Code, as
47 modified by the Heartland Disaster Relief Act of 2008,
48 Pub. L. No. 110-343, in computing net income for state
49 tax purposes.

50 Sec. ____ Notwithstanding any provision to the

Page 30

1 contrary in section 422.25, subsection 3, a taxpayer
 2 who files an amended return in the time permitted by
 3 statute to claim a refund related to the allowance of
 4 the deduction enacted in this division of this Act is
 5 only entitled to a refund of the amount paid that is
 6 in excess of tax liability. The taxpayer shall not be
 7 entitled to interest on such excess.

8 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
 9 APPLICABILITY. This division of this Act, being deemed
 10 of immediate importance, takes effect upon enactment
 11 and applies retroactively to January 1, 2008, for
 12 tax years beginning on or after that date and before
 13 January 1, 2009.>

14 2. By renumbering, redesignating, and correcting
 15 internal references as necessary.

COMMITTEE ON WAYS AND MEANS

H-1736

1 Amend Senate File 534, as passed by the Senate, as
 2 follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. Section 707.7, subsections 1, 2, and 4,
 6 Code 2011, are amended to read as follows:

7 1. Any person who intentionally terminates a human
 8 pregnancy, with the knowledge and voluntary consent
 9 of the pregnant person, after ~~the end of the second~~
 10 ~~trimester of the pregnancy~~ a gestation period of
 11 twenty completed weeks where death of the fetus results
 12 commits feticide. Feticide is a class "C" felony.

13 2. Any person who attempts to intentionally
 14 terminate a human pregnancy, with the knowledge and
 15 voluntary consent of the pregnant person, after ~~the end~~
 16 ~~of the second trimester of the pregnancy~~ a gestation
 17 period of twenty completed weeks where death of the
 18 fetus does not result commits attempted feticide.
 19 Attempted feticide is a class "D" felony.

20 4. This section shall not apply to the termination
 21 of a human pregnancy performed by a physician licensed
 22 in this state to practice medicine or surgery or
 23 osteopathic medicine or surgery when in the best
 24 clinical judgment of the physician the termination
 25 is performed to preserve the life ~~or health~~ of the
 26 pregnant person or of the fetus and every reasonable
 27 medical effort not inconsistent with preserving the
 28 life of the pregnant person is made to preserve the
 29 life of ~~a viable~~ the fetus.

30 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
 31 deemed of immediate importance, takes effect upon

32 enactment.>
 33 2. Title page, by striking lines 1 through 4
 34 and inserting <An Act relating to feticide, making
 35 penalties applicable, and including effective date
 36 provisions.>

COMMITTEE ON WAYS AND MEANS

H-1737

1 Amend House File 697 as follows:
 2 1. Page 475, before line 24 by inserting:
 3 <DIVISION _____
 4 GOVERNMENT SHUTDOWN PLANNING
 5 Sec. ____ NEW SECTION. 8.75 Temporary limited
 6 operations planning.
 7 If the general assembly has not adjourned the
 8 regular session by June 1, or if requested by the
 9 legislative council or by a concurrent resolution
 10 passed by both houses of the general assembly, the
 11 department of management shall by that date submit to
 12 the general assembly a plan for temporarily limiting
 13 operations of government for the succeeding fiscal
 14 year until a budget for that fiscal year has been
 15 enacted. The plan shall be made publicly available on
 16 the executive branch's internet site at the same time
 17 that it is submitted to the general assembly.>
 18 2. By renumbering as necessary.

T. TAYLOR of Linn

H-1738

1 Amend the amendment, H-1735, to House File 697 as
 2 follows:
 3 1. By striking page 5, line 48, through page 7,
 4 line 16, and inserting <433, 437, and 438, whichever
 5 is lowest. Beginning with valuations established as of
 6 January 1, 2012, but before January 1, 2016, property
 7 valued by the department of revenue pursuant to chapter
 8 434 that is not new railway property shall be assessed
 9 at a percentage of its actual value equal to the
 10 percentage of actual value at which commercial property
 11 that is not new commercial property is assessed for the
 12 same assessment year. For valuations established on
 13 or after January 1, 2012, but before January 1, 2016,
 14 property valued by the department of revenue pursuant
 15 to chapter 434 that is new railway property shall be
 16 assessed at a percentage of its actual value equal
 17 to the percentage of actual value at which commercial
 18 property that is new commercial property, as defined
 19 in paragraph "c", is assessed for the same assessment
 20 year. For purposes of this section, "new railway
 21 property" means that portion of the actual value of

22 property assessed by the director of revenue under
23 chapter 434 in excess of one hundred fifty percent of
24 such property's value for the assessment year beginning
25 January 1, 2011, attributable to new construction,
26 renovation, or rehabilitation of the property occurring
27 on or after the effective date of this division of
28 this Act, and but for this provision would be assessed
29 as railway property. "New railway property" shall be
30 considered a subclassification of property assessed
31 by the director of revenue under chapter 434 for the
32 assessment years beginning on or after January 1, 2012,
33 but before January 1, 2016. For valuations established
34 on or after January 1, 2016, property valued by the
35 department of revenue pursuant to chapter 434 shall
36 be assessed at a percentage of its actual value equal
37 to the percentage of actual value at which commercial
38 property is assessed for the same assessment year.
39 b. For valuations established on or after January
40 1, 2012, commercial property that is not new commercial
41 property as defined in paragraph "c", excluding
42 properties referred to in section 427A.1, subsection 8,
43 shall be assessed as a percentage of the actual value,
44 as determined in this paragraph "b".
45 (1) For valuations established for the assessment
46 year beginning January 1, 2012, the percentage of
47 actual value as equalized by the director of revenue as
48 provided in section 441.49 at which commercial property
49 that is not new commercial property shall be assessed
50 shall be ninety-five percent.

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1 (2) For valuations established for the assessment
2 year beginning January 1, 2013, the percentage of
3 actual value as equalized by the director of revenue as
4 provided in section 441.49 at which commercial property
5 that is not new commercial property shall be assessed
6 shall be ninety percent.
7 (3) For valuations established for the assessment
8 year beginning January 1, 2014, the percentage of
9 actual value as equalized by the director of revenue as
10 provided in section 441.49 at which commercial property
11 that is not new commercial property shall be assessed
12 shall be eight-five percent.
13 (4) For valuations established for the assessment
14 year beginning January 1, 2015, the percentage of
15 actual value as equalized by the director of revenue as
16 provided in section 441.49 at which commercial property
17 that is not new commercial property shall be assessed
18 shall be eighty percent.
19 c. (1) For valuations established on or after
20 January 1, 2012, but before January 1, 2016, new

21 commercial property, excluding properties referred to
22 in section 427A.1, subsection 8, shall be assessed as a
23 percentage of the actual value, as determined in this
24 paragraph "c".

25 (2) For valuations established for assessment years
26 beginning on or after January 1, 2012, but before
27 January 1, 2016, the percentage of actual value as
28 equalized by the director of revenue as provided in
29 section 441.49 at which commercial property that is
30 new commercial property shall be assessed shall be
31 seventy-five percent.

32 (3) For purposes of this section, "new commercial
33 property" means that portion of the actual value of
34 property in excess of one hundred fifty percent of such
35 property's value for the assessment year beginning
36 January 1, 2011, attributable to new construction,
37 renovation, or rehabilitation of the property occurring
38 on or after the effective date of this division of this
39 Act, and but for this paragraph would be assessed
40 under paragraph "b". "New commercial property" shall be
41 considered a subclassification of commercial property
42 for the assessment years beginning on or after January
43 1, 2012, but before January 1, 2016.

44 d. (1) For valuations established on or after
45 January 1, 2016, commercial property, excluding
46 properties referred to in section 427A.1, subsection 8,
47 shall be assessed as a percentage of the actual value
48 as determined in this paragraph "d".

49 (2) For valuations established for the assessment
50 year beginning January 1, 2016, and each assessment

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1 year thereafter, the percentage of actual value as
2 equalized by the director of revenue as provided in
3 section 441.49 at which commercial property shall be
4 assessed shall be seventy-five percent.

5 e. For valuations established on or after January
6 1, 2012, industrial property that is not new industrial
7 property as defined in paragraph "f", excluding
8 properties referred to in section 427A.1, subsection 8,
9 shall be assessed as a percentage of the actual value,
10 as determined in this paragraph "e".

11 (1) For valuations established for the assessment
12 year beginning January 1, 2012, the percentage of
13 actual value as equalized by the director of revenue as
14 provided in section 441.49 at which industrial property
15 that is not new industrial property, shall be assessed
16 shall be ninety-five percent.

17 (2) For valuations established for the assessment
18 year beginning January 1, 2013, the percentage of
19 actual value as equalized by the director of revenue as

20 provided in section 441.49 at which industrial property
21 that is not new industrial property shall be assessed
22 shall be ninety percent.

23 (3) For valuations established for the assessment
24 year beginning January 1, 2014, the percentage of
25 actual value as equalized by the director of revenue as
26 provided in section 441.49 at which industrial property
27 that is not new industrial property shall be assessed
28 shall be eighty-five percent.

29 (4) For valuations established for the assessment
30 year beginning January 1, 2015, the percentage of
31 actual value as equalized by the director of revenue as
32 provided in section 441.49 at which industrial property
33 that is not new industrial property shall be assessed
34 shall be eighty percent.

35 f. (1) For valuations established on or after
36 January 1, 2012, but before January 1, 2016, new
37 industrial property, excluding properties referred to
38 in section 427A.1, subsection 8, shall be assessed as
39 a percentage of the actual value as determined in this
40 paragraph "f".

41 (2) For valuations established for assessment years
42 beginning on or after January 1, 2012, but before
43 January 1, 2016, the percentage of actual value as
44 equalized by the director of revenue as provided in
45 section 441.49 at which industrial property that is
46 new industrial property shall be assessed shall be
47 seventy-five percent.

48 (3) For purposes of this section, "new industrial
49 property" means that portion of the actual value of
50 property in excess of one hundred fifty percent of such

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1 property's value for the assessment year beginning
2 January 1, 2011, attributable to new construction,
3 renovation, or rehabilitation of the property occurring
4 on or after the effective date of this division of
5 this Act, and but for this paragraph would be assessed
6 under paragraph "e". "New industrial property" shall be
7 considered a subclassification of industrial property
8 for the assessment years beginning on or after January
9 1, 2012, but before January 1, 2016.

10 g. (1) For valuations established on or after
11 January 1, 2016, industrial property, excluding
12 properties referred to in section 427A.1, subsection 8,
13 shall be assessed as a percentage of the actual value
14 as determined in this paragraph "g".

15 (2) For valuations established for the assessment
16 year beginning January 1, 2016, and each assessment
17 year thereafter, the percentage of actual value as
18 equalized by the director of revenue as provided in

19 section 441.49 at which industrial property shall be
 20 assessed shall be seventy-five percent.
 21 Sec. 4. Section 441.21, subsections 9 and 10, Code
 22 2011, are amended to read as follows:
 23 9. Not later than November 1, 1979, and November
 24 1 of each subsequent year, the director shall
 25 certify to the county auditor of each county the
 26 percentages of actual value at which residential
 27 property, agricultural property, commercial property,
 28 new commercial property, industrial property, ~~and~~
 29 new industrial property, property valued by the
 30 department of revenue pursuant to chapters 428, 433,
 31 434, 437, and 438, and new railway property in each
 32 assessing jurisdiction in the county shall be assessed
 33 for taxation. The county auditor shall proceed
 34 to determine the assessed values of agricultural
 35 property, residential property, commercial property,
 36 new commercial property, industrial property, ~~and new~~
 37 industrial property, property valued by the department
 38 of revenue pursuant to chapters 428, 433, 434, 437,
 39 and 438, and new railway property by applying such
 40 percentages to the current actual value of such
 41 property, as reported to the county auditor by the
 42 assessor, and the assessed values so determined shall
 43 be the taxable values of such properties upon which the
 44 levy shall be made.
 45 10. The percentage of actual value computed by
 46 the director for agricultural property, residential
 47 property, commercial property, new commercial property,
 48 industrial property ~~and~~, new industrial property,
 49 property valued by the department of revenue pursuant
 50 to chapters 428, 433, 434, 437, and 438, and new

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1 railway property and used to determine assessed values
 2 of those classes of property does not constitute a rule
 3 as defined in section 17A.2, subsection 11.>
 4 2. By renumbering as necessary.

SANDS of Louisa

H-1739

1 Amend the amendment, H-1734, to House File 697 as
 2 follows:
 3 1. Page 7, by striking lines 10 through 12.
 4 2. Page 10, by striking lines 12 through 15.
 5 3. By striking page 15, line 18, through page 17,
 6 line 11, and inserting:
 7 Sec. ____ 2010 Iowa Acts, chapter 1193, section
 8 166, subsections 2 and 3, are amended to read as
 9 follows:

10 2. a. Prior to July 1, 2010, the department of
11 administrative services shall utilize a request for
12 proposals process to contract for the provision of
13 medication therapy management services beginning
14 July 1, 2010, and prior to July 1, 2011, shall amend
15 the contract to continue the provision of medication
16 therapy management services beginning July 1, 2011.

17 for eligible employees who meet any of the following
18 criteria:

19 (1) An individual who takes four or more
20 prescription drugs to treat or prevent two or more
21 chronic medical conditions.

22 (2) An individual with a prescription drug therapy
23 problem who is identified by the prescribing physician
24 or other appropriate prescriber, and referred to a
25 pharmacist for medication therapy management services.

26 (3) An individual who meets other criteria
27 established by the third-party payment provider
28 contract, policy, or plan.

29 ~~b. The department of administrative services shall
30 utilize an advisory committee comprised of an equal
31 number of physicians and pharmacists to provide advice
32 and oversight regarding the request for proposals and
33 evaluation processes. The department shall appoint the
34 members of the advisory council based upon designees
35 of the Iowa pharmacy association, the Iowa medical
36 society, and the Iowa osteopathic medical association.~~

37 c. The contract shall require the company to
38 provide annual reports to the general assembly
39 detailing the costs, savings, estimated cost avoidance
40 and return on investment, and patient outcomes
41 related to the medication therapy management services
42 provided. The company shall guarantee demonstrated
43 annual savings, including any savings associated with
44 cost avoidance at least equal to the program's costs
45 with any shortfall amount refunded to the state. As
46 a proof of concept in the program for the period
47 beginning July 1, 2010, and ending June 30, 2011, the
48 company shall offer a dollar-for-dollar guarantee for
49 drug product costs savings alone. Prior to entering
50 into a contract with a company, the department and

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1 the company shall agree on the terms, conditions,
2 and applicable measurement standards associated
3 with the demonstration of savings. The department
4 shall verify the demonstrated savings reported by
5 the company was performed in accordance with the
6 agreed upon measurement standards. The company shall
7 be prohibited from using the company's employees to
8 provide the medication therapy management services and

9 shall instead be required to contract with licensed
10 pharmacies, pharmacists, or physicians.
11 d. The fees for pharmacist-delivered medication
12 therapy management services shall be separate from
13 the reimbursement for prescription drug product or
14 dispensing services; shall be determined by each
15 third-party payment provider contract, policy, or plan;
16 and must be reasonable based on the resources and time
17 required to provide the service.
18 e. A fee shall be established for physician
19 reimbursement for services delivered for medication
20 therapy management as determined by each third-party
21 payment provider contract, policy, or plan, and must be
22 reasonable based on the resources and time required to
23 provide the service.
24 f. If any part of the medication therapy management
25 plan developed by a pharmacist incorporates services
26 which are outside the pharmacist's independent scope
27 of practice including the initiation of therapy,
28 modification of dosages, therapeutic interchange, or
29 changes in drug therapy, the express authorization
30 of the individual's physician or other appropriate
31 prescriber is required.
32 g. For the contract period beginning July 1, 2011,
33 the department shall utilize the services of the
34 college of pharmacy at a state university to validate
35 reported drug cost savings.
36 h. The results of the pilot program for the period
37 beginning July 1, 2010, and ending December 31, 2011,
38 shall be submitted to the general assembly no later
39 than March 1, 2012.
40 3. This section is repealed ~~December 31, 2011~~ June
41 20, 2012.>
42 4. Page 17, by striking line 22 and inserting
43 <amended in this division of this Act:>
44 5. Page 17, by striking lines 24 through 28 and
45 inserting:
46 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 APPLICABILITY. This division of this Act, being deemed
48 of immediate importance, takes effect upon enactment,
49 and is retroactively applicable to June 15, 2011.>
50 6. Page 17, by striking lines 12 through 23 and

Page 3

1 inserting:
2 <Sec. ____ TRANSFER – MEDICATION THERAPY
3 MANAGEMENT PROGRAM. There is transferred \$510,000
4 from the fees collected by the board of pharmacy
5 pursuant to chapter 155A and retained by the board
6 pursuant to the authority granted in section 147.82
7 to the department of administrative services for the

8 fiscal year beginning July 1, 2011, and ending June 30,
9 2012, to be used to be used for the medication therapy
10 management program.>
11 7. Page 18, line 5, by striking <five> and
12 inserting <five ten>
13 8. By renumbering as necessary.

COWNIE of Polk

H-1740

1 Amend House File 697 as follows:
2 1. Page 3, line 2, after <employees> by inserting
3 <subject to that section>
4 2. Page 26, after line 16 by inserting:
5 <c. Notwithstanding paragraph "b" of this
6 subsection, the searchable database shall not
7 include information regarding travel by officers and
8 employees of the department of public safety occurring
9 in relation to or during the course of criminal
10 investigations, including but not limited to undercover
11 operations.>
12 3. Page 26, line 26, by striking <7D.2> and
13 inserting <7E.2>
14 4. Page 27, by striking lines 5 through 27 and
15 inserting:
16 <Sec. ____ Section 99D.14, subsection 2, Code 2011,
17 is amended by adding the following new paragraph:
18 NEW PARAGRAPH. c. Notwithstanding sections 8.60
19 and 99D.17, the portion of the fee paid pursuant to
20 paragraph "a" relating to the costs of the commission,
21 shall not be deposited in the general fund of the
22 state but instead shall be deposited into the gaming
23 regulatory revolving fund established in section
24 99F.20.
25 Sec. ____ Section 99F.10, subsection 4, Code 2011,
26 is amended by adding the following new paragraph:
27 NEW PARAGRAPH. c. Notwithstanding sections 8.60
28 and 99F.4, the portion of the fee paid pursuant to
29 paragraph "a" relating to the costs of the commission,
30 shall not be deposited in the general fund of the
31 state but instead shall be deposited into the gaming
32 regulatory revolving fund established in section
33 99F.20.>
34 5. Page 27, by striking lines 30 through 35 and
35 inserting:
36 <1. A gaming regulatory revolving fund is created
37 in the state treasury under the control of the
38 department of inspections and appeals. The fund
39 shall consist of fees collected and deposited into the
40 fund paid by licensees pursuant to section 99D.14,
41 subsection 2, paragraph "c", and fees paid by licensees

42 pursuant to section 99F.10, subsection 4, paragraph
 43 "c". All costs relating to>
 44 6. Page 28, line 20, after <possible.> by inserting
 45 <Periodic billings shall be deemed sufficient to
 46 satisfy this requirement.>
 47 7. Page 31, line 2, after <possible.> by inserting
 48 <Periodic billings shall be deemed sufficient to
 49 satisfy this requirement.>
 50 8. Page 31, line 19, after <appropriation.> by

Page 2

1 inserting <Appropriations from the revolving fund
 2 shall not be subject to the provisions of section 8.31,
 3 subsection 5.>

4 9. Page 34, after line 17 by inserting:
 5 <Sec. ____ MEDICAID FRAUD FUND TRANSITION.

6 1. Unencumbered and unobligated moneys in and
 7 moneys reverting to the Medicaid fraud account created
 8 in section 249A.7, Code 2011, on or after June 30,
 9 2011, shall be credited to the Medicaid fraud fund
 10 created in section 249A.7, by this division of this
 11 Act.

12 2. The appropriations made from the Medicaid fraud
 13 account for the fiscal years beginning July 1, 2011,
 14 and July 1, 2012, shall instead be charged to the
 15 Medicaid fraud fund created in section 249A.7, by this
 16 division of this Act.

17 3. This section of this Act, being deemed of
 18 immediate importance, takes effect upon enactment, and,
 19 if this Act is approved by the governor on or after
 20 July 1, 2011, subsection 1 of this section applies
 21 retroactively to June 30, 2011.>

22 10. Page 45, after line 17 by inserting:
 23 <Sec. ____ DEPARTMENT OF INSPECTIONS AND
 24 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
 25 APPROPRIATION. There is appropriated from the Medicaid
 26 fraud fund created in section 249A.7 to the health
 27 facilities division of the department of inspections
 28 and appeals for the fiscal year beginning July 1, 2012,
 29 and ending June 30, 2012, the following amount, or
 30 so much thereof as is necessary, to be used for the
 31 purposes designated:

32 For salaries, support, maintenance, and
 33 miscellaneous purposes:
 34 \$ 552,500>

35 11. Page 59, before line 16 by inserting:
 36 <i. Of the moneys appropriated in paragraph "a",
 37 not more than \$50,000 may be used for administration of
 38 the watershed improvement review board.>

39 12. Page 61, after line 27 by inserting:
 40 <DIVISION ____

41 AGRICULTURE AND NATURAL RESOURCES
42 DEPARTMENT OF NATURAL RESOURCES
43 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION
44 FUND FOR FY 2010-2011
45 Sec. ____ USE OF MONEYS — RADIOS. Notwithstanding
46 2011 Iowa Acts, chapter 1191, section 7, The department
47 of natural resources may use the unappropriated
48 balance remaining in the state fish and game protection
49 fund for the fiscal year beginning July 1, 2010,
50 and ending June 30, 2011, to purchase mobile radios

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1 to meet federal and state requirements for homeland
2 security and public safety. This section applies to
3 those moneys in the fund that are not otherwise used,
4 obligated, or encumbered for payment of health and
5 life insurance premium payments for conservation peace
6 officer retirements for that fiscal year.
7 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
8 APPLICABILITY. This division of this Act, being deemed
9 of immediate importance, takes effect upon enactment
10 and, if approved by the governor on or after July 1,
11 2011, shall apply retroactively to June 30, 2011.>
12 13. Page 65, by striking lines 23 and 24.
13 14. By striking page 65, line 31, through page 67,
14 line 10, and inserting:
15 <____. The council shall be composed of the
16 following voting members:
17 a. The secretary of agriculture or the secretary's
18 designee.
19 b. Members appointed by the designated
20 organizations, at the discretion of the organization,
21 to represent the private sector as follows:
22 (1) One person by the practical farmers of Iowa who
23 is involved in local food production.
24 (2) One person by the Iowa farmers market
25 association.
26 c. Members appointed by the governor to represent
27 public or private entities involved in local food
28 distribution, marketing, or processing as follows:
29 (1) One person who is associated with a resource
30 conservation and development office in this state.
31 (2) One person actively engaged in the distribution
32 of local food to processors, wholesalers, or retailers.
33 (3) One person from the regional food systems
34 working group who is actively engaged or an expert in
35 local food.
36 _____. A member designated by the secretary of
37 agriculture shall serve at the pleasure of the
38 secretary. A member appointed by an organization shall
39 serve at the pleasure of that organization. A member

40 appointed by the governor shall serve at the pleasure
41 of the governor.>
42 15. Page 67, line 15, by striking <voting>
43 16. Page 67, line 18, by striking <voting>
44 17. Page 67, line 21, by striking <voting>
45 18. Page 67, line 24, by striking <voting>
46 19. By striking page 67, line 34, through page 68,
47 line 5, and inserting:
48 <The position of local food and farm program
49 coordinator is created within Iowa state university
50 as part of its cooperative extension service in

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1 agriculture and home economics. The coordinator shall
2 be the primary state official charged with carrying out
3 the purposes and goals of this chapter.>
4 20. Page 68, by striking lines 18 and 19 and
5 inserting <section 267A.6. The fund shall be managed
6 by the department in consultation with the local food
7 and farm coordinator, under the supervision of the
8 local>
9 21. Page 68, by striking lines 33 through 35.
10 22. Page 69, line 3, by striking <1.>
11 23. Page 69, line 6, after <chapter.> by inserting
12 <The report shall be delivered to the governor and
13 general assembly not later than October 1 of each
14 year.>
15 24. Page 69, by striking lines 7 through 28.
16 25. Page 86, after line 17 by inserting:
17 <7. IOWA COMMISSION ON VOLUNTEER SERVICE
18 For allocation to the Iowa commission on volunteer
19 service for the Iowa's promise and mentoring
20 partnership programs and for transfer to the Iowa state
21 commission grant program:
22 \$ 100,000
23 Notwithstanding section 8.33, moneys appropriated in
24 this subsection that remain unencumbered or unobligated
25 at the close of the fiscal year shall not revert but
26 shall remain available for expenditure for the purposes
27 designated until the close of the succeeding fiscal
28 year.>
29 26. Page 99, after line 28 by inserting:
30 <7. IOWA COMMISSION ON VOLUNTEER SERVICE
31 For allocation to the Iowa commission on volunteer
32 service for the Iowa's promise and mentoring
33 partnership programs and for transfer to the Iowa state
34 commission grant program:
35 \$ 85,000
36 Notwithstanding section 8.33, moneys appropriated in
37 this subsection that remain unencumbered or unobligated
38 at the close of the fiscal year shall not revert but

39 shall remain available for expenditure for the purposes
40 designated until the close of the succeeding fiscal
41 year.>

42 27. Page 115, line 2, by striking <3,128,877> and
43 inserting <5,428,877>

44 28. Page 147, line 19, by striking <state board of
45 regents> and inserting <department of education>

46 29. Page 158, line 21, by striking <an independent>
47 and inserting <a>

48 30. Page 177, after line 22 by inserting:

49 <__. The department, in consultation with the
50 Iowa pharmacy association and other appropriate

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1 entities, shall develop recommendations to replace the
2 reimbursement methodology of average wholesale price
3 minus 12 percent for covered brand-name prescription
4 drugs, generic drugs, and over-the-counter drugs. The
5 department shall report the recommendations to the
6 persons designated in this division of this Act for
7 submission of reports by December 15, 2011.>

8 31. Page 201, by striking lines 8 through 14 and
9 inserting:

10 <(2) (a) For nonstate-owned psychiatric medical
11 institutions for children, reimbursement rates
12 shall remain at the rates in effect on June 30,
13 2011. However, the department shall adjust the
14 reimbursement rates in effect on June 30, 2011, to
15 distribute an additional \$350,000 in reimbursements for
16 nonstate-owned psychiatric medical institutions for
17 children under this subparagraph (2) for the fiscal
18 year. Of the additional \$350,000, the department shall
19 distribute \$50,000 in reimbursements to qualified
20 outpatient services providers. For the purposes of
21 this subparagraph division (a), "qualified outpatient
22 services provider" means a nonprofit agency holding
23 an Iowa psychiatric medical institution for children
24 license that has an outpatient clinic for children's
25 mental health services in operation on or before
26 January 1, 2011, and whose client base consists
27 of at least 40 percent medical assistance program
28 enrollees. The additional \$50,000 shall be distributed
29 to qualified outpatient services providers based on
30 reimbursement at the federal maximum allowable rate for
31 mental health outpatient services for children.>

32 32. By striking page 230, line 16, through page
33 232, line 12, and inserting:

34 <COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

35 Sec. __. NEW SECTION. 16.185 Community housing
36 and services for persons with disabilities revolving
37 loan program fund.

38 1. A community housing and services for persons
39 with disabilities loan program fund is created
40 within the authority to further the availability of
41 affordable housing and supportive services for Medicaid
42 waiver-eligible individuals with behaviors that
43 provide significant barriers to accessing traditional
44 rental and supportive services opportunities. The
45 moneys in the fund are annually appropriated to the
46 authority to be used for the development and operation
47 of a revolving loan program to provide financing to
48 construct affordable permanent supportive housing or
49 develop infrastructure in which to provide supportive
50 services, including through new construction,

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1 acquisition and rehabilitation of existing housing or
2 infrastructure, or conversion or adaptive reuse.
3 2. Moneys transferred by the authority for deposit
4 in the community housing and services for persons
5 with disabilities revolving loan program fund, moneys
6 appropriated to the community housing and services
7 for persons with disabilities revolving loan program,
8 and any other moneys available to and obtained or
9 accepted by the authority for placement in the fund
10 shall be credited to the fund. Additionally, payment
11 of interest, recaptures of awards, and other repayments
12 to the community housing and services for persons with
13 disabilities loan program fund shall be credited to
14 the fund. Notwithstanding section 12C.7, subsection
15 2, interest or earnings on moneys in the fund shall be
16 credited to the fund. Notwithstanding section 8.33,
17 moneys credited to the fund from any other fund that
18 remain unencumbered or unobligated at the close of the
19 fiscal year shall not revert to the other fund.
20 3. a. The authority shall annually allocate moneys
21 available in the fund for the development of permanent
22 supportive housing for Medicaid waiver-eligible
23 individuals. The authority shall develop a joint
24 application process for the allocation of United
25 States housing and urban development HOME investment
26 partnerships program funding and the funds available
27 under this section. Moneys allocated to such projects
28 may be in the form of loans, forgivable loans, or a
29 combination of loans and forgivable loans.
30 b. The authority shall annually allocate moneys
31 available in the fund for the development of
32 infrastructure in which to provide supportive services
33 for Medicaid waiver-eligible individuals who meet the
34 psychiatric medical institution for children level of
35 care. Moneys allocated to such projects may be in the
36 form of loans, forgivable loans, or a combination of

37 loans and forgivable loans.

38 4. a. A project shall demonstrate written approval
39 of the project by the department of human services to
40 the authority prior to application for funding under
41 this section.

42 b. In order to be approved by the department
43 of human services for application for funding for
44 development of permanent supportive housing under this
45 section, a project shall include all of the following
46 components:

47 (1) Provision of services to any of the following
48 Medicaid waiver-eligible individuals:

49 (a) Individuals who are currently underserved
50 in community placements, including individuals who

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1 are physically aggressive or have behaviors that
2 are difficult to manage or individuals who meet the
3 psychiatric medical institution for children level of
4 care.

5 (b) Individuals who are currently residing in
6 out-of-state facilities.

7 (c) Individuals who are currently receiving care in
8 a licensed health care facility.

9 (2) A plan to provide each individual with crisis
10 stabilization services to ensure that the individual's
11 behavioral issues are appropriately addressed by the
12 provider.

13 (3) Policies and procedures that prohibit discharge
14 of the individual from the waiver services provided by
15 the project provider unless an alternative placement
16 that is acceptable to the client or the client's
17 guardian is identified.

18 c. In order to be approved by the department
19 of human services for application for funding for
20 development of infrastructure in which to provide
21 supportive services under this section, a project shall
22 include all of the following components:

23 (1) Provision of services to Medicaid
24 waiver-eligible individuals who meet the psychiatric
25 medical institution for children level of care.

26 (2) Policies and procedures that prohibit discharge
27 of the individual from the waiver services provided by
28 the project provider unless an alternative placement
29 that is acceptable to the client or the client's
30 guardian is identified.

31 d. Housing provided through a project under this
32 section is exempt from the requirements of chapter
33 135O.

34 5. The authority, in collaboration with the
35 department of human services, shall adopt rules

36 pursuant to chapter 17A to administer this section.>

37 33. Page 234, line 10, after <housing> by inserting
38 <and services>

39 34. Page 249, lines 16 and 17, by striking <jointly
40 and severally>

41 35. By striking page 250, line 34, through page
42 251, line 23, and inserting:

43 <Sec. ____ Section 135.24, subsection 2, paragraphs
44 b and c, Code 2011, are amended to read as follows:

45 b. Procedures for registration of hospitals, free
46 clinics, field dental clinics, and specialty health
47 care provider offices.

48 c. Criteria for and identification of hospitals,
49 clinics, free clinics, field dental clinics, specialty
50 health care provider offices, or other health care

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1 facilities, health care referral programs, or
2 charitable organizations, eligible to participate in
3 the provision of free medical, dental, chiropractic,
4 pharmaceutical, nursing, optometric, psychological,
5 social work, behavioral science, podiatric, physical
6 therapy, occupational therapy, respiratory therapy, or
7 emergency medical care services through the volunteer
8 health care provider program. A hospital, a clinic, a
9 free clinic, a field dental clinic, a specialty health
10 care provider office, a health care facility, a health
11 care referral program, a charitable organization, or
12 a health care provider participating in the program
13 shall not bill or charge a patient for any health care
14 provider service provided under the volunteer health
15 care provider program.

16 Sec. ____ Section 135.24, Code 2011, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 6A. A hospital providing free care
19 under this section shall be considered a state agency
20 solely for the purposes of this section and chapter 669
21 and shall be afforded protection under chapter 669 as a
22 state agency for all claims arising from the provision
23 of free care by a health care provider registered under
24 subsection 3 who is providing services at the hospital
25 in accordance with this section, if the hospital has
26 registered with the department pursuant to subsection
27 1.

28 Sec. ____ Section 135.24, subsection 7, Code 2011,
29 is amended by adding the following new paragraph:
30 NEW PARAGRAPH. 0e. "Hospital" means hospital as
31 defined in section 135B.1.>

32 36. Page 261, line 31, by striking <an independent>
33 and inserting <a>

34 37. By striking page 383, line 15, through page

35 384, line 6, and inserting:
 36 <For the provision of a statewide public safety
 37 radio network and the purchase of compatible radio
 38 communications equipment with the goal of achieving
 39 compliance with the federal communications commission's
 40 narrowbanding mandate deadline, and for achieving
 41 "interoperability", as defined in section 80.28:
 42 FY 2011-2012..... \$ 2,500,000
 43 FY 2012-2013..... \$ 2,500,000
 44 FY 2013-2014..... \$ 2,500,000
 45 Of the amounts appropriated in this subsection,
 46 the department of public safety may enter into a
 47 public-private partnership, through a competitive
 48 bidding process, for the provision of the statewide
 49 network and the purchase of compatible equipment.
 50 On or before January 13, 2012, the department of

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1 public safety shall provide a report to the legislative
 2 services agency and the department of management.
 3 The report shall detail the status of the funds
 4 appropriated in this subsection and shall include
 5 the estimated needs of the departments of public
 6 safety, corrections, and natural resources to achieve
 7 interoperability and to meet the federal narrowbanding
 8 mandate, any changes in estimated costs to meet those
 9 needs, and the status of requests for proposals to
 10 develop a public-private partnership.>
 11 38. Page 439, line 24, by striking <10,804,258> and
 12 inserting <8,504,258>
 13 39. Page 443, line 9, by striking <years> and
 14 inserting <year>
 15 40. Page 443, line 10, by striking <and July 1,
 16 2012,>
 17 41. Page 468, line 27, by striking <years> and
 18 inserting <year>
 19 42. Page 468, line 28, by striking <and July 1,
 20 2013,>
 21 43. By renumbering as necessary.

WAGNER of Linn

H-1741

1 Amend House File 697 as follows:
 2 1. By striking page 220, line 15, through page 230,
 3 line 6.
 4 2. By striking page 445, line 4, through page 446,
 5 line 31.

6 3. By striking page 472, line 22, through page 474,
7 line 3.

8 4. By renumbering as necessary.

MURPHY of Dubuque

H-1742

1 Amend the amendment, H-1735, to House File 697 as
2 follows:

3 1. By striking page 1, line 5, through page 25,
4 line 23, and inserting:

5 <PROPERTY TAX

6 COMMERCIAL AND INDUSTRIAL PROPERTY
7 ASSESSMENT LIMITATIONS

8 Sec. ____ Section 441.21, subsection 5, Code 2011,
9 is amended to read as follows:

10 5. a. For valuations established as of January
11 1, 1979, commercial property and industrial property,
12 excluding properties referred to in section 427A.1,
13 subsection 8, shall be assessed as a percentage of
14 the actual value of each class of property. The
15 percentage shall be determined for each class of
16 property by the director of revenue for the state in
17 accordance with the provisions of this section. For
18 valuations established as of January 1, 1979, the
19 percentage shall be the quotient of the dividend and
20 divisor as defined in this section. The dividend
21 for each class of property shall be the total actual
22 valuation for each class of property established for
23 1978, plus six percent of the amount so determined.
24 The divisor for each class of property shall be the
25 valuation for each class of property established for
26 1978, as reported by the assessors on the abstracts
27 of assessment for 1978, plus the amount of value
28 added to the total actual value by the revaluation
29 of existing properties in 1979 as equalized by the
30 director of revenue pursuant to section 441.49. For
31 valuations established as of January 1, 1979, property
32 valued by the department of revenue pursuant to
33 chapters 428, 433, 437, and 438 shall be considered
34 as one class of property and shall be assessed as a
35 percentage of its actual value. The percentage shall
36 be determined by the director of revenue in accordance
37 with the provisions of this section. For valuations
38 established as of January 1, 1979, the percentage
39 shall be the quotient of the dividend and divisor as
40 defined in this section. The dividend shall be the
41 total actual valuation established for 1978 by the
42 department of revenue, plus ten percent of the amount
43 so determined. The divisor for property valued by
44 the department of revenue pursuant to chapters 428,

45 433, 437, and 438 shall be the valuation established
46 for 1978, plus the amount of value added to the total
47 actual value by the revaluation of the property by
48 the department of revenue as of January 1, 1979.
49 For valuations established as of January 1, 1980,
50 commercial property and industrial property, excluding

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1 properties referred to in section 427A.1, subsection
2 8, shall be assessed at a percentage of the actual
3 value of each class of property. The percentage
4 shall be determined for each class of property by
5 the director of revenue for the state in accordance
6 with the provisions of this section. For valuations
7 established as of January 1, 1980, the percentage
8 shall be the quotient of the dividend and divisor as
9 defined in this section. The dividend for each class
10 of property shall be the dividend as determined for
11 each class of property for valuations established as
12 of January 1, 1979, adjusted by the product obtained
13 by multiplying the percentage determined for that year
14 by the amount of any additions or deletions to actual
15 value, excluding those resulting from the revaluation
16 of existing properties, as reported by the assessors
17 on the abstracts of assessment for 1979, plus four
18 percent of the amount so determined. The divisor
19 for each class of property shall be the total actual
20 value of all such property in 1979, as equalized by
21 the director of revenue pursuant to section 441.49,
22 plus the amount of value added to the total actual
23 value by the revaluation of existing properties in
24 1980. The director shall utilize information reported
25 on the abstracts of assessment submitted pursuant
26 to section 441.45 in determining such percentage.
27 For valuations established as of January 1, 1980,
28 property valued by the department of revenue pursuant
29 to chapters 428, 433, 437, and 438 shall be assessed
30 at a percentage of its actual value. The percentage
31 shall be determined by the director of revenue in
32 accordance with the provisions of this section. For
33 valuations established as of January 1, 1980, the
34 percentage shall be the quotient of the dividend and
35 divisor as defined in this section. The dividend shall
36 be the total actual valuation established for 1979 by
37 the department of revenue, plus eight percent of the
38 amount so determined. The divisor for property valued
39 by the department of revenue pursuant to chapters 428,
40 433, 437, and 438 shall be the valuation established
41 for 1979, plus the amount of value added to the total
42 actual value by the revaluation of the property by
43 the department of revenue as of January 1, 1980. For

44 valuations established as of January 1, 1981, and
45 each year thereafter, the percentage of actual value
46 as equalized by the director of revenue as provided
47 in section 441.49 at which commercial property and
48 industrial property, excluding properties referred to
49 in section 427A.1, subsection 8, shall be assessed
50 shall be calculated in accordance with the methods

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1 provided herein, except that any references to six
2 percent in this subsection shall be four percent. For
3 valuations established as of January 1, 1981, and
4 each year thereafter, the percentage of actual value
5 at which property valued by the department of revenue
6 pursuant to chapters 428, 433, 437, and 438 shall be
7 assessed shall be calculated in accordance with the
8 methods provided herein, except that any references to
9 ten percent in this subsection shall be eight percent.
10 Beginning with valuations established as of January
11 1, 1979, and each year thereafter, property valued
12 by the department of revenue pursuant to chapter 434
13 shall also be assessed at a percentage of its actual
14 value which percentage shall be equal to the percentage
15 determined by the director of revenue for commercial
16 property, industrial property, or property valued by
17 the department of revenue pursuant to chapters 428,
18 433, 437, and 438, whichever is lowest.

19 b. Notwithstanding paragraph "a", for valuations
20 established for the assessment year beginning
21 January 1, 2012, through valuations established
22 for the assessment year beginning January 1, 2031,
23 the percentage of actual value, as equalized by the
24 director of revenue as provided in section 441.49,
25 at which commercial property, excluding properties
26 referred to in section 427A.1, subsection 8, shall
27 be assessed shall be the percentage of actual value
28 that commercial property was assessed in the previous
29 assessment year minus one percentage point. For
30 valuations established as of January 1, 2032, and each
31 year thereafter, the percentage of actual value, as
32 equalized by the director of revenue as provided in
33 section 441.49, at which commercial property, excluding
34 properties referred to in section 427A.1, subsection
35 8, shall be assessed shall be the percentage of actual
36 value that commercial property was assessed in the
37 assessment year beginning January 1, 2031.

38 c. Notwithstanding paragraph "a", for valuations
39 established for the assessment year beginning
40 January 1, 2012, through valuations established
41 for the assessment year beginning January 1, 2031,
42 the percentage of actual value, as equalized by the

43 director of revenue as provided in section 441.49,
 44 at which industrial property, excluding properties
 45 referred to in section 427A.1, subsection 8, shall
 46 be assessed shall be the percentage of actual value
 47 that industrial property was assessed in the previous
 48 assessment year minus one percentage point. For
 49 valuations established as of January 1, 2032, and each
 50 year thereafter, the percentage of actual value, as

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1 equalized by the director of revenue as provided in
 2 section 441.49, at which industrial property, excluding
 3 properties referred to in section 427A.1, subsection
 4 8, shall be assessed shall be the percentage of actual
 5 value that industrial property was assessed in the
 6 assessment year beginning January 1, 2031.

7 Sec. ____ COMMERCIAL AND INDUSTRIAL PROPERTY TAX
 8 REVIEW COMMITTEE.

9 1. Effective January 1, 2017, a commercial
 10 and industrial property tax review committee is
 11 established. Staffing assistance to the committee
 12 shall be provided by the department of revenue and
 13 the legislative services agency. The committee
 14 shall consist of six members of the general assembly,
 15 two appointed by the majority leader of the senate,
 16 one appointed by the minority leader of the senate,
 17 two appointed by the speaker of the house of
 18 representatives, and one appointed by the minority
 19 leader of the house of representatives.

20 2. The commercial and industrial property tax
 21 review committee shall review the implementation and
 22 fiscal impact of the commercial and industrial property
 23 assessment limitations established in this division of
 24 this Act. The commercial and industrial property tax
 25 review committee shall report to the general assembly
 26 by January 15, 2018. The report shall include any
 27 recommended changes in laws relating to the commercial
 28 and industrial property tax assessment limitations
 29 established in this division of this Act.

30 Sec. ____ APPLICABILITY. This division of this
 31 Act applies to assessment years beginning on or after
 32 January 1, 2012.>

33 2. Page 25, after line 37 by inserting:

34 <DIVISION ____
 35 EDUCATION FINANCE
 36 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
 37 OF GROWTH FOR EDUCATION — FY 2011-2012

38 Sec. ____ Section 257.8, subsection 1, Code 2011,
 39 is amended to read as follows:

40 1. State percent of growth. ~~The state percent of~~
 41 ~~growth for the budget year beginning July 1, 2009, is~~

42 ~~four percent.~~ The state percent of growth for the
43 budget year beginning July 1, 2010, is two percent.
44 The state percent of growth for the budget year
45 beginning July 1, 2011, is two percent. The state
46 percent of growth for each subsequent budget year shall
47 be established by statute which shall be enacted within
48 thirty days of the submission in the year preceding the
49 base year of the governor's budget under section 8.21.
50 The establishment of the state percent of growth for

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1 a budget year shall be the only subject matter of the
2 bill which enacts the state percent of growth for a
3 budget year.
4 Sec. ____ Section 257.8, subsection 2, Code 2011,
5 is amended to read as follows:
6 2. Categorical state percent of growth. The
7 categorical state percent of growth for the budget
8 year beginning July 1, 2010, is two percent. The
9 categorical state percent of growth for the budget
10 year beginning July 1, 2011, is two percent. The
11 categorical state percent of growth for each budget
12 year shall be established by statute which shall
13 be enacted within thirty days of the submission in
14 the year preceding the base year of the governor's
15 budget under section 8.21. The establishment of the
16 categorical state percent of growth for a budget year
17 shall be the only subject matter of the bill which
18 enacts the categorical state percent of growth for a
19 budget year. The categorical state percent of growth
20 may include state percents of growth for the teacher
21 salary supplement, the professional development
22 supplement, and the early intervention supplement.
23 Sec. ____ CODE SECTION 257.8 — APPLICABILITY. The
24 requirements of section 257.8 regarding the time period
25 of enactment and the subject matter of the legislation
26 establishing the state percent of growth and the
27 categorical state percent of growth for a budget year
28 are not applicable to the division. The requirements
29 of section 257.8 regarding enactment of the regular
30 program state percent of growth and categorical state
31 percent of growth within thirty days of the submission
32 in the year preceding the base year of the governor's
33 budget and the requirements that the subject matter
34 of each bill establishing the state percent of growth
35 or the categorical state percent of growth be the
36 only subject matter of the bill do not apply to this
37 division of this Act.
38 Sec. ____ APPLICABILITY. This division of this Act
39 is applicable for computing state aid under the state
40 school foundation program for the school budget year

41 beginning July 1, 2011.>
 42 3. By striking page 25, line 44, through page 26,
 43 line 8, and inserting:
 44 <(2) "Total approved tax credits" means for the
 45 tax year beginning in the 2006 calendar year, two
 46 million five hundred thousand dollars, for the tax
 47 year beginning in the 2007 calendar year, five million
 48 dollars, and for tax years beginning on or after
 49 January 1, 2008, and before January 1, 2012, seven
 50 million five hundred thousand dollars. For tax years

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1 beginning on or after January 1, 2012, and only if
 2 legislation is enacted by the eighty-fourth general
 3 assembly, 2011 session, amending section 257.8,
 4 subsections 1 and 2, to establish both the state
 5 percent of growth and the categorical state percent
 6 of growth for the budget year beginning July 1, 2011,
 7 at two percent or greater than two percent, "total
 8 approved tax credits" means ten million dollars.>
 9 4. By renumbering as necessary.

JACOBY of Johnson

H-1743

1 Amend the amendment, S-3227, to Senate File 509,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 1, line 5, through page 21,
 5 line 38, and inserting:
 6 <<DIVISION I
 7 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 8 GENERAL APPROPRIATIONS FOR FY 2011-2012
 9 Section 1. GENERAL FUND — DEPARTMENT.
 10 1. There is appropriated from the general fund of
 11 the state to the department of agriculture and land
 12 stewardship for the fiscal year beginning July 1, 2011,
 13 and ending June 30, 2012, the following amount, or
 14 so much thereof as is necessary, to be used for the
 15 purposes designated:
 16 For purposes of supporting the department, including
 17 its divisions, for administration, regulation, and
 18 programs; for salaries, support, maintenance, and
 19 miscellaneous purposes; and for not more than the
 20 following full-time equivalent positions:
 21 \$ 16,497,308
 22 FTEs 345.00
 23 2. The department shall submit a report each
 24 quarter of the fiscal year to the legislative services
 25 agency, the department of management, the members of

26 the joint appropriations subcommittee on agriculture
27 and natural resources, and the chairpersons and
28 ranking members of the senate and house committees on
29 appropriations. The report shall describe in detail
30 the expenditure of moneys appropriated in this section
31 to support the department's administration, regulation,
32 and programs.

33 3. Of the amount appropriated in this section,
34 \$238,000 is transferred to Iowa state university of
35 science and technology, to be used for the university's
36 midwest grape and wine industry institute.

37 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

38 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —

39 HORSE AND DOG RACING. There is appropriated from the
40 moneys available under section 99D.13 to the department
41 of agriculture and land stewardship for the fiscal year
42 beginning July 1, 2011, and ending June 30, 2012, the
43 following amount, or so much thereof as is necessary,
44 to be used for the purposes designated:

45 For purposes of supporting the department's
46 administration and enforcement of horse and dog racing
47 law pursuant to section 99D.22, including for salaries,
48 support, maintenance, and miscellaneous purposes:

49 \$ 305,516

50 DESIGNATED APPROPRIATIONS — MOTOR FUEL

Page 2

1 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND —

2 MOTOR FUEL INSPECTION. There is appropriated from

3 the renewable fuel infrastructure fund created in
4 section 15G.205 to the department of agriculture and
5 land stewardship for the fiscal year beginning July 1,
6 2011, and ending June 30, 2012, the following amount,
7 or so much thereof as is necessary, to be used for the
8 purposes designated:

9 For purposes of the inspection of motor fuel,
10 including salaries, support, maintenance, and
11 miscellaneous purposes:

12 \$ 500,000

13 The department shall establish and administer
14 programs for the auditing of motor fuel including
15 biofuel processing and production plants, for screening
16 and testing motor fuel, including renewable fuel,
17 and for the inspection of motor fuel sold by dealers
18 including retail dealers who sell and dispense motor
19 fuel from motor fuel pumps.

20 DESIGNATED APPROPRIATIONS — LOCAL FOOD AND FARM

21 COORDINATOR

22 Sec. 4. APPROPRIATION — DEPARTMENT OF AGRICULTURE
23 AND LAND STEWARDSHIP — LOCAL FOOD AND FARM PROGRAM
24 COORDINATOR.

25 1. There is appropriated from the general fund of
 26 the state to the department of agriculture and land
 27 stewardship for the fiscal year beginning July 1, 2011,
 28 and ending June 30, 2012, the following amount, or
 29 so much thereof as is necessary, to be used for the
 30 purposes designated:

31 For purposes of supporting a local food and farm
 32 program coordinator as provided in chapter 267A,
 33 as enacted by this Act, for salaries, support,
 34 maintenance, and miscellaneous purposes, and for not
 35 more than the following full-time equivalent positions:
 36 \$ 75,000
 37 FTEs 1.00

38 2. The department shall enter into a cost-sharing
 39 agreement with Iowa state university to support
 40 the local food and farm program coordinator. The
 41 coordinator shall be stationed at Iowa state university
 42 as provided in chapter 267A, as enacted by this Act.

43 DESIGNATED APPROPRIATIONS — AGRICULTURAL EDUCATION

44 Sec. 5. AGRICULTURAL EDUCATION. There is
 45 appropriated from the general fund of the state to the
 46 department of agriculture and land stewardship for the
 47 fiscal year beginning July 1, 2011, and ending June 30,
 48 2012, the following amount, or so much thereof as is
 49 necessary, to be used for the purposes designated:

50 For purposes of allocating moneys to an Iowa

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1 association affiliated with a national organization
 2 which promotes agricultural education providing for
 3 future farmers:

4 \$ 25,000

5 DIVISION II

6 DEPARTMENT OF NATURAL RESOURCES

7 GENERAL APPROPRIATIONS FOR FY 2011-2012

8 Sec. 6. GENERAL FUND — DEPARTMENT.

9 1. There is appropriated from the general fund of
 10 the state to the department of natural resources for
 11 the fiscal year beginning July 1, 2011, and ending June
 12 30, 2012, the following amount, or so much thereof as
 13 is necessary, to be used for the purposes designated:

14 For purposes of supporting the department, including
 15 its divisions, for administration, regulation, and
 16 programs; for salaries, support, maintenance, and
 17 miscellaneous purposes; and for not more than the
 18 following full-time equivalent positions:

19 \$ 12,291,688

20 FTEs 1,145.95

21 2. Of the number of full-time equivalent positions
 22 authorized to the department pursuant to subsection 1,
 23 50.00 full-time equivalent positions shall be allocated

24 by the department for seasonal employees for purposes
25 of providing maintenance, upkeep, and sanitary services
26 at state parks.

27 3. The department shall submit a report each
28 quarter of the fiscal year to the legislative services
29 agency, the department of management, the members of
30 the joint appropriations subcommittee on agriculture
31 and natural resources, and the chairpersons and
32 ranking members of the senate and house committees on
33 appropriations. The report shall describe in detail
34 the expenditure of moneys appropriated under this
35 section to support the department's administration,
36 regulation, and programs.

37 Sec. 7. STATE FISH AND GAME PROTECTION FUND —
38 DIVISION OF FISH AND WILDLIFE.

39 1. There is appropriated from the state fish and
40 game protection fund to the department of natural
41 resources for the fiscal year beginning July 1, 2011,
42 and ending June 30, 2012, the following amount, or
43 so much thereof as is necessary, to be used for the
44 purposes designated:

45 For purposes of supporting the division of fish and
46 wildlife, including for administration, regulation,
47 and programs; and for salaries, support, maintenance,
48 equipment, and miscellaneous purposes:
49 \$ 38,793,154

50 2. Notwithstanding section 455A.10, the department

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1 may use the unappropriated balance remaining in the
2 state fish and game protection fund to provide for the
3 funding of health and life insurance premium payments
4 from unused sick leave balances of conservation peace
5 officers employed in a protection occupation who
6 retire, pursuant to section 97B.49B.

7 3. Notwithstanding section 455A.10, the department
8 of natural resources may use the unappropriated
9 balance remaining in the state fish and game protection
10 fund for the fiscal year beginning July 1, 2011,
11 and ending June 30, 2012, as is necessary to fund
12 salary adjustments for departmental employees which
13 the general assembly has made an operating budget
14 appropriation for in subsection 1.

15 Sec. 8. GROUNDWATER PROTECTION FUND — WATER
16 QUALITY. There is appropriated from the groundwater
17 protection fund created in section 455E.11 to the
18 department of natural resources for the fiscal year
19 beginning July 1, 2011, and ending June 30, 2012, from
20 those moneys which are not allocated pursuant to that
21 section, the following amount, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For purposes of supporting the department's
 24 protection of the state's groundwater, including
 25 for administration, regulation, and programs, and
 26 for salaries, support, maintenance, equipment, and
 27 miscellaneous purposes:
 28 \$ 3,455,832
 29 DESIGNATED APPROPRIATIONS — MISCELLANEOUS
 30 Sec. 9. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
 31 PROGRAM. There is appropriated from the special
 32 snowmobile fund created under section 321G.7 to the
 33 department of natural resources for the fiscal year
 34 beginning July 1, 2011, and ending June 30, 2012, the
 35 following amount, or so much thereof as is necessary,
 36 to be used for the purpose designated:
 37 For purposes of administering and enforcing the
 38 state snowmobile programs:
 39 \$ 100,000
 40 Sec. 10. UNASSIGNED REVENUE FUND — UNDERGROUND
 41 STORAGE TANK SECTION EXPENSES. There is appropriated
 42 from the unassigned revenue fund administered by the
 43 Iowa comprehensive underground storage tank fund
 44 board to the department of natural resources for the
 45 fiscal year beginning July 1, 2011, and ending June 30,
 46 2012, the following amount, or so much thereof as is
 47 necessary, to be used for the purpose designated:
 48 For purposes of paying for administration expenses
 49 of the department's underground storage tank section:
 50 \$ 200,000

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1 Sec. 11. STORM WATER DISCHARGE PERMIT FEES —
 2 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any
 3 contrary provision of state law, for the fiscal year
 4 beginning July 1, 2011, and ending June 30, 2012, the
 5 department of natural resources may use additional
 6 moneys available to the department collected from
 7 storm water discharge permit fees as provided in
 8 sections 455B.103A and 455B.197 for the staffing of the
 9 following additional full-time equivalent positions for
 10 the purposes designated:
 11 1. For purposes of reducing the department's
 12 floodplain permit backlog:
 13 FTEs 2.00
 14 2. For purposes of implementing the federal total
 15 maximum daily load program:
 16 FTEs 2.00
 17 DIVISION III
 18 IOWA STATE UNIVERSITY
 19 APPROPRIATION FOR FY 2011-2012
 20 Sec. 12. GENERAL FUND — VETERINARY DIAGNOSTIC
 21 LABORATORY.

22 1. There is appropriated from the general fund
 23 of the state to Iowa state university of science and
 24 technology for the fiscal year beginning July 1, 2011,
 25 and ending June 30, 2012, the following amount, or
 26 so much thereof as is necessary, to be used for the
 27 purposes designated:
 28 For purposes of supporting the college of veterinary
 29 medicine for the operation of the veterinary diagnostic
 30 laboratory and for not more than the following
 31 full-time equivalent positions:
 32 \$ 3,237,636
 33 FTEs 50.00

34 2. a. Iowa state university of science and
 35 technology shall not reduce the amount that it
 36 allocates to support the college of veterinary medicine
 37 from any other source due to the appropriation made in
 38 this section.
 39 b. Paragraph "a" does not apply to a reduction made
 40 to support the college of veterinary medicine, if the
 41 same percentage of reduction imposed on the college
 42 of veterinary medicine is also imposed on all of Iowa
 43 state university's budget units.

44 3. If by June 30, 2012, Iowa state university
 45 of science and technology fails to allocate the
 46 moneys appropriated in this section to the college of
 47 veterinary medicine in accordance with this section,
 48 the moneys appropriated in this section for that fiscal
 49 year shall revert to the general fund of the state.
 50 Sec. 13. VETERINARY DIAGNOSTIC LABORATORY —

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1 FUTURE YEAR. This section applies if appropriations
 2 made in this Act and all other Acts enacted by the
 3 Eighty-fourth General Assembly during the 2011 regular
 4 session and all extraordinary sessions, for the
 5 fiscal year beginning July 1, 2011, and ending June
 6 30, 2012, for purposes of supporting the operation
 7 of the veterinary diagnostic laboratory associated
 8 with the college of veterinary medicine at Iowa state
 9 university, total less than \$4,000,000. It is the
 10 intent of the general assembly that the amount of any
 11 deficit will be appropriated by the general assembly
 12 during its 2012 regular session for purposes of
 13 supporting the operation of the veterinary diagnostic
 14 laboratory for the fiscal year beginning July 1, 2012,
 15 and ending June 30, 2013.

16 DIVISION IV
 17 ENVIRONMENT FIRST FUND
 18 GENERAL APPROPRIATIONS FOR FY 2011-2012
 19 Sec. 14. DEPARTMENT OF AGRICULTURE AND LAND
 20 STEWARDSHIP. There is appropriated from the

21 environment first fund created in section 8.57A to the
22 department of agriculture and land stewardship for the
23 fiscal year beginning July 1, 2011, and ending June 30,
24 2012, the following amounts, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

27 a. For the conservation reserve enhancement program
28 to restore and construct wetlands for the purposes of
29 intercepting tile line runoff, reducing nutrient loss,
30 improving water quality, and enhancing agricultural
31 production practices:

32 \$ 1,000,000

33 b. Not more than 10 percent of the moneys
34 appropriated in paragraph "a" may be used for costs of
35 administration and implementation of soil and water
36 conservation practices.

37 c. Notwithstanding any other provision in law,
38 the department may provide state resources from this
39 appropriation, in combination with other appropriate
40 environment first fund appropriations, for cost sharing
41 to match United States department of agriculture,
42 natural resources conservation service, wetlands
43 reserve enhancement program (WREP) funding available
44 to Iowa.

45 2. WATERSHED PROTECTION

46 a. For continuation of a program that provides
47 multiobjective resource protections for flood control,
48 water quality, erosion control, and natural resource
49 conservation:

50 \$ 900,000

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1 b. Not more than 10 percent of the moneys
2 appropriated in paragraph "a" may be used for costs of
3 administration and implementation of soil and water
4 conservation practices.

5 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

6 a. For continuation of a statewide voluntary farm
7 management demonstration program to demonstrate the
8 effectiveness and adaptability of emerging practices in
9 agronomy that protect water resources and provide other
10 environmental benefits:

11 \$ 525,000

12 b. Not more than 10 percent of the moneys
13 appropriated in paragraph "a" may be used for costs of
14 administration and implementation of soil and water
15 conservation practices.

16 c. The department of agriculture and land
17 stewardship shall allocate an amount of moneys
18 appropriated in paragraph "a" to an organization
19 representing soybean growers for purposes of supporting

20 an agriculture and environment performance program in
21 order to carry out the purposes of this subsection as
22 specified in paragraph "a". The amount of the moneys
23 allocated shall be determined by the secretary of
24 agriculture.

25 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

26 For use by the department for costs of
27 administration and implementation of soil and water
28 conservation practices:

29 \$ 2,000,000

30 5. CONSERVATION RESERVE PROGRAM (CRP)

31 a. To encourage and assist farmers in enrolling
32 in and the implementation of the federal conservation
33 reserve program and to work with them to enhance their
34 revegetation efforts to improve water quality and
35 habitat:

36 \$ 1,000,000

37 b. Not more than 10 percent of the moneys
38 appropriated in paragraph "a" may be used for costs of
39 administration and implementation of soil and water
40 conservation practices.

41 6. SOIL AND WATER CONSERVATION

42 a. For use by the department in providing for soil
43 and water conservation administration, the conservation
44 of soil and water resources, or the support of soil and
45 water conservation district commissioners:

46 \$ 6,300,000

47 b. Not more than 5 percent of the moneys
48 appropriated in paragraph "a" may be allocated for
49 cost sharing to address complaints filed under section
50 161A.47.

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1 c. Of the moneys appropriated in paragraph "a",
2 5 percent shall be allocated for financial incentives
3 to establish practices to protect watersheds above
4 publicly owned lakes of the state from soil erosion and
5 sediment as provided in section 161A.73.

6 d. Not more than 30 percent of a soil and water
7 conservation district's allocation of moneys as
8 financial incentives may be provided for the purpose
9 of establishing management practices to control soil
10 erosion on land that is row cropped, including but
11 not limited to no-till planting, ridge-till planting,
12 contouring, and contour strip-cropping as provided in
13 section 161A.73.

14 e. The state soil conservation committee
15 established by section 161A.4 may allocate moneys
16 appropriated in paragraph "a" to conduct research and
17 demonstration projects to promote conservation tillage
18 and nonpoint source pollution control practices.

19 f. The allocation of moneys as financial incentives
20 as provided in section 161A.73 may be used in
21 combination with moneys allocated by the department of
22 natural resources.

23 g. Not more than 15 percent of the moneys
24 appropriated in paragraph "a" may be used for costs of
25 administration and implementation of soil and water
26 conservation practices.

27 h. In lieu of moneys appropriated in section
28 466A.5, not more than \$50,000 of the moneys
29 appropriated in paragraph "a" shall be used by the soil
30 conservation division of the department of agriculture
31 and land stewardship to provide administrative support
32 to the watershed improvement review board established
33 in section 466A.3.

34 Sec. 15. DEPARTMENT OF NATURAL RESOURCES. There is
35 appropriated from the environment first fund created in
36 section 8.57A to the department of natural resources
37 for the fiscal year beginning July 1, 2011, and ending
38 June 30, 2012, the following amounts, or so much
39 thereof as is necessary, to be used for the purposes
40 designated:

41 1. KEEPERS OF THE LAND

42 For statewide coordination of volunteer efforts
43 under the water quality and keepers of the land
44 programs:

45 \$ 100,000

46 2. STATE PARKS MAINTENANCE AND OPERATIONS

47 For regular maintenance of state parks and staff
48 time associated with these activities:

49 \$ 3,410,000

50 3. FORESTRY HEALTH MANAGEMENT

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1 To provide for forestry health management programs:
2 \$ 100,000

3 4. GEOGRAPHIC INFORMATION SYSTEM (GIS)

4 To provide local watershed managers with geographic
5 information system data for their use in developing,
6 monitoring, and displaying results of their watershed
7 work:

8 \$ 195,000

9 5. WATER QUALITY MONITORING

10 For continuing the establishment and operation of
11 water quality monitoring stations:

12 \$ 2,955,000

13 6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

14 For deposit in the public water supply system
15 account of the water quality protection fund created
16 in section 455B.183A:

17 \$ 500,000

18 7. REGULATION OF ANIMAL FEEDING OPERATIONS

19 For the regulation of animal feeding operations,
20 including as provided for in chapters 459 through 459B:
21 \$ 520,000

22 8. AMBIENT AIR QUALITY

23 For the abatement, control, and prevention of
24 ambient air pollution in this state, including measures
25 as necessary to assure attainment and maintenance of
26 ambient air quality standards from particulate matter:
27 \$ 425,000

28 9. WATER QUANTITY REGULATION

29 For regulating water quantity from surface and
30 subsurface sources by providing for the allocation and
31 use of water resources, the protection and management
32 of water resources, and the preclusion of conflicts
33 among users of water resources, including as provided
34 in chapter 455B, division III, part 4:
35 \$ 495,000

36 10. GEOLOGICAL AND WATER SURVEY

37 For continuing the operations of the department's
38 geological and water survey including but not limited
39 to providing analysis, data collection, investigative
40 programs, and information for water supply development
41 and protection:
42 \$ 200,000

43 Sec. 16. REVERSION. Notwithstanding section 8.33,
44 moneys appropriated for the fiscal year beginning
45 July 1, 2011, in this division of this Act that remain
46 unencumbered or unobligated at the close of the fiscal
47 year shall not revert but shall remain available to
48 be used for the purposes designated until the close
49 of the fiscal year beginning July 1, 2012, or until
50 the project for which the appropriation was made is

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1 completed, whichever is earlier.

2 DIVISION V
3 RESOURCES ENHANCEMENT AND PROTECTION
4 (REAP) FUND FOR FY 2011-2012
5 GENERAL APPROPRIATIONS

6 Sec. 17. ENVIRONMENT FIRST FUND. Notwithstanding
7 the amount of the standing appropriation from the
8 general fund of the state to the Iowa resources
9 enhancement and protection fund as provided in section
10 455A.18, there is appropriated from the environment
11 first fund created in section 8.57A to the Iowa
12 resources enhancement and protection fund, in lieu of
13 the appropriation made in section 455A.18, for the
14 fiscal year beginning July 1, 2011, and ending June 30,
15 2012, the following amount, to be allocated as provided
16 in section 455A.19:

17 \$ 12,375,000

18 DIVISION VI

19 AGRICULTURAL DRAINAGE WELL CLOSURE

20 Sec. 18. REPORT. The department of agriculture
21 and land stewardship shall prepare a report regarding
22 agricultural drainage wells that have not been closed
23 as provided in chapter 460. The report shall include
24 an inventory of agricultural drainage wells that
25 remain unclosed, a projected timeline for closing the
26 agricultural drainage wells, and an estimate of the
27 costs for closing each agricultural drainage well. The
28 department shall submit the report to the governor and
29 fiscal services division of the legislative services
30 agency not later than November 15, 2011.

31 DIVISION VII

32 SOIL NUTRIENT MASS STUDY

33 Sec. 19. WATERSHED IMPROVEMENT REVIEW BOARD.

34 1. Notwithstanding any provision to the contrary in
35 chapter 466A, the watershed improvement review board
36 established in section 466A.3 may authorize up to fifty
37 thousand dollars of moneys available in the watershed
38 improvement fund created in section 466A.2, for the
39 fiscal period beginning July 1, 2011, and ending
40 January 1, 2013, to finance a study of soil nutrient
41 mass balance issues.

42 2. The study financed by the board under this
43 section shall be conducted by the department of
44 agriculture and land stewardship in cooperation with
45 the Iowa state university college of agriculture.
46 The department, in cooperation with the college of
47 agriculture, shall study the leaching of nutrients from
48 the soil; the related impacts on soil sustainability;
49 productivity; water quality, including erosion,
50 sediment, and phosphorus attached to sediment; and the

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1 soil's capacity to absorb and hold water.
2 3. The department of agriculture and land
3 stewardship shall submit the results of the study
4 financed by the board under this section to the board,
5 the governor, and general assembly by January 10, 2013.

6 DIVISION VIII

7 ELIMINATION OF POSITION AND EXPENDITURE OF MONEYS

8 Sec. 20. ELIMINATION OF CHIEF AND ASSISTANT CHIEF

9 OF THE LAW ENFORCEMENT BUREAU OF THE DEPARTMENT OF

10 NATURAL RESOURCES. Effective August 1, 2011, the

11 position of assistant chief of the law enforcement

12 bureau of the department of natural resources is

13 eliminated.

14 Sec. 21. USE OF MONEYS SAVED FROM THE ELIMINATION

15 OF POSITION — ADDITIONAL CONSERVATION OFFICER. For

16 the fiscal year beginning July 1, 2011, and ending June
17 30, 2012, the department of natural resources shall
18 use moneys saved by the elimination of the position
19 of assistant chief of the law enforcement bureau of
20 the department of natural resources as provided in
21 this division for purposes of supporting an additional
22 full-time equivalent position including salaries,
23 support, maintenance, and miscellaneous purposes. The
24 full-time equivalent position shall be a conservation
25 officer assigned to field duties.

26 DIVISION IX

27 AGRICULTURE AND NATURAL RESOURCES

28 DEPARTMENT OF NATURAL RESOURCES

29 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION

30 FUND FOR FY 2010-2011

31 Sec. 22. USE OF MONEYS — RADIOS.

32 1. Notwithstanding 2010 Iowa Acts, chapter 1191,
33 section 7, the department of natural resources may use
34 the unappropriated balance remaining in the state fish
35 and game protection fund for the fiscal year beginning
36 July 1, 2010, and ending June 30, 2011, to purchase
37 mobile radios to meet federal and state requirements
38 for homeland security and public safety. This section
39 applies to those moneys in the fund that are not
40 otherwise used, obligated, or encumbered for payment
41 of health and life insurance premium payments for
42 conservation peace officer retirements for that fiscal
43 year. The department may use such moneys until October
44 31, 2011.

45 2. Of the amount appropriated in subsection 1,
46 the department of natural resources may enter into
47 a public-private partnership, through a competitive
48 bidding process, for the provision of the statewide
49 network and the purchase of compatible equipment.

50 3. On or before January 13, 2012, the department of

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1 natural resources in cooperation with the department of
2 public safety shall provide a report to the legislative
3 services agency and the department of management.
4 The report shall detail the status of the moneys
5 appropriated in subsection 1 and shall include the
6 estimated needs of the department of natural resources
7 to achieve interoperability and to meet the federal
8 narrowbanding mandate, any changes in estimated costs
9 to meet those needs, and the status of requests for
10 proposals to develop a public-private partnership.

11 Sec. 23. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
12 APPLICABILITY. This division of this Act, being deemed
13 of immediate importance, takes effect upon enactment
14 and, if approved by the governor on or after July 1,

15 2011, shall apply retroactively to June 30, 2011.

16 DIVISION X

17 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011

18 RURAL IMPROVEMENT ZONES

19 Sec. 24. Section 357H.7, Code 2011, is amended to
20 read as follows:

21 357H.7 Board of trustees — power.

22 The trustees of a rural improvement zone elected
23 pursuant to section 357H.6 shall constitute the board
24 of trustees of the zone and shall manage and control
25 the affairs, property, and facilities of the zone. The
26 board of trustees shall elect a president, a clerk,
27 and a treasurer from its membership. The trustees
28 may authorize construction, reconstruction, or repair
29 of improvements ~~within the zone~~ following procedures
30 set out in section 331.341. For these purposes, the
31 trustees may purchase material, employ personnel,
32 acquire real estate and interests in real estate, and
33 perform all other acts necessary to properly maintain
34 and operate the zone. The trustees are allowed
35 necessary expenses in the discharge of their duties,
36 but they shall not receive salaries.

37 DIVISION XI

38 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011

39 GROUNDWATER PROTECTION FUND

40 Sec. 25. Section 455E.11, subsection 2, paragraph
41 a, subparagraph (1), subparagraph division (a),
42 subparagraph subdivision (ii), subparagraph part (B),
43 Code 2011, is amended to read as follows:

44 (B) Expend not more than fifty percent of the
45 moneys for a community partnership program designed to
46 support community beautification projects ~~including~~
47 ~~the deconstruction, renovation, or removal of derelict~~
48 ~~buildings. Eligible communities are limited to cities~~
49 ~~of five thousand or fewer in population. Eligible~~
50 ~~costs shall include but are not limited to asbestos~~

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1 ~~abatement and removal, the recovery and processing~~
2 ~~of recyclable or reusable material from derelict~~
3 ~~buildings, and reimbursement for purchased recycled~~
4 ~~content materials used in the renovation of buildings.~~
5 ~~Special consideration may be given to communities that~~
6 ~~hire the unemployed to deconstruct structures, clean~~
7 ~~up the properties, and, if there is no immediate buyer~~
8 ~~for the properties, turn the properties into green~~
9 ~~spaces. Any business entity or individual engaged in~~
10 ~~the removal or abatement of asbestos must have obtained~~
11 ~~a valid license or permit as required in chapter 88B.~~

12 Sec. 26. Section 455E.11, subsection 2, paragraph
13 a, subparagraph (1), Code 2011, is amended by adding

14 the following new subparagraph division:
15 NEW SUBPARAGRAPH DIVISION. (0e) Not more than
16 four hundred thousand dollars to the department for
17 purposes of providing funding assistance to eligible
18 communities to address abandoned buildings by promoting
19 waste abatement, diversion, selective dismantlement
20 of building components, and recycling. Eligible
21 communities include a city with a population of
22 five thousand or fewer. Eligible costs for program
23 assistance include but are not limited to asbestos and
24 other hazardous material abatement and removal, the
25 recovery processing of recyclable or reusable material
26 through the selective dismantlement of abandoned
27 buildings, and reimbursement for purchased recycled
28 content materials used in the renovation of buildings.
29 For projects that support community beautification, the
30 department may elect to administer funding to eligible
31 communities in collaboration with the organization
32 awarded the beautification grant in accordance with
33 subparagraph division (a), subparagraph subdivision
34 (i).

35 DIVISION XII

36 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011

37 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
38 FUND

39 Sec. 27. Section 455G.3, subsections 6 through 8,
40 Code 2011, are amended to read as follows:

41 6. a. For the fiscal year beginning July 1,
42 2010, and each fiscal year thereafter, there is
43 appropriated from the Iowa comprehensive petroleum
44 underground storage tank fund to the department of
45 natural resources two hundred thousand dollars for
46 purposes of technical review support to be conducted
47 by nongovernmental entities for leaking underground
48 storage tank assessments.

49 b. Notwithstanding section 8.33, moneys
50 appropriated in this subsection that remain

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1 unencumbered or unobligated at the close of the fiscal
2 year shall not revert but shall remain available for
3 expenditure for the purposes designated until the close
4 of the succeeding fiscal year.

5 7. a. For the fiscal year beginning July 1, 2010,
6 there is appropriated from the Iowa comprehensive
7 petroleum underground storage tank fund to the
8 department of natural resources one hundred thousand
9 dollars for purposes of database modifications
10 necessary to accept batched external data regarding
11 underground storage tank inspections conducted by
12 nongovernmental entities.

13 b. Notwithstanding section 8.33, moneys
 14 appropriated in this subsection that remain
 15 unencumbered or unobligated at the close of the fiscal
 16 year shall not revert but shall remain available for
 17 expenditure for the purposes designated until the close
 18 of the succeeding fiscal year.

19 8. a. For the fiscal year beginning July 1, 2010,
 20 and each fiscal year thereafter, there is appropriated
 21 from the Iowa comprehensive petroleum underground
 22 storage tank fund to the department of agriculture and
 23 land stewardship two hundred fifty thousand dollars
 24 for the sole and exclusive purpose of inspecting
 25 fuel quality at pipeline terminals and renewable fuel
 26 production facilities, including salaries, support,
 27 maintenance, and miscellaneous purposes.

28 b. Notwithstanding section 8.33, moneys
 29 appropriated in this subsection that remain
 30 unencumbered or unobligated at the close of the fiscal
 31 year shall not revert but shall remain available for
 32 expenditure for the purposes designated until the close
 33 of the succeeding fiscal year.

34 Sec. 28. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 35 APPLICABILITY. This division of this Act, being deemed
 36 of immediate importance, takes effect upon enactment
 37 and, if approved by the governor on or after July 1,
 38 2011, shall apply retroactively to June 30, 2011.

39 DIVISION XIII

40 AGRICULTURE AND NATURAL RESOURCES

41 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 —

42 LOCAL FOOD AND FARM INITIATIVE

43 Sec. 29. NEW SECTION. 267A.1 Purpose and goals.

44 1. The purpose of this chapter is to empower
 45 farmers and food entrepreneurs to provide for strong
 46 local food economies that promote self-sufficiency
 47 and job growth in the agricultural sector and allied
 48 sectors of the economy.

49 2. The goals of this chapter are to accomplish all
 50 of the following:

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1 a. Promote the expansion of the production of local
 2 foods, including all of the following:

3 (1) The production of Iowa-grown food, including
 4 but not limited to livestock, eggs, milk, fruit,
 5 vegetables, grains, herbs, honey, and nuts.

6 (2) The processing of Iowa-grown agricultural
 7 products into food products, including canning,
 8 freezing, dehydrating, bottling, or otherwise packaging
 9 and preserving such products.

10 (3) The distribution and marketing of fresh and
 11 processed Iowa-grown agricultural food products to

12 markets in this state and neighboring states.
13 b. Increase consumer and institutional spending on
14 Iowa-produced and marketed foods.
15 c. Increase the profitability of farmers and
16 businesses engaged in enterprises related to producing,
17 processing, distributing, and marketing local food.
18 d. Increase the number of jobs in this state's
19 farm and business economies associated with producing,
20 processing, distributing, and marketing local food.
21 Sec. 30. NEW SECTION. 267A.2 Definitions.
22 As used in this section, unless the context
23 otherwise requires:
24 1. "Coordinator" means the local food and farm
25 program coordinator created in section 267A.4.
26 2. "Council" means the local food and farm program
27 council established in section 267A.3.
28 3. "Department" means the department of agriculture
29 and land stewardship.
30 4. "Fund" means the local food and farm program
31 fund created in section 267A.5.
32 Sec. 31. NEW SECTION. 267A.3 Local food and farm
33 program council.
34 1. A local food and farm program council is
35 established to advise the local food and farm program
36 coordinator carrying out the purpose and goals of this
37 chapter as provided in section 267A.1.
38 2. The council shall be composed of the following
39 voting members:
40 a. The secretary of agriculture or the secretary's
41 designee.
42 b. Members appointed by the designated
43 organizations, at the discretion of the organization,
44 to represent the private sector as follows:
45 (1) One person by the practical farmers of Iowa who
46 is involved in local food production.
47 (2) One person by the Iowa farmers market
48 association.
49 c. Members appointed by the governor to represent
50 public or private entities involved in local food

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1 distribution, marketing, or processing as follows:
2 (1) One person who is associated with a resource
3 conservation and development office in this state.
4 (2) One person actively engaged in the distribution
5 of local food to processors, wholesalers, or retailers.
6 (3) One person from the regional food systems
7 working group who is actively engaged or an expert in
8 local food.
9 3. A member designated by the secretary of
10 agriculture shall serve at the pleasure of the

11 secretary. A member appointed by an organization shall
12 serve at the pleasure of that organization. A member
13 appointed by the governor shall serve at the pleasure
14 of the governor.

15 4. The council shall be part of the department.
16 The department shall perform administrative functions
17 necessary for the operation of the council.

18 5. The council shall elect a chairperson from among
19 its members each year on a rotating basis as provided
20 by the council. The council shall meet on a regular
21 basis and at the call of the chairperson or upon the
22 written request to the chairperson of a majority of the
23 members.

24 6. The members of the council shall not receive
25 compensation for their services including as provided
26 in section 7E.6. However, the members may be
27 reimbursed for their actual and necessary expenses
28 incurred in the performance of their duties as members
29 of the council if allowed by the council.

30 7. A majority of the members constitutes a quorum
31 and the affirmative vote of a majority of the members
32 present is necessary for any substantive action to
33 be taken by the council. The majority shall not
34 include any member who has a conflict of interest and a
35 statement by a member that the member has a conflict
36 of interest is conclusive for this purpose. A vacancy
37 in the membership does not impair the duties of the
38 council.

39 Sec. 32. NEW SECTION. 267A.4 Local food and farm
40 program coordinator.

41 The position of local food and farm program
42 coordinator is created within Iowa state university
43 as part of its cooperative extension service in
44 agriculture and home economics. The coordinator shall
45 be the primary state official charged with carrying out
46 the purposes and goals of this chapter.

47 Sec. 33. NEW SECTION. 267A.5 Local food and farm
48 program fund.

49 A local food and farm program fund is created in the
50 state treasury under the control of the department.

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1 The fund is separate from the general fund of the
2 state. The fund is composed of moneys appropriated
3 by the general assembly and moneys available to and
4 obtained or accepted by the local food and farm program
5 from the United States government or private sources
6 for placement in the fund. Moneys in the fund shall
7 be used to carry out the purpose and goals of this
8 chapter as provided in section 267A.1, including but
9 not limited to administering the local food and farm

10 program as provided in section 267A.6. The fund shall
11 be managed by the department in consultation with the
12 local food and farm coordinator, under the supervision
13 of the local food and farm program council.

14 Sec. 34. NEW SECTION. 267A.6 Local food and farm
15 program.

16 The local food and farm program coordinator, with
17 advice from the local food and farm program council,
18 shall develop and administer a local food and farm
19 program necessary to carry out the purpose and goals of
20 this chapter as provided in section 267A.1, including
21 but not limited to by improving any of the following:

22 1. Communication and cooperation between and among
23 farmers, food entrepreneurs, and consumers.

24 2. Coordination between and among government
25 agencies, public universities and community colleges,
26 organizations, and private-sector firms working on
27 local food and farm-related issues.

28 Sec. 35. NEW SECTION. 267A.7 Local food and farm
29 program report.

30 The local food and farm program coordinator shall
31 prepare an annual report dated June 30, which shall
32 evaluate the state's progress in accomplishing the
33 purpose and goals of this chapter. The report shall
34 be delivered to the governor and general assembly not
35 later than October 1 of each year.

36 DIVISION XIV

37 AGRICULTURE AND NATURAL RESOURCES

38 RELATED STATUTORY CHANGES FOR CODIFICATION

39 IN 2011 — ANIMAL AGRICULTURE

40 COMPLIANCE CIVIL PENALTIES

41 Sec. 36. Section 455B.109, subsection 5, Code 2011,
42 is amended by striking the subsection and inserting in
43 lieu thereof the following:

44 5. a. Except as provided in paragraph "b", all
45 civil penalties assessed by the department and interest
46 on the civil penalties shall be deposited in the
47 general fund of the state.

48 b. Civil penalties assessed and collected by or
49 on behalf of the department and interest on the civil
50 penalties as provided in sections 459.602, 459.603,

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1 459.604, 459A.502, and 459B.402 shall be deposited
2 into the watershed improvement fund created in section
3 466A.2.

4 Sec. 37. Section 459.401, subsection 2, paragraph
5 a, subparagraph (5), Code 2011, is amended by striking
6 the subparagraph.

7 Sec. 38. Section 459.602, Code 2011, is amended to
8 read as follows:

9 459.602 Air quality violations — civil penalty.
10 A person who violates subchapter II shall be
11 subject to a civil penalty which shall be established,
12 assessed, and collected in the same manner as provided
13 in section 455B.109. Any civil penalty collected shall
14 be deposited ~~in the animal agriculture compliance~~
15 ~~fund created in section 459.401 into the watershed~~
16 improvement fund created in section 466A.2.
17 Sec. 39. Section 459.603, Code 2011, is amended to
18 read as follows:
19 459.603 Water quality violations — civil penalty.
20 A person who violates subchapter III shall be
21 subject to a civil penalty which shall be established,
22 assessed, and collected in the same manner as provided
23 in section 455B.109 or 455B.191. Any civil penalty
24 collected shall be deposited ~~in the animal agriculture~~
25 ~~compliance fund created in section 459.401 into the~~
26 watershed improvement fund created in section 466A.2.
27 Sec. 40. Section 459.604, subsection 2, Code 2011,
28 is amended to read as follows:
29 2. Moneys assessed and collected in civil penalties
30 and interest earned on civil penalties, arising out
31 of a violation involving an animal feeding operation,
32 shall be deposited ~~in the animal agriculture compliance~~
33 ~~fund as created in section 459.401 into the watershed~~
34 improvement fund created in section 466A.2.
35 Sec. 41. Section 459A.502, Code 2011, is amended to
36 read as follows:
37 459A.502 Violations — civil penalty.
38 A person who violates this chapter shall be subject
39 to a civil penalty which shall be established,
40 assessed, and collected in the same manner as provided
41 in section 455B.191. Any civil penalty collected and
42 interest on a civil penalty shall be deposited ~~in the~~
43 ~~animal agriculture compliance fund created in section~~
44 ~~459.401 into the watershed improvement fund created in~~
45 section 466A.2. A person shall not be subject to a
46 penalty under this section and a penalty under section
47 459.603 for the same violation.
48 Sec. 42. Section 459B.402, Code 2011, is amended to
49 read as follows:
50 459B.402 Violations — civil penalty.

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1 A person who violates section 459B.301 shall be
2 subject to the same penalty as provided in section
3 459.602, and a person who violates any other provision
4 of this chapter shall be subject to the same penalty
5 as provided in section 459.603. Any civil penalty
6 collected shall be deposited ~~in the animal agriculture~~
7 ~~compliance fund created in section 459.401 into the~~

8 watershed improvement fund created in section 466A.2.

9 Sec. 43. Section 466A.2, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. a. A watershed improvement fund is created in
12 the state treasury which shall be administered by the
13 treasurer of state ~~upon direction under the supervision~~
14 of the watershed improvement review board. Moneys in
15 the fund are appropriated to the treasurer of state for
16 expenditure as authorized by the board to carry out the
17 purposes of this chapter.

18 b. The fund shall include a general account and
19 special account.

20 (1) ~~Moneys' Other than as provided in subparagraph~~
21 ~~(2), the general account shall include all moneys~~
22 appropriated to the fund and any other moneys available
23 to and obtained or accepted by the treasurer of state
24 for placement in the fund shall be deposited in the
25 fund. Additionally, payments of interest, recaptures
26 of awards, and other repayments to the ~~fund~~ account
27 shall be deposited in the ~~fund~~ account.

28 (2) The special account shall exclusively include
29 moneys assessed and collected by or on behalf of
30 the department of natural resources as provided in
31 sections 455B.109, 459.602, 459.603, 459.604, 459A.502,
32 and 459B.402. Additionally, payments of interest,
33 recaptures of awards, and other repayments to the
34 account shall be deposited in the account.

35 c. Notwithstanding section 12C.7, subsection 2,
36 interest or earnings on moneys in ~~the fund~~ an account
37 of the fund that shall be credited to ~~the fund~~ that
38 account.

39 d. Notwithstanding section 8.33, moneys in the fund
40 that remain unencumbered or unobligated at the end of
41 the fiscal year shall not revert, but shall remain
42 available for the same purpose in the succeeding fiscal
43 year.

44 e. ~~The moneys~~ Moneys in the fund general account of
45 the fund shall be used exclusively for carrying out the
46 purposes of ~~the fund as provided in this section this~~
47 ~~chapter.~~ Moneys in the special account of the fund
48 shall be used exclusively by the board for purposes
49 of awarding local watershed improvement grants and
50 monitoring the progress of local watershed improvement

Page 20

1 projects awarded grants as provided in section 466A.3.

2 f. ~~Moneys appropriated to the treasurer of state~~
3 ~~and deposited in the fund shall not be used by the~~
4 treasurer of state for ~~its~~ administrative purposes.

5 Sec. 44. Section 466A.3, subsection 4, unnumbered
6 paragraph 1, Code 2011, is amended to read as follows:

7 The watershed improvement review board shall carry
8 out the purposes of this chapter as provided in section
9 466A.2, including by determining how moneys are to
10 be expended from the watershed improvement fund and
11 authorizing the expenditure of moneys from the fund.
12 In carrying out those purposes, the board shall do all
13 of the following:

14 Sec. 45. Section 466A.3, subsection 4, paragraph a,
15 Code 2011, is amended to read as follows:

16 a. Award local watershed improvement grants and
17 monitor the progress of local watershed improvement
18 projects awarded grants.

19 (1) A local watershed improvement grant may be
20 awarded for an original period not to exceed five
21 years. However, during those five years, the board
22 may extend the period of the award for up to five
23 additional years after the date that the original
24 period would have ended.

25 (2) Each local watershed improvement grant awarded
26 shall not exceed ten percent of the moneys appropriated
27 for the grants during a fiscal year.

28 (3) Moneys deposited into the fund's special
29 account shall be used exclusively for awarding local
30 watershed improvement grants and monitoring the
31 progress of local watershed improvement projects
32 awarded grants as provided in this paragraph "a".
33 However, any other moneys may also be used for awarding
34 grants and monitoring the progress of projects.

35 Sec. 46. Section 466A.5, Code 2011, is amended to
36 read as follows:

37 466A.5 Administration.

38 The soil conservation division of the department
39 of agriculture and land stewardship shall provide
40 administrative support to the board. Not more than one
41 percent of the total moneys deposited in the general
42 account of the watershed improvement fund on July 1 of
43 a fiscal year or fifty thousand dollars, whichever is
44 less, is appropriated each fiscal year to the division
45 for the purposes of assisting the watershed improvement
46 review board in administering this chapter.

47 DIVISION XV

48 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

49 GENERAL APPROPRIATIONS FOR FY 2012-2013

50 Sec. 47. GENERAL FUND — DEPARTMENT.

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1 1. There is appropriated from the general fund of
2 the state to the department of agriculture and land
3 stewardship for the fiscal year beginning July 1, 2012,
4 and ending June 30, 2013, the following amount, or
5 so much thereof as is necessary, to be used for the

6 purposes designated:

7 For purposes of supporting the department, including
8 its divisions, for administration, regulation, and
9 programs; for salaries, support, maintenance, and
10 miscellaneous purposes; and for not more than the
11 following full-time equivalent positions:

12 \$ 8,343,252

13 FTEs 347.00

14 2. The department shall submit a report each
15 quarter of the fiscal year to the legislative services
16 agency, the department of management, the members of
17 the joint appropriations subcommittee on agriculture
18 and natural resources, and the chairpersons and
19 ranking members of the senate and house committees on
20 appropriations. The report shall describe in detail
21 the expenditure of moneys appropriated in this section
22 to support the department's administration, regulation,
23 and programs.

24 3. Of the amount appropriated in this section,
25 \$119,000 is transferred to Iowa state university of
26 science and technology, to be used for the university's
27 midwest grape and wine industry institute.

28 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

29 Sec. 48. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
30 HORSE AND DOG RACING. There is appropriated from the
31 moneys available under section 99D.13 to the department
32 of agriculture and land stewardship for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the
34 following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 For purposes of supporting the department's
37 administration and enforcement of horse and dog racing
38 law pursuant to section 99D.22, including for salaries,
39 support, maintenance, and miscellaneous purposes:

40 \$ 152,758

41 DESIGNATED APPROPRIATIONS — MOTOR FUEL

42 Sec. 49. RENEWABLE FUEL INFRASTRUCTURE FUND —
43 MOTOR FUEL INSPECTION. There is appropriated from
44 the renewable fuel infrastructure fund created in
45 section 15G.205 to the department of agriculture and
46 land stewardship for the fiscal year beginning July 1,
47 2012, and ending June 30, 2013, the following amount,
48 or so much thereof as is necessary, to be used for the
49 purposes designated:

50 For purposes of the inspection of motor fuel,

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1 including salaries, support, maintenance, and
2 miscellaneous purposes:

3 \$ 250,000

4 The department shall establish and administer

5 programs for the auditing of motor fuel including
 6 biofuel processing and production plants, for screening
 7 and testing motor fuel, including renewable fuel,
 8 and for the inspection of motor fuel sold by dealers
 9 including retail dealers who sell and dispense motor
 10 fuel from motor fuel pumps.

11 DESIGNATED APPROPRIATIONS — LOCAL FOOD AND FARM
 12 COORDINATOR

13 Sec. 50. APPROPRIATION — DEPARTMENT OF AGRICULTURE
 14 AND LAND STEWARDSHIP — LOCAL FOOD AND FARM PROGRAM
 15 COORDINATOR.

16 1. There is appropriated from the general fund of
 17 the state to the department of agriculture and land
 18 stewardship for the fiscal year beginning July 1, 2012,
 19 and ending June 30, 2013, the following amount, or
 20 so much thereof as is necessary, to be used for the
 21 purposes designated:

22 For purposes of supporting a local food and farm
 23 program coordinator as provided in chapter 267A,
 24 as enacted by this Act, for salaries, support,
 25 maintenance, and miscellaneous purposes, and for not
 26 more than the following full-time equivalent positions:
 27 \$ 37,500
 28 FTEs 1.00

29 2. The department shall enter into a cost-sharing
 30 agreement with Iowa state university to support
 31 the local food and farm program coordinator. The
 32 coordinator shall be stationed at Iowa state university
 33 as provided in chapter 267A, as enacted by this Act.

34 DESIGNATED APPROPRIATIONS — AGRICULTURAL EDUCATION

35 Sec. 51. AGRICULTURAL EDUCATION. There is
 36 appropriated from the general fund of the state to the
 37 department of agriculture and land stewardship for the
 38 fiscal year beginning July 1, 2012, and ending June 30,
 39 2013, the following amount, or so much thereof as is
 40 necessary, to be used for the purposes designated:

41 For purposes of allocating moneys to an Iowa
 42 association affiliated with a national organization
 43 which promotes agricultural education providing for
 44 future farmers:
 45 \$ 12,500

46 DIVISION XVI

47 DEPARTMENT OF NATURAL RESOURCES

48 GENERAL APPROPRIATIONS FOR FY 2012-2013

49 Sec. 52. GENERAL FUND — DEPARTMENT.

50 1. There is appropriated from the general fund of

1 the state to the department of natural resources for
 2 the fiscal year beginning July 1, 2012, and ending June
 3 30, 2013, the following amount, or so much thereof as

4 is necessary, to be used for the purposes designated:
5 For purposes of supporting the department, including
6 its divisions, for administration, regulation, and
7 programs; for salaries, support, maintenance, and
8 miscellaneous purposes; and for not more than the
9 following full-time equivalent positions:

10 \$ 6,145,844
11 FTEs 1,145.95

12 2. Of the number of full-time equivalent positions
13 authorized to the department pursuant to subsection 1,
14 50.00 full-time equivalent positions shall be allocated
15 by the department for seasonal employees for purposes
16 of providing maintenance, upkeep, and sanitary services
17 at state parks.

18 3. The department shall submit a report each
19 quarter of the fiscal year to the legislative services
20 agency, the department of management, the members of
21 the joint appropriations subcommittee on agriculture
22 and natural resources, and the chairpersons and
23 ranking members of the senate and house committees on
24 appropriations. The report shall describe in detail
25 the expenditure of moneys appropriated under this
26 section to support the department's administration,
27 regulation, and programs.

28 Sec. 53. STATE FISH AND GAME PROTECTION FUND —
29 DIVISION OF FISH AND WILDLIFE.

30 1. There is appropriated from the state fish and
31 game protection fund to the department of natural
32 resources for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount, or
34 so much thereof as is necessary, to be used for the
35 purposes designated:

36 For purposes of supporting the division of fish and
37 wildlife, including for administration, regulation,
38 and programs; and for salaries, support, maintenance,
39 equipment, and miscellaneous purposes:
40 \$ 19,396,577

41 2. Notwithstanding section 455A.10, the department
42 may use the unappropriated balance remaining in the
43 state fish and game protection fund to provide for the
44 funding of health and life insurance premium payments
45 from unused sick leave balances of conservation peace
46 officers employed in a protection occupation who
47 retire, pursuant to section 97B.49B.

48 3. Notwithstanding section 455A.10, the department
49 of natural resources may use the unappropriated
50 balance remaining in the state fish and game protection

1 fund for the fiscal year beginning July 1, 2012,
2 and ending June 30, 2013, as is necessary to fund

3 salary adjustments for departmental employees which
4 the general assembly has made an operating budget
5 appropriation for in subsection 1.

6 Sec. 54. GROUNDWATER PROTECTION FUND — WATER
7 QUALITY. There is appropriated from the groundwater
8 protection fund created in section 455E.11 to the
9 department of natural resources for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, from
11 those moneys which are not allocated pursuant to that
12 section, the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 For purposes of supporting the department's
15 protection of the state's groundwater, including
16 for administration, regulation, and programs, and
17 for salaries, support, maintenance, equipment, and
18 miscellaneous purposes:

19 \$ 1,727,916

20 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

21 Sec. 55. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
22 PROGRAM. There is appropriated from the special
23 snowmobile fund created under section 321G.7 to the
24 department of natural resources for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the
26 following amount, or so much thereof as is necessary,
27 to be used for the purpose designated:

28 For purposes of administering and enforcing the
29 state snowmobile programs:

30 \$ 50,000

31 Sec. 56. UNASSIGNED REVENUE FUND — UNDERGROUND
32 STORAGE TANK SECTION EXPENSES. There is appropriated

33 from the unassigned revenue fund administered by the
34 Iowa comprehensive underground storage tank fund
35 board to the department of natural resources for the
36 fiscal year beginning July 1, 2012, and ending June 30,
37 2013, the following amount, or so much thereof as is
38 necessary, to be used for the purpose designated:

39 For purposes of paying for administration expenses
40 of the department's underground storage tank section:

41 \$ 100,000

42 Sec. 57. STORM WATER DISCHARGE PERMIT FEES —
43 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any

44 contrary provision of state law, for the fiscal year
45 beginning July 1, 2012, and ending June 30, 2013, the
46 department of natural resources may use additional
47 moneys available to the department collected from
48 storm water discharge permit fees as provided in
49 sections 455B.103A and 455B.197 for the staffing of the
50 following additional full-time equivalent positions for

- 1 the purposes designated:
- 2 1. For purposes of reducing the department's
- 3 floodplain permit backlog:
- 4 FTEs 2.00
- 5 2. For purposes of implementing the federal total
- 6 maximum daily load program:
- 7 FTEs 2.00

8 DIVISION XVII
 9 IOWA STATE UNIVERSITY
 10 APPROPRIATION FOR FY 2012-2013

11 Sec. 58. GENERAL FUND — VETERINARY DIAGNOSTIC
 12 LABORATORY.

13 1. There is appropriated from the general fund
 14 of the state to Iowa state university of science and
 15 technology for the fiscal year beginning July 1, 2012,
 16 and ending June 30, 2013, the following amount, or
 17 so much thereof as is necessary, to be used for the
 18 purposes designated:

- 19 For purposes of supporting the college of veterinary
- 20 medicine for the operation of the veterinary diagnostic
- 21 laboratory and for not more than the following
- 22 full-time equivalent positions:
- 23 \$ 1,618,818
- 24 FTEs 50.00

25 2. a. Iowa state university of science and
 26 technology shall not reduce the amount that it
 27 allocates to support the college of veterinary medicine
 28 from any other source due to the appropriation made in
 29 this section.

30 b. Paragraph "a" does not apply to a reduction made
 31 to support the college of veterinary medicine, if the
 32 same percentage of reduction imposed on the college
 33 of veterinary medicine is also imposed on all of Iowa
 34 state university's budget units.

35 3. If by June 30, 2013, Iowa state university
 36 of science and technology fails to allocate the
 37 moneys appropriated in this section to the college of
 38 veterinary medicine in accordance with this section,
 39 the moneys appropriated in this section for that fiscal
 40 year shall revert to the general fund of the state.

41 Sec. 59. VETERINARY DIAGNOSTIC LABORATORY —
 42 FUTURE YEAR. This section applies if appropriations
 43 made in this Act and all other Acts enacted by the
 44 Eighty-fourth General Assembly during the 2012 regular
 45 session and all extraordinary sessions, for the
 46 fiscal year beginning July 1, 2012, and ending June
 47 30, 2013, for purposes of supporting the operation
 48 of the veterinary diagnostic laboratory associated
 49 with the college of veterinary medicine at Iowa state
 50 university, total less than \$4,000,000. It is the

1 intent of the general assembly that the amount of any
 2 deficit will be appropriated by the general assembly
 3 during its 2013 regular session for purposes of
 4 supporting the operation of the veterinary diagnostic
 5 laboratory for the fiscal year beginning July 1, 2013,
 6 and ending June 30, 2014.

7 DIVISION XVIII

8 ENVIRONMENT FIRST FUND

9 GENERAL APPROPRIATIONS FOR FY 2012-2013

10 Sec. 60. DEPARTMENT OF AGRICULTURE AND LAND

11 STEWARDSHIP. There is appropriated from the
 12 environment first fund created in section 8.57A to the
 13 department of agriculture and land stewardship for the
 14 fiscal year beginning July 1, 2012, and ending June 30,
 15 2013, the following amounts, or so much thereof as is
 16 necessary, to be used for the purposes designated:

17 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

18 a. For the conservation reserve enhancement program
 19 to restore and construct wetlands for the purposes of
 20 intercepting tile line runoff, reducing nutrient loss,
 21 improving water quality, and enhancing agricultural
 22 production practices:

23 \$ 500,000

24 b. Not more than 10 percent of the moneys
 25 appropriated in paragraph "a" may be used for costs of
 26 administration and implementation of soil and water
 27 conservation practices.

28 c. Notwithstanding any other provision in law,
 29 the department may provide state resources from this
 30 appropriation, in combination with other appropriate
 31 environment first fund appropriations, for cost sharing
 32 to match United States department of agriculture,
 33 natural resources conservation service, wetlands
 34 reserve enhancement program (WREP) funding available
 35 to Iowa.

36 2. WATERSHED PROTECTION

37 a. For continuation of a program that provides
 38 multiobjective resource protections for flood control,
 39 water quality, erosion control, and natural resource
 40 conservation:

41 \$ 450,000

42 b. Not more than 10 percent of the moneys
 43 appropriated in paragraph "a" may be used for costs of
 44 administration and implementation of soil and water
 45 conservation practices.

46 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

47 a. For continuation of a statewide voluntary farm
 48 management demonstration program to demonstrate the
 49 effectiveness and adaptability of emerging practices in
 50 agronomy that protect water resources and provide other

1 environmental benefits:
2 \$ 262,500
3 b. Not more than 10 percent of the moneys
4 appropriated in paragraph "a" may be used for costs of
5 administration and implementation of soil and water
6 conservation practices.
7 c. The department of agriculture and land
8 stewardship shall allocate an amount of moneys
9 appropriated in paragraph "a" to an organization
10 representing soybean growers for purposes of supporting
11 an agriculture and environment performance program in
12 order to carry out the purposes of this subsection as
13 specified in paragraph "a". The amount of the moneys
14 allocated shall be determined by the secretary of
15 agriculture.

16 4. SOIL AND WATER CONSERVATION — ADMINISTRATION
17 For use by the department for costs of
18 administration and implementation of soil and water
19 conservation practices:
20 \$ 1,000,000

21 5. CONSERVATION RESERVE PROGRAM (CRP)
22 a. To encourage and assist farmers in enrolling
23 in and the implementation of the federal conservation
24 reserve program and to work with them to enhance their
25 revegetation efforts to improve water quality and
26 habitat:
27 \$ 500,000
28 b. Not more than 10 percent of the moneys
29 appropriated in paragraph "a" may be used for costs of
30 administration and implementation of soil and water
31 conservation practices.

32 6. SOIL AND WATER CONSERVATION
33 a. For use by the department in providing for soil
34 and water conservation administration, the conservation
35 of soil and water resources, or the support of soil and
36 water conservation district commissioners:
37 \$ 3,150,000
38 b. Not more than 5 percent of the moneys
39 appropriated in paragraph "a" may be allocated for
40 cost sharing to address complaints filed under section
41 161A.47.
42 c. Of the moneys appropriated in paragraph "a",
43 5 percent shall be allocated for financial incentives
44 to establish practices to protect watersheds above
45 publicly owned lakes of the state from soil erosion and
46 sediment as provided in section 161A.73.
47 d. Not more than 30 percent of a soil and water
48 conservation district's allocation of moneys as
49 financial incentives may be provided for the purpose
50 of establishing management practices to control soil

1 erosion on land that is row cropped, including but
2 not limited to no-till planting, ridge-till planting,
3 contouring, and contour strip-cropping as provided in
4 section 161A.73.

5 e. The state soil conservation committee
6 established by section 161A.4 may allocate moneys
7 appropriated in paragraph "a" to conduct research and
8 demonstration projects to promote conservation tillage
9 and nonpoint source pollution control practices.

10 f. The allocation of moneys as financial incentives
11 as provided in section 161A.73 may be used in
12 combination with moneys allocated by the department of
13 natural resources.

14 g. Not more than 15 percent of the moneys
15 appropriated in paragraph "a" may be used for costs of
16 administration and implementation of soil and water
17 conservation practices.

18 h. In lieu of moneys appropriated in section
19 466A.5, not more than \$50,000 of the moneys
20 appropriated in paragraph "a" shall be used by the soil
21 conservation division of the department of agriculture
22 and land stewardship to provide administrative support
23 to the watershed improvement review board established
24 in section 466A.3.

25 Sec. 61. DEPARTMENT OF NATURAL RESOURCES. There is
26 appropriated from the environment first fund created in
27 section 8.57A to the department of natural resources
28 for the fiscal year beginning July 1, 2012, and ending
29 June 30, 2013, the following amounts, or so much
30 thereof as is necessary, to be used for the purposes
31 designated:

32 1. KEEPERS OF THE LAND

33 For statewide coordination of volunteer efforts
34 under the water quality and keepers of the land
35 programs:

36 \$ 50,000

37 2. STATE PARKS MAINTENANCE AND OPERATIONS

38 For regular maintenance of state parks and staff
39 time associated with these activities:

40 \$ 1,705,000

41 3. FORESTRY HEALTH MANAGEMENT

42 To provide for forestry health management programs:

43 \$ 50,000

44 4. GEOGRAPHIC INFORMATION SYSTEM (GIS)

45 To provide local watershed managers with geographic
46 information system data for their use in developing,
47 monitoring, and displaying results of their watershed
48 work:

49 \$ 97,500

50 5. WATER QUALITY MONITORING

1 For continuing the establishment and operation of
2 water quality monitoring stations:
3 \$ 1,477,500
4 6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
5 For deposit in the public water supply system
6 account of the water quality protection fund created
7 in section 455B.183A:
8 \$ 250,000
9 7. REGULATION OF ANIMAL FEEDING OPERATIONS
10 For the regulation of animal feeding operations,
11 including as provided for in chapters 459 through 459B:
12 \$ 260,000
13 8. AMBIENT AIR QUALITY
14 For the abatement, control, and prevention of
15 ambient air pollution in this state, including measures
16 as necessary to assure attainment and maintenance of
17 ambient air quality standards from particulate matter:
18 \$ 212,500
19 9. WATER QUANTITY REGULATION
20 For regulating water quantity from surface and
21 subsurface sources by providing for the allocation and
22 use of water resources, the protection and management
23 of water resources, and the preclusion of conflicts
24 among users of water resources, including as provided
25 in chapter 455B, division III, part 4:
26 \$ 247,500
27 10. GEOLOGICAL AND WATER SURVEY
28 For continuing the operations of the department's
29 geological and water survey including but not limited
30 to providing analysis, data collection, investigative
31 programs, and information for water supply development
32 and protection:
33 \$ 100,000
34 Sec. 62. REVERSION. Notwithstanding section 8.33,
35 moneys appropriated for the fiscal year beginning
36 July 1, 2012, in this division of this Act that remain
37 unencumbered or unobligated at the close of the fiscal
38 year shall not revert but shall remain available to
39 be used for the purposes designated until the close
40 of the fiscal year beginning July 1, 2013, or until
41 the project for which the appropriation was made is
42 completed, whichever is earlier.
43 DIVISION XIX
44 RESOURCES ENHANCEMENT AND PROTECTION
45 (REAP) FUND FOR FY 2012-2013
46 GENERAL APPROPRIATIONS
47 Sec. 63. ENVIRONMENT FIRST FUND. Notwithstanding
48 the amount of the standing appropriation from the
49 general fund of the state to the Iowa resources
50 enhancement and protection fund as provided in section

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1 455A.18, there is appropriated from the environment
 2 first fund created in section 8.57A to the Iowa
 3 resources enhancement and protection fund, in lieu of
 4 the appropriation made in section 455A.18, for the
 5 fiscal year beginning July 1, 2012, and ending June 30,
 6 2013, the following amount, to be allocated as provided
 7 in section 455A.19:

8 \$ 15,000,000

9 DIVISION XX

10 CONDITIONAL RETROACTIVE APPLICABILITY

11 Sec. 64. EFFECTIVE DATE AND RETROACTIVE
 12 APPLICABILITY. Unless otherwise provided, this Act,
 13 if approved by the governor on or after July 1, 2011,
 14 takes effect upon enactment and applies retroactively
 15 to July 1, 2011.>

16 2. Title page, line 4, after <effective date> by
 17 inserting <and retroactive and other applicability>

18 3. By renumbering as necessary.>

SENATE AMENDMENT

H-1744

1 Amend the amendment, S-3233, to Senate File 510, as
 2 passed by the Senate, as follows:

3 1. By striking page 1, line 7, through page 28,
 4 line 10, and inserting:

5 <Section 1. DEPARTMENT OF JUSTICE.

6 1. There is appropriated from the general fund
 7 of the state to the department of justice for the
 8 fiscal year beginning July 1, 2011, and ending June 30,
 9 2012, the following amounts, or so much thereof as is
 10 necessary, to be used for the purposes designated:

11 a. For the general office of attorney general for
 12 salaries, support, maintenance, and miscellaneous
 13 purposes, including the prosecuting attorneys training
 14 program, matching funds for federal violence against
 15 women grant programs, victim assistance grants, office
 16 of drug control policy prosecuting attorney program,
 17 and odometer fraud enforcement, and for not more than
 18 the following full-time equivalent positions:

19 \$ 7,942,930

20 FTEs 212.00

21 It is the intent of the general assembly that as
 22 a condition of receiving the appropriation provided
 23 in this lettered paragraph, the department of justice
 24 shall maintain a record of the estimated time incurred
 25 representing each agency or department.

26 b. For victim assistance grants:

27 \$ 2,876,400

28 The funds appropriated in this lettered paragraph
29 shall be used to provide grants to care providers
30 providing services to crime victims of domestic abuse
31 or to crime victims of rape and sexual assault.

32 The balance of the victim compensation fund
33 established in section 915.94 may be used to provide
34 salary and support of not more than 24 FTEs and
35 to provide maintenance for the victim compensation
36 functions of the department of justice.

37 The department of justice shall transfer at least
38 \$150,000 from the victim compensation fund established
39 in section 915.94 to the victim assistance grant
40 program.

41 c. For legal services for persons in poverty grants
42 as provided in section 13.34:

43 \$ 1,814,831

44 2. a. The department of justice, in submitting
45 budget estimates for the fiscal year commencing July
46 1, 2012, pursuant to section 8.23, shall include a
47 report of funding from sources other than amounts
48 appropriated directly from the general fund of the
49 state to the department of justice or to the office of
50 consumer advocate. These funding sources shall include

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1 but are not limited to reimbursements from other state
2 agencies, commissions, boards, or similar entities, and
3 reimbursements from special funds or internal accounts
4 within the department of justice. The department of
5 justice shall also report actual reimbursements for the
6 fiscal year commencing July 1, 2010, and actual and
7 expected reimbursements for the fiscal year commencing
8 July 1, 2011.

9 b. The department of justice shall include the
10 report required under paragraph "a", as well as
11 information regarding any revisions occurring as a
12 result of reimbursements actually received or expected
13 at a later date, in a report to the co-chairpersons
14 and ranking members of the joint appropriations
15 subcommittee on the justice system and the legislative
16 services agency. The department of justice shall
17 submit the report on or before January 15, 2012.

18 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
19 appropriated from the department of commerce revolving
20 fund created in section 546.12 to the office of
21 consumer advocate of the department of justice for the
22 fiscal year beginning July 1, 2011, and ending June 30,
23 2012, the following amount, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time

27 equivalent positions:
 28 \$ 3,336,344
 29 FTEs 22.00
 30 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.
 31 1. There is appropriated from the general fund of
 32 the state to the department of corrections for the
 33 fiscal year beginning July 1, 2011, and ending June
 34 30, 2012, the following amounts, or so much thereof as
 35 is necessary, to be used for the operation of adult
 36 correctional institutions, reimbursement of counties
 37 for certain confinement costs, and federal prison
 38 reimbursement, to be allocated as follows:
 39 a. For the operation of the Fort Madison
 40 correctional facility, including salaries, support,
 41 maintenance, and miscellaneous purposes:
 42 \$ 41,188,445
 43 b. For the operation of the Anamosa correctional
 44 facility, including salaries, support, maintenance, and
 45 miscellaneous purposes:
 46 \$ 31,985,974
 47 c. For the operation of the Oakdale correctional
 48 facility, including salaries, support, maintenance, and
 49 miscellaneous purposes:
 50 \$ 55,594,426

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1 d. For the operation of the Newton correctional
 2 facility, including salaries, support, maintenance, and
 3 miscellaneous purposes:
 4 \$ 25,958,757
 5 e. For the operation of the Mt. Pleasant
 6 correctional facility, including salaries, support,
 7 maintenance, and miscellaneous purposes:
 8 \$ 25,917,815
 9 f. For the operation of the Rockwell City
 10 correctional facility, including salaries, support,
 11 maintenance, and miscellaneous purposes:
 12 \$ 9,316,466
 13 g. For the operation of the Clarinda correctional
 14 facility, including salaries, support, maintenance, and
 15 miscellaneous purposes:
 16 \$ 24,482,356
 17 Moneys received by the department of corrections as
 18 reimbursement for services provided to the Clarinda
 19 youth corporation are appropriated to the department
 20 and shall be used for the purpose of operating the
 21 Clarinda correctional facility.
 22 h. For the operation of the Mitchellville
 23 correctional facility, including salaries, support,
 24 maintenance, and miscellaneous purposes:
 25 \$ 15,615,374

26 i. For the operation of the Fort Dodge correctional
27 facility, including salaries, support, maintenance, and
28 miscellaneous purposes:

29 \$ 29,062,235

30 j. For reimbursement of counties for temporary
31 confinement of work release and parole violators, as
32 provided in sections 901.7, 904.908, and 906.17, and
33 for offenders confined pursuant to section 904.513:

34 \$ 775,092

35 k. For federal prison reimbursement, reimbursements
36 for out-of-state placements, and miscellaneous
37 contracts:

38 \$ 239,411

39 2. The department of corrections shall use moneys
40 appropriated in subsection 1 to continue to contract
41 for the services of a Muslim imam and a Native American
42 spiritual leader.

43 Sec. 4. DEPARTMENT OF CORRECTIONS —
44 ADMINISTRATION. There is appropriated from the general
45 fund of the state to the department of corrections for
46 the fiscal year beginning July 1, 2011, and ending June
47 30, 2012, the following amounts, or so much thereof as
48 is necessary, to be used for the purposes designated:

49 1. For general administration, including salaries,
50 support, maintenance, employment of an education

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1 director to administer a centralized education
2 program for the correctional system, and miscellaneous
3 purposes:

4 \$ 4,835,542

5 a. It is the intent of the general assembly
6 that as a condition of receiving the appropriation
7 provided in this lettered paragraph the department of
8 corrections shall not, except as otherwise provided
9 in paragraph "c", enter into a new contract, unless
10 the contract is a renewal of an existing contract,
11 for the expenditure of moneys in excess of \$100,000
12 during the fiscal year beginning July 1, 2011, for the
13 privatization of services performed by the department
14 using state employees as of July 1, 2011, or for the
15 privatization of new services by the department without
16 prior consultation with any applicable state employee
17 organization affected by the proposed new contract and
18 prior notification of the co-chairpersons and ranking
19 members of the joint appropriations subcommittee on the
20 justice system.

21 b. It is the intent of the general assembly
22 that each lease negotiated by the department of
23 corrections with a private corporation for the purpose
24 of providing private industry employment of inmates in

25 a correctional institution shall prohibit the private
26 corporation from utilizing inmate labor for partisan
27 political purposes for any person seeking election to
28 public office in this state and that a violation of
29 this requirement shall result in a termination of the
30 lease agreement.

31 c. It is the intent of the general assembly that as
32 a condition of receiving the appropriation provided in
33 this subsection the department of corrections shall not
34 enter into a lease or contractual agreement pursuant to
35 section 904.809 with a private corporation for the use
36 of building space for the purpose of providing inmate
37 employment without providing that the terms of the
38 lease or contract establish safeguards to restrict, to
39 the greatest extent feasible, access by inmates working
40 for the private corporation to personal identifying
41 information of citizens.

42 2. For educational programs for inmates at state
43 penal institutions:

44 \$ 2,308,109

45 a. As a condition of receiving the appropriation in
46 this subsection, the department of corrections shall
47 transfer at least \$300,000 from the canteen operating
48 funds established pursuant to section 904.310 to be
49 used for correctional educational programs funded in
50 this subsection.

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1 b. It is the intent of the general assembly that
2 moneys appropriated in this subsection shall be used
3 solely for the purpose indicated and that the moneys
4 shall not be transferred for any other purpose. In
5 addition, it is the intent of the general assembly
6 that the department shall consult with the community
7 colleges in the areas in which the institutions
8 are located to utilize moneys appropriated in this
9 subsection to fund the high school completion, high
10 school equivalency diploma, adult literacy, and adult
11 basic education programs in a manner so as to maintain
12 these programs at the institutions.

13 c. To maximize the funding for educational
14 programs, the department shall establish guidelines
15 and procedures to prioritize the availability of
16 educational and vocational training for inmates based
17 upon the goal of facilitating an inmate's successful
18 release from the correctional institution.

19 d. The director of the department of corrections
20 may transfer moneys from Iowa prison industries for use
21 in educational programs for inmates.

22 e. Notwithstanding section 8.33, moneys
23 appropriated in this subsection that remain unobligated

24 or unexpended at the close of the fiscal year shall not
25 revert but shall remain available to be used only for
26 the purposes designated in this subsection until the
27 close of the succeeding fiscal year.

28 3. For the development of the Iowa corrections
29 offender network (ICON) data system:

30 \$ 424,364

31 4. For offender mental health and substance abuse
32 treatment:

33 \$ 22,319

34 5. For viral hepatitis prevention and treatment:

35 \$ 167,881

36 6. It is the intent of the general assembly that
37 for the fiscal year addressed by this section the
38 department of corrections shall continue to operate the
39 correctional farms under the control of the department
40 at the same or greater level of participation and
41 involvement as existed as of January 1, 2011; shall not
42 enter into any rental agreement or contract concerning
43 any farmland under the control of the department that
44 is not subject to a rental agreement or contract as of
45 January 1, 2011, without prior legislative approval;
46 and shall further attempt to provide job opportunities
47 at the farms for inmates. The department shall attempt
48 to provide job opportunities at the farms for inmates
49 by encouraging labor-intensive farming or gardening
50 where appropriate; using inmates to grow produce

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1 and meat for institutional consumption; researching
2 the possibility of instituting food canning and
3 cook-and-chill operations; and exploring opportunities
4 for organic farming and gardening, livestock ventures,
5 horticulture, and specialized crops.

6 7. The department of corrections shall solicit
7 requests for information to improve efficiencies at the
8 pharmacy under the control of the department.

9 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
10 CORRECTIONAL SERVICES.

11 1. There is appropriated from the general fund of
12 the state to the department of corrections for the
13 fiscal year beginning July 1, 2011, and ending June
14 30, 2012, for salaries, support, maintenance, and
15 miscellaneous purposes, the following amounts, or
16 so much thereof as is necessary, to be allocated as
17 follows:

18 a. For the first judicial district department of
19 correctional services:

20 \$ 12,204,948

21 b. For the second judicial district department of
22 correctional services:

23 \$ 10,336,948
 24 c. For the third judicial district department of
 25 correctional services:
 26 \$ 5,599,765
 27 d. For the fourth judicial district department of
 28 correctional services:
 29 \$ 5,391,355
 30 e. For the fifth judicial district department of
 31 correctional services, including funding for electronic
 32 monitoring devices for use on a statewide basis:
 33 \$ 18,742,129
 34 f. For the sixth judicial district department of
 35 correctional services:
 36 \$ 13,112,563
 37 g. For the seventh judicial district department of
 38 correctional services:
 39 \$ 6,492,814
 40 h. For the eighth judicial district department of
 41 correctional services:
 42 \$ 6,879,715
 43 2. Each judicial district department of
 44 correctional services, within the funding available,
 45 shall continue programs and plans established within
 46 that district to provide for intensive supervision, sex
 47 offender treatment, diversion of low-risk offenders
 48 to the least restrictive sanction available, job
 49 development, and expanded use of intermediate criminal
 50 sanctions.

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1 3. Each judicial district department of
 2 correctional services shall provide alternatives to
 3 prison consistent with chapter 901B. The alternatives
 4 to prison shall ensure public safety while providing
 5 maximum rehabilitation to the offender. A judicial
 6 district department of correctional services may also
 7 establish a day program.

8 4. The governor's office of drug control policy
 9 or any succeeding entity of the governor's office of
 10 drug control policy shall consider federal grants made
 11 to the department of corrections for the benefit of
 12 each of the eight judicial district departments of
 13 correctional services as local government grants, as
 14 defined pursuant to federal regulations.

15 5. The department of corrections shall continue
 16 to contract with a judicial district department
 17 of correctional services to provide for the rental
 18 of electronic monitoring equipment which shall be
 19 available statewide.

20 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
 21 OF APPROPRIATIONS. Notwithstanding section 8.39,

22 within the moneys appropriated in this Act to the
23 department of corrections, the department may
24 reallocate the moneys appropriated and allocated as
25 necessary to best fulfill the needs of the correctional
26 institutions, administration of the department, and the
27 judicial district departments of correctional services.
28 However, in addition to complying with the requirements
29 of sections 904.116 and 905.8 and providing notice
30 to the legislative services agency, the department
31 of corrections shall also provide notice to the
32 department of management, prior to the effective date
33 of the revision or reallocation of an appropriation
34 made pursuant to this section. The department of
35 corrections shall not reallocate an appropriation or
36 allocation for the purpose of eliminating any program.

37 Sec. 7. INTENT — REPORTS.

38 1. The department of corrections in cooperation
39 with townships, the Iowa cemetery associations, and
40 other nonprofit or governmental entities may use inmate
41 labor during the fiscal year beginning July 1, 2011,
42 to restore or preserve rural cemeteries and historical
43 landmarks. The department in cooperation with the
44 counties may also use inmate labor to clean up roads,
45 major water sources, and other water sources around the
46 state.

47 2. On a quarterly basis the department shall
48 provide a status report regarding private-sector
49 employment to the legislative services agency beginning
50 on July 1, 2011. The report shall include the number

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1 of offenders employed in the private sector, the
2 combined number of hours worked by the offenders, the
3 total amount of allowances, and the distribution of
4 allowances pursuant to section 904.702, including any
5 moneys deposited in the general fund of the state.

6 Sec. 8. ELECTRONIC MONITORING REPORT. The
7 department of corrections shall submit a report on
8 electronic monitoring to the general assembly, to the
9 co-chairpersons and the ranking members of the joint
10 appropriations subcommittee on the justice system, and
11 to the legislative services agency by January 15, 2012.
12 The report shall specifically address the number of
13 persons being electronically monitored and break down
14 the number of persons being electronically monitored
15 by offense committed. The report shall also include a
16 comparison of any data from the prior fiscal year with
17 the current year.

18 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
19 INDUSTRIES.

20 1. As used in this section, unless the context

21 otherwise requires, "state agency" means the government
 22 of the state of Iowa, including but not limited to
 23 all executive branch departments, agencies, boards,
 24 bureaus, and commissions, the judicial branch,
 25 the general assembly and all legislative agencies,
 26 institutions within the purview of the state board of
 27 regents, and any corporation whose primary function is
 28 to act as an instrumentality of the state.

29 2. State agencies are hereby encouraged to purchase
 30 products from Iowa state industries, as defined in
 31 section 904.802, when purchases are required and the
 32 products are available from Iowa state industries.
 33 State agencies shall obtain bids from Iowa state
 34 industries for purchases of office furniture during the
 35 fiscal year beginning July 1, 2011, exceeding \$5,000
 36 or in accordance with applicable administrative rules
 37 related to purchases for the agency.

38 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

39 1. There is appropriated from the general fund of
 40 the state to the Iowa law enforcement academy for the
 41 fiscal year beginning July 1, 2011, and ending June 30,
 42 2012, the following amount, or so much thereof as is
 43 necessary, to be used for the purposes designated:

44 For salaries, support, maintenance, miscellaneous
 45 purposes, including jailer training and technical
 46 assistance, and for not more than the following
 47 full-time equivalent positions:

48	\$	868,698
49	FTEs	24.55

50 It is the intent of the general assembly that the

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1 Iowa law enforcement academy may provide training of
 2 state and local law enforcement personnel concerning
 3 the recognition of and response to persons with
 4 Alzheimer's disease.

5 The Iowa law enforcement academy may temporarily
 6 exceed and draw more than the amount appropriated in
 7 this subsection and incur a negative cash balance as
 8 long as there are receivables equal to or greater than
 9 the negative balance and the amount appropriated in
 10 this subsection is not exceeded at the close of the
 11 fiscal year.

12 2. The Iowa law enforcement academy may select
 13 at least five automobiles of the department of public
 14 safety, division of state patrol, prior to turning over
 15 the automobiles to the department of administrative
 16 services to be disposed of by public auction, and
 17 the Iowa law enforcement academy may exchange any
 18 automobile owned by the academy for each automobile
 19 selected if the selected automobile is used in training

20 law enforcement officers at the academy. However,
21 any automobile exchanged by the academy shall be
22 substituted for the selected vehicle of the department
23 of public safety and sold by public auction with the
24 receipts being deposited in the depreciation fund to
25 the credit of the department of public safety, division
26 of state patrol.

27 Sec. 11. STATE PUBLIC DEFENDER. There is
28 appropriated from the general fund of the state to the
29 office of the state public defender of the department
30 of inspections and appeals for the fiscal year
31 beginning July 1, 2011, and ending June 30, 2012, the
32 following amounts, or so much thereof as is necessary,
33 to be allocated as follows for the purposes designated:

34 1. For salaries, support, maintenance,
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:
37 \$ 24,083,182
38 FTEs 219.00

39 2. For the fees of court-appointed attorneys for
40 indigent adults and juveniles, in accordance with
41 section 232.141 and chapter 815:
42 \$ 31,680,929

43 Sec. 12. BOARD OF PAROLE. There is appropriated
44 from the general fund of the state to the board of
45 parole for the fiscal year beginning July 1, 2011, and
46 ending June 30, 2012, the following amount, or so much
47 thereof as is necessary, to be used for the purposes
48 designated:

49 For salaries, support, maintenance, miscellaneous
50 purposes, and for not more than the following full-time

Page 10

1 equivalent positions:
2 \$ 1,053,835
3 FTEs 12.50

4 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
5 appropriated from the general fund of the state to
6 the department of public defense for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the
8 following amounts, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 1. MILITARY DIVISION

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

14 \$ 5,527,042
15 FTEs 313.00

16 The military division may temporarily exceed
17 and draw more than the amount appropriated in this
18 subsection and incur a negative cash balance as long

19 as there are receivables of federal funds equal to
20 or greater than the negative balance and the amount
21 appropriated in this subsection is not exceeded at the
22 close of the fiscal year.

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
24 DIVISION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28 \$ 1,836,877
29 FTEs 40.00

30 a. The homeland security and emergency management
31 division may temporarily exceed and draw more than the
32 amount appropriated in this subsection and incur a
33 negative cash balance as long as there are receivables
34 of federal funds equal to or greater than the negative
35 balance and the amount appropriated in this subsection
36 is not exceeded at the close of the fiscal year.

37 b. It is the intent of the general assembly that
38 the homeland security and emergency management division
39 work in conjunction with the department of public
40 safety, to the extent possible, when gathering and
41 analyzing information related to potential domestic
42 or foreign security threats, and when monitoring such
43 threats.

44 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
45 appropriated from the general fund of the state to
46 the department of public safety for the fiscal year
47 beginning July 1, 2011, and ending June 30, 2012, the
48 following amounts, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 1. For the department's administrative functions,

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1 including the criminal justice information system, and
2 for not more than the following full-time equivalent
3 positions:

4 \$ 4,007,075
5 FTEs 36.00

6 2. For the division of criminal investigation,
7 including the state's contribution to the peace
8 officers' retirement, accident, and disability system
9 provided in chapter 97A in the amount of the state's
10 normal contribution rate, as defined in section
11 97A.8, multiplied by the salaries for which the
12 funds are appropriated, to meet federal fund matching
13 requirements, and for not more than the following
14 full-time equivalent positions:

15 \$ 12,533,931
16 FTEs 159.10

17 The department shall employ one additional special

18 agent and one additional criminalist for the purpose
 19 of investigating cold cases. Prior to employing the
 20 additional special agent and criminalist authorized
 21 in this paragraph, the department shall provide a
 22 written statement to prospective employees that states
 23 to the effect that the positions are being funded by
 24 a temporary federal grant and there are no assurances
 25 that funds from other sources will be available after
 26 the federal funding expires. If the federal funding
 27 for the additional positions expires during the fiscal
 28 year, the number of full-time equivalent positions
 29 authorized in this subsection is reduced by 2.00 FTEs.

30 3. For the criminalistics laboratory fund created
 31 in section 691.9:

32 \$ 302,345

33 4. a. For the division of narcotics enforcement,
 34 including the state's contribution to the peace
 35 officers' retirement, accident, and disability system
 36 provided in chapter 97A in the amount of the state's
 37 normal contribution rate, as defined in section
 38 97A.8, multiplied by the salaries for which the
 39 funds are appropriated, to meet federal fund matching
 40 requirements, and for not more than the following
 41 full-time equivalent positions:

42 \$ 6,353,345

43 FTEs 74.00

44 b. For the division of narcotics enforcement for
 45 undercover purchases:

46 \$ 109,042

47 5. For the division of state fire marshal, for fire
 48 protection services as provided through the state fire
 49 service and emergency response council as created in
 50 the department, and for the state's contribution to the

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1 peace officers' retirement, accident, and disability
 2 system provided in chapter 97A in the amount of the
 3 state's normal contribution rate, as defined in section
 4 97A.8, multiplied by the salaries for which the funds
 5 are appropriated, and for not more than the following
 6 full-time equivalent positions:

7 \$ 4,298,707

8 FTEs 55.00

9 6. For the division of state patrol, for salaries,
 10 support, maintenance, workers' compensation costs,
 11 and miscellaneous purposes, including the state's
 12 contribution to the peace officers' retirement,
 13 accident, and disability system provided in chapter 97A
 14 in the amount of the state's normal contribution rate,
 15 as defined in section 97A.8, multiplied by the salaries
 16 for which the funds are appropriated, and for not more

17 than the following full-time equivalent positions:

18 \$ 51,903,233

19 FTEs 513.00

20 It is the intent of the general assembly that
21 members of the state patrol be assigned to patrol
22 the highways and roads in lieu of assignments for
23 inspecting school buses for the school districts.

24 7. For deposit in the sick leave benefits fund
25 established under section 80.42 for all departmental
26 employees eligible to receive benefits for accrued sick
27 leave under the collective bargaining agreement:

28 \$ 279,517

29 8. For costs associated with the training and
30 equipment needs of volunteer fire fighters:

31 \$ 725,520

32 a. Notwithstanding section 8.33, moneys
33 appropriated in this subsection that remain
34 unencumbered or unobligated at the close of the fiscal
35 year shall not revert but shall remain available for
36 expenditure only for the purpose designated in this
37 subsection until the close of the succeeding fiscal
38 year.

39 b. Notwithstanding section 8.39, within the
40 moneys appropriated in this section, the department
41 of public safety may reallocate moneys as necessary
42 to best fulfill the needs provided for in the
43 appropriation. However, the department shall not
44 reallocate an appropriation made to the department
45 in this section unless notice of the reallocation
46 is given to the legislative services agency and
47 the department of management prior to the effective
48 date of the reallocation. The notice shall include
49 information regarding the rationale for reallocating
50 the appropriation. The department shall not reallocate

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1 an appropriation made in this section for the purpose
2 of eliminating any program.

3 Sec. 15. GAMING ENFORCEMENT.

4 1. There is appropriated from the gaming
5 enforcement revolving fund created in section 80.43 to
6 the department of public safety for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 For any direct and indirect support costs for
11 agents and officers of the division of criminal
12 investigation's excursion gambling boat, gambling
13 structure, and racetrack enclosure enforcement
14 activities, including salaries, support, maintenance,
15 miscellaneous purposes, and for not more than the

16 following full-time equivalent positions:

17 \$ 9,836,306

18 FTEs 120.00

19 2. For each additional license to conduct gambling
20 games on an excursion gambling boat, gambling
21 structure, or racetrack enclosure issued during
22 the fiscal year beginning July 1, 2011, there is
23 appropriated from the gaming enforcement fund to
24 the department of public safety for the fiscal year
25 beginning July 1, 2011, and ending June 30, 2012, an
26 additional amount of not more than \$521,000 to be used
27 for not more than 6.00 additional full-time equivalent
28 positions.

29 3. The department of public safety, with the
30 approval of the department of management, may employ
31 no more than two special agents and four gaming
32 enforcement officers for each additional riverboat
33 or gambling structure regulated after July 1, 2011,
34 and one special agent for each racing facility which
35 becomes operational during the fiscal year which
36 begins July 1, 2011. One additional gaming enforcement
37 officer, up to a total of four per riverboat or
38 gambling structure, may be employed for each riverboat
39 or gambling structure that has extended operations to
40 24 hours and has not previously operated with a 24-hour
41 schedule. Positions authorized in this subsection
42 are in addition to the full-time equivalent positions
43 otherwise authorized in this section.

44 Sec. 16. CIVIL RIGHTS COMMISSION. There is
45 appropriated from the general fund of the state to the
46 Iowa state civil rights commission for the fiscal year
47 beginning July 1, 2011, and ending June 30, 2012, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 For salaries, support, maintenance, miscellaneous

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1 purposes, and for not more than the following full-time
2 equivalent positions:

3 \$ 1,397,069

4 FTEs 28.00

5 The Iowa state civil rights commission may enter
6 into a contract with a nonprofit organization to
7 provide legal assistance to resolve civil rights
8 complaints.

9 Sec. 17. Section 654.4B, subsection 2, paragraph b,
10 Code 2011, is amended to read as follows:

11 b. This subsection is repealed July 1, ~~2011~~ 2012.

12 Sec. 18. Section 124.204, subsection 4, Code 2011,
13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. ai. (1) Mephedrone, also known as

15 4-methylmethcathinone,(RS)-2-methylamino-1-(4-methylphenyl)
16 propan-1-one.
17 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
18 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
19 (3) Salvia divinorum.
20 (4) Salvinorin A.
21 (5) Any substance, compound, mixture or preparation
22 which contains any quantity of any synthetic
23 cannabinoid that is not approved as a pharmaceutical,
24 including but not limited to the following:
25 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
26 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol.
27 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
28 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
29 chromen-1-ol]).
30 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
31 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
32 chromen-1-ol).
33 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
34 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
35 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
36 naphthalenyl-methanone.
37 Sec. 19. Section 124.401, subsection 1, paragraph
38 c, subparagraph (8), Code 2011, is amended to read as
39 follows:
40 (8) Any other controlled substance, counterfeit
41 substance, or simulated controlled substance classified
42 in schedule I, II, or III, except as provided in
43 paragraph "d".
44 Sec. 20. Section 124.401, subsection 1, paragraph
45 d, Code 2011, is amended to read as follows:
46 d. Violation of this subsection, with respect
47 to any other controlled substances, counterfeit
48 substances, or simulated controlled substances
49 classified in section 124.204, subsection 4,
50 paragraph "a", or classified in schedule IV or V is

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1 an aggravated misdemeanor. However, violation of
2 this subsection involving fifty kilograms or less of
3 marijuana or involving flunitrazepam is a class "D"
4 felony.
5 Sec. 21. 2009 Iowa Acts, chapter 178, section 20,
6 is amended to read as follows:
7 SEC. 20. CONSUMER EDUCATION AND LITIGATION
8 FUND. Notwithstanding section 714.16C, for each
9 fiscal year of the period beginning July 1, 2008, and
10 ending June 30, ~~2011~~ 2013, the annual appropriations
11 in section 714.16C, are increased from \$1,125,000 to
12 \$1,875,000, and \$75,000 to \$125,000 respectively.
13 Moneys appropriated from the consumer education and

14 litigation fund may be allocated for cash flow purposes
15 to the victim compensation fund established in section
16 915.94 during each of the fiscal years enumerated,
17 provided that any moneys so allocated are returned to
18 the consumer education and litigation fund by the end
19 of each fiscal year an allocation occurs.

20 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
21 intent of the general assembly that the executive
22 branch agencies receiving an appropriation in this Act
23 utilize the Iowa communications network or secure other
24 electronic communications in lieu of traveling for the
25 fiscal year addressed by the appropriations.

26 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
27 DIVISION. There is appropriated from the wireless
28 E911 emergency communications fund created in section
29 34A.7A to the administrator of the homeland security
30 and emergency management division of the department of
31 public defense for the fiscal year beginning July 1,
32 2011, and ending June 30, 2012, an amount not exceeding
33 \$200,000 to be used for implementation, support, and
34 maintenance of the functions of the administrator and
35 program manager under chapter 34A and to employ the
36 auditor of the state to perform an annual audit of the
37 wireless E911 emergency communications fund.

38 Sec. 24. GERIATRIC AND PSYCHIATRIC TREATMENT
39 — LEGISLATIVE STUDY. The legislative council is
40 requested to establish an interim study committee
41 to examine the treatment and placement options for
42 geriatric and psychiatric patients under the care,
43 custody, and control of the state, or for patients
44 who are otherwise specifically housed at the Iowa
45 medical and classification center at Oakdale or other
46 correctional facilities for geriatric or psychiatric
47 treatment purposes. The committee shall focus on
48 maximizing the availability of treatment options for
49 such patients while achieving fiscal efficiencies.
50 The committee shall review programs used in other

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1 states and by the federal government including but not
2 limited to the use of forensic hospitals, prison-based
3 hospice care, compassionate release, and the funding
4 mechanisms used to implement such programs. Members
5 of the interim study committee shall include the
6 co-chairpersons and the ranking members of the joint
7 appropriations subcommittee on justice system and
8 the co-chairpersons and the ranking members of the
9 joint appropriations subcommittee on human services.
10 The committee shall provide a report detailing the
11 findings of the committee to the general assembly for
12 consideration during the 2012 legislative session.

13 Sec. 25. GERIATRIC AND PSYCHIATRIC TREATMENT

14 REPORT. The departments of corrections, human
15 services, inspections and appeals, and public health,
16 and the board of parole, shall jointly study the
17 development and establishment of treatment options
18 for geriatric and psychiatric patients currently
19 under the care, custody, and control of the state
20 to provide maximum treatment opportunities for such
21 persons while achieving fiscal efficiencies. The
22 department of corrections in consultation with the
23 other departments and the board of parole, shall
24 provide a report detailing the results of the study
25 to the co-chairpersons and the ranking members of the
26 joint appropriations subcommittee on health and human
27 services, the co-chairpersons and ranking members
28 of the joint appropriations subcommittee on justice
29 system, the legislative interim study committee
30 examining such treatment options, if established by the
31 legislative council pursuant to this division of this
32 Act, and the legislative services agency by November
33 15, 2011.

34 Sec. 26. CORRECTIONAL OFFICER AND PEACE OFFICER

35 POSITIONS — PRIORITY. As a condition of receiving
36 an appropriation in this division of this Act, the
37 department of corrections and the department of public
38 safety shall make every effort to preserve correctional
39 officer and peace officer positions through the
40 reduction of administrative and related overhead costs.

41 Sec. 27. SALARY INCREASES — CERTAIN REVOLVING
42 FUNDS.

43 For the fiscal year beginning July 1, 2011, there is
44 appropriated from the gaming enforcement revolving fund
45 an amount necessary for funding annual pay adjustments
46 and related benefits for agents and officers of the
47 division of criminal investigation's racetrack,
48 excursion boat, or gambling structure enforcement
49 activities. Moneys appropriated pursuant to this
50 subsection shall be in addition to and supplement other

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1 appropriations from the fund.

2 Sec. 28. EFFECTIVE DATE. The following provision
3 of this division of this Act takes effect thirty days
4 after enactment, notwithstanding section 3.7:

5 The section of this division of this Act amending
6 section 124.204, subsection 4, paragraph "ai",
7 subparagraphs (1) through (4).

8 Sec. 29. EFFECTIVE UPON ENACTMENT. The following
9 provision of this division of this Act, being deemed of
10 immediate importance, and notwithstanding section 3.7
11 takes effect upon enactment:

12 The section of this Act amending section 124.204,
 13 subsection 4, paragraph "ai", subparagraph (5).
 14 Sec. 30. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 15 APPLICABILITY. The following provision of this
 16 division of this Act takes effect upon enactment, and
 17 if approved by the governor on or after July 1, 2011,
 18 shall apply retroactively to June 30, 2011:
 19 The section of this division of this Act amending
 20 section 654.4B.

21 DIVISION II
 22 FY 2012-2013

23 Sec. 31. DEPARTMENT OF JUSTICE.
 24 1. There is appropriated from the general fund
 25 of the state to the department of justice for the
 26 fiscal year beginning July 1, 2012, and ending June 30,
 27 2013, the following amounts, or so much thereof as is
 28 necessary, to be used for the purposes designated:
 29 a. For the general office of attorney general for
 30 salaries, support, maintenance, and miscellaneous
 31 purposes, including the prosecuting attorneys training
 32 program, matching funds for federal violence against
 33 women grant programs, victim assistance grants, office
 34 of drug control policy prosecuting attorney program,
 35 and odometer fraud enforcement, and for not more than
 36 the following full-time equivalent positions:
 37 \$ 3,971,465
 38 FTEs 212.00
 39 It is the intent of the general assembly that as
 40 a condition of receiving the appropriation provided
 41 in this lettered paragraph, the department of justice
 42 shall maintain a record of the estimated time incurred
 43 representing each agency or department.
 44 b. For victim assistance grants:
 45 \$ 1,438,200
 46 The funds appropriated in this lettered paragraph
 47 shall be used to provide grants to care providers
 48 providing services to crime victims of domestic abuse
 49 or to crime victims of rape and sexual assault.
 50 The balance of the victim compensation fund

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1 established in section 915.94 may be used to provide
 2 salary and support of not more than 24 FTEs and
 3 to provide maintenance for the victim compensation
 4 functions of the department of justice.
 5 The department of justice shall transfer at least
 6 \$150,000 from the victim compensation fund established
 7 in section 915.94 to the victim assistance grant
 8 program.
 9 c. For legal services for persons in poverty grants
 10 as provided in section 13.34:

11 \$ 907,416
 12 2. a. The department of justice, in submitting
 13 budget estimates for the fiscal year commencing July
 14 1, 2013, pursuant to section 8.23, shall include a
 15 report of funding from sources other than amounts
 16 appropriated directly from the general fund of the
 17 state to the department of justice or to the office of
 18 consumer advocate. These funding sources shall include
 19 but are not limited to reimbursements from other state
 20 agencies, commissions, boards, or similar entities, and
 21 reimbursements from special funds or internal accounts
 22 within the department of justice. The department of
 23 justice shall also report actual reimbursements for the
 24 fiscal year commencing July 1, 2011, and actual and
 25 expected reimbursements for the fiscal year commencing
 26 July 1, 2012.
 27 b. The department of justice shall include the
 28 report required under paragraph "a", as well as
 29 information regarding any revisions occurring as a
 30 result of reimbursements actually received or expected
 31 at a later date, in a report to the co-chairpersons
 32 and ranking members of the joint appropriations
 33 subcommittee on the justice system and the legislative
 34 services agency. The department of justice shall
 35 submit the report on or before January 15, 2013.
 36 Sec. 32. OFFICE OF CONSUMER ADVOCATE. There is
 37 appropriated from the department of commerce revolving
 38 fund created in section 546.12 to the office of
 39 consumer advocate of the department of justice for the
 40 fiscal year beginning July 1, 2012, and ending June 30,
 41 2013, the following amount, or so much thereof as is
 42 necessary, to be used for the purposes designated:
 43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-time
 45 equivalent positions:
 46 \$ 1,668,172
 47 FTEs 22.00
 48 Sec. 33. DEPARTMENT OF CORRECTIONS — FACILITIES.
 49 1. There is appropriated from the general fund of
 50 the state to the department of corrections for the

1 fiscal year beginning July 1, 2012, and ending June
 2 30, 2013, the following amounts, or so much thereof as
 3 is necessary, to be used for the operation of adult
 4 correctional institutions, reimbursement of counties
 5 for certain confinement costs, and federal prison
 6 reimbursement, to be allocated as follows:
 7 a. For the operation of the Fort Madison
 8 correctional facility, including salaries, support,
 9 maintenance, and miscellaneous purposes:

10 \$ 20,594,223
 11 b. For the operation of the Anamosa correctional
 12 facility, including salaries, support, maintenance, and
 13 miscellaneous purposes:
 14 \$ 15,992,987
 15 c. For the operation of the Oakdale correctional
 16 facility, including salaries, support, maintenance, and
 17 miscellaneous purposes:
 18 \$ 27,797,213
 19 d. For the operation of the Newton correctional
 20 facility, including salaries, support, maintenance, and
 21 miscellaneous purposes:
 22 \$ 12,979,379
 23 e. For the operation of the Mt. Pleasant
 24 correctional facility, including salaries, support,
 25 maintenance, and miscellaneous purposes:
 26 \$ 12,958,908
 27 f. For the operation of the Rockwell City
 28 correctional facility, including salaries, support,
 29 maintenance, and miscellaneous purposes:
 30 \$ 4,658,233
 31 g. For the operation of the Clarinda correctional
 32 facility, including salaries, support, maintenance, and
 33 miscellaneous purposes:
 34 \$ 12,241,178
 35 Moneys received by the department of corrections as
 36 reimbursement for services provided to the Clarinda
 37 youth corporation are appropriated to the department
 38 and shall be used for the purpose of operating the
 39 Clarinda correctional facility.
 40 h. For the operation of the Mitchellville
 41 correctional facility, including salaries, support,
 42 maintenance, and miscellaneous purposes:
 43 \$ 7,807,687
 44 i. For the operation of the Fort Dodge correctional
 45 facility, including salaries, support, maintenance, and
 46 miscellaneous purposes:
 47 \$ 14,531,118
 48 j. For reimbursement of counties for temporary
 49 confinement of work release and parole violators, as
 50 provided in sections 901.7, 904.908, and 906.17, and

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1 for offenders confined pursuant to section 904.513:
 2 \$ 387,546
 3 k. For federal prison reimbursement, reimbursements
 4 for out-of-state placements, and miscellaneous
 5 contracts:
 6 \$ 119,706
 7 2. The department of corrections shall use moneys
 8 appropriated in subsection 1 to continue to contract

9 for the services of a Muslim imam and a Native American
10 spiritual leader.

11 Sec. 34. DEPARTMENT OF CORRECTIONS —
12 ADMINISTRATION.

13 There is appropriated from the general fund of
14 the state to the department of corrections for the
15 fiscal year beginning July 1, 2012, and ending June 30,
16 2013, the following amounts, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 1. For general administration, including salaries,
19 support, maintenance, employment of an education
20 director to administer a centralized education
21 program for the correctional system, and miscellaneous
22 purposes:
23 \$ 2,417,771

24 a. It is the intent of the general assembly
25 that as a condition of receiving the appropriation
26 provided in this lettered paragraph the department of
27 corrections shall not, except as otherwise provided
28 in paragraph "c", enter into a new contract, unless
29 the contract is a renewal of an existing contract,
30 for the expenditure of moneys in excess of \$100,000
31 during the fiscal year beginning July 1, 2012, for the
32 privatization of services performed by the department
33 using state employees as of July 1, 2012, or for the
34 privatization of new services by the department without
35 prior consultation with any applicable state employee
36 organization affected by the proposed new contract and
37 prior notification of the co-chairpersons and ranking
38 members of the joint appropriations subcommittee on the
39 justice system.

40 b. It is the intent of the general assembly
41 that each lease negotiated by the department of
42 corrections with a private corporation for the purpose
43 of providing private industry employment of inmates in
44 a correctional institution shall prohibit the private
45 corporation from utilizing inmate labor for partisan
46 political purposes for any person seeking election to
47 public office in this state and that a violation of
48 this requirement shall result in a termination of the
49 lease agreement.

50 c. It is the intent of the general assembly that as

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1 a condition of receiving the appropriation provided in
2 this subsection the department of corrections shall not
3 enter into a lease or contractual agreement pursuant to
4 section 904.809 with a private corporation for the use
5 of building space for the purpose of providing inmate
6 employment without providing that the terms of the
7 lease or contract establish safeguards to restrict, to

8 the greatest extent feasible, access by inmates working
9 for the private corporation to personal identifying
10 information of citizens.

11 2. For educational programs for inmates at state
12 penal institutions:

13 \$ 1,154,055

14 a. As a condition of receiving the appropriation in
15 this subsection, the department of corrections shall
16 transfer at least \$300,000 from the canteen operating
17 funds established pursuant to section 904.310 to be
18 used for correctional educational programs funded in
19 this subsection.

20 b. It is the intent of the general assembly that
21 moneys appropriated in this subsection shall be used
22 solely for the purpose indicated and that the moneys
23 shall not be transferred for any other purpose. In
24 addition, it is the intent of the general assembly
25 that the department shall consult with the community
26 colleges in the areas in which the institutions
27 are located to utilize moneys appropriated in this
28 subsection to fund the high school completion, high
29 school equivalency diploma, adult literacy, and adult
30 basic education programs in a manner so as to maintain
31 these programs at the institutions.

32 c. To maximize the funding for educational
33 programs, the department shall establish guidelines
34 and procedures to prioritize the availability of
35 educational and vocational training for inmates based
36 upon the goal of facilitating an inmate's successful
37 release from the correctional institution.

38 d. The director of the department of corrections
39 may transfer moneys from Iowa prison industries for use
40 in educational programs for inmates.

41 e. Notwithstanding section 8.33, moneys
42 appropriated in this subsection that remain unobligated
43 or unexpended at the close of the fiscal year shall not
44 revert but shall remain available to be used only for
45 the purposes designated in this subsection until the
46 close of the succeeding fiscal year.

47 3. For the development of the Iowa corrections
48 offender network (ICON) data system:

49 \$ 212,182

50 4. For offender mental health and substance abuse

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1 treatment:

2 \$ 11,160

3 5. For viral hepatitis prevention and treatment:

4 \$ 83,941

5 6. It is the intent of the general assembly that
6 for the fiscal year addressed by this section the

7 department of corrections shall continue to operate the
 8 correctional farms under the control of the department
 9 at the same or greater level of participation and
 10 involvement as existed as of January 1, 2011; shall not
 11 enter into any rental agreement or contract concerning
 12 any farmland under the control of the department that
 13 is not subject to a rental agreement or contract as of
 14 January 1, 2011, without prior legislative approval;
 15 and shall further attempt to provide job opportunities
 16 at the farms for inmates. The department shall attempt
 17 to provide job opportunities at the farms for inmates
 18 by encouraging labor-intensive farming or gardening
 19 where appropriate; using inmates to grow produce
 20 and meat for institutional consumption; researching
 21 the possibility of instituting food canning and
 22 cook-and-chill operations; and exploring opportunities
 23 for organic farming and gardening, livestock ventures,
 24 horticulture, and specialized crops.

25 7. The department of corrections shall solicit
 26 requests for information to improve efficiencies at the
 27 pharmacy under the control of the department.

28 Sec. 35. JUDICIAL DISTRICT DEPARTMENTS OF
 29 CORRECTIONAL SERVICES.

30 1. There is appropriated from the general fund of
 31 the state to the department of corrections for the
 32 fiscal year beginning July 1, 2012, and ending June
 33 30, 2013, for salaries, support, maintenance, and
 34 miscellaneous purposes, the following amounts, or
 35 so much thereof as is necessary, to be allocated as
 36 follows:

- 37 a. For the first judicial district department of
 38 correctional services:
 39 \$ 6,102,474
- 40 b. For the second judicial district department of
 41 correctional services:
 42 \$ 5,168,474
- 43 c. For the third judicial district department of
 44 correctional services:
 45 \$ 2,799,883
- 46 d. For the fourth judicial district department of
 47 correctional services:
 48 \$ 2,695,678
- 49 e. For the fifth judicial district department of
 50 correctional services, including funding for electronic

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- 1 monitoring devices for use on a statewide basis:
 2 \$ 9,371,065
- 3 f. For the sixth judicial district department of
 4 correctional services:
 5 \$ 6,556,282

6 g. For the seventh judicial district department of
7 correctional services:

8 \$ 3,246,407

9 h. For the eighth judicial district department of
10 correctional services:

11 \$ 3,439,858

12 2. Each judicial district department of
13 correctional services, within the funding available,
14 shall continue programs and plans established within
15 that district to provide for intensive supervision, sex
16 offender treatment, diversion of low-risk offenders
17 to the least restrictive sanction available, job
18 development, and expanded use of intermediate criminal
19 sanctions.

20 3. Each judicial district department of
21 correctional services shall provide alternatives to
22 prison consistent with chapter 901B. The alternatives
23 to prison shall ensure public safety while providing
24 maximum rehabilitation to the offender. A judicial
25 district department of correctional services may also
26 establish a day program.

27 4. The governor's office of drug control policy
28 or any succeeding entity of the governor's office of
29 drug control policy shall consider federal grants made
30 to the department of corrections for the benefit of
31 each of the eight judicial district departments of
32 correctional services as local government grants, as
33 defined pursuant to federal regulations.

34 5. The department of corrections shall continue
35 to contract with a judicial district department
36 of correctional services to provide for the rental
37 of electronic monitoring equipment which shall be
38 available statewide.

39 Sec. 36. DEPARTMENT OF CORRECTIONS — REALLOCATION
40 OF APPROPRIATIONS. Notwithstanding section 8.39,
41 within the moneys appropriated in this division of this
42 Act to the department of corrections, the department
43 may reallocate the moneys appropriated and allocated as
44 necessary to best fulfill the needs of the correctional
45 institutions, administration of the department, and the
46 judicial district departments of correctional services.
47 However, in addition to complying with the requirements
48 of sections 904.116 and 905.8 and providing notice
49 to the legislative services agency, the department
50 of corrections shall also provide notice to the

1 department of management, prior to the effective date
2 of the revision or reallocation of an appropriation
3 made pursuant to this section. The department of
4 corrections shall not reallocate an appropriation or

5 allocation for the purpose of eliminating any program.

6 Sec. 37. INTENT — REPORTS.

7 1. The department of corrections in cooperation
8 with townships, the Iowa cemetery associations, and
9 other nonprofit or governmental entities may use inmate
10 labor during the fiscal year beginning July 1, 2012,
11 to restore or preserve rural cemeteries and historical
12 landmarks. The department in cooperation with the
13 counties may also use inmate labor to clean up roads,
14 major water sources, and other water sources around the
15 state.

16 2. On a quarterly basis the department shall
17 provide a status report regarding private-sector
18 employment to the legislative services agency beginning
19 on July 1, 2012. The report shall include the number
20 of offenders employed in the private sector, the
21 combined number of hours worked by the offenders, the
22 total amount of allowances, and the distribution of
23 allowances pursuant to section 904.702, including any
24 moneys deposited in the general fund of the state.

25 Sec. 38. ELECTRONIC MONITORING REPORT. The
26 department of corrections shall submit a report on
27 electronic monitoring to the general assembly, to the
28 co-chairpersons and the ranking members of the joint
29 appropriations subcommittee on the justice system, and
30 to the legislative services agency by January 15, 2013.
31 The report shall specifically address the number of
32 persons being electronically monitored and break down
33 the number of persons being electronically monitored
34 by offense committed. The report shall also include a
35 comparison of any data from the prior fiscal year with
36 the current year.

37 Sec. 39. STATE AGENCY PURCHASES FROM PRISON
38 INDUSTRIES.

39 1. As used in this section, unless the context
40 otherwise requires, "state agency" means the government
41 of the state of Iowa, including but not limited to
42 all executive branch departments, agencies, boards,
43 bureaus, and commissions, the judicial branch,
44 the general assembly and all legislative agencies,
45 institutions within the purview of the state board of
46 regents, and any corporation whose primary function is
47 to act as an instrumentality of the state.

48 2. State agencies are hereby encouraged to purchase
49 products from Iowa state industries, as defined in
50 section 904.802, when purchases are required and the

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1 products are available from Iowa state industries.
2 State agencies shall obtain bids from Iowa state
3 industries for purchases of office furniture during the

4 fiscal year beginning July 1, 2012, exceeding \$5,000
5 or in accordance with applicable administrative rules
6 related to purchases for the agency.

7 Sec. 40. IOWA LAW ENFORCEMENT ACADEMY.

8 1. There is appropriated from the general fund of
9 the state to the Iowa law enforcement academy for the
10 fiscal year beginning July 1, 2012, and ending June 30,
11 2013, the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, miscellaneous
14 purposes, including jailer training and technical
15 assistance, and for not more than the following
16 full-time equivalent positions:

17	\$	434,349
18	FTEs	24.55

19 It is the intent of the general assembly that the
20 Iowa law enforcement academy may provide training of
21 state and local law enforcement personnel concerning
22 the recognition of and response to persons with
23 Alzheimer's disease.

24 The Iowa law enforcement academy may temporarily
25 exceed and draw more than the amount appropriated in
26 this subsection and incur a negative cash balance as
27 long as there are receivables equal to or greater than
28 the negative balance and the amount appropriated in
29 this subsection is not exceeded at the close of the
30 fiscal year.

31 2. The Iowa law enforcement academy may select
32 at least five automobiles of the department of public
33 safety, division of state patrol, prior to turning over
34 the automobiles to the department of administrative
35 services to be disposed of by public auction, and
36 the Iowa law enforcement academy may exchange any
37 automobile owned by the academy for each automobile
38 selected if the selected automobile is used in training
39 law enforcement officers at the academy. However,
40 any automobile exchanged by the academy shall be
41 substituted for the selected vehicle of the department
42 of public safety and sold by public auction with the
43 receipts being deposited in the depreciation fund to
44 the credit of the department of public safety, division
45 of state patrol.

46 Sec. 41. STATE PUBLIC DEFENDER. There is
47 appropriated from the general fund of the state to the
48 office of the state public defender of the department
49 of inspections and appeals for the fiscal year
50 beginning July 1, 2012, and ending June 30, 2013, the

1 following amounts, or so much thereof as is necessary,
2 to be allocated as follows for the purposes designated:

3 1. For salaries, support, maintenance,
 4 miscellaneous purposes, and for not more than the
 5 following full-time equivalent positions:
 6 \$ 12,041,591
 7 FTEs 219.00

8 2. For the fees of court-appointed attorneys for
 9 indigent adults and juveniles, in accordance with
 10 section 232.141 and chapter 815:
 11 \$ 15,840,465

12 Sec. 42. BOARD OF PAROLE. There is appropriated
 13 from the general fund of the state to the board of
 14 parole for the fiscal year beginning July 1, 2012, and
 15 ending June 30, 2013, the following amount, or so much
 16 thereof as is necessary, to be used for the purposes
 17 designated:
 18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-time
 20 equivalent positions:
 21 \$ 526,918
 22 FTEs 12.50

23 Sec. 43. DEPARTMENT OF PUBLIC DEFENSE. There is
 24 appropriated from the general fund of the state to
 25 the department of public defense for the fiscal year
 26 beginning July 1, 2012, and ending June 30, 2013, the
 27 following amounts, or so much thereof as is necessary,
 28 to be used for the purposes designated:

29 1. MILITARY DIVISION
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-time
 32 equivalent positions:
 33 \$ 2,763,521
 34 FTEs 313.00

35 The military division may temporarily exceed
 36 and draw more than the amount appropriated in this
 37 subsection and incur a negative cash balance as long
 38 as there are receivables of federal funds equal to
 39 or greater than the negative balance and the amount
 40 appropriated in this subsection is not exceeded at the
 41 close of the fiscal year.

42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 43 DIVISION

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-time
 46 equivalent positions:
 47 \$ 918,439
 48 FTEs 40.00

49 a. The homeland security and emergency management
 50 division may temporarily exceed and draw more than the

1 amount appropriated in this subsection and incur a
2 negative cash balance as long as there are receivables
3 of federal funds equal to or greater than the negative
4 balance and the amount appropriated in this subsection
5 is not exceeded at the close of the fiscal year.

6 b. It is the intent of the general assembly that
7 the homeland security and emergency management division
8 work in conjunction with the department of public
9 safety, to the extent possible, when gathering and
10 analyzing information related to potential domestic
11 or foreign security threats, and when monitoring such
12 threats.

13 Sec. 44. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to
15 the department of public safety for the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 1. For the department's administrative functions,
20 including the criminal justice information system, and
21 for not more than the following full-time equivalent
22 positions:

23 \$ 2,003,538
24 FTEs 36.00

25 2. For the division of criminal investigation,
26 including the state's contribution to the peace
27 officers' retirement, accident, and disability system
28 provided in chapter 97A in the amount of the state's
29 normal contribution rate, as defined in section
30 97A.8, multiplied by the salaries for which the
31 funds are appropriated, to meet federal fund matching
32 requirements, and for not more than the following
33 full-time equivalent positions:

34 \$ 6,266,966
35 FTEs 159.10

36 The department shall employ one additional special
37 agent and one additional criminalist for the purpose
38 of investigating cold cases. Prior to employing the
39 additional special agent and criminalist authorized
40 in this paragraph, the department shall provide a
41 written statement to prospective employees that states
42 to the effect that the positions are being funded by
43 a temporary federal grant and there are no assurances
44 that funds from other sources will be available after
45 the federal funding expires. If the federal funding
46 for the additional positions expires during the fiscal
47 year, the number of full-time equivalent positions
48 authorized in this subsection is reduced by 2.00 FTEs.

49 3. For the criminalistics laboratory fund created
50 in section 691.9:

1 \$ 151,173

2 4. a. For the division of narcotics enforcement,

3 including the state's contribution to the peace

4 officers' retirement, accident, and disability system

5 provided in chapter 97A in the amount of the state's

6 normal contribution rate, as defined in section

7 97A.8, multiplied by the salaries for which the

8 funds are appropriated, to meet federal fund matching

9 requirements, and for not more than the following

10 full-time equivalent positions:

11 \$ 3,176,673

12 FTEs 74.00

13 b. For the division of narcotics enforcement for

14 undercover purchases:

15 \$ 54,521

16 5. For the division of state fire marshal, for fire

17 protection services as provided through the state fire

18 service and emergency response council as created in

19 the department, and for the state's contribution to the

20 peace officers' retirement, accident, and disability

21 system provided in chapter 97A in the amount of the

22 state's normal contribution rate, as defined in section

23 97A.8, multiplied by the salaries for which the funds

24 are appropriated, and for not more than the following

25 full-time equivalent positions:

26 \$ 2,149,354

27 FTEs 55.00

28 6. For the division of state patrol, for salaries,

29 support, maintenance, workers' compensation costs,

30 and miscellaneous purposes, including the state's

31 contribution to the peace officers' retirement,

32 accident, and disability system provided in chapter 97A

33 in the amount of the state's normal contribution rate,

34 as defined in section 97A.8, multiplied by the salaries

35 for which the funds are appropriated, and for not more

36 than the following full-time equivalent positions:

37 \$ 25,951,617

38 FTEs 513.00

39 It is the intent of the general assembly that

40 members of the state patrol be assigned to patrol

41 the highways and roads in lieu of assignments for

42 inspecting school buses for the school districts.

43 7. For deposit in the sick leave benefits fund

44 established under section 80.42 for all departmental

45 employees eligible to receive benefits for accrued sick

46 leave under the collective bargaining agreement:

47 \$ 139,759

48 8. For costs associated with the training and

49 equipment needs of volunteer fire fighters:

50 \$ 362,760

1 a. Notwithstanding section 8.33, moneys
 2 appropriated in this subsection that remain
 3 unencumbered or unobligated at the close of the fiscal
 4 year shall not revert but shall remain available for
 5 expenditure only for the purpose designated in this
 6 subsection until the close of the succeeding fiscal
 7 year.

8 b. Notwithstanding section 8.39, within the
 9 moneys appropriated in this section, the department
 10 of public safety may reallocate moneys as necessary
 11 to best fulfill the needs provided for in the
 12 appropriation. However, the department shall not
 13 reallocate an appropriation made to the department
 14 in this section unless notice of the reallocation
 15 is given to the legislative services agency and
 16 the department of management prior to the effective
 17 date of the reallocation. The notice shall include
 18 information regarding the rationale for reallocating
 19 the appropriation. The department shall not reallocate
 20 an appropriation made in this section for the purpose
 21 of eliminating any program.

22 Sec. 45. GAMING ENFORCEMENT.

23 1. There is appropriated from the gaming
 24 enforcement revolving fund created in section 80.43 to
 25 the department of public safety for the fiscal year
 26 beginning July 1, 2012, and ending June 30, 2013, the
 27 following amount, or so much thereof as is necessary,
 28 to be used for the purposes designated:

29 For any direct and indirect support costs for
 30 agents and officers of the division of criminal
 31 investigation's excursion gambling boat, gambling
 32 structure, and racetrack enclosure enforcement
 33 activities, including salaries, support, maintenance,
 34 miscellaneous purposes, and for not more than the
 35 following full-time equivalent positions:
 36 \$ 4,918,153
 37 FTEs 120.00

38 2. For each additional license to conduct gambling
 39 games on an excursion gambling boat, gambling
 40 structure, or racetrack enclosure issued during
 41 the fiscal year beginning July 1, 2012, there is
 42 appropriated from the gaming enforcement fund to
 43 the department of public safety for the fiscal year
 44 beginning July 1, 2012, and ending June 30, 2013, an
 45 additional amount of not more than \$521,000 to be used
 46 for not more than 6.00 additional full-time equivalent
 47 positions.

48 3. The department of public safety, with the
 49 approval of the department of management, may employ
 50 no more than two special agents and four gaming

1 enforcement officers for each additional riverboat
 2 or gambling structure regulated after July 1, 2012,
 3 and one special agent for each racing facility which
 4 becomes operational during the fiscal year which
 5 begins July 1, 2012. One additional gaming enforcement
 6 officer, up to a total of four per riverboat or
 7 gambling structure, may be employed for each riverboat
 8 or gambling structure that has extended operations to
 9 24 hours and has not previously operated with a 24-hour
 10 schedule. Positions authorized in this subsection
 11 are in addition to the full-time equivalent positions
 12 otherwise authorized in this section.

13 Sec. 46. CIVIL RIGHTS COMMISSION. There is
 14 appropriated from the general fund of the state to the
 15 Iowa state civil rights commission for the fiscal year
 16 beginning July 1, 2012, and ending June 30, 2013, the
 17 following amount, or so much thereof as is necessary,
 18 to be used for the purposes designated:

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-time
 21 equivalent positions:

22 \$ 698,535
 23 FTEs 28.00

24 The Iowa state civil rights commission may enter
 25 into a contract with a nonprofit organization to
 26 provide legal assistance to resolve civil rights
 27 complaints.

28 Sec. 47. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 29 DIVISION. There is appropriated from the wireless
 30 E911 emergency communications fund created in section
 31 34A.7A to the administrator of the homeland security
 32 and emergency management division of the department of
 33 public defense for the fiscal year beginning July 1,
 34 2012, and ending June 30, 2013, an amount not exceeding
 35 \$200,000 to be used for implementation, support, and
 36 maintenance of the functions of the administrator and
 37 program manager under chapter 34A and to employ the
 38 auditor of the state to perform an annual audit of the
 39 wireless E911 emergency communications fund.

40 Sec. 48. CORRECTIONAL OFFICER AND PEACE OFFICER
 41 POSITIONS — PRIORITY. As a condition of receiving
 42 an appropriation in this division of this Act, the
 43 department of corrections and the department of public
 44 safety shall make every effort to preserve correctional
 45 officer and peace officer positions through the
 46 reduction of administrative and related overhead costs.

47 DIVISION III

48 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
 49 APPLICABILITY

50 Sec. 49. EFFECTIVE DATE AND RETROACTIVE

Page 31

1 APPLICABILITY. Unless otherwise provided, this Act,
 2 if approved by the governor on or after July 1, 2011,
 3 takes effect upon enactment and applies retroactively
 4 to July 1, 2011.>
 5 2. Title page, line 2, after <system> by inserting
 6 <, providing penalties, and including effective and
 7 retroactive applicability date provisions>

SENATE AMENDMENT

H-1745

1 Amend the amendment, S-3285, to Senate File 517,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 1, line 5, through page 20,
 5 line 19, and inserting:
 6 <<DIVISION I
 7 FY 2011-2012
 8 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There
 9 is appropriated from the general fund of the state to
 10 the department of cultural affairs for the fiscal year
 11 beginning July 1, 2011, and ending June 30, 2012, the
 12 following amounts, or so much thereof as is necessary,
 13 to be used for the purposes designated:
 14 1. ADMINISTRATION
 15 For salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-time
 17 equivalent positions for the department:
 18 \$ 181,813
 19 FTEs 74.50
 20 The department of cultural affairs shall coordinate
 21 activities with the tourism office of the department of
 22 economic development to promote attendance at the state
 23 historical building and at this state's historic sites.
 24 Full-time equivalent positions authorized under
 25 this subsection shall be funded, in full or in part,
 26 using moneys appropriated under this subsection and
 27 subsections 3 through 7.
 28 2. COMMUNITY CULTURAL GRANTS
 29 For planning and programming for the community
 30 cultural grants program established under section
 31 303.3:
 32 \$ 172,090
 33 3. HISTORICAL DIVISION
 34 For the support of the historical division:
 35 \$ 2,767,701
 36 4. HISTORIC SITES
 37 For the administration and support of historic
 38 sites:

39 \$ 426,398
 40 5. ARTS DIVISION
 41 For the support of the arts division:
 42 \$ 933,764
 43 6. IOWA GREAT PLACES
 44 For the Iowa great places program established under
 45 section 303.3C:
 46 \$ 193,823
 47 7. ARCHIVE IOWA GOVERNORS' RECORDS
 48 For archiving the records of Iowa governors:
 49 \$ 65,933
 50 8. RECORDS CENTER RENT

Page 2

1 For payment of rent for the state records center:
 2 \$ 227,243
 3 9. BATTLE FLAGS
 4 For continuation of the project recommended by the
 5 Iowa battle flag advisory committee to stabilize the
 6 condition of the battle flag collection:
 7 \$ 60,000
 8 Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC
 9 DEVELOPMENT.
 10 1. For the fiscal year beginning July 1, 2011, the
 11 goals for the department of economic development shall
 12 be to expand and stimulate the state economy, increase
 13 the wealth of Iowans, and increase the population of
 14 the state.
 15 2. To achieve the goals in subsection 1, the
 16 department of economic development shall do all of the
 17 following for the fiscal year beginning July 1, 2011:
 18 a. Concentrate its efforts on programs and
 19 activities that result in commercially viable products
 20 and services.
 21 b. Adopt practices and services consistent with
 22 free market, private sector philosophies.
 23 c. Ensure economic growth and development
 24 throughout the state.
 25 d. Work with businesses and communities to
 26 continually improve the economic development climate
 27 along with the economic well-being and quality of life
 28 for Iowans.
 29 e. Coordinate with other state agencies to
 30 ensure that they are attentive to the needs of an
 31 entrepreneurial culture.
 32 f. Establish a strong and aggressive marketing
 33 image to showcase Iowa's workforce, existing industry,
 34 and potential. A priority shall be placed on
 35 recruiting new businesses, business expansion, and
 36 retaining existing Iowa businesses. Emphasis shall be
 37 placed on entrepreneurial development through helping

38 entrepreneurs secure capital, and developing networks
 39 and a business climate conducive to entrepreneurs and
 40 small businesses.
 41 g. Encourage the development of communities and
 42 quality of life to foster economic growth.
 43 h. Prepare communities for future growth and
 44 development through development, expansion, and
 45 modernization of infrastructure.
 46 i. Develop public-private partnerships with
 47 Iowa businesses in the tourism industry, Iowa tour
 48 groups, Iowa tourism organizations, and political
 49 subdivisions in this state to assist in the development
 50 of advertising efforts.

Page 3

1 j. Develop, to the fullest extent possible,
 2 cooperative efforts for advertising with contributions
 3 from other sources.
 4 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.
 5 1. APPROPRIATION
 6 There is appropriated from the general fund of the
 7 state to the department of economic development for the
 8 fiscal year beginning July 1, 2011, and ending June
 9 30, 2012, the following amounts, or so much thereof as
 10 is necessary, to be used for the purposes designated
 11 in subsection 2, and for not more than the following
 12 full-time equivalent positions:
 13 \$ 9,638,789
 14 FTEs 149.00
 15 2. DESIGNATED PURPOSES
 16 a. For salaries, support, miscellaneous purposes,
 17 programs, and the maintenance of an administration
 18 division, a business development division, and a
 19 community development division.
 20 b. The full-time equivalent positions authorized
 21 under this section shall be funded, in whole or in
 22 part, by the moneys appropriated under subsection 1 or
 23 by other moneys received by the department, including
 24 certain federal moneys.
 25 c. For business development operations and
 26 programs, the film office, international trade, export
 27 assistance, workforce recruitment, and the partner
 28 state program.
 29 d. For transfer to the strategic investment fund
 30 created in section 15.313.
 31 e. For transfer to the grow Iowa values fund
 32 created in section 15G.111.
 33 f. For community economic development programs,
 34 tourism operations, community assistance, plans
 35 for Iowa green corps and summer youth programs,
 36 the mainstreet and rural mainstreet programs, the

37 school-to-career program, the community development
38 block grant, and housing and shelter-related programs.
39 g. For achieving the goals and accountability, and
40 fulfilling the requirements and duties required under
41 this Act.

42 3. NONREVERSION

43 Notwithstanding section 8.33, moneys appropriated in
44 subsection 1 that remain unencumbered or unobligated
45 at the close of the fiscal year shall not revert but
46 shall remain available for expenditure for the purposes
47 designated in subsection 2 until the close of the
48 succeeding fiscal year.

49 4. FINANCIAL ASSISTANCE RESTRICTIONS

50 a. A business creating jobs through moneys

Page 4

1 appropriated in this section shall be subject to
2 contract provisions requiring new and retained jobs to
3 be filled by individuals who are citizens of the United
4 States who reside within the United States or any
5 person authorized to work in the United States pursuant
6 to federal law, including legal resident aliens in the
7 United States.

8 b. Any vendor who receives moneys appropriated in
9 this section shall adhere to such contract provisions
10 and provide periodic assurances as the state shall
11 require that the jobs are filled solely by citizens of
12 the United States who reside within the United States
13 or any person authorized to work in the United States
14 pursuant to federal law, including legal resident
15 aliens in the United States.

16 c. A business that receives financial assistance
17 from the department from moneys appropriated in
18 this section shall only employ individuals legally
19 authorized to work in this state. In addition to all
20 other applicable penalties provided by current law, all
21 or a portion of the assistance received by a business
22 which is found to knowingly employ individuals not
23 legally authorized to work in this state is subject to
24 recapture by the department.

25 5. USES OF APPROPRIATIONS

26 a. From the moneys appropriated in this section,
27 the department may provide financial assistance in the
28 form of a grant to a community economic development
29 entity for conducting a local workforce recruitment
30 effort designed to recruit former citizens of the state
31 and former students at colleges and universities in the
32 state to meet the needs of local employers.

33 b. From the moneys appropriated in this section,
34 the department may provide financial assistance to
35 early stage industry companies being established by

36 women entrepreneurs.
 37 c. From the moneys appropriated in this section,
 38 the department may provide financial assistance in the
 39 form of grants, loans, or forgivable loans for advanced
 40 research and commercialization projects involving
 41 value-added agriculture, advanced technology, or
 42 biotechnology.
 43 d. The department shall not use any moneys
 44 appropriated in this section for purposes of providing
 45 financial assistance for the Iowa green streets pilot
 46 project or for any other program or project that
 47 involves the installation of geothermal systems for
 48 melting snow and ice from streets or sidewalks.
 49 6. WORLD FOOD PRIZE
 50 For allocating moneys for the world food prize and

Page 5

1 notwithstanding the standing appropriation in section
 2 15.368, subsection 1:
 3 \$ 500,000
 4 7. IOWA COMMISSION ON VOLUNTEER SERVICE
 5 For allocation to the Iowa commission on volunteer
 6 service for the Iowa's promise and mentoring
 7 partnership programs, for transfer to the Iowa state
 8 commission grant program, and for not more than the
 9 following full-time equivalent positions:
 10 \$ 178,133
 11 FTEs 7.00

12 Of the moneys appropriated in this subsection, the
 13 department shall allocate \$75,000 for purposes of
 14 the Iowa state commission grant program and \$103,133
 15 for purposes of the Iowa's promise and mentoring
 16 partnership programs.

17 Notwithstanding section 8.33, moneys appropriated in
 18 this subsection that remain unencumbered or unobligated
 19 at the close of the fiscal year shall not revert but
 20 shall remain available for expenditure for the purposes
 21 designated until the close of the succeeding fiscal
 22 year.

23 Sec. 4. VISION IOWA PROGRAM — FTE
 24 AUTHORIZATION. For purposes of administrative
 25 duties associated with the vision Iowa program for the
 26 fiscal year beginning July 1, 2011, the department of
 27 economic development is authorized an additional 2.25
 28 FTEs above those otherwise authorized in this division
 29 of this Act.

30 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From
 31 the moneys collected by the division of insurance in
 32 excess of the anticipated gross revenues under section
 33 505.7, subsection 3, during the fiscal year beginning
 34 July 1, 2011, \$100,000 shall be transferred to the

35 department of economic development for insurance
 36 economic development and international insurance
 37 economic development.
 38 Sec. 6. COMMUNITY DEVELOPMENT LOAN
 39 FUND. Notwithstanding section 15E.120, subsection
 40 5, there is appropriated from the Iowa community
 41 development loan fund all moneys available during the
 42 fiscal year beginning July 1, 2011, and ending June 30,
 43 2012, to the department of economic development for
 44 purposes of the community development program.
 45 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is
 46 appropriated from the workforce development fund
 47 account created in section 15.342A to the workforce
 48 development fund created in section 15.343 for the
 49 fiscal year beginning July 1, 2011, and ending June
 50 30, 2012, the following amount, for purposes of the

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1 workforce development fund:
 2 \$ 4,000,000
 3 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From
 4 moneys appropriated or transferred to or receipts
 5 credited to the workforce development fund created in
 6 section 15.343, up to \$400,000 for the fiscal year
 7 beginning July 1, 2011, and ending June 30, 2012, are
 8 appropriated to the department of economic development
 9 for the administration of workforce development
 10 activities including salaries, support, maintenance,
 11 and miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:
 13 FTEs 4.00
 14 Sec. 9. JOB TRAINING FUND. Notwithstanding section
 15 15.251, all moneys in the job training fund on July 1,
 16 2011, and any moneys appropriated or credited to the
 17 fund during the fiscal year beginning July 1, 2011,
 18 shall be transferred to the workforce development fund
 19 established pursuant to section 15.343.
 20 Sec. 10. GREEN INITIATIVES EXPENDITURE REPORT. By
 21 January 1, 2012, the department of economic development
 22 shall submit a written report to the general assembly
 23 regarding all expenditures made during the previous
 24 fiscal year for purposes of green initiatives,
 25 sustainability programs, and all such similar efforts.
 26 The report shall identify such expenditures with a
 27 level of specificity sufficient to allow the general
 28 assembly to evaluate and assess the propriety of such
 29 expenditures under the spending authority given to the
 30 department for such purposes.
 31 Sec. 11. IOWA STATE UNIVERSITY.
 32 1. There is appropriated from the general fund
 33 of the state to Iowa state university of science

34 and technology for the fiscal year beginning July
35 1, 2011, and ending June 30, 2012, the following
36 amount, or so much thereof as is necessary, to be used
37 for small business development centers, the science
38 and technology research park, and the institute for
39 physical research and technology, and for not more than
40 the following full-time equivalent positions:

41 \$ 2,424,302
42 FTEs 56.63

43 2. Of the moneys appropriated in subsection 1,
44 Iowa state university of science and technology shall
45 allocate at least \$936,345 for purposes of funding
46 small business development centers. Iowa state
47 university of science and technology may allocate
48 moneys appropriated in subsection 1 to the various
49 small business development centers in any manner
50 necessary to achieve the purposes of this subsection.

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1 3. Iowa state university of science and technology
2 shall do all of the following:

3 a. Direct expenditures for research toward projects
4 that will provide economic stimulus for Iowa.

5 b. Provide emphasis to providing services to
6 Iowa-based companies.

7 4. It is the intent of the general assembly
8 that the industrial incentive program focus on Iowa
9 industrial sectors and seek contributions and in-kind
10 donations from businesses, industrial foundations, and
11 trade associations, and that moneys for the institute
12 for physical research and technology industrial
13 incentive program shall be allocated only for projects
14 which are matched by private sector moneys for directed
15 contract research or for nondirected research. The
16 match required of small businesses as defined in
17 section 15.102, subsection 6, for directed contract
18 research or for nondirected research shall be \$1 for
19 each \$3 of state funds. The match required for other
20 businesses for directed contract research or for
21 nondirected research shall be \$1 for each \$1 of state
22 funds. The match required of industrial foundations
23 or trade associations shall be \$1 for each \$1 of state
24 funds.

25 Iowa state university of science and technology
26 shall report annually to the joint appropriations
27 subcommittee on economic development and the
28 legislative services agency the total amount of
29 private contributions, the proportion of contributions
30 from small businesses and other businesses, and
31 the proportion for directed contract research and
32 nondirected research of benefit to Iowa businesses and

33 industrial sectors.
 34 5. Notwithstanding section 8.33, moneys
 35 appropriated in this section that remain unencumbered
 36 or unobligated at the close of the fiscal year shall
 37 not revert but shall remain available for expenditure
 38 for the purposes designated until the close of the
 39 succeeding fiscal year.

40 Sec. 12. UNIVERSITY OF IOWA.

41 1. There is appropriated from the general fund
 42 of the state to the state university of Iowa for the
 43 fiscal year beginning July 1, 2011, and ending June
 44 30, 2012, the following amount, or so much thereof
 45 as is necessary, to be used for the state university
 46 of Iowa research park and for the advanced drug
 47 development program at the Oakdale research park,
 48 including salaries, support, maintenance, equipment,
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

Page 8

1 \$ 209,279
 2 FTEs 6.00

3 2. The state university of Iowa shall do all of the
 4 following:

- 5 a. Direct expenditures for research toward projects
- 6 that will provide economic stimulus for Iowa.
- 7 b. Provide emphasis to providing services to
- 8 Iowa-based companies.

9 3. Notwithstanding section 8.33, moneys
 10 appropriated in this section that remain unencumbered
 11 or unobligated at the close of the fiscal year shall
 12 not revert but shall remain available for expenditure
 13 for the purposes designated until the close of the
 14 succeeding fiscal year.

15 Sec. 13. UNIVERSITY OF NORTHERN IOWA.

16 1. There is appropriated from the general fund of
 17 the state to the university of northern Iowa for the
 18 fiscal year beginning July 1, 2011, and ending June 30,
 19 2012, the following amount, or so much thereof as is
 20 necessary, to be used for the metal casting institute,
 21 the MyEntreNet internet application, and the institute
 22 of decision making, including salaries, support,
 23 maintenance, miscellaneous purposes, and for not more
 24 than the following full-time equivalent positions:

25 \$ 574,716
 26 FTEs 6.75

27 2. Of the moneys appropriated pursuant to
 28 subsection 1, the university of northern Iowa shall
 29 allocate at least \$117,639 for purposes of support
 30 of entrepreneurs through the university's regional
 31 business center.

32 3. The university of northern Iowa shall do all of
 33 the following:
 34 a. Direct expenditures for research toward projects
 35 that will provide economic stimulus for Iowa.
 36 b. Provide emphasis to providing services to
 37 Iowa-based companies.
 38 4. Notwithstanding section 8.33, moneys
 39 appropriated in this section that remain unencumbered
 40 or unobligated at the close of the fiscal year shall
 41 not revert but shall remain available for expenditure
 42 for the purposes designated until the close of the
 43 succeeding fiscal year.
 44 Sec. 14. BOARD OF REGENTS REPORT. The state board
 45 of regents shall submit a report on the progress of
 46 regents institutions in meeting the strategic plan for
 47 technology transfer and economic development to the
 48 secretary of the senate, the chief clerk of the house
 49 of representatives, and the legislative services agency
 50 by January 15, 2012.

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1 Sec. 15. DEPARTMENT OF WORKFORCE
 2 DEVELOPMENT. There is appropriated from the general
 3 fund of the state to the department of workforce
 4 development for the fiscal year beginning July 1, 2011,
 5 and ending June 30, 2012, the following amounts, or
 6 so much thereof as is necessary, for the purposes
 7 designated:
 8 1. DIVISION OF LABOR SERVICES
 9 a. For the division of labor services, including
 10 salaries, support, maintenance, miscellaneous
 11 purposes, and for not more than the following full-time
 12 equivalent positions:
 13 \$ 3,495,440
 14 FTEs 64.00
 15 b. From the contractor registration fees, the
 16 division of labor services shall reimburse the
 17 department of inspections and appeals for all costs
 18 associated with hearings under chapter 91C, relating
 19 to contractor registration.
 20 2. DIVISION OF WORKERS' COMPENSATION
 21 a. For the division of workers' compensation,
 22 including salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-time
 24 equivalent positions:
 25 \$ 3,066,768
 26 FTEs 30.00
 27 b. The division of workers' compensation shall
 28 charge a \$100 filing fee for workers' compensation
 29 cases. The filing fee shall be paid by the petitioner
 30 of a claim. However, the fee can be taxed as a cost

31 and paid by the losing party, except in cases where
32 it would impose an undue hardship or be unjust under
33 the circumstances. The moneys generated by the filing
34 fee allowed under this subsection are appropriated to
35 the department of workforce development to be used for
36 purposes of administering the division of workers'
37 compensation.

38 3. WORKFORCE DEVELOPMENT OPERATIONS

39 a. For the operation of field offices, the
40 workforce development board, and for not more than the
41 following full-time equivalent positions:

42 \$ 8,671,352

43 FTEs 130.00

44 b. Of the moneys appropriated in paragraph "a"
45 of this subsection, the department shall allocate
46 \$8,660,480 for the operation of field offices.

47 c. The department shall not reduce the number of
48 field offices below the number of field offices being
49 operated as of January 1, 2009.

50 4. OFFENDER REENTRY PROGRAM

Page 10

1 a. For the development and administration of an
2 offender reentry program to provide offenders with
3 employment skills, and for not more than the following
4 full-time equivalent positions:

5 \$ 284,464

6 FTEs 3.00

7 b. The department shall partner with the department
8 of corrections to provide staff within the correctional
9 facilities to improve offenders' abilities to find and
10 retain productive employment.

11 5. DEFINITIONS

12 For purposes of this section:

13 a. "Field office" means a satellite office of
14 a workforce development center through which the
15 workforce development center maintains a physical
16 presence in a county as described in section 84B.2.

17 For purposes of this paragraph, a workforce development
18 center maintains a physical presence in a county if the
19 center employs a staff person. "Field office" does not
20 include the presence of a workforce development center
21 maintained by electronic means.

22 b. "Workforce development center" means a center
23 at which state and federal employment and training
24 programs are colocated and at which services are
25 provided at a local level as described in section
26 84B.1.

27 6. NONREVERSION

28 Notwithstanding section 8.33, moneys appropriated in
29 this section that remain unencumbered or unobligated

30 at the close of the fiscal year shall not revert but
31 shall remain available for expenditure for the purposes
32 designated until the close of the succeeding fiscal
33 year.

34 Sec. 16. WORKERS' COMPENSATION CARRYFORWARD
35 APPROPRIATION.

36 1. There is appropriated from the general fund of
37 the state to the department of workforce development
38 for the fiscal year beginning July 1, 2010, and
39 ending June 30, 2011, the following amount, or so much
40 thereof as is necessary, to be used for the purposes
41 designated:

42 For expenditure in the fiscal year beginning July
43 1, 2011, for the division of workers' compensation,
44 including salaries, support, maintenance, and
45 miscellaneous purposes:

46 \$ 300,000

47 2. Notwithstanding section 8.33, moneys
48 appropriated in this section that remain unencumbered
49 or unobligated at the close of the fiscal year shall
50 not revert but shall remain available for expenditure

Page 11

1 for the purposes designated until the close of the
2 succeeding fiscal year.

3 Sec. 17. ACCOUNTABILITY — AUDIT. The auditor of
4 state shall annually conduct an audit of the department
5 of workforce development and shall report the findings
6 of such annual audit, including the accountability
7 of programs of the department, to the chairpersons
8 and ranking members of the joint appropriations
9 subcommittee on economic development. The department
10 shall pay for the costs associated with the audit.

11 Sec. 18. EMPLOYMENT SECURITY CONTINGENCY FUND.

12 1. There is appropriated from the special
13 employment security contingency fund to the department
14 of workforce development for the fiscal year beginning
15 July 1, 2011, and ending June 30, 2012, the following
16 amount, or so much thereof as is necessary, to be used
17 for field offices:

18 \$ 1,217,084

19 2. Any remaining additional penalty and interest
20 revenue collected by the department of workforce
21 development is appropriated to the department for the
22 fiscal year beginning July 1, 2011, and ending June 30,
23 2012, to accomplish the mission of the department.

24 Sec. 19. UNEMPLOYMENT COMPENSATION RESERVE FUND

25 — FIELD OFFICES. Notwithstanding section 96.9,
26 subsection 8, paragraph "e", there is appropriated
27 from interest earned on the unemployment compensation
28 reserve fund to the department of workforce development

29 for the fiscal year beginning July 1, 2011, and ending
 30 June 30, 2012, the following amount or so much thereof
 31 as is necessary, for the purposes designated:
 32 For the operation of field offices:
 33 \$ 4,238,260
 34 Sec. 20. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
 35 PROGRAM. There is appropriated from the general fund
 36 of the state to the department of workforce development
 37 for the fiscal year beginning July 1, 2011, and
 38 ending June 30, 2012, the following amount, or so much
 39 thereof as is necessary, to be used for the purposes
 40 designated:
 41 For enhancing efforts to investigate employers that
 42 misclassify workers and for not more than the following
 43 full-time equivalent positions:
 44 \$ 451,458
 45 FTEs 8.10
 46 Sec. 21. APPROPRIATIONS RESTRICTED. The department
 47 of workforce development shall not use any of the
 48 moneys appropriated in this division of this Act for
 49 purposes of the national career readiness certificate
 50 program.

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1 Sec. 22. IOWA FINANCE AUTHORITY.
 2 1. There is appropriated from the general fund
 3 of the state to the Iowa finance authority for the
 4 fiscal year beginning July 1, 2011, and ending June 30,
 5 2012, the following amount, or so much thereof as is
 6 necessary, to be used to provide reimbursement for rent
 7 expenses to eligible persons under the rent subsidy
 8 program:
 9 \$ 658,000
 10 2. Participation in the rent subsidy program
 11 shall be limited to only those persons who meet the
 12 requirements for the nursing facility level of care for
 13 home and community-based services waiver services as in
 14 effect on July 1, 2011, and to those individuals who
 15 are eligible for the federal money follows the person
 16 grant program under the medical assistance program. Of
 17 the moneys appropriated in this section, not more than
 18 \$35,000 may be used for administrative costs.
 19 Sec. 23. IOWA FINANCE AUTHORITY AUDIT. The auditor
 20 of state is requested to review the audit of the Iowa
 21 finance authority performed by the auditor hired by the
 22 authority.
 23 Sec. 24. PUBLIC EMPLOYMENT RELATIONS BOARD.
 24 1. There is appropriated from the general fund of
 25 the state to the public employment relations board for
 26 the fiscal year beginning July 1, 2011, and ending June
 27 30, 2012, the following amount, or so much thereof as

28 is necessary, for the purposes designated:
29 For salaries, support, maintenance, miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:

32 \$ 1,057,871
33 FTEs 10.00

34 2. Of the moneys appropriated in this section,
35 the board shall allocate \$15,000 for maintaining a
36 website that allows searchable access to a database of
37 collective bargaining information.

38 Sec. 25. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
39 section 96.9, subsection 4, paragraph "a", moneys
40 credited to the state by the secretary of the treasury
41 of the United States pursuant to section 903 of
42 the Social Security Act are appropriated to the
43 department of workforce development and shall be
44 used by the department for the administration of
45 the unemployment compensation program only. This
46 appropriation shall not apply to any fiscal year
47 beginning after December 31, 2011.

48 Sec. 26. AGENCY APPEARANCES BEFORE APPROPRIATIONS
49 SUBCOMMITTEE. The directors, or the directors'
50 designees, of the Iowa finance authority and the

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1 department of economic development, and any successor
2 entities, shall annually appear before the members
3 of the joint subcommittee on economic development
4 appropriations and present a proposed budget. The
5 proposed budget shall include a detailed accounting of
6 all moneys received, from any source, and all moneys
7 expended, for any purpose, during the current fiscal
8 year and the prior fiscal year. The proposed budget
9 shall also include a detailed expenditure plan for such
10 moneys during the next fiscal year.

11 Sec. 27. EFFECTIVE UPON ENACTMENT — RETROACTIVE
12 APPLICABILITY. The section of this Act appropriating
13 moneys from the general fund of the state to the
14 department of workforce development in the fiscal
15 year beginning July 1, 2010, for expenditure for the
16 fiscal year beginning July 1, 2011, for the division
17 of workers' compensation, being deemed of immediate
18 importance, takes effect upon enactment, and if
19 approved by the governor after July 1, 2011, applies
20 retroactively to June 30, 2011.

21 DIVISION II

22 MISCELLANEOUS PROVISIONS

23 Sec. 28. Section 15.301, subsection 1, paragraph
24 c, subparagraph (1), Code 2011, is amended to read as
25 follows:

26 (1) If, on March 31, 2011, there are unobligated

27 moneys in the fund, such unobligated moneys shall
28 ~~revert to the general fund of the state be transferred~~
29 ~~and appropriated to the department of workforce~~
30 ~~development for the fiscal year beginning July 1, 2011,~~
31 ~~for purposes of providing funding for field offices.~~

32 Sec. 29. Section 15E.117, subsection 3, paragraph
33 b, Code 2011, is amended by striking the paragraph.

34 Sec. 30. Section 16.41, subsection 1, Code 2011, is
35 amended to read as follows:

36 1. A shelter assistance fund is created as a
37 revolving fund in the state treasury under the control
38 of the authority consisting of any moneys appropriated
39 by the general assembly and received under section
40 428A.8 for purposes of the rehabilitation, expansion,
41 or costs of operations of group home shelters for the
42 homeless and domestic violence shelters, ~~evaluation~~
43 ~~of services for the homeless, and match moneys for~~
44 ~~federal funds for the homeless management information~~
45 ~~system. Each fiscal year, moneys in the fund, in an~~
46 ~~amount equal to not more than two percent of the total~~
47 ~~moneys distributed as grants from the fund during the~~
48 ~~fiscal year, may be used for purposes of administering~~
49 ~~the fund.~~

50 Sec. 31. Section 123.183, subsection 2, paragraph

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1 b, Code 2011, is amended by striking the paragraph and
2 inserting in lieu thereof the following:

3 b. (1) A wine gallonage tax fund is created in the
4 office of the treasurer of state.

5 (2) Moneys deposited in the fund are appropriated
6 as follows:

7 (a) To the midwest grape and wine industry
8 institute at Iowa state university of science and
9 technology, one hundred twenty thousand dollars.

10 (b) To the department of economic development for
11 purposes of section 15E.117, the balance of moneys
12 in the fund after the appropriation in subparagraph
13 subdivision (a).

14 (3) Moneys in the fund and moneys appropriated from
15 the fund pursuant to subparagraph (2) are not subject
16 to reversion under section 8.33.

17 Sec. 32. Section 404A.1, subsection 2, paragraph d,
18 as enacted by 2011 Iowa Acts, Senate File 521, section
19 1, is amended to read as follows:

20 d. "Rehabilitation period" means the period of time
21 during which an eligible property is rehabilitated
22 commencing from the date on which the first qualified
23 rehabilitation cost is incurred and ending with the end
24 of the taxable year in which the property is placed
25 in service. A project's rehabilitation period may

26 include dates that precede approval of a project under
27 section 404A.3, but any costs incurred prior to such
28 approval must be qualified rehabilitation ~~expenditures~~
29 ~~as defined in section 47(c)(2) of the Internal Revenue~~
30 ~~Code in order to be qualified rehabilitation costs~~
31 ~~under this~~
32 ~~chapter costs.~~

33 Sec. 33. Section 427.1, subsection 21, Code 2011,
34 is amended to read as follows:

35 21. Low-rent housing. The property owned and
36 operated or controlled by a nonprofit organization, as
37 recognized by the internal revenue service, providing
38 low-rent housing for persons who are elderly and
39 persons with physical and mental disabilities. For
40 the purposes of this subsection, the controlling
41 nonprofit entity may serve as a general partner or
42 managing member of a limited liability company or
43 limited liability partnership which owns the property.
44 The exemption granted under the provisions of this
45 subsection shall apply only until the final payment
46 due date of the borrower's original low-rent housing
47 development mortgage or until the borrower's original
48 low-rent housing development mortgage is paid in
49 full or expires, whichever is sooner, subject to
50 the provisions of subsection 14. However, if the

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1 borrower's original low-rent housing development
2 mortgage is refinanced, the exemption shall apply
3 only until the date that would have been the final
4 payment due date under the terms of the borrower's
5 original low-rent housing development mortgage or until
6 the refinanced mortgage is paid in full or expires,
7 whichever is sooner, subject to the provisions of
8 subsection 14.

9 Sec. 34. 2008 Iowa Acts, chapter 1190, section 30,
10 subsection 3, is amended to read as follows:

11 3. As part of the plan, the department of workforce
12 development shall set a goal of having at least one
13 certified one-stop center in each of the fifteen
14 workforce regions by the year ~~2012~~ 2014.

15 Sec. 35. 2010 Iowa Acts, chapter 1184, section
16 37, is amended by adding the following new unnumbered
17 paragraph:

18 NEW UNNUMBERED PARAGRAPH Notwithstanding section
19 8.33, moneys appropriated in this section shall not
20 revert at the close of the fiscal year for which they
21 are appropriated but shall remain available for the
22 purposes designated until the close of the fiscal year
23 that begins July 1, 2011. The full-time equivalent
24 position authorized in this section shall continue to

25 be authorized until the close of the fiscal year that
 26 begins July 1, 2011.
 27 Sec. 36. 2010 Iowa Acts, chapter 1193, section 88,
 28 is amended to read as follows:
 29 SEC. 88. TAIWAN TRADE OFFICE — IOWA COMPREHENSIVE
 30 PETROLEUM UNDERGROUND STORAGE TANK FUND. There is
 31 appropriated from the Iowa comprehensive petroleum
 32 underground storage tank fund to the department of
 33 economic development for the fiscal year beginning
 34 July 1, 2010, and ending June 30, 2011, the following
 35 amount, or so much thereof as is necessary, to be used
 36 for the purposes designated:
 37 Notwithstanding section 455G.3, subsection 1, for
 38 establishing a trade office in Taipei, Taiwan:
 39 \$ 100,000
 40 Notwithstanding section 8.33, moneys appropriated
 41 in this section shall not revert at the close of the
 42 fiscal year for which they are appropriated but shall
 43 remain available for the purposes designated until the
 44 close of the fiscal year that begins July 1, 2011.
 45 If the department cannot arrange for matching moneys
 46 from another source by June 30, 2012, in an amount at
 47 least equal to the appropriation made in this section,
 48 the moneys appropriated in this section shall revert to
 49 the Iowa comprehensive petroleum underground storage
 50 tank fund.

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1 Sec. 37. EFFECTIVE UPON ENACTMENT — RETROACTIVE
 2 APPLICABILITY.

3 1. The section of this division of this Act
 4 amending section 15.301, being deemed of immediate
 5 importance, takes effect upon enactment and applies
 6 retroactively to March 30, 2011.

7 2. The section of this division of this Act
 8 amending section 404A.1, subsection 2, being deemed of
 9 immediate importance, takes effect upon enactment and
 10 applies retroactively to July 1, 2009, for projects
 11 approved and tax credits reserved on or after that
 12 date.

13 3. The sections of this division of this Act
 14 amending 2010 Iowa Acts, chapter 1193, and 2010
 15 Iowa Acts, chapter 1184, being deemed of immediate
 16 importance, take effect upon enactment, and if approved
 17 by the governor on or after July 1, 2011, apply
 18 retroactively to June 30, 2011.

19 DIVISION III
 20 TAX CREDITS

21 Sec. 38. Section 15.119, subsection 2, Code 2011,
 22 is amended to read as follows:

23 2. The department, with the approval of the board,

24 shall adopt by rule a procedure for allocating the
 25 aggregate tax credit limit established in this section
 26 among the following programs ~~administered by the~~
 27 ~~department~~:

28 a. The high quality job creation program
 29 administered pursuant to sections 15.326 through
 30 15.336.

31 b. The film, television, and video project
 32 promotion program administered pursuant to sections
 33 15.391 through 15.393.

34 c. The corporate tax research credit under the
 35 quality jobs enterprise zone program pursuant to
 36 section 15A.9, subsection 8.

37 d. The enterprise zones program administered
 38 pursuant to sections 15E.191 through 15E.197.

39 e. The assistive device tax credit program
 40 administered pursuant to section 422.11E and section
 41 422.33, subsection 9.

42 f. The tax credits for investments in qualifying
 43 businesses and community-based seed capital funds
 44 issued pursuant to section 15E.43. In allocating tax
 45 credits pursuant to this subsection, the department
 46 shall allocate two million dollars for purposes of this
 47 paragraph.

48 g. The tax credits for investments in an innovation
 49 fund pursuant to section 15E.52. In allocating tax
 50 credits pursuant to this subsection, the department

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1 shall allocate eight million dollars for purposes of
 2 this paragraph.

3 Sec. 39. Section 15E.42, subsection 2, Code 2011,
 4 is amended to read as follows:

5 2. "Board" means the ~~Iowa capital investment~~
 6 economic development board created in section ~~15E.63~~
 7 15.103.

8 Sec. 40. Section 15E.43, subsection 4, Code 2011,
 9 is amended by striking the subsection and inserting in
 10 lieu thereof the following:

11 4. The board shall not issue tax credits under
 12 this section in excess of the amount approved by the
 13 department for any one fiscal year pursuant to section
 14 15.119.

15 Sec. 41. Section 15E.44, subsection 2, paragraphs d
 16 and e, Code 2011, are amended to read as follows:

17 d. The business is not a business engaged primarily
 18 in retail sales, real estate, or the provision of
 19 health care or other ~~professional services that require~~
 20 a professional license.

21 e. The business shall not have a net worth that
 22 exceeds ~~ten~~ five million dollars.

23 Sec. 42. NEW SECTION. 15E.52 Innovation fund
24 investment tax credits.
25 1. For purposes of this section, unless the context
26 otherwise requires:
27 a. "Board" means the same as defined in section
28 15.102.
29 b. "Innovation fund" means one or more early-stage
30 capital funds certified by the board.
31 c. "Innovative business" means a business applying
32 novel or original methods to the manufacture of a
33 product or the delivery of a service. "Innovative
34 business" includes but is not limited to a business
35 engaged in a targeted industry as defined in section
36 15.411.
37 2. a. A tax credit shall be allowed against the
38 taxes imposed in chapter 422, divisions II, III, and V,
39 and in chapter 432, and against the moneys and credits
40 tax imposed in section 533.329, for a portion of a
41 taxpayer's equity investment in the form of cash in an
42 innovation fund.
43 b. An individual may claim a tax credit under this
44 section of a partnership, limited liability company,
45 S corporation, estate, or trust electing to have
46 income taxed directly to the individual. The amount
47 claimed by the individual shall be based upon the
48 pro rata share of the individual's earnings from the
49 partnership, limited liability company, S corporation,
50 estate, or trust.

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1 3. The amount of a tax credit allowed under this
2 section shall equal twenty percent of the taxpayer's
3 equity investment in an innovation fund.
4 4. A taxpayer shall not claim a tax credit under
5 this section if the taxpayer is a venture capital
6 investment fund allocation manager for the Iowa fund
7 of funds created in section 15E.65 or an investor that
8 receives a tax credit for the same investment in a
9 qualifying business as described in section 15E.44 or
10 in a community-based seed capital fund as described in
11 section 15E.45.
12 5. a. The board shall issue certificates under
13 this section which may be redeemed for tax credits.
14 The board shall issue such certificates so that not
15 more than the amount allocated for such tax credits
16 under section 15.119, subsection 2, may be claimed.
17 The certificates shall not be transferable.
18 b. The board shall, in cooperation with the
19 department of revenue, establish criteria and
20 procedures for the allocation and issuance of tax
21 credits by means of certificates issued by the board.

22 The criteria shall include the contingencies that must
23 be met for a certificate to be redeemable in order
24 to receive a tax credit. The procedures established
25 by the board, in cooperation with the department
26 of revenue, shall relate to the procedures for the
27 issuance of the certificates and for the redemption of
28 a certificate and related tax credit.

29 6. A taxpayer shall not redeem a certificate
30 and related tax credit prior to the third tax year
31 following the tax year in which the investment is
32 made. Any tax credit in excess of the taxpayer's
33 liability for the tax year may be credited to the
34 tax liability for the following five years or until
35 depleted, whichever is earlier. A tax credit shall not
36 be carried back to a tax year prior to the tax year in
37 which the taxpayer claims the tax credit.

38 7. An innovation fund shall submit an application
39 for certification to the board. The board shall
40 approve the application and certify the innovation fund
41 if all of the following criteria are met:

42 a. The fund is organized for the purposes of making
43 investments in promising early-stage companies which
44 have a principal place of business in the state and for
45 using the profits from such investments to fund further
46 investments.

47 b. The fund proposes to make investments in
48 innovative businesses.

49 c. The fund seeks to secure private funding sources
50 for investment in such businesses.

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1 Sec. 43. NEW SECTION. 422.11Y Innovation fund
2 investment tax credits.

3 The taxes imposed under this division, less the
4 credits allowed under section 422.12, shall be reduced
5 by an innovation fund investment tax credit allowed
6 under section 15E.52.

7 Sec. 44. Section 422.33, Code 2011, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 13. The taxes imposed under
10 this division shall be reduced by an innovation fund
11 investment tax credit allowed under section 15E.52.

12 Sec. 45. Section 422.60, Code 2011, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 13. The taxes imposed under
15 this division shall be reduced by an innovation fund
16 investment tax credit allowed under section 15E.52.

17 Sec. 46. NEW SECTION. 432.12M Innovation fund
18 investment tax credit.

19 The taxes imposed under this chapter shall be
20 reduced by an innovation fund investment tax credit

21 allowed under section 15E.52.

22 Sec. 47. Section 533.329, subsection 2, Code 2011,
23 is amended by adding the following new paragraph:
24 NEW PARAGRAPH. 1. The moneys and credits tax
25 imposed under this section shall be reduced by an
26 innovation fund investment tax credit allowed under
27 section 15E.52.

28 Sec. 48. CODE EDITOR DIRECTIVE. If 2011 Iowa Acts,
29 House File 590, is enacted, the Code editor is directed
30 to change references in this Act from "economic
31 development board" to "economic development authority."

32 Sec. 49. RETROACTIVE APPLICABILITY. This division
33 of this Act applies retroactively to January 1, 2011,
34 for tax years beginning and investments made on or
35 after that date.

36 DIVISION IV

37 FY 2012-2013

38 Sec. 50. DEPARTMENT OF CULTURAL AFFAIRS. There
39 is appropriated from the general fund of the state to
40 the department of cultural affairs for the fiscal year
41 beginning July 1, 2012, and ending June 30, 2013, the
42 following amounts, or so much thereof as is necessary,
43 to be used for the purposes designated:

44 1. ADMINISTRATION

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-time
47 equivalent positions for the department:

48 \$ 90,907
49 FTEs 74.50

50 The department of cultural affairs shall coordinate

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1 activities with the tourism office of the department of
2 economic development to promote attendance at the state
3 historical building and at this state's historic sites.

4 Full-time equivalent positions authorized under
5 this subsection shall be funded, in full or in part,
6 using moneys appropriated under this subsection and
7 subsections 3 through 7.

8 2. COMMUNITY CULTURAL GRANTS

9 For planning and programming for the community
10 cultural grants program established under section
11 303.3:

12 \$ 86,045

13 3. HISTORICAL DIVISION

14 For the support of the historical division:
15 \$ 1,383,851

16 4. HISTORIC SITES

17 For the administration and support of historic
18 sites:

19 \$ 213,199

20 5. ARTS DIVISION
 21 For the support of the arts division:
 22 \$ 466,882
 23 6. IOWA GREAT PLACES
 24 For the Iowa great places program established under
 25 section 303.3C:
 26 \$ 96,912
 27 7. ARCHIVE IOWA GOVERNORS' RECORDS
 28 For archiving the records of Iowa governors:
 29 \$ 32,967
 30 8. RECORDS CENTER RENT
 31 For payment of rent for the state records center:
 32 \$ 113,622
 33 9. BATTLE FLAGS
 34 For continuation of the project recommended by the
 35 Iowa battle flag advisory committee to stabilize the
 36 condition of the battle flag collection:
 37 \$ 30,000
 38 Sec. 51. GOALS AND ACCOUNTABILITY — ECONOMIC
 39 DEVELOPMENT.
 40 1. For the fiscal year beginning July 1, 2012, the
 41 goals for the department of economic development shall
 42 be to expand and stimulate the state economy, increase
 43 the wealth of Iowans, and increase the population of
 44 the state.
 45 2. To achieve the goals in subsection 1, the
 46 department of economic development shall do all of the
 47 following for the fiscal year beginning July 1, 2012:
 48 a. Concentrate its efforts on programs and
 49 activities that result in commercially viable products
 50 and services.

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1 b. Adopt practices and services consistent with
 2 free market, private sector philosophies.
 3 c. Ensure economic growth and development
 4 throughout the state.
 5 d. Work with businesses and communities to
 6 continually improve the economic development climate
 7 along with the economic well-being and quality of life
 8 for Iowans.
 9 e. Coordinate with other state agencies to
 10 ensure that they are attentive to the needs of an
 11 entrepreneurial culture.
 12 f. Establish a strong and aggressive marketing
 13 image to showcase Iowa's workforce, existing industry,
 14 and potential. A priority shall be placed on
 15 recruiting new businesses, business expansion, and
 16 retaining existing Iowa businesses. Emphasis shall be
 17 placed on entrepreneurial development through helping
 18 entrepreneurs secure capital, and developing networks

19 and a business climate conducive to entrepreneurs and
20 small businesses.

21 g. Encourage the development of communities and
22 quality of life to foster economic growth.

23 h. Prepare communities for future growth and
24 development through development, expansion, and
25 modernization of infrastructure.

26 i. Develop public-private partnerships with
27 Iowa businesses in the tourism industry, Iowa tour
28 groups, Iowa tourism organizations, and political
29 subdivisions in this state to assist in the development
30 of advertising efforts.

31 j. Develop, to the fullest extent possible,
32 cooperative efforts for advertising with contributions
33 from other sources.

34 Sec. 52. DEPARTMENT OF ECONOMIC DEVELOPMENT.

35 1. APPROPRIATION

36 There is appropriated from the general fund of the
37 state to the department of economic development for the
38 fiscal year beginning July 1, 2012, and ending June
39 30, 2013, the following amounts, or so much thereof as
40 is necessary, to be used for the purposes designated
41 in subsection 2, and for not more than the following
42 full-time equivalent positions:

43 \$ 4,819,395
44 FTEs 149.00

45 2. DESIGNATED PURPOSES

46 a. For salaries, support, miscellaneous purposes,
47 programs, and the maintenance of an administration
48 division, a business development division, and a
49 community development division.

50 b. The full-time equivalent positions authorized

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1 under this section shall be funded, in whole or in
2 part, by the moneys appropriated under subsection 1 or
3 by other moneys received by the department, including
4 certain federal moneys.

5 c. For business development operations and
6 programs, the film office, international trade, export
7 assistance, workforce recruitment, and the partner
8 state program.

9 d. For transfer to the strategic investment fund
10 created in section 15.313.

11 e. For transfer to the grow Iowa values fund
12 created in section 15G.111.

13 f. For community economic development programs,
14 tourism operations, community assistance, plans
15 for Iowa green corps and summer youth programs,
16 the mainstreet and rural mainstreet programs, the
17 school-to-career program, the community development

18 block grant, and housing and shelter-related programs.
19 g. For achieving the goals and accountability, and
20 fulfilling the requirements and duties required under
21 this Act.

22 3. NONREVERSION

23 Notwithstanding section 8.33, moneys appropriated in
24 subsection 1 that remain unencumbered or unobligated
25 at the close of the fiscal year shall not revert but
26 shall remain available for expenditure for the purposes
27 designated in subsection 2 until the close of the
28 succeeding fiscal year.

29 4. FINANCIAL ASSISTANCE RESTRICTIONS

30 a. A business creating jobs through moneys
31 appropriated in this section shall be subject to
32 contract provisions requiring new and retained jobs to
33 be filled by individuals who are citizens of the United
34 States who reside within the United States or any
35 person authorized to work in the United States pursuant
36 to federal law, including legal resident aliens in the
37 United States.

38 b. Any vendor who receives moneys appropriated in
39 this section shall adhere to such contract provisions
40 and provide periodic assurances as the state shall
41 require that the jobs are filled solely by citizens of
42 the United States who reside within the United States
43 or any person authorized to work in the United States
44 pursuant to federal law, including legal resident
45 aliens in the United States.

46 c. A business that receives financial assistance
47 from the department from moneys appropriated in
48 this section shall only employ individuals legally
49 authorized to work in this state. In addition to all
50 other applicable penalties provided by current law, all

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1 or a portion of the assistance received by a business
2 which is found to knowingly employ individuals not
3 legally authorized to work in this state is subject to
4 recapture by the department.

5 5. USES OF APPROPRIATIONS

6 a. From the moneys appropriated in this section,
7 the department may provide financial assistance in the
8 form of a grant to a community economic development
9 entity for conducting a local workforce recruitment
10 effort designed to recruit former citizens of the state
11 and former students at colleges and universities in the
12 state to meet the needs of local employers.

13 b. From the moneys appropriated in this section,
14 the department may provide financial assistance to
15 early stage industry companies being established by
16 women entrepreneurs.

17 c. From the moneys appropriated in this section,
 18 the department may provide financial assistance in the
 19 form of grants, loans, or forgivable loans for advanced
 20 research and commercialization projects involving
 21 value-added agriculture, advanced technology, or
 22 biotechnology.

23 d. The department shall not use any moneys
 24 appropriated in this section for purposes of providing
 25 financial assistance for the Iowa green streets pilot
 26 project or for any other program or project that
 27 involves the installation of geothermal systems for
 28 melting snow and ice from streets or sidewalks.

29 6. WORLD FOOD PRIZE

30 For allocating moneys for the world food prize and
 31 notwithstanding the standing appropriation in section
 32 15.368, subsection 1:

33 \$ 250,000

34 7. IOWA COMMISSION ON VOLUNTEER SERVICE

35 For allocation to the Iowa commission on volunteer
 36 service for the Iowa's promise and mentoring
 37 partnership programs, for transfer to the Iowa state
 38 commission grant program, and for not more than the
 39 following full-time equivalent positions:

40 \$ 89,067

41 FTEs 7.00

42 Of the moneys appropriated in this subsection, the
 43 department shall allocate \$37,500 for purposes of
 44 the Iowa state commission grant program and \$51,567
 45 for purposes of the Iowa's promise and mentoring
 46 partnership programs.

47 Notwithstanding section 8.33, moneys appropriated in
 48 this subsection that remain unencumbered or unobligated
 49 at the close of the fiscal year shall not revert but
 50 shall remain available for expenditure for the purposes

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1 designated until the close of the succeeding fiscal
 2 year.

3 Sec. 53. VISION IOWA PROGRAM — FTE
 4 AUTHORIZATION. For purposes of administrative
 5 duties associated with the vision Iowa program for the
 6 fiscal year beginning July 1, 2012, the department of
 7 economic development is authorized an additional 2.25
 8 FTEs above those otherwise authorized in this division
 9 of this Act.

10 Sec. 54. INSURANCE ECONOMIC DEVELOPMENT. From
 11 the moneys collected by the division of insurance in
 12 excess of the anticipated gross revenues under section
 13 505.7, subsection 3, during the fiscal year beginning
 14 July 1, 2012, \$100,000 shall be transferred to the
 15 department of economic development for insurance

16 economic development and international insurance
 17 economic development.
 18 Sec. 55. COMMUNITY DEVELOPMENT LOAN
 19 FUND. Notwithstanding section 15E.120, subsection
 20 5, there is appropriated from the Iowa community
 21 development loan fund all moneys available during the
 22 fiscal year beginning July 1, 2012, and ending June 30,
 23 2013, to the department of economic development for
 24 purposes of the community development program.

25 Sec. 56. WORKFORCE DEVELOPMENT FUND. There is
 26 appropriated from the workforce development fund
 27 account created in section 15.342A to the workforce
 28 development fund created in section 15.343 for the
 29 fiscal year beginning July 1, 2012, and ending June
 30 30, 2013, the following amount, for purposes of the
 31 workforce development fund:

32 \$ 2,000,000

33 Sec. 57. WORKFORCE DEVELOPMENT

34 ADMINISTRATION. From moneys appropriated or
 35 transferred to or receipts credited to the workforce
 36 development fund created in section 15.343, up to
 37 \$400,000 for the fiscal year beginning July 1,
 38 2012, and ending June 30, 2013, are appropriated
 39 to the department of economic development for the
 40 administration of workforce development activities
 41 including salaries, support, maintenance, and
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:

44 FTEs 4.00

45 Sec. 58. JOB TRAINING FUND. Notwithstanding
 46 section 15.251, all moneys in the job training fund on
 47 July 1, 2012, and any moneys appropriated or credited
 48 to the fund during the fiscal year beginning July 1,
 49 2012, shall be transferred to the workforce development
 50 fund established pursuant to section 15.343.

Page 25

1 Sec. 59. IOWA STATE UNIVERSITY.

2 1. There is appropriated from the general fund
 3 of the state to Iowa state university of science
 4 and technology for the fiscal year beginning July
 5 1, 2012, and ending June 30, 2013, the following
 6 amount, or so much thereof as is necessary, to be used
 7 for small business development centers, the science
 8 and technology research park, and the institute for
 9 physical research and technology, and for not more than
 10 the following full-time equivalent positions:

11 \$ 1,212,151

12 FTEs 56.63

13 2. Of the moneys appropriated in subsection 1,
 14 Iowa state university of science and technology shall

15 allocate at least \$468,178 for purposes of funding
16 small business development centers. Iowa state
17 university of science and technology may allocate
18 moneys appropriated in subsection 1 to the various
19 small business development centers in any manner
20 necessary to achieve the purposes of this subsection.
21 3. Iowa state university of science and technology
22 shall do all of the following:
23 a. Direct expenditures for research toward projects
24 that will provide economic stimulus for Iowa.
25 b. Provide emphasis to providing services to
26 Iowa-based companies.
27 4. It is the intent of the general assembly
28 that the industrial incentive program focus on Iowa
29 industrial sectors and seek contributions and in-kind
30 donations from businesses, industrial foundations, and
31 trade associations, and that moneys for the institute
32 for physical research and technology industrial
33 incentive program shall be allocated only for projects
34 which are matched by private sector moneys for directed
35 contract research or for nondirected research. The
36 match required of small businesses as defined in
37 section 15.102, subsection 6, for directed contract
38 research or for nondirected research shall be \$1 for
39 each \$3 of state funds. The match required for other
40 businesses for directed contract research or for
41 nondirected research shall be \$1 for each \$1 of state
42 funds. The match required of industrial foundations
43 or trade associations shall be \$1 for each \$1 of state
44 funds.
45 Iowa state university of science and technology
46 shall report annually to the joint appropriations
47 subcommittee on economic development and the
48 legislative services agency the total amount of
49 private contributions, the proportion of contributions
50 from small businesses and other businesses, and

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1 the proportion for directed contract research and
2 nondirected research of benefit to Iowa businesses and
3 industrial sectors.
4 5. Notwithstanding section 8.33, moneys
5 appropriated in this section that remain unencumbered
6 or unobligated at the close of the fiscal year shall
7 not revert but shall remain available for expenditure
8 for the purposes designated until the close of the
9 succeeding fiscal year.
10 Sec. 60. UNIVERSITY OF IOWA.
11 1. There is appropriated from the general fund
12 of the state to the state university of Iowa for the
13 fiscal year beginning July 1, 2012, and ending June

14 30, 2013, the following amount, or so much thereof
15 as is necessary, to be used for the state university
16 of Iowa research park and for the advanced drug
17 development program at the Oakdale research park,
18 including salaries, support, maintenance, equipment,
19 miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:

21 \$ 104,640
22 FTEs 6.00

23 2. The state university of Iowa shall do all of the
24 following:

25 a. Direct expenditures for research toward projects
26 that will provide economic stimulus for Iowa.

27 b. Provide emphasis to providing services to
28 Iowa-based companies.

29 3. Notwithstanding section 8.33, moneys
30 appropriated in this section that remain unencumbered
31 or unobligated at the close of the fiscal year shall
32 not revert but shall remain available for expenditure
33 for the purposes designated until the close of the
34 succeeding fiscal year.

35 Sec. 61. UNIVERSITY OF NORTHERN IOWA.

36 1. There is appropriated from the general fund of
37 the state to the university of northern Iowa for the
38 fiscal year beginning July 1, 2012, and ending June 30,
39 2013, the following amount, or so much thereof as is
40 necessary, to be used for the metal casting institute,
41 the MyEntreNet internet application, and the institute
42 of decision making, including salaries, support,
43 maintenance, miscellaneous purposes, and for not more
44 than the following full-time equivalent positions:

45 \$ 287,358
46 FTEs 6.75

47 2. Of the moneys appropriated pursuant to
48 subsection 1, the university of northern Iowa shall
49 allocate at least \$58,820 for purposes of support
50 of entrepreneurs through the university's regional

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1 business center.

2 3. The university of northern Iowa shall do all of
3 the following:

4 a. Direct expenditures for research toward projects
5 that will provide economic stimulus for Iowa.

6 b. Provide emphasis to providing services to
7 Iowa-based companies.

8 4. Notwithstanding section 8.33, moneys
9 appropriated in this section that remain unencumbered
10 or unobligated at the close of the fiscal year shall
11 not revert but shall remain available for expenditure
12 for the purposes designated until the close of the

13 succeeding fiscal year.
 14 Sec. 62. BOARD OF REGENTS REPORT. The state board
 15 of regents shall submit a report on the progress of
 16 regents institutions in meeting the strategic plan for
 17 technology transfer and economic development to the
 18 secretary of the senate, the chief clerk of the house
 19 of representatives, and the legislative services agency
 20 by January 15, 2013.

21 Sec. 63. DEPARTMENT OF WORKFORCE
 22 DEVELOPMENT. There is appropriated from the general
 23 fund of the state to the department of workforce
 24 development for the fiscal year beginning July 1, 2012,
 25 and ending June 30, 2013, the following amounts, or
 26 so much thereof as is necessary, for the purposes
 27 designated:

28 1. DIVISION OF LABOR SERVICES
 29 a. For the division of labor services, including
 30 salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-time
 32 equivalent positions:

33 \$ 1,747,720
 34 FTEs 64.00

35 b. From the contractor registration fees, the
 36 division of labor services shall reimburse the
 37 department of inspections and appeals for all costs
 38 associated with hearings under chapter 91C, relating
 39 to contractor registration.

40 2. DIVISION OF WORKERS' COMPENSATION
 41 a. For the division of workers' compensation,
 42 including salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-time
 44 equivalent positions:

45 \$ 1,533,384
 46 FTEs 30.00

47 b. The division of workers' compensation shall
 48 charge a \$100 filing fee for workers' compensation
 49 cases. The filing fee shall be paid by the petitioner
 50 of a claim. However, the fee can be taxed as a cost

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1 and paid by the losing party, except in cases where
 2 it would impose an undue hardship or be unjust under
 3 the circumstances. The moneys generated by the filing
 4 fee allowed under this subsection are appropriated to
 5 the department of workforce development to be used for
 6 purposes of administering the division of workers'
 7 compensation.

8 3. WORKFORCE DEVELOPMENT OPERATIONS
 9 a. For the operation of field offices, the
 10 workforce development board, and for not more than the
 11 following full-time equivalent positions:

12 \$ 4,335,676

13 FTEs 130.00

14 b. Of the moneys appropriated in paragraph "a"
15 of this subsection, the department shall allocate
16 \$4,330,240 for the operation of field offices.

17 c. The department shall not reduce the number of
18 field offices below the number of field offices being
19 operated as of January 1, 2009.

20 4. OFFENDER REENTRY PROGRAM

21 a. For the development and administration of an
22 offender reentry program to provide offenders with
23 employment skills, and for not more than the following
24 full-time equivalent positions:

25 \$ 142,232

26 FTEs 3.00

27 b. The department shall partner with the department
28 of corrections to provide staff within the correctional
29 facilities to improve offenders' abilities to find and
30 retain productive employment.

31 5. DEFINITIONS

32 For purposes of this section:

33 a. "Field office" means a satellite office of
34 a workforce development center through which the
35 workforce development center maintains a physical
36 presence in a county as described in section 84B.2.
37 For purposes of this paragraph, a workforce development
38 center maintains a physical presence in a county if the
39 center employs a staff person. "Field office" does not
40 include the presence of a workforce development center
41 maintained by electronic means.

42 b. "Workforce development center" means a center
43 at which state and federal employment and training
44 programs are colocated and at which services are
45 provided at a local level as described in section
46 84B.1.

47 6. NONREVERSION

48 Notwithstanding section 8.33, moneys appropriated in
49 this section that remain unencumbered or unobligated
50 at the close of the fiscal year shall not revert but

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1 shall remain available for expenditure for the purposes
2 designated until the close of the succeeding fiscal
3 year.

4 Sec. 64. ACCOUNTABILITY — AUDIT. The auditor of
5 state shall annually conduct an audit of the department
6 of workforce development and shall report the findings
7 of such annual audit, including the accountability
8 of programs of the department, to the chairpersons
9 and ranking members of the joint appropriations
10 subcommittee on economic development. The department

11 shall pay for the costs associated with the audit.
12 Sec. 65. EMPLOYMENT SECURITY CONTINGENCY FUND.

13 1. There is appropriated from the special
14 employment security contingency fund to the department
15 of workforce development for the fiscal year beginning
16 July 1, 2012, and ending June 30, 2013, the following
17 amount, or so much thereof as is necessary, to be used
18 for field offices:

19 \$ 608,542

20 2. Any remaining additional penalty and interest
21 revenue collected by the department of workforce
22 development is appropriated to the department for the
23 fiscal year beginning July 1, 2012, and ending June 30,
24 2013, to accomplish the mission of the department.

25 Sec. 66. UNEMPLOYMENT COMPENSATION RESERVE FUND

26 — FIELD OFFICES. Notwithstanding section 96.9,
27 subsection 8, paragraph "e", there is appropriated
28 from interest earned on the unemployment compensation
29 reserve fund to the department of workforce development
30 for the fiscal year beginning July 1, 2012, and ending
31 June 30, 2013, the following amount or so much thereof
32 as is necessary, for the purposes designated:

33 For the operation of field offices:

34 \$ 1,200,000

35 Sec. 67. GENERAL FUND — EMPLOYEE MISCLASSIFICATION

36 PROGRAM. There is appropriated from the general fund
37 of the state to the department of workforce development
38 for the fiscal year beginning July 1, 2012, and
39 ending June 30, 2013, the following amount, or so much
40 thereof as is necessary, to be used for the purposes
41 designated:

42 For enhancing efforts to investigate employers that
43 misclassify workers and for not more than the following
44 full-time equivalent positions:

45 \$ 225,729

46 FTEs 8.10

47 Sec. 68. APPROPRIATIONS RESTRICTED. The department

48 of workforce development shall not use any of the
49 moneys appropriated in this division of this Act for
50 purposes of the national career readiness certificate

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1 program.

2 Sec. 69. IOWA FINANCE AUTHORITY.

3 1. There is appropriated from the general fund
4 of the state to the Iowa finance authority for the
5 fiscal year beginning July 1, 2012, and ending June 30,
6 2013, the following amount, or so much thereof as is
7 necessary, to be used to provide reimbursement for rent
8 expenses to eligible persons under the rent subsidy
9 program:

10 \$ 329,000
 11 2. Participation in the rent subsidy program
 12 shall be limited to only those persons who meet the
 13 requirements for the nursing facility level of care for
 14 home and community-based services waiver services as in
 15 effect on July 1, 2011, and to those individuals who
 16 are eligible for the federal money follows the person
 17 grant program under the medical assistance program. Of
 18 the moneys appropriated in this section, not more than
 19 \$35,000 may be used for administrative costs.
 20 Sec. 70. IOWA FINANCE AUTHORITY AUDIT. The auditor
 21 of state is requested to review the audit of the Iowa
 22 finance authority performed by the auditor hired by the
 23 authority.

24 Sec. 71. PUBLIC EMPLOYMENT RELATIONS BOARD.

25 1. There is appropriated from the general fund of
 26 the state to the public employment relations board for
 27 the fiscal year beginning July 1, 2012, and ending June
 28 30, 2013, the following amount, or so much thereof as
 29 is necessary, for the purposes designated:

30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-time
 32 equivalent positions:

33 \$ 528,936
 34 FTEs 10.00

35 2. Of the moneys appropriated in this section,
 36 the board shall allocate \$15,000 for maintaining a
 37 website that allows searchable access to a database of
 38 collective bargaining information.

39 Sec. 72. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 40 section 96.9, subsection 4, paragraph "a", moneys
 41 credited to the state by the secretary of the treasury
 42 of the United States pursuant to section 903 of
 43 the Social Security Act are appropriated to the
 44 department of workforce development and shall be
 45 used by the department for the administration of
 46 the unemployment compensation program only. This
 47 appropriation shall not apply to any fiscal year
 48 beginning after December 31, 2012.

49 DIVISION V

50 CONDITIONAL EFFECTIVE DATE

Page 31

1 AND RETROACTIVE APPLICABILITY

2 Sec. 73. EFFECTIVE DATE AND RETROACTIVE
 3 APPLICABILITY. Unless otherwise provided, this Act,
 4 if approved by the governor on or after July 1, 2011,
 5 takes effect upon enactment and applies retroactively
 6 to July 1, 2011.>

7 2. Title page, line 5, by striking <and related
 8 matters> and inserting <and addressing related matters

9 including tax credits>
10 3. By renumbering as necessary.

SENATE AMENDMENT

H-1746

1 Amend House File 148, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by striking <quarterly> and
4 inserting <quarterly three times per year>
5 2. Page 1, by striking lines 6 and 7 and inserting
6 <the conference shall agree to estimates for the
7 current fiscal year and the following fiscal year for
8 the general fund of the>
9 3. Page 1, line 11, after <fund.> by inserting
10 <Only an estimate for the following fiscal year
11 agreed to by the conference pursuant to subsection 3,
12 4, or 5, shall be used for purposes of calculating
13 the state general fund expenditure limitation under
14 section 8.54, and any other estimate agreed to shall
15 be considered a preliminary estimate that shall not be
16 used for purposes of calculating the state general fund
17 expenditure limitation.>
18 4. Page 2, line 27, after <year.> by inserting
19 <The aggregate amount of the intradepartmental and
20 interdepartmental transfers made from an appropriation
21 for a fiscal year is limited to fifty percent of the
22 appropriation.>

SENATE AMENDMENT

H-1747

1 Amend House File 683 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <DIVISION I
5 TRANSPORTATION
6 FY 2011-2012
7 Section 1. ROAD USE TAX FUND. There is
8 appropriated from the road use tax fund created in
9 section 312.1 to the department of transportation for
10 the fiscal year beginning July 1, 2011, and ending June
11 30, 2012, the following amounts, or so much thereof as
12 is necessary, to be used for the purposes designated:
13 1. For the payment of costs associated with the
14 production of driver's licenses, as defined in section
15 321.1, subsection 20A:
16 \$ 3,876,000
17 Notwithstanding section 8.33, moneys appropriated in
18 this subsection that remain unencumbered or unobligated

19 at the close of the fiscal year shall not revert but
 20 shall remain available for expenditure for the purposes
 21 specified in this subsection until the close of the
 22 succeeding fiscal year.

23 2. For salaries, support, maintenance, and
 24 miscellaneous purposes:

25 a. Operations:
 26 \$ 6,570,000

27 b. Planning:
 28 \$ 458,000

29 c. Motor vehicles:
 30 \$ 33,921,000

31 3. For payments to the department of administrative
 32 services for utility services:

33 \$ 225,000

34 4. Unemployment compensation:
 35 \$ 7,000

36 5. For payments to the department of administrative
 37 services for paying workers' compensation claims under
 38 chapter 85 on behalf of employees of the department of
 39 transportation:

40 \$ 119,000

41 6. For payment to the general fund of the state for
 42 indirect cost recoveries:

43 \$ 78,000

44 7. For reimbursement to the auditor of state for
 45 audit expenses as provided in section 11.5B:

46 \$ 67,319

47 8. For automation, telecommunications, and related
 48 costs associated with the county issuance of driver's
 49 licenses and vehicle registrations and titles:

50 \$ 1,406,000

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1 9. For transfer to the department of public safety
 2 for operating a system providing toll-free telephone
 3 road and weather conditions information:

4 \$ 100,000

5 10. For costs associated with the participation in
 6 the Mississippi river parkway commission:

7 \$ 40,000

8 11. For motor vehicle division field facility
 9 maintenance projects at various locations:

10 \$ 200,000

11 12. For scale replacement projects at various
 12 locations:

13 \$ 550,000

14 For purposes of section 8.33, unless specifically
 15 provided otherwise, moneys appropriated in subsections
 16 11 and 12 that remain unencumbered or unobligated shall
 17 not revert but shall remain available for expenditure

18 for the purposes designated until the close of the
 19 fiscal year that ends three years after the end of
 20 the fiscal year for which the appropriation was made.
 21 However, if the projects for which the appropriation
 22 was made are completed in an earlier fiscal year,
 23 unencumbered or unobligated moneys shall revert at the
 24 close of that same fiscal year.

25 Sec. 2. PRIMARY ROAD FUND. There is appropriated
 26 from the primary road fund created in section 313.3 to
 27 the department of transportation for the fiscal year
 28 beginning July 1, 2011, and ending June 30, 2012, the
 29 following amounts, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 1. For salaries, support, maintenance,
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:

34 a. Operations:

35 \$ 40,356,529
 36 FTEs 296.00

37 b. Planning:

38 \$ 8,697,095
 39 FTEs 121.00

40 c. Highways:

41 \$230,913,992
 42 FTEs 2,247.00

43 d. Motor vehicles:

44 \$ 1,413,540
 45 FTEs 445.00

46 2. For payments to the department of administrative
 47 services for utility services:

48 \$ 1,388,000

49 3. Unemployment compensation:

50 \$ 138,000

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1 4. For payments to the department of administrative
 2 services for paying workers' compensation claims under
 3 chapter 85 on behalf of the employees of the department
 4 of transportation:

5 \$ 2,846,000

6 5. For disposal of hazardous wastes from field
 7 locations and the central complex:

8 \$ 800,000

9 6. For payment to the general fund of the state for
 10 indirect cost recoveries:

11 \$ 572,000

12 7. For reimbursement to the auditor of state for
 13 audit expenses as provided in section 11.5B:

14 \$ 415,181

15 8. For costs associated with producing
 16 transportation maps:

17 \$ 242,000
18 9. For inventory and equipment replacement:
19 \$ 5,366,000
20 10. For utility improvements at various locations:
21 \$ 400,000
22 11. For roofing projects at various locations:
23 \$ 200,000
24 12. For heating, cooling, and exhaust system
25 improvements at various locations:
26 \$ 400,000
27 13. For deferred maintenance projects at field
28 facilities throughout the state:
29 \$ 1,000,000
30 14. For elevator upgrades at the Ames complex:
31 \$ 100,000
32 15. For wastewater treatment improvements at
33 various locations:
34 \$ 1,000,000
35 16. For replacement of the Swea City garage:
36 \$ 2,100,000
37 For purposes of section 8.33, unless specifically
38 provided otherwise, moneys appropriated in subsections
39 10 through 16 that remain unencumbered or unobligated
40 shall not revert but shall remain available for
41 expenditure for the purposes designated until the close
42 of the fiscal year that ends three years after the end
43 of the fiscal year for which the appropriation was
44 made. However, if the project or projects for which
45 such appropriation was made are completed in an earlier
46 fiscal year, unencumbered or unobligated moneys shall
47 revert at the close of that same fiscal year.
48 DIVISION II
49 TRANSPORTATION
50 FY 2012-2013

Page 4

1 Sec. 3. ROAD USE TAX FUND. There is appropriated
2 from the road use tax fund created in section 312.1 to
3 the department of transportation for the fiscal year
4 beginning July 1, 2012, and ending June 30, 2013, the
5 following amounts, or so much thereof as is necessary,
6 to be used for the purposes designated:
7 1. For the payment of costs associated with the
8 production of driver's licenses, as defined in section
9 321.1, subsection 20A:
10 \$ 3,876,000
11 Notwithstanding section 8.33, moneys appropriated in
12 this subsection that remain unencumbered or unobligated
13 at the close of the fiscal year shall not revert but
14 shall remain available for expenditure for the purposes
15 specified in this subsection until the close of the

16 succeeding fiscal year.
 17 2. For salaries, support, maintenance, and
 18 miscellaneous purposes:
 19 a. Operations:
 20 \$ 3,285,000
 21 b. Planning:
 22 \$ 229,000
 23 c. Motor vehicles:
 24 \$ 16,960,500
 25 3. For payments to the department of administrative
 26 services for utility services:
 27 \$ 112,500
 28 4. Unemployment compensation:
 29 \$ 3,500
 30 5. For payments to the department of administrative
 31 services for paying workers' compensation claims under
 32 chapter 85 on behalf of employees of the department of
 33 transportation:
 34 \$ 59,500
 35 6. For payment to the general fund of the state for
 36 indirect cost recoveries:
 37 \$ 39,000
 38 7. For reimbursement to the auditor of state for
 39 audit expenses as provided in section 11.5B:
 40 \$ 33,660
 41 8. For automation, telecommunications, and related
 42 costs associated with the county issuance of driver's
 43 licenses and vehicle registrations and titles:
 44 \$ 703,000
 45 9. For transfer to the department of public safety
 46 for operating a system providing toll-free telephone
 47 road and weather conditions information:
 48 \$ 50,000
 49 10. For costs associated with the participation in
 50 the Mississippi river parkway commission:

Page 5

1 \$ 20,000
 2 11. For motor vehicle division field facility
 3 maintenance projects at various locations:
 4 \$ 200,000
 5 12. For scale replacement projects at various
 6 locations:
 7 \$ 550,000
 8 For purposes of section 8.33, unless specifically
 9 provided otherwise, moneys appropriated in subsections
 10 11 and 12 that remain unencumbered or unobligated shall
 11 not revert but shall remain available for expenditure
 12 for the purposes designated until the close of the
 13 fiscal year that ends three years after the end of
 14 the fiscal year for which the appropriation was made.

15 However, if the projects for which the appropriation
 16 was made are completed in an earlier fiscal year,
 17 unencumbered or unobligated moneys shall revert at the
 18 close of that same fiscal year.

19 Sec. 4. PRIMARY ROAD FUND. There is appropriated
 20 from the primary road fund created in section 313.3 to
 21 the department of transportation for the fiscal year
 22 beginning July 1, 2012, and ending June 30, 2013, the
 23 following amounts, or so much thereof as is necessary,
 24 to be used for the purposes designated:

- 25 1. For salaries, support, maintenance,
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:
 - 28 a. Operations:
 - 29 \$ 20,178,265
 - 30 FTEs 296.00
 - 31 b. Planning:
 - 32 \$ 4,348,548
 - 33 FTEs 121.00
 - 34 c. Highways:
 - 35 \$115,456,996
 - 36 FTEs 2,247.00
 - 37 d. Motor vehicles:
 - 38 \$ 706,770
 - 39 FTEs 445.00
- 40 2. For payments to the department of administrative
 41 services for utility services:
 - 42 \$ 694,000
- 43 3. Unemployment compensation:
 - 44 \$ 69,000
- 45 4. For payments to the department of administrative
 46 services for paying workers' compensation claims under
 47 chapter 85 on behalf of the employees of the department
 48 of transportation:
 - 49 \$ 1,423,000
- 50 5. For disposal of hazardous wastes from field

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- 1 locations and the central complex:
 - 2 \$ 400,000
- 3 6. For payment to the general fund of the state for
 4 indirect cost recoveries:
 - 5 \$ 286,000
- 6 7. For reimbursement to the auditor of state for
 7 audit expenses as provided in section 11.5B:
 - 8 \$ 207,591
- 9 8. For costs associated with producing
 10 transportation maps:
 - 11 \$ 121,000
- 12 9. For inventory and equipment replacement:
 - 13 \$ 2,683,000

14 10. For utility improvements at various locations:
 15 \$ 400,000
 16 11. For roofing projects at various locations:
 17 \$ 200,000
 18 12. For heating, cooling, and exhaust system
 19 improvements at various locations:
 20 \$ 200,000
 21 13. For deferred maintenance projects at field
 22 facilities throughout the state:
 23 \$ 1,000,000
 24 14. For wastewater treatment improvements at
 25 various locations:
 26 \$ 1,000,000
 27 15. For replacement of the New Hampton combined
 28 facility:
 29 \$ 5,200,000
 30 For purposes of section 8.33, unless specifically
 31 provided otherwise, moneys appropriated in subsections
 32 10 through 15 that remain unencumbered or unobligated
 33 shall not revert but shall remain available for
 34 expenditure for the purposes designated until the close
 35 of the fiscal year that ends three years after the end
 36 of the fiscal year for which the appropriation was
 37 made. However, if the project or projects for which
 38 such appropriation was made are completed in an earlier
 39 fiscal year, unencumbered or unobligated moneys shall
 40 revert at the close of that same fiscal year.

41 DIVISION III
 42 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
 43 APPLICABILITY

44 Sec. 5. EFFECTIVE DATE AND RETROACTIVE
 45 APPLICABILITY. Unless otherwise provided, this Act,
 46 if approved by the governor on or after July 1, 2011,
 47 takes effect upon enactment and applies retroactively
 48 to July 1, 2011.>

49 2. Title page, by striking lines 1 through 4 and
 50 inserting <An Act relating to and making transportation

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1 and other infrastructure-related appropriations to the
 2 department of transportation, including allocation
 3 and use of moneys from the road use tax fund and the
 4 primary road fund and including conditional retroactive
 5 applicability provisions.>

6 3. By renumbering as necessary.

HUSEMAN of Cherokee

H-1748

1 Amend the Senate amendment, H-1702, to House File
2 648, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 5, through page 18,
5 line 5, and inserting:

6 <DIVISION I

7 REBUILD IOWA INFRASTRUCTURE FUND

8 Section 1. There is appropriated from the rebuild
9 Iowa infrastructure fund to the following departments
10 and agencies for the following fiscal years, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

14 a. For projects related to major repairs and major
15 maintenance for state buildings and facilities:

16 FY 2012-2013..... \$ 6,000,000

17 b. For exterior repairs and related improvements to
18 the state historical building:

19 FY 2011-2012..... \$ 1,200,000

20 c. For infrastructure improvements, including fire
21 safety and security systems, in the secretary of state
22 offices in the Lucas state office building:

23 FY 2011-2012..... \$ 45,000

24 d. For fire protection improvements at the
25 facilities management center and central energy plant
26 on the capitol complex:

27 FY 2012-2013..... \$ 2,000,000

28 e. For renovation, repairs, replacement, and
29 related improvements to extend the useful life
30 of buildings on the capitol complex and to make
31 improvements, including improvements relating to safety
32 and building code requirements, to the capitol complex
33 grounds:

34 FY 2012-2013..... \$ 2,000,000

35 2. DEPARTMENT FOR THE BLIND

36 For replacement of air handlers and related
37 improvements:

38 FY 2011-2012..... \$ 1,065,674

39 3. DEPARTMENT OF CORRECTIONS

40 a. For the construction project and one-time
41 furniture, fixture, and equipment costs at Fort
42 Madison:

43 FY 2011-2012..... \$ 5,155,077

44 FY 2012-2013..... \$ 18,269,124

45 FY 2013-2014..... \$ 3,000,000

46 b. For the construction project and one-time
47 equipment costs at the Iowa correctional facility for
48 women at Mitchellville:

49 FY 2011-2012..... \$ 3,061,556

50 FY 2012-2013..... \$ 5,391,062

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1 FY 2013-2014..... \$ 26,769,040
 2 4. DEPARTMENT OF CULTURAL AFFAIRS
 3 For deposit into the Iowa great places program
 4 fund created in section 303.3D for Iowa great places
 5 program projects that meet the definition of the term
 6 "vertical infrastructure" in section 8.57, subsection
 7 6, paragraph "c":
 8 FY 2011-2012..... \$ 1,000,000
 9 FY 2012-2013..... \$ 2,000,000
 10 Of the amounts appropriated in this subsection,
 11 up to \$45,000 may be used per fiscal year for
 12 administration of the Iowa great places grant program,
 13 notwithstanding section 8.57, subsection 6, paragraph
 14 "c".
 15 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 16 For accelerated career education program capital
 17 projects at community colleges that are authorized
 18 under chapter 260G and that meet the definition of
 19 the term "vertical infrastructure" in section 8.57,
 20 subsection 6, paragraph "c":
 21 FY 2011-2012..... \$ 5,000,000
 22 FY 2012-2013..... \$ 5,500,000
 23 6. DEPARTMENT OF EDUCATION
 24 a. To the public broadcasting division for the
 25 purchase of a building in the city of Johnston:
 26 FY 2011-2012..... \$ 1,255,550
 27 b. For major renovation and major repair needs,
 28 including health, life, and fire safety needs and for
 29 compliance with the federal Americans with Disabilities
 30 Act, for state buildings and facilities under the
 31 purview of the community colleges:
 32 FY 2011-2012..... \$ 1,000,000
 33 FY 2012-2013..... \$ 1,000,000
 34 7. DEPARTMENT OF HUMAN SERVICES
 35 For the renovation and construction of certain
 36 nursing facilities, consistent with the provisions of
 37 chapter 249K:
 38 FY 2011-2012..... \$ 285,000
 39 8. DEPARTMENT OF NATURAL RESOURCES
 40 a. For floodplain management and dam safety,
 41 notwithstanding section 8.57, subsection 6,
 42 paragraph "c":
 43 FY 2011-2012..... \$ 2,000,000
 44 Of the amounts appropriated in this lettered
 45 paragraph, up to \$400,000 is authorized for stream
 46 gages to be used for tracking and predicting flood
 47 events and for compiling necessary data relating to
 48 flood frequency analysis.
 49 b. For implementation of lake projects that
 50 have established watershed improvement initiatives

1 and community support in accordance with the
2 department's annual lake restoration plan and report,
3 notwithstanding section 8.57, subsection 6, paragraph
4 "c":
5 FY 2011-2012..... \$ 8,600,000
6 Of the amount appropriated in this lettered
7 paragraph, \$350,000 shall be allocated for a lake with
8 public access that has the support of a benefited
9 lake district located in a county with a population
10 between seventeen thousand seven hundred and seventeen
11 thousand eight hundred as determined by the 2010
12 federal decennial census. The allocated moneys shall
13 be used for purposes of completing a preconstruction
14 dam restoration study that would include a geotechnical
15 evaluation, hydrological studies, restoration
16 alternatives, and construction specifications.
17 9. DEPARTMENT OF PUBLIC DEFENSE
18 a. For major maintenance projects at national guard
19 armories and facilities:
20 FY 2011-2012..... \$ 2,000,000
21 FY 2012-2013..... \$ 2,000,000
22 b. For renovation and facility improvements at the
23 Muscatine readiness center:
24 FY 2011-2012..... \$ 100,000
25 c. For construction improvement projects at
26 statewide readiness centers:
27 FY 2011-2012..... \$ 1,800,000
28 FY 2012-2013..... \$ 1,800,000
29 d. For construction upgrades at Camp Dodge
30 including sanitary system and sewer system
31 improvements:
32 FY 2011-2012..... \$ 1,000,000
33 FY 2012-2013..... \$ 1,000,000
34 e. For renovation, repair, and related improvements
35 at the joint forces headquarters building:
36 FY 2011-2012..... \$ 1,000,000
37 f. For renovation and facility improvements at the
38 Dubuque readiness center:
39 FY 2012-2013..... \$ 500,000
40 10. BOARD OF REGENTS
41 a. For allocation by the state board of regents to
42 the state university of Iowa, Iowa state university of
43 science and technology, and the university of northern
44 Iowa to reimburse the institutions for deficiencies
45 in the operating funds resulting from the pledging of
46 tuition, student fees and charges, and institutional
47 income to finance the cost of providing academic and
48 administrative buildings and facilities and utility
49 services at the institutions:
50 FY 2011-2012..... \$ 24,305,412

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1 b. For the Iowa flood center at the state
2 university of Iowa for use by the university's
3 college of engineering, pursuant to section 466C.1,
4 notwithstanding section 8.57, subsection 6, paragraph
5 "c":
6 FY 2011-2012..... \$ 1,300,000
7 c. For fire, safety and other major maintenance
8 projects at the regents institutions:
9 FY 2011-2012..... \$ 2,000,000
10 FY 2012-2013..... \$ 4,000,000
11 d. For construction, renovation, and related
12 improvements for phase II of the agricultural and
13 biosystems engineering complex, including classrooms,
14 laboratories, and offices at Iowa state university of
15 science and technology:
16 FY 2011-2012..... \$ 1,000,000
17 FY 2012-2013..... \$ 20,800,000
18 FY 2013-2014..... \$ 20,000,000
19 FY 2014-2015..... \$ 18,600,000
20 e. For the renovation and related improvements to
21 the dental science building at the state university
22 of Iowa including but not limited to renovation of
23 clinical spaces and development of a multidisciplinary
24 clinical area:
25 FY 2011-2012..... \$ 1,000,000
26 FY 2012-2013..... \$ 12,000,000
27 FY 2013-2014..... \$ 8,000,000
28 FY 2014-2015..... \$ 8,000,000
29 f. For renovation and related improvements for
30 Bartlett hall at the university of northern Iowa
31 including providing faculty offices, seminar rooms,
32 and laboratories in the building and the associated
33 demolition of Baker hall:
34 FY 2011-2012..... \$ 1,000,000
35 FY 2012-2013..... \$ 8,286,000
36 FY 2013-2014..... \$ 9,767,000
37 FY 2014-2015..... \$ 1,947,000
38 11. DEPARTMENT OF TRANSPORTATION
39 a. For acquiring, constructing, and improving
40 recreational trails within the state:
41 FY 2011-2012..... \$ 2,000,000
42 FY 2012-2013..... \$ 2,000,000
43 b. For deposit into the public transit
44 infrastructure grant fund created in section 324A.6A,
45 for projects that meet the definition of "vertical
46 infrastructure" in section 8.57, subsection 6,
47 paragraph "c":
48 FY 2011-2012..... \$ 1,500,000
49 FY 2012-2013..... \$ 1,500,000
50 c. For infrastructure improvements at the

1 commercial service airports within the state:
 2 FY 2011-2012..... \$ 1,500,000
 3 FY 2012-2013..... \$ 1,500,000

4 d. For infrastructure improvements at general
 5 aviation airports within the state:
 6 FY 2011-2012..... \$ 750,000
 7 FY 2012-2013..... \$ 750,000

8 12. TREASURER OF STATE

9 For distribution in accordance with chapter 174 to
 10 qualified fairs which belong to the association of Iowa
 11 fairs for county fair infrastructure improvements:
 12 FY 2011-2012..... \$ 1,060,000
 13 FY 2012-2013..... \$ 1,060,000

14 13. DEPARTMENT OF VETERANS AFFAIRS

15 a. For transfer to the Iowa finance authority for
 16 the continuation of the home ownership assistance
 17 program for persons who are or were eligible members
 18 of the armed forces of the United States, pursuant to
 19 section 16.54, notwithstanding section 8.57, subsection
 20 6, paragraph "c":
 21 FY 2011-2012..... \$ 1,000,000

22 b. For the Iowa veterans home to upgrade generator
 23 emissions controls to meet required stack emissions for
 24 four generators and related improvements:
 25 FY 2011-2012..... \$ 250,000

26 Sec. __. REVERSION. For purposes of section 8.33,
 27 unless specifically provided otherwise, unencumbered
 28 or unobligated moneys made from an appropriation in
 29 this division of this Act shall not revert but shall
 30 remain available for expenditure for the purposes
 31 designated until the close of the fiscal year that ends
 32 three years after the end of the fiscal year for which
 33 the appropriation is made. However, if the project
 34 or projects for which such appropriation was made are
 35 completed in an earlier fiscal year, unencumbered or
 36 unobligated moneys shall revert at the close of that
 37 same fiscal year.

38 DIVISION II

39 TECHNOLOGY REINVESTMENT FUND

40 Sec. __. There is appropriated from the technology
 41 reinvestment fund created in section 8.57C to the
 42 following departments and agencies for the following
 43 fiscal years, the following amounts, or so much
 44 thereof as is necessary, to be used for the purposes
 45 designated:

46 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

47 For technology improvement projects:
 48 FY 2011-2012..... \$ 1,643,728
 49 FY 2012-2013..... \$ 2,500,000

50 2. DEPARTMENT OF CORRECTIONS

1 For costs associated with the Iowa corrections
2 offender network data system:
3 FY 2011-2012..... \$ 500,000
4 FY 2012-2013..... \$ 500,000
5 3. DEPARTMENT OF EDUCATION
6 a. For maintenance and lease costs associated with
7 connections for part III of the Iowa communications
8 network:
9 FY 2011-2012..... \$ 2,727,000
10 FY 2012-2013..... \$ 2,727,000
11 b. For the implementation of an educational data
12 warehouse that will be utilized by teachers, parents,
13 school district administrators, area education agency
14 staff, department of education staff, and policymakers:
15 FY 2011-2012..... \$ 600,000
16 FY 2012-2013..... \$ 600,000
17 The department may use a portion of the moneys
18 appropriated in this lettered paragraph for an
19 e-transcript data system capable of tracking students
20 throughout their education via interconnectivity with
21 multiple schools.
22 4. DEPARTMENT OF HUMAN RIGHTS
23 For the cost of equipment and computer software
24 for the implementation of Iowa's criminal justice
25 information system:
26 FY 2011-2012..... \$ 1,689,307
27 FY 2012-2013..... \$ 1,756,747
28 5. DEPARTMENT OF HUMAN SERVICES
29 To be used for medical contracts under the
30 medical assistance program for technology upgrades
31 necessary to support Medicaid claims and other health
32 operations, worldwide HIPAA claims transactions and
33 coding requirements, and the Iowa automated benefits
34 calculation system:
35 FY 2011-2012..... \$ 3,494,176
36 FY 2012-2013..... \$ 4,667,600
37 FY 2013-2014..... \$ 4,267,600
38 FY 2014-2015..... \$ 1,945,684
39 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
40 COMMISSION
41 For replacement of equipment for the Iowa
42 communications network:
43 FY 2011-2012..... \$ 2,248,653
44 FY 2012-2013..... \$ 2,248,653
45 The commission may continue to enter into contracts
46 pursuant to section 8D.13 for the replacement of
47 equipment and for operation and maintenance costs of
48 the network.
49 In addition to funds appropriated in this
50 subsection, the commission may use a financing

1 agreement entered into by the treasurer of state in
 2 accordance with section 12.28 for the replacement
 3 of equipment for the network. For purposes of this
 4 subsection, the treasurer of state is not subject to
 5 the maximum principal limitation contained in section
 6 12.28, subsection 6. Repayment of any amounts financed
 7 shall be made from receipts associated with fees
 8 charged for use of the network.

9 7. DEPARTMENT OF MANAGEMENT

10 To develop a searchable database that can be placed
 11 on the internet for budget and financial information:
 12 FY 2011-2012..... \$ 600,000

13 8. DEPARTMENT OF PUBLIC SAFETY

14 For the provision of a statewide public safety
 15 radio network and the purchase of compatible radio
 16 communications equipment with the goal of achieving
 17 compliance with the federal communications commission's
 18 narrowbanding mandate deadline, and for achieving
 19 "interoperability", as defined in section 80.28:

20 FY 2011-2012..... \$ 2,500,000
 21 FY 2012-2013..... \$ 2,500,000
 22 FY 2013-2014..... \$ 2,500,000

23 Of the amounts appropriated in this subsection,
 24 the department of public safety may enter into a
 25 public-private partnership, through a competitive
 26 bidding process, for the provision of the statewide
 27 network and the purchase of compatible equipment.

28 On or before January 13, 2012, the department of
 29 public safety shall provide a report to the legislative
 30 services agency and the department of management.

31 The report shall detail the status of the funds
 32 appropriated in this subsection and shall include
 33 the estimated needs of the departments of public
 34 safety, corrections, and natural resources to achieve
 35 interoperability and to meet the federal narrowbanding
 36 mandate, any changes in estimated costs to meet those
 37 needs, and the status of requests for proposals to
 38 develop a public-private partnership.

39 Sec. ____ REVERSION. For purposes of section 8.33,
 40 unless specifically provided otherwise, unencumbered
 41 or unobligated moneys made from an appropriation in
 42 this division of this Act shall not revert but shall
 43 remain available for expenditure for the purposes
 44 designated until the close of the fiscal year that ends
 45 three years after the end of the fiscal year for which
 46 the appropriation is made. However, if the project
 47 or projects for which such appropriation was made are
 48 completed in an earlier fiscal year, unencumbered or
 49 unobligated moneys shall revert at the close of that
 50 same fiscal year.

1 DIVISION III
2 REVENUE BONDS CAPITALS
3 FUND — APPROPRIATIONS
4 Sec. ____ There is appropriated from the revenue
5 bonds capitals fund created in section 12.88, to the
6 following departments for the fiscal year beginning
7 July 1, 2011, and ending June 30, 2012, the following
8 amount, or so much thereof as is necessary, to be used
9 for the purposes designated:
10 a. DEPARTMENT OF CORRECTIONS
11 For the construction project and one-time equipment
12 costs at the Iowa correctional facility for women at
13 Mitchellville:
14 \$ 4,430,952
15 b. DEPARTMENT OF ADMINISTRATIVE SERVICES
16 For projects related to major repairs and major
17 maintenance for state buildings and facilities:
18 \$ 500,000
19 For purposes of section 8.33, unless specifically
20 provided otherwise, unencumbered or unobligated moneys
21 made from an appropriation in this section shall not
22 revert but shall remain available for expenditure for
23 the purposes designated until the close of the fiscal
24 year that ends three years after the end of the fiscal
25 year for which the appropriation was made. However, if
26 the project or projects for which such appropriation
27 was made are completed in an earlier fiscal year,
28 unencumbered or unobligated moneys shall revert at the
29 close of that same fiscal year.
30 DIVISION IV
31 REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS
32 Sec. ____ There is appropriated from the revenue
33 bonds capitals II fund created in section 12.88A, to
34 the department of administrative services for the
35 fiscal year beginning July 1, 2011, and ending June 30,
36 2012, the following amount, or so much thereof as is
37 necessary, to be used for the purposes designated:
38 For projects related to major repairs and major
39 maintenance for state buildings and facilities:
40 FY 2011-2012..... \$ 4,040,000
41 For purposes of section 8.33, unless specifically
42 provided otherwise, unencumbered or unobligated moneys
43 made from an appropriation in this section shall not
44 revert but shall remain available for expenditures for
45 the purposes designated until the close of the fiscal
46 year that ends three years after the end of the fiscal
47 year for which the appropriation was made. However, if
48 the project or projects for which such appropriation
49 was made are completed in an earlier fiscal year,
50 unencumbered or unobligated moneys shall revert at the

1 close of that same fiscal year.

2 DIVISION V

3 GENERAL FUND — APPROPRIATION

4 Sec. ____ There is appropriated from the general
5 fund of the state to the department of transportation
6 for the fiscal year beginning July 1, 2012, and
7 ending June 30, 2013, the following amount, or so much
8 thereof as is necessary, to be used for the purposes
9 designated:

10 For deposit into the railroad revolving loan and
11 grant fund created in section 327H.20A:

12 \$ 2,000,000

13 DIVISION VI

14 PUBLIC BIDDING AND CONTRACTING

15 Sec. ____ Section 73A.21, Code 2011, is amended to
16 read as follows:

17 73A.21 Reciprocal resident bidder and resident labor
18 force preference by state, its agencies, and political
19 subdivisions — penalties.

20 1. For purposes of this section:

21 a. "Commissioner" means the labor commissioner
22 appointed pursuant to section 91.2, or the labor
23 commissioner's designee.

24 b. "Division" means the division of labor of the
25 department of workforce development.

26 c. "Nonresident bidder" means a person or entity who
27 does not meet the definition of a resident bidder.

28 d. "Public body" means the state and any of its
29 political subdivisions, including a school district,
30 public utility, or the state board of regents.

31 ~~a. e.~~ "Public improvement" means public
32 improvements as defined in section 73A.1 a building or
33 other construction work to be paid for in whole or in
34 part by the use of funds of the state, its agencies,
35 and any of its political subdivisions and includes road
36 construction, reconstruction, and maintenance projects.

37 f. "Public utility" includes municipally owned
38 utilities and municipally owned waterworks.

39 ~~b. g.~~ "Resident bidder" means a person or entity
40 authorized to transact business in this state and
41 having a place of business for transacting business
42 within the state at which it is conducting and has
43 conducted business for at least ~~six months~~ three years
44 prior to the date of the first advertisement for the
45 public improvement ~~and in the case of a corporation,~~
46 ~~having at least fifty percent of its common stock~~
47 ~~owned by residents of this state.~~ If another state
48 or foreign country has a more stringent definition of
49 a resident bidder, the more stringent definition is
50 applicable as to bidders from that state or foreign

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1 country.

2 h. "Resident labor force preference" means a
3 requirement in which all or a portion of a labor force
4 working on a public improvement is a resident of a
5 particular state or country.

6 2. Notwithstanding this chapter, chapter 73,
7 chapter 309, chapter 310, chapter 331, or chapter
8 384, when a contract for a public improvement is
9 to be awarded to the lowest responsible bidder, a
10 resident bidder shall be allowed a preference as
11 against a nonresident bidder from a state or foreign
12 country ~~which if that state or foreign country gives~~
13 ~~or requires a any preference to bidders from that~~
14 ~~state or foreign country, including but not limited~~
15 ~~to any preference to bidders, the imposition of any~~
16 ~~type of labor force preference, or any other form of~~
17 ~~preferential treatment to bidders or laborers from that~~
18 ~~state or foreign country. The preference is allowed~~
19 ~~shall be equal to the preference given or required by~~
20 ~~the state or foreign country in which the nonresident~~
21 ~~bidder is a resident. In the instance of a resident~~
22 ~~labor force preference, a nonresident bidder shall~~
23 ~~apply the same resident labor force preference to a~~
24 ~~public improvement in this state as would be required~~
25 ~~in the construction of a public improvement by the~~
26 ~~state or foreign country in which the nonresident~~
27 ~~bidder is a resident.~~

28 ~~3. This section applies to the state, its agencies,~~
29 ~~and any political subdivisions of the state.~~

30 4. ~~3.~~ If it is determined that this may cause
31 denial of federal funds which would otherwise be
32 available, or would otherwise be inconsistent with
33 requirements of any federal law or regulation, this
34 section shall be suspended, but only to the extent
35 necessary to prevent denial of the funds or to
36 eliminate the inconsistency with federal requirements.

37 4. The public body involved in a public improvement
38 shall require a nonresident bidder to specify on all
39 project bid specifications and contract documents
40 whether any preference as described in subsection 2 is
41 in effect in the nonresident bidder's state or country
42 of domicile at the time of a bid submittal.

43 5. The commissioner and the division shall
44 administer and enforce this section, and the
45 commissioner shall adopt rules for the administration
46 and enforcement of this section as provided in section
47 91.6.

48 6. The commissioner shall have the following powers
49 and duties for the purposes of this section:

50 a. The commissioner may hold hearings and

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1 investigate charges of violations of this section.
2 b. The commissioner may, consistent with due
3 process of law, enter any place of employment to
4 inspect records concerning labor force residency, to
5 question an employer or employee, and to investigate
6 such facts, conditions, or matters as are deemed
7 appropriate in determining whether any person
8 has violated the provisions of this section. The
9 commissioner shall only make such an entry in response
10 to a written complaint.
11 c. The commissioner shall develop a written
12 complaint form applicable to this section and make it
13 available in division offices and on the department of
14 workforce development's internet site.
15 d. The commissioner may sue for injunctive relief
16 against the awarding of a contract, the undertaking of
17 a public improvement, or the continuation of a public
18 improvement in response to a violation of this section.
19 e. The commissioner may investigate and ascertain
20 the residency of a worker engaged in any public
21 improvement in this state.
22 f. The commissioner may administer oaths, take
23 or cause to be taken deposition of witnesses, and
24 require by subpoena the attendance and testimony of
25 witnesses and the production of all books, registers,
26 payrolls, and other evidence relevant to a matter under
27 investigation or hearing.
28 g. The commissioner may employ qualified personnel
29 as are necessary for the enforcement of this section.
30 Such personnel shall be employed pursuant to the merit
31 system provisions of chapter 8A, subchapter IV.
32 h. The commissioner shall require a contractor or
33 subcontractor to file, within ten days of receipt of a
34 request, any records enumerated in subsection 7. If
35 the contractor or subcontractor fails to provide the
36 requested records within ten days, the commissioner
37 may direct, within fifteen days after the end of the
38 ten-day period, that the fiscal or financial office
39 charged with the custody and disbursement of funds of
40 the public body that contracted for construction of the
41 public improvement or undertook the public improvement,
42 to immediately withhold from payment to the contractor
43 or subcontractor up to twenty-five percent of the
44 amount to be paid to the contractor or subcontractor
45 under the terms of the contract or written instrument
46 under which the public improvement is being performed.
47 The amount withheld shall be immediately released
48 upon receipt by the public body of a notice from the
49 commissioner indicating that the request for records as
50 required by this section has been satisfied.

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1 7. While participating in a public improvement,
2 a nonresident bidder domiciled in a state or country
3 that has established a resident labor force preference
4 shall make and keep, for a period of not less than
5 three years, accurate records of all workers employed
6 by the contractor or subcontractor on the public
7 improvement. The records shall include each worker's
8 name, address, telephone number when available, social
9 security number, trade classification, and the starting
10 and ending time of employment.

11 8. Any person or entity that violates the
12 provisions of this section is subject to a civil
13 penalty in an amount not to exceed one thousand dollars
14 for each violation found in a first investigation by
15 the division, not to exceed five thousand dollars
16 for each violation found in a second investigation
17 by the division, and not to exceed fifteen thousand
18 dollars for a third or subsequent violation found
19 in any subsequent investigation by the division.
20 Each violation of this section for each worker and
21 for each day the violation continues constitutes a
22 separate and distinct violation. In determining the
23 amount of the penalty, the division shall consider the
24 appropriateness of the penalty to the person or entity
25 charged, upon determination of the gravity of the
26 violations. The collection of these penalties shall
27 be enforced in a civil action brought by the attorney
28 general on behalf of the division.

29 9. A party seeking review of the division's
30 determination pursuant to this section may file a
31 written request for an informal conference. The
32 request must be received by the division within fifteen
33 days after the date of issuance of the division's
34 determination. During the conference, the party
35 seeking review may present written or oral information
36 and arguments as to why the division's determination
37 should be amended or vacated. The division shall
38 consider the information and arguments presented and
39 issue a written decision advising all parties of the
40 outcome of the conference.

41 Sec. ____ Section 331.341, subsection 2, Code 2011,
42 is amended to read as follows:

43 2. The board shall give preference to Iowa products
44 ~~and labor~~ in accordance with chapter 73 and shall
45 comply with bid and contract requirements in chapter
46 26.

47 Sec. ____ REPEAL. Sections 73.3 and 73.4, Code
48 2011, are repealed.

49 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
50 of this Act, being deemed of immediate importance,

1 takes effect upon enactment.
 2 Sec. ____ APPLICABILITY. This division of this Act
 3 applies to all public improvement, public works, and
 4 public road projects, and to public improvement, public
 5 works, and public road contracts entered into on or
 6 after the effective date of this Act.

7 DIVISION VII

8 BUSINESS DEVELOPMENT ASSISTANCE — APPROPRIATION

9 Sec. ____ BUSINESS DEVELOPMENT ASSISTANCE — USE OF
 10 EXISTING FUNDS.

11 1. a. There is appropriated from the rebuild Iowa
 12 infrastructure fund to the department of economic
 13 development for the fiscal year beginning July 1, 2011,
 14 and ending June 30, 2012, the following amount, or
 15 so much thereof as is necessary, to be used for the
 16 purposes designated:

17 For marketing and promotional activities; for
 18 information technology development; for laborshed
 19 studies conducted for the department by the department
 20 of workforce development; for administrative purposes,
 21 including salaries, support, maintenance, and
 22 miscellaneous purposes; and for providing financial
 23 assistance to businesses expanding or locating in the
 24 state, notwithstanding section 8.57, subsection 6,
 25 paragraph "c":

26 \$ 15,000,000

27 b. Of the moneys appropriated pursuant to paragraph
 28 "a" for purposes of marketing and promotional
 29 activities, the department shall not use more than
 30 \$2,300,000.

31 c. Of the moneys appropriated pursuant to paragraph
 32 "a" for purposes of information technology development,
 33 the department shall not use more than \$350,000.

34 d. Of the moneys appropriated pursuant to paragraph
 35 "a" for purposes of laborshed studies conducted by the
 36 department of workforce development, the department
 37 shall not use more than \$145,000.

38 e. Of the moneys appropriated pursuant to paragraph
 39 "a" for administrative purposes, the department shall
 40 not use more than 5 percent.

41 f. (1) The department may use the remainder of the
 42 moneys appropriated pursuant to paragraph "a" that are
 43 not expended for the purposes described in paragraphs
 44 "b" through "e" to provide financial assistance to
 45 businesses expanding or locating in the state.

46 (2) An award of financial assistance pursuant to
 47 this paragraph "f" shall be approved by the economic
 48 development board which shall review with due diligence
 49 the merits of each application for assistance.

50 (3) For each award of financial assistance made

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1 pursuant to this paragraph "f", the department shall
2 enter into an agreement with the recipient of the
3 financial assistance, and each agreement shall meet
4 the requirements for financial assistance agreements
5 described in section 15G.112, subsections 1 through 3,
6 Code 2011.

7 (4) In providing financial assistance pursuant
8 to this paragraph "f", the department shall allocate
9 the available moneys to a diverse range of projects
10 that create or retain jobs including projects that pay
11 better than average wages, projects that represent
12 early-stage business development, projects that build
13 the physical infrastructure necessary for business
14 growth and expansion, projects that enhance the
15 growth of value-added agriculture in the state, and
16 projects that involve recovery from significant natural
17 disasters.

18 (5) The department shall adopt rules for the
19 implementation of this paragraph "f". Such rules
20 may be adopted as emergency rules under section
21 17A.4, subsection 3, and section 17A.5, subsection
22 2, paragraph "b". Such rules shall be effective
23 immediately upon filing unless a later date is
24 specified in the rules. Any rules adopted in
25 accordance with this section shall also be published
26 as a notice of intended action as provided in section
27 17A.4.

28 (6) For purposes of this paragraph "f", "financial
29 assistance" means assistance provided only from the
30 funds, rights, and assets legally available to the
31 department pursuant to this chapter and includes but is
32 not limited to assistance in the form of grants, loans,
33 forgivable loans, and royalty payments.

34 2. There is appropriated to the department of
35 economic development for the fiscal year beginning
36 July 1, 2011, and ending June 30, 2012, the following
37 amounts, or so much thereof as is necessary, to be used
38 for the purposes described in subsection 1:

39 a. Payments of interest, repayments of moneys
40 loaned, and recaptures of grants and loans made
41 pursuant to chapter 15G, Code 2011.

42 b. All moneys accruing to the department, including
43 payments of interest, repayments of moneys loaned,
44 royalty payments received, and recaptures of grants,
45 loans, or other forms of financial assistance provided
46 to recipients, from the department's administration of
47 the following preexisting programs:

48 (1) The community economic betterment program
49 established pursuant to section 15.317, Code 2009.

50 (2) The entrepreneurial ventures assistance program

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1 established pursuant to section 15.339, Code 2009.

2 (3) The value-added agricultural products and
3 processes financial assistance program established
4 pursuant to section 15E.111, Code 2009.

5 (4) The physical infrastructure assistance program
6 established pursuant to section 15E.175, Code 2009.

7 (5) The loan and credit guarantee program
8 established pursuant to section 15E.224, Code 2009.

9 c. The moneys transferred to the grow Iowa values
10 fund pursuant to 2009 Iowa Acts, chapter 123, section
11 9, subsections 1 and 2.

12 3. The moneys appropriated pursuant to this section
13 are not subject to section 8.33. Notwithstanding
14 section 12C.7, interest or earnings on the appropriated
15 moneys shall be credited to the department and may
16 be used in subsequent fiscal years for the purposes
17 described in subsection 1.

18 DIVISION VIII

19 MISCELLANEOUS CODE CHANGES

20 Sec. ____ Section 8.57, subsection 6, paragraph c,
21 Code 2011, is amended to read as follows:

22 c. Moneys in the fund in a fiscal year shall
23 be used as directed by the general assembly for
24 public vertical infrastructure projects. For the
25 purposes of this subsection, "vertical infrastructure"
26 includes only land acquisition and construction;
27 major renovation and major repair of buildings; all
28 appurtenant structures; utilities; site development;
29 ~~and; recreational trails; and debt service payments~~
30 on academic revenue bonds issued in accordance with
31 chapter 262A for capital projects at board of regents
32 institutions. "Vertical infrastructure" does not
33 include routine, recurring maintenance or operational
34 expenses or leasing of a building, appurtenant
35 structure, or utility without a lease-purchase
36 agreement.

37 Sec. ____ Section 8.57, subsection 6, paragraph f,
38 Code 2011, is amended to read as follows:

39 f. There is appropriated from the rebuild Iowa
40 infrastructure fund to the secure an advanced vision
41 for education fund created in section 423F.2, for each
42 fiscal year of the fiscal period beginning July 1,
43 2008, and ending June 30, 2010, ~~and for each fiscal~~
44 ~~year of the fiscal period beginning July 1, 2011,~~
45 ~~and ending June 30, 2014,~~ the amount of the moneys
46 in excess of the first forty-seven million dollars
47 credited to the rebuild Iowa infrastructure fund during
48 the fiscal year, not to exceed ten million dollars.

49 Sec. ____ Section 8.57A, subsection 4, Code 2011,
50 is amended to read as follows:

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1 4. a. There is appropriated from the rebuild Iowa
2 infrastructure fund for the fiscal ~~years~~ year beginning
3 ~~July 1, 2008, July 1, 2009, and July 1, 2011~~ 2012, and
4 for each fiscal year thereafter, the sum of ~~forty-two~~
5 thirty-five million dollars to the environment first
6 fund, notwithstanding section 8.57, subsection 6,
7 paragraph "c".

8 b. There is appropriated from the rebuild Iowa
9 infrastructure fund each fiscal year for the ~~fiscal~~
10 ~~year period~~ beginning July 1, 2010, and ending June 30,
11 ~~2011~~ 2012, the sum of thirty-three million dollars to
12 the environment first fund, notwithstanding section
13 8.57, subsection 6, paragraph "c".

14 Sec. ____ Section 8.57C, subsection 3, paragraphs a
15 and c, Code 2011, are amended to read as follows:

16 a. There is appropriated from the general fund of
17 the state for the fiscal ~~years~~ year beginning ~~July 1,~~
18 ~~2006, July 1, 2007, July 1, 2011~~ 2012, and for each
19 subsequent fiscal year thereafter, the sum of seventeen
20 million five hundred thousand dollars to the technology
21 reinvestment fund.

22 c. There is appropriated from the rebuild Iowa
23 infrastructure fund for the fiscal year beginning
24 July 1, 2010, and ending June 30, 2011, the sum of ten
25 million dollars to the technology reinvestment fund,
26 notwithstanding section 8.57, subsection 6, paragraph
27 "c".

28 Sec. ____ Section 8.57C, subsection 3, Code 2011,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. d. There is appropriated from the
31 rebuild Iowa infrastructure fund for the fiscal year
32 beginning July 1, 2011, and ending June 30, 2012,
33 the sum of sixteen million dollars to the technology
34 reinvestment fund, notwithstanding section 8.57,
35 subsection 6, paragraph "c".

36 Sec. ____ Section 8A.321, subsection 6, Code 2011,
37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. d. The department shall issue a
39 request for proposals for leasing privately owned
40 office space for state employees in the downtown
41 area of the city of Des Moines prior to replacing or
42 renovating publicly owned buildings or relocating
43 any state agencies to any space in publicly owned
44 buildings. The department shall locate state employees
45 in office space in the most cost-efficient manner
46 possible. In determining cost efficiency, the
47 department shall consider all costs of the publicly
48 owned space, the costs of the original acquisition
49 of the publicly owned space, the costs of tenant
50 improvements to the publicly owned space, and the

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1 anticipated economic and useful life of the publicly
2 owned building space.

3 Sec. ____ Section 12.82, subsection 1, Code 2011,
4 is amended to read as follows:

5 1. A school infrastructure fund is created and
6 established as a separate and distinct fund in the
7 state treasury under the control of the department of
8 education. The Notwithstanding any other provision
9 of this chapter, the fund shall be used for purposes
10 of the school infrastructure program established in
11 section 292.2.

12 Sec. ____ Section 12.82, Code 2011, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 3A. Any amounts remaining in the
15 school infrastructure fund at the end of the fiscal
16 year beginning July 1, 2010, and for each fiscal year
17 thereafter, which are determined by the treasurer of
18 state to be unencumbered and unobligated and otherwise
19 unnecessary to make the payments for such fiscal year,
20 shall be transferred to the rebuild Iowa infrastructure
21 fund.

22 Sec. ____ Section 15F.204, subsection 8, paragraph
23 a, subparagraph (6), Code 2011, is amended to read as
24 follows:

25 (6) For the fiscal year beginning July 1, 2011,
26 and ending June 30, 2012, the sum of five million one
27 hundred thousand dollars.

28 Sec. ____ Section 15F.204, subsection 8, paragraph
29 b, Code 2011, is amended by striking the paragraph.

30 Sec. ____ Section 16.181A, subsection 1, Code 2011,
31 is amended to read as follows:

32 1. There is appropriated from the rebuild Iowa
33 infrastructure fund to the Iowa finance authority for
34 deposit in the housing trust fund created in section
35 16.181, for the fiscal year beginning July 1, 2009, and
36 beginning July 1, ~~2011~~ 2012, and for each succeeding
37 fiscal year, the sum of three million dollars.

38 Sec. ____ Section 16.181A, Code 2011, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 3. There is appropriated from the
41 rebuild Iowa infrastructure fund to the Iowa finance
42 authority for deposit in the housing trust fund created
43 in section 16.181, for the fiscal year beginning July
44 1, 2011, and ending June 30, 2012, the sum of two
45 million dollars.

46 Sec. ____ Section 16.193, subsection 2, Code 2011,
47 is amended to read as follows:

48 2. ~~During the term of the Iowa jobs program~~
49 ~~established in section 16.194 and the Iowa jobs II~~
50 ~~program established in section 16.194A~~ For the period

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1 beginning July 1, 2009, and ending June 30, 2011, two
2 hundred thousand dollars of the moneys deposited in the
3 rebuild Iowa infrastructure fund shall be allocated
4 each fiscal year to the Iowa finance authority for
5 purposes of administering the Iowa jobs program,
6 notwithstanding section 8.57, subsection 6, paragraph
7 "c".

8 Sec. ____ EFFECTIVE AND APPLICABILITY DATES. The
9 sections of this division amending section 12.82,
10 being deemed of immediate importance, take effect upon
11 enactment and, if approved by the governor on or after
12 July 1, 2011, shall apply retroactively to June 30,
13 2011.

DIVISION IX

CHANGES TO PRIOR APPROPRIATIONS

16 Sec. ____ 2006 Iowa Acts, chapter 1179, section 18,
17 is amended by adding the following new subsection:
18 NEW SUBSECTION. 5. Except for the allocation to
19 Des Moines area community college and notwithstanding
20 section 8.33, moneys appropriated from the endowment
21 for Iowa's health restricted capitals fund for the
22 fiscal year beginning July 1, 2006, and ending June 30,
23 2007, in this division of this Act to the department of
24 public safety for allocation to the division of fire
25 protection that remain unencumbered or unobligated
26 at the close of the fiscal year shall not revert
27 but shall remain available for expenditure for the
28 purposes designated until the close of the fiscal year
29 beginning July 1, 2011, or until the project for which
30 the appropriation was made is completed, whichever
31 is earlier. This subsection shall apply in lieu of
32 subsection 1 of this section.

33 Sec. ____ 2007 Iowa Acts, chapter 219, section 2,
34 is amended to read as follows:

SEC. 2. REVERSION.

36 1. Notwithstanding Except as provided in subsection
37 2 and notwithstanding section 8.33, moneys appropriated
38 for the fiscal year beginning July 1, 2007, in this
39 division of this Act that remain unencumbered or
40 unobligated at the close of the fiscal year shall not
41 revert but shall remain available for the purposes
42 designated until the close of the fiscal year that
43 begins July 1, 2010, or until the project for which
44 the appropriation was made is completed, whichever is
45 earlier.

46 2. a. Notwithstanding section 8.33, moneys
47 appropriated in section 1, subsection 1, paragraphs
48 "a" and "f" of this division of this Act that remain
49 unencumbered or unobligated at the close of the fiscal
50 year for which they were appropriated shall not revert

1 but shall remain available for the purposes designated
2 until the close of the fiscal year that begins July 1,
3 2011, or until the project for which the appropriation
4 was made is completed, whichever is earlier.

5 b. The department of administrative services
6 is authorized to provide for the disposition and
7 relocation of structures located at 707 east locust
8 and 709 east locust, Des Moines, Iowa, in a manner as
9 deemed appropriate by the department. The disposition
10 of the structures, if possible, shall be completed in
11 a manner that reduces or eliminates the costs of the
12 state associated with the removal of the structures
13 from their current locations. Any amount received from
14 the disposition of the structures as permitted under
15 this section shall be retained by the department to pay
16 for improvement costs associated with the restoration
17 of the west capitol terrace. The department, if unable
18 to otherwise dispose of the structures, is authorized
19 to demolish the structures using other appropriate
20 funding available to the department.

21 Sec. ____ 2008 Iowa Acts, chapter 1179, section 1,
22 subsection 13, paragraph c, as amended by 2009 Iowa
23 Acts, chapter 184, section 22, is amended to read as
24 follows:

25 c. For the construction of a depot and platform to
26 accommodate the future Amtrak service from Dubuque to
27 Chicago, notwithstanding section 8.57, subsection 6,
28 paragraph "c":

29 \$ ~~300,000~~
30 60,000

31 Sec. ____ 2008 Iowa Acts, chapter 1179, section
32 7, as amended by 2009 Iowa Acts, chapter 173, section
33 21, and 2010 Iowa Acts, chapter 1184, section 58, is
34 amended to read as follows:

35 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
36 is appropriated from the rebuild Iowa infrastructure
37 fund to the department of economic development for
38 the designated fiscal years the following amounts, or
39 so much thereof as is necessary, to be used for the
40 purposes designated:

41 For deposit into the river enhancement community
42 attraction and tourism fund created in 2008 Iowa Acts,
43 Senate File 2430, if enacted:

44 FY 2009-2010 \$ 0
45 FY 2010-2011..... \$ 0
46 FY 2011-2012 \$ ~~10,000,000~~
47 0
48 FY 2012-2013 \$ ~~10,000,000~~
49 0

50 Notwithstanding section 8.33, moneys appropriated

1 in this section for the fiscal year beginning July
 2 1, 2011, and ending June 30, 2012, shall not revert
 3 at the close of the fiscal year for which they are
 4 appropriated but shall remain available for the purpose
 5 designated until the close of the fiscal year that
 6 begins July 1, 2014, or until the project for which
 7 the appropriation was made is completed, whichever is
 8 earlier.

9 Notwithstanding section 8.33, moneys appropriated
 10 in this section for the fiscal year beginning July
 11 1, 2012, and ending June 30, 2013, shall not revert
 12 at the close of the fiscal year for which they are
 13 appropriated but shall remain available for the purpose
 14 designated until the close of the fiscal year that
 15 begins July 1, 2015, or until the project for which
 16 the appropriation was made is completed, whichever is
 17 earlier.

18 Sec. ____ 2008 Iowa Acts, chapter 1179, section 18,
 19 as amended by 2009 Iowa Acts, chapter 173, section 24,
 20 subsection 4, paragraph b, unnumbered paragraph 1, is
 21 amended to read as follows:

22 For deposit into the river enhancement community
 23 attraction and tourism fund created in section 15F.205:
 24 \$10,000,000
 25 9,200,000

26 Sec. ____ 2009 Iowa Acts, chapter 184, section 1,
 27 subsection 12, paragraph a, as amended by 2010 Iowa
 28 Acts, chapter 1184, section 71, is amended to read as
 29 follows:

30 a. For deposit in the passenger rail service
 31 revolving fund created in section 327J.2,
 32 notwithstanding section 8.57, subsection 6, paragraph
 33 "c":
 34 \$ 3,000,000
 35 500,000

36 Sec. ____ 2010 Iowa Acts, chapter 1184, section 2,
 37 subsection 3, is amended to read as follows:

38 3. DEPARTMENT OF TRANSPORTATION

39 For deposit into the passenger rail service
 40 revolving fund created in section 327J.2 for matching
 41 federal funding available through the federal Passenger
 42 Rail Investment and Improvement Act of 2008 for
 43 passenger rail service, notwithstanding section 8.57,
 44 subsection 6, paragraph "c":
 45 FY 2011-2012..... \$ 6,500,000
 46 0

47 It is the intent of the general assembly to fund
 48 up to \$20 million over a four-year period to fully
 49 fund the state commitment for matching federal funding
 50 available through the federal Passenger Rail Investment

1 ~~and Improvement Act of 2008.~~

2 Sec. ____ 2010 Iowa Acts, chapter 1184, section
3 10, subsection 2, paragraph b, is amended to read as
4 follows:

5 b. For deposit into the river enhancement community
6 attraction and tourism fund created in section 15F.205:
7 \$ 4,000,000

8 0
9 Sec. ____ 2010 Iowa Acts, chapter 1184, section 10,
10 subsection 2, paragraph b, unnumbered paragraph 2, is
11 amended to read as follows:

12 Moneys appropriated for grants awarded in paragraphs
13 paragraph "a" and "b" shall be used to assist
14 communities in the development and creation of multiple
15 purpose attractions or community service facilities for
16 public use.

17 Sec. ____ 2010 Iowa Acts, chapter 1184, section 10,
18 subsection 8, is amended to read as follows:

19 8. TREASURER OF STATE
20 For transfer to the watershed improvement review
21 board created in section 466A.3 for grants associated
22 with the construction and restoration of wetland
23 easements and flood prevention watershed improvement
24 projects:

25 \$ 2,000,000
26 Notwithstanding section 466A.5, moneys from the
27 appropriation in this subsection shall not be used for
28 administrative purposes.

29 Sec. ____ 2010 Iowa Acts, chapter 1184, section 14,
30 is amended to read as follows:

31 SEC. 14. There is appropriated from the ~~FY 2009~~
32 ~~prison bonding fund created pursuant to section 12.79~~
33 ~~rebuild Iowa infrastructure fund~~ to the department
34 of corrections for the fiscal year beginning July 1,
35 2010, and ending June 30, 2011, the following amount,
36 or so much thereof as is necessary, to be used for
37 the purpose designated, notwithstanding section 8.57,
38 subsection 6, paragraph "c":

39 ~~For costs associated with the building of a new~~
40 ~~Iowa State penitentiary at Fort Madison project~~
41 management costs at Fort Madison and Mitchellville
42 prisons, associated with construction projects at the
43 department:
44 \$ 322,500

45 ~~The appropriation made in this section constitutes~~
46 ~~approval by the general assembly for the issuance of~~
47 ~~bonds by the treasurer of state pursuant to section~~
48 ~~12.80.~~

49 Sec. ____ 2010 Iowa Acts, chapter 1184, section 16,
50 is amended to read as follows:

1 SEC. 16. There is appropriated from the Iowa
 2 comprehensive petroleum underground storage tank fund
 3 to the department of transportation for the fiscal year
 4 beginning July 1, 2010, and ending June 30, 2011, the
 5 following amount, or so much thereof as is necessary,
 6 to be used for the purposes designated:
 7 Notwithstanding section 455G.3, subsection 1, for
 8 deposit in the passenger rail service revolving fund
 9 created in section 327J.2:

10 \$ 2,000,000
 11 500,000

12 ~~Such funds shall be coupled with the remaining~~
 13 ~~unobligated balance of up to one million five hundred~~
 14 ~~thousand dollars from the appropriation made in 2009~~
 15 ~~Iowa Acts, chapter 184, section 1, subsection 12,~~
 16 ~~paragraph "a", for a total commitment of three million~~
 17 ~~five hundred thousand dollars for the fiscal year~~
 18 ~~beginning July 1, 2010, and ending June 30, 2011,~~
 19 ~~for matching federal funding available through the~~
 20 ~~Passenger Rail Investment and Improvement Act of 2008.~~

21 Sec. ____ 2010 Iowa Acts, chapter 1184, section 37,
 22 is amended to read as follows:

23 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
 24 APPROPRIATION. There is appropriated from the school
 25 infrastructure fund created in section 12.82 to the
 26 department of economic development for the fiscal year
 27 beginning July 1, 2010, and ending June 30, 2011, the
 28 following amount, or so much thereof as is necessary,
 29 to be used for the purposes designated:

30 For providing site development consultations
 31 pursuant to section 15E.18, including salaries,
 32 support, maintenance, miscellaneous purposes, and
 33 for not more than the following full-time equivalent
 34 positions, notwithstanding section 12.82, subsection 1:
 35 \$ 175,000
 36 FTEs 1.00

37 Of the moneys appropriated to the department
 38 pursuant to this section, the department may allocate
 39 up to \$75,000 for purposes of contracting with third
 40 parties to provide site development consultations.

41 Sec. ____ 2010 Iowa Acts, chapter 1184, section 39,
 42 is amended to read as follows:

43 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
 44 APPROPRIATION.
 45 There is appropriated from the school infrastructure
 46 fund created in section 12.82 to the department of
 47 economic development for the fiscal year beginning
 48 July 1, 2010, and ending June 30, 2011, the following
 49 amount, or so much thereof as is necessary, to be used
 50 for the purposes designated:

1 For purposes of creating a business assistance
2 internet site, notwithstanding section 12.82,
3 subsection 1:
4 \$ 20,000
5 Sec. ____ 2010 Iowa Acts, chapter 1184, section 43,
6 is amended to read as follows:
7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
8 APPROPRIATION. There is appropriated from the school
9 infrastructure fund created in section 12.82 to the
10 department of economic development for deposit in the
11 save our small businesses fund for the fiscal year
12 beginning July 1, 2010, and ending June 30, 2011, the
13 following amount, or so much thereof as is necessary,
14 to be used for the purposes designated, notwithstanding
15 section 12.82, subsection 1:
16 For purposes of providing financial assistance under
17 the save our small businesses program under section
18 15.301:
19 \$ 5,000,000
20 Of the moneys appropriated pursuant to this section,
21 the department may allocate an amount not to exceed
22 two percent of the moneys appropriated for purposes of
23 retaining the services of an organization designated
24 pursuant to section 15.301, subsection 2, paragraph
25 "b".
26 Sec. ____ 2010 Iowa Acts, chapter 1193, section 6,
27 is amended to read as follows:
28 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID —
29 APPROPRIATION. In lieu of the appropriation provided
30 in section 257.20, there is appropriated from the
31 school infrastructure fund created in section 12.82,
32 subsection 1, to the department of education for the
33 fiscal year beginning July 1, 2010, and ending June 30,
34 2011, the following amount, or so much thereof as is
35 necessary, to be used for the purposes designated:
36 For paying instructional support state aid for
37 fiscal year 2010-2011, notwithstanding section 12.82,
38 subsection 1:
39 \$ 7,500,000
40 Notwithstanding section 257.20, subsection 3, the
41 appropriation made in this lettered paragraph shall
42 be allocated in the same manner as the allocation of
43 the appropriation was made for the same purpose in the
44 previous fiscal year.
45 Sec. ____ 2011 Iowa Acts, House File 45, section 2,
46 subsection 2, is amended by adding the following new
47 paragraph:
48 NEW PARAGRAPH. c. This subsection shall not apply
49 to any appropriations for the fiscal year beginning
50 July 1, 2010, receiving a supplemental appropriation

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1 under 2011 Iowa Acts, Senate File 209, or any multiyear
 2 appropriation that includes the fiscal year beginning
 3 July 1, 2009, for equipment as determined by the
 4 department of management.
 5 Sec. ____ EFFECTIVE AND APPLICABILITY DATES. This
 6 division of this Act, being deemed of immediate
 7 importance, takes effect upon enactment and, unless
 8 otherwise provided, if approved by the governor on or
 9 after July 1, 2011, shall apply retroactively to June
 10 30, 2011.
 11 Sec. ____ RETROACTIVE APPLICABILITY. The provision
 12 of this division of this Act amending 2011 Iowa
 13 Acts, House File 45, section 2, subsection 2, applies
 14 retroactively to March 7, 2011.
 15 DIVISION X
 16 CONDITIONAL EFFECTIVE DATE
 17 AND RETROACTIVE APPLICABILITY
 18 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
 19 APPLICABILITY. Unless otherwise provided, this Act,
 20 if approved by the governor on or after July 1, 2011,
 21 takes effect upon enactment and applies retroactively
 22 to July 1, 2011.>

HUSEMAN of Cherokee

H-1749

1 Amend Senate File 533, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
 7 2011-2012
 8 Section 1. BUDGET PROCESS FOR FISCAL YEAR
 9 2012-2013.
 10 1. For the budget process applicable to the fiscal
 11 year beginning July 1, 2012, on or before October 1,
 12 2011, in lieu of the information specified in section
 13 8.23, subsection 1, unnumbered paragraph 1, and
 14 paragraph "a", all departments and establishments of
 15 the government shall transmit to the director of the
 16 department of management, on blanks to be furnished
 17 by the director, estimates of their expenditure
 18 requirements, including every proposed expenditure, for
 19 the ensuing fiscal year, together with supporting data
 20 and explanations as called for by the director of the
 21 department of management after consultation with the
 22 legislative services agency.
 23 2. The estimates of expenditure requirements

24 shall be in a form specified by the director of
25 the department of management, and the expenditure
26 requirements shall include all proposed expenditures
27 and shall be prioritized by program or the results to
28 be achieved. The estimates shall be accompanied by
29 performance measures for evaluating the effectiveness
30 of the programs or results.

31 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.

32 Notwithstanding the standing appropriations in the
33 following designated sections for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the
35 amounts appropriated from the general fund of the state
36 pursuant to these sections for the following designated
37 purposes shall not exceed the following amounts:

- 38 1. For operational support grants and community
39 cultural grants under section 99F.11, subsection 3,
40 paragraph "d", subparagraph (1):
41 \$ 416,702
- 42 2. For regional tourism marketing under section
43 99F.11, subsection 3, paragraph "d", subparagraph (2):
44 \$ 810,306
- 45 3. For the center for congenital and inherited
46 disorders central registry under section 144.13A,
47 subsection 4, paragraph "a":
48 \$ 171,121
- 49 4. For primary and secondary child abuse prevention
50 programs under section 144.13A, subsection 4, paragraph

Page 2

- 1 "a":
2 \$ 217,772
- 3 5. For programs for at-risk children under section
4 279.51:
5 \$ 8,504,258
- 6 The amount of any reduction in this subsection shall
7 be prorated among the programs specified in section
8 279.51, subsection 1, paragraphs "a", "b", and "c".
- 9 6. For payment for nonpublic school transportation
10 under section 285.2:
11 \$ 7,060,931
- 12 If total approved claims for reimbursement for
13 nonpublic school pupil transportation exceed the amount
14 appropriated in accordance with this subsection, the
15 department of education shall prorate the amount of
16 each approved claim.
- 17 7. For reimbursement for the homestead property tax
18 credit under section 425.1:
19 \$ 86,188,387
- 20 8. For reimbursement for the family farm and
21 agricultural land tax credits under sections 425A.1 and
22 426.1:

23 \$ 32,395,131
 24 9. For the enforcement of chapter 453D relating to
 25 tobacco product manufacturers under section 453D.8:
 26 \$ 18,416
 27 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY
 28 2011-2012. In lieu of the appropriation provided in
 29 section 257.20, subsection 2, the appropriation for the
 30 fiscal year beginning July 1, 2011, and ending June 30,
 31 2012, for paying instructional support state aid under
 32 section 257.20 for fiscal year 2011-2012 is zero.
 33 Sec. 4. APPROPRIATION — FARMERS WITH
 34 DISABILITIES. There is appropriated from the general
 35 fund of the state to the department of agriculture and
 36 land stewardship for the fiscal year beginning July 1,
 37 2011, and ending June 30, 2012, the following amount,
 38 or so much thereof as is necessary, for a program for
 39 farmers with disabilities:
 40 \$ 97,000
 41 The moneys appropriated in this section shall be
 42 used for the public purpose of providing a grant to
 43 a national nonprofit organization with over 80 years
 44 of experience in assisting children and adults with
 45 disabilities and special needs. The moneys shall
 46 be used to support a nationally recognized program
 47 that began in 1986 and has been replicated in at
 48 least 30 other states, but which is not available
 49 through any other entity in this state, and that
 50 provides assistance to farmers with disabilities in

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1 all 99 counties to allow the farmers to remain in
 2 their own homes and be gainfully engaged in farming
 3 through provision of agricultural worksite and home
 4 modification consultations, peer support services,
 5 services to families, information and referral, and
 6 equipment loan services. Notwithstanding section
 7 8.33, moneys appropriated in this section that remain
 8 unencumbered or unobligated at the close of the fiscal
 9 year shall not revert but shall remain available for
 10 expenditure for the purposes designated until the close
 11 of the succeeding fiscal year.
 12 Sec. 5. Section 256.30, unnumbered paragraph
 13 1, Code 2011, is amended by striking the unnumbered
 14 paragraph and inserting in lieu thereof the following:
 15 For the fiscal year beginning July 1, 2011, and
 16 ending June 30, 2012, there is appropriated from the
 17 general fund of the state to the department the sum
 18 of one hundred thousand dollars. For the fiscal year
 19 beginning July 1, 2012, and ending June 30, 2013, and
 20 for each succeeding fiscal year, there is appropriated
 21 from the general fund of the state to the department

22 the sum of fifty thousand dollars. The department
23 shall distribute the appropriation to the tribal
24 council of the Sac and Fox Indian settlement for
25 expenses of educating American Indian children residing
26 in the Sac and Fox Indian settlement on land held in
27 trust by the secretary of the interior of the United
28 States in excess of federal moneys paid to the tribal
29 council for educating the American Indian children
30 when moneys are appropriated for that purpose. The
31 tribal council shall administer the moneys distributed
32 pursuant to this section and shall submit an annual
33 report and other reports as required by the department
34 to the department on the expenditure of the moneys.

35 Sec. 6. Section 257.35, Code 2011, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
38 and in addition to the reduction applicable pursuant
39 to subsection 2, the state aid for area education
40 agencies and the portion of the combined district cost
41 calculated for these agencies for the fiscal year
42 beginning July 1, 2011, and ending June 30, 2012, shall
43 be reduced by the department of management by twenty
44 million dollars. The reduction for each area education
45 agency shall be prorated based on the reduction that
46 the agency received in the fiscal year beginning July
47 1, 2003.

48 Sec. 7. Section 453A.35, subsection 1, Code 2011,
49 is amended to read as follows:

50 1. a. The With the exception of revenues credited

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1 to the health care trust fund pursuant to paragraph
2 "b", the proceeds derived from the sale of stamps and
3 the payment of taxes, fees, and penalties provided for
4 under this chapter, and the permit fees received from
5 all permits issued by the department, shall be credited
6 to the general fund of the state. However, of

7 b. Of the revenues generated from the tax on
8 cigarettes pursuant to section 453A.6, subsection
9 1, and from the tax on tobacco products as specified
10 in section 453A.43, subsections 1, 2, 3, and 4, and
11 credited to the general fund of the state under this
12 subsection, there is appropriated, annually, to the
13 health care trust fund created in section 453A.35A, the
14 first one hundred six million sixteen thousand four
15 hundred dollars shall be credited to the health care
16 trust fund created in section 453A.35A.

17 Sec. 8. Section 453A.35A, subsection 1, Code 2011,
18 is amended to read as follows:

19 1. A health care trust fund is created in the
20 office of the treasurer of state. The fund consists

21 of the revenues generated from the tax on cigarettes
 22 pursuant to section 453A.6, subsection 1, and from
 23 the tax on tobacco products as specified in section
 24 453A.43, subsections 1, 2, 3, and 4, that are credited
 25 to the ~~general fund of the state and appropriated to~~
 26 ~~the health care trust fund~~, annually, pursuant to
 27 section 453A.35. Moneys in the fund shall be separate
 28 from the general fund of the state and shall not be
 29 considered part of the general fund of the state.
 30 However, the fund shall be considered a special account
 31 for the purposes of section 8.53 relating to generally
 32 accepted accounting principles. Moneys in the fund
 33 shall be used only as specified in this section and
 34 shall be appropriated only for the uses specified.
 35 Moneys in the fund are not subject to section 8.33
 36 and shall not be transferred, used, obligated,
 37 appropriated, or otherwise encumbered, except as
 38 provided in this section. Notwithstanding section
 39 12C.7, subsection 2, interest or earnings on moneys
 40 deposited in the fund shall be credited to the fund.

41 DIVISION II

42 SALARIES, COMPENSATION, AND RELATED MATTERS — FY

43 2011-2012

44 Sec. 9. BONUS PAY. For the fiscal year beginning
 45 July 1, 2011, employees of the executive branch,
 46 judicial branch, and legislative branch shall not
 47 receive bonus pay unless otherwise authorized by law,
 48 required pursuant to a contract of employment entered
 49 into before July 1, 2011, or required pursuant to a
 50 collective bargaining agreement. This section does

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1 not apply to employees of the state board of regents
 2 who receive bonuses funded by nonpublic moneys. For
 3 purposes of this section, "bonus pay" means any
 4 additional remuneration provided an employee in
 5 the form of a bonus, including but not limited to a
 6 retention bonus, recruitment bonus, exceptional job
 7 performance pay, extraordinary job performance pay,
 8 exceptional performance pay, extraordinary duty pay,
 9 or extraordinary or special duty pay, and any extra
 10 benefit not otherwise provided to other similarly
 11 situated employees.

12 Sec. 10. SALARY INCREASES — CERTAIN REVOLVING
 13 FUNDS.

14 1. For the fiscal years beginning July 1, 2011, and
 15 July 1, 2012, there is appropriated from the gaming
 16 enforcement revolving fund an amount necessary for
 17 funding annual pay adjustments and related benefits
 18 for agents and officers of the division of criminal
 19 investigation's racetrack, excursion boat, or gambling

20 structure enforcement activities. Moneys appropriated
21 pursuant to this subsection shall be in addition to and
22 supplement other appropriations from the fund.
23 2. For the fiscal years beginning July 1, 2011,
24 and July 1, 2012, there is appropriated from the
25 gaming regulatory revolving fund, if enacted by the
26 Eighty-fourth General Assembly, 2011 session, an
27 amount necessary for funding annual pay adjustments and
28 related benefits for positions in the racing and gaming
29 commission of the department of inspections and appeals
30 who are assigned to administration and enforcement of
31 the excursion boat and gambling structure laws. Moneys
32 appropriated pursuant to this subsection shall be in
33 addition to and supplement other appropriations from
34 the fund.

35 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the
36 fiscal years beginning July 1, 2011, and July 1, 2012,
37 the sworn peace officers in the department of public
38 safety who are not covered by a collective bargaining
39 agreement negotiated pursuant to chapter 20 shall
40 receive the same per diem meal allowance as the sworn
41 peace officers in the department of public safety
42 who are covered by a collective bargaining agreement
43 negotiated pursuant to chapter 20.

44 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary
45 model administrator shall work in conjunction with
46 the legislative services agency to maintain the
47 state's salary model used for analyzing, comparing,
48 and projecting state employee salary and benefit
49 information, including information relating to
50 employees of the state board of regents. The

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1 department of revenue, the department of administrative
2 services, the five institutions under the jurisdiction
3 of the state board of regents, the judicial district
4 departments of correctional services, and the state
5 department of transportation shall provide salary data
6 to the department of management and the legislative
7 services agency to operate the state's salary
8 model. The format and frequency of provision of the
9 salary data shall be determined by the department of
10 management and the legislative services agency. The
11 information shall be used in collective bargaining
12 processes under chapter 20 and in calculating the
13 funding needs contained within the annual salary
14 adjustment legislation. A state employee organization
15 as defined in section 20.3, subsection 4, may request
16 information produced by the model, but the information
17 provided shall not contain information attributable to
18 individual employees.

19 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
20 STATE EMPLOYEES.

21 1. The state's executive and judicial branch
22 authorities responsible for negotiating the collective
23 bargaining agreements entered into under chapter 20
24 shall engage in discussions with the applicable state
25 employee organizations to renegotiate provisions
26 involving health insurance coverage of state employees
27 and their families in order to achieve cost savings
28 for the state. The discussions shall include but are
29 not limited to a requirement for a state employee who
30 is covered by a collective bargaining agreement and
31 is a member of state group health insurance plan for
32 employees of the state established under chapter 509A
33 to pay at least one hundred dollars per month of the
34 total premium for such health plan coverage for single
35 persons or increase the amount paid per month for
36 family coverage by the same amount that would be paid
37 for the single person's coverage.

38 2. If collective bargaining agreements are
39 renegotiated to achieve cost savings pursuant to
40 subsection 1, the cost savings provisions shall
41 also apply to state employees who are not covered by
42 collective bargaining as provided in chapter 20 and
43 are members of a state group health insurance plan for
44 employees of the state established under chapter 509A.

45 3. Beginning on the effective date of this section,
46 a state legislator or legislative staff member who is
47 a member of a state group health insurance plan for
48 employees of the state established under chapter 509A
49 shall pay at least one hundred dollars per month of the
50 total premium for such health care coverage for single

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1 persons or increase the amount paid per month for
2 family coverage by the same amount that would be paid
3 for the single persons coverage. The payment amount
4 shall be determined by the legislative council, subject
5 to the minimum amount specified in this subsection.

6 Sec. 14. NEW SECTION. 8A.440 Group health
7 insurance premium costs.

8 1. Collective bargaining agreements entered into
9 pursuant to chapter 20 for state employees shall
10 provide that a state employee covered by that agreement
11 who is a member of a state group health insurance plan
12 for employees of the state established under chapter
13 509A shall pay at least one hundred dollars per month
14 of the total premium for such insurance for single
15 persons or increase the amount paid per month for
16 family coverage by the same amount that would be paid
17 for the single person's coverage.

18 2. A state employee not covered by a collective
19 bargaining agreement as provided in chapter 20 who
20 is a member of a state group health insurance plan
21 for employees of the state established under chapter
22 509A shall pay the same amount per month of the
23 total premium for such insurance as is paid under
24 the collective bargaining agreement that covers
25 the greatest number of state employees in the state
26 government entity employing the state employee.

27 Sec. 15. APPLICABILITY. The section of this
28 division of this Act enacting section 8A.440, applies
29 to collective bargaining agreements entered into on
30 or after the effective date of that section of this
31 division of this Act.

32 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
33 APPLICABILITY. The following sections of this division
34 of this Act, being deemed of immediate importance, take
35 effect upon enactment and, if approved by the governor
36 on or after July 1, 2011, apply retroactively to June
37 30, 2011:

38 1. The section of this division relating to group
39 health insurance premium costs for state employees.

40 2. The section of this division enacting section
41 8A.440.

42 3. The section of this division relating to
43 applicability.

44 DIVISION III

45 CORRECTIVE PROVISIONS

46 Sec. 17. Section 8.6, subsection 9A, as enacted by
47 2011 Iowa Acts, House File 45, section 39, is amended
48 to read as follows:

49 9A. Budget and tax rate databases. To develop
50 and make available to the public a searchable budget

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1 database and internet site as required under chapter
2 8G, ~~division subchapter I~~, and to develop and make
3 available to the public a searchable tax rate database
4 and internet site as required under chapter 8G,
5 ~~division subchapter II~~.

6 Sec. 18. Section 8.57E, subsection 3, paragraph a,
7 as enacted by 2011 Iowa Acts, Senate File 209, section
8 30, is amended to read as follows:

9 a. Moneys in the ~~taxpayer's taxpayers~~ trust fund
10 may be used for cash flow purposes during a fiscal year
11 provided that any moneys so allocated are returned to
12 the fund by the end of that fiscal year.

13 Sec. 19. Section 8G.13, as enacted by 2011 Iowa
14 Acts, House File 45, section 50, is amended to read as
15 follows:

16 8G.13 Updating database.

17 To facilitate the department of management's efforts
18 in creating and maintaining a searchable database of
19 the taxes identified in section 8G.12, subsection 3 ~~1~~,
20 for all taxing jurisdictions in the state, each taxing
21 jurisdiction may annually be required to report its tax
22 rates to the department of management or the department
23 of revenue and shall report any changes to its tax
24 rates within thirty days of the change.

25 Sec. 20. Section 16.193, subsection 3, paragraph a,
26 Code 2011, as amended by 2011 Iowa Acts, Senate File
27 475, section 11, is amended to read as follows:

28 a. During the term of the Iowa jobs program and
29 Iowa jobs II program, the Iowa finance authority shall
30 collect data on all of the projects approved for the
31 ~~program~~ programs. The department of management and
32 the state agencies associated with the projects shall
33 assist the authority with the data collection and in
34 developing the report required by this subsection. The
35 authority shall report quarterly to the governor and
36 the general assembly concerning the data.

37 Sec. 21. Section 68A.401, subsection 4, Code 2011,
38 as amended by 2011 Iowa Acts, Senate File 475, section
39 17, is amended to read as follows:

40 4. Political committees expressly advocating the
41 nomination, election, or defeat of candidates for
42 both federal office and any elected office created
43 by law or the Constitution of the State of Iowa
44 shall file statements and reports with the board in
45 addition to any federal reports required to be filed
46 with the board. However, a political committee that
47 is registered and filing full disclosure reports of
48 all financial activities with the federal election
49 commission may file verified statements as provided in
50 section ~~68B.201A~~ 68A.201A.

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1 Sec. 22. Section 139A.19, subsection 3, as enacted
2 by 2011 Iowa Acts, House File 467, section 20, is
3 amended to read as follows:

4 3. This section does not preclude a hospital,
5 clinic, other health facility, or a health care
6 provider from providing notification to a care
7 provider under circumstances in which the hospital's,
8 clinic's, other health facility's, or health care
9 provider's policy provides for notification of the
10 hospital's, ~~clinics~~ clinic's, other health facility's,
11 or health care provider's own employees of exposure
12 to a contagious or infectious disease that is not
13 life-threatening if the notice does not reveal a
14 patient's name, unless the patient consents.

15 Sec. 23. Section 175.3, subsection 1, paragraph a,

16 Code 2011, as amended by 2011 Iowa Acts, Senate File
17 429, section 1, is amended to read as follows:

18 a. The agricultural development authority is
19 established within the department of agriculture and
20 land stewardship. The ~~agency~~ authority is constituted
21 as a public instrumentality and agency of the state
22 exercising public and essential governmental functions.

23 Sec. 24. Section 207.22, subsection 3, paragraph b,
24 Code 2011, as amended by 2011 Iowa Acts, Senate File
25 475, section 47, is amended to read as follows:

26 b. Acquisition of coal refuse disposal sites and
27 all coal refuse thereon will serve the purposes of
28 ~~Tit. IV of Pub. L. No. 95-87, Tit. IV, codified at 30~~
29 U.S.C. ch. 25, subch. IV, or that public ownership
30 is desirable to meet emergency situations and prevent
31 recurrences of the adverse effect of past coal mining
32 practices.

33 Sec. 25. Section 232.71D, subsection 3, paragraph
34 a, unnumbered paragraph 1, as enacted by 2011 Iowa
35 Acts, House File 562, section 3, is amended to read as
36 follows:

37 Unless any of the circumstances listed in paragraph
38 "b" are applicable, cases to which any of the following
39 circumstances apply shall not be placed ~~on~~ in the
40 central registry:

41 Sec. 26. Section 256.7, subsection 26, paragraph a,
42 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
43 File 453, section 1, is amended to read as follows:

44 (1) The rules establishing high school graduation
45 requirements shall authorize a school district
46 or accredited nonpublic school to consider that
47 any student who satisfactorily completes a high
48 school-level unit of English or language arts,
49 mathematics, science, or social studies has
50 satisfactorily completed a unit of the high school

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1 graduation requirements for that area as specified in
2 this lettered paragraph, and ~~to~~ shall authorize the
3 school district or accredited nonpublic school to issue
4 high school credit for the unit to the student.

5 Sec. 27. Section 321.34, subsection 20C, paragraph
6 a, if enacted by 2011 Iowa Acts, House File 651,
7 section 2, is amended to read as follows:

8 a. The department, in consultation with the
9 adjutant general, shall design combat infantryman
10 badge, combat action badge, combat action ribbon, air
11 force combat action medal, and combat medical badge
12 distinguishing processed emblems. Upon receipt of two
13 hundred fifty orders for ~~special~~ combat infantryman
14 badge, combat action badge, combat action ribbon, air

15 force combat action medal, or combat medical badge
16 special registration plates, accompanied by a start-up
17 fee of twenty dollars per order, the department
18 shall begin issuing special registration plates with
19 the applicable distinguishing processed emblem as
20 provided in paragraphs "b" and "c". The minimum
21 order requirement shall apply separately to each of
22 the special registration plates created under this
23 subsection.

24 Sec. 28. Section 321.34, subsection 25, paragraph
25 a, if enacted by 2011 Iowa Acts, House File 651,
26 section 2, is amended to read as follows:

27 a. The department, in consultation with
28 the adjutant general, shall design a civil war
29 sesquicentennial distinguishing processed emblem. Upon
30 receipt of two hundred fifty orders for ~~special~~ civil
31 war sesquicentennial special registration plates,
32 accompanied by a start-up fee of twenty dollars per
33 order, the department shall begin issuing special
34 registration plates with a civil war sesquicentennial
35 processed emblem as provided in paragraph "b".

36 Sec. 29. Section 327B.5, Code 2011, is amended to
37 read as follows:

38 327B.5 Penalty.

39 Any person violating the provisions of this chapter
40 shall, upon conviction, be subject to a scheduled
41 fine as provided in section 805.8A, subsection 13,
42 ~~paragraphs paragraph "f" and "g".~~

43 Sec. 30. Section 422.11O, subsection 5, paragraph
44 a, subparagraph (2), if enacted by 2011 Iowa Acts,
45 Senate File 531, section 17, is amended to read as
46 follows:

47 (2) The E-15 plus gasoline promotion tax credit
48 pursuant to section 422.11Y.

49 Sec. 31. Section 422.11Y, subsection 1, paragraph
50 d, if enacted by 2011 Iowa Acts, Senate File 531,

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1 section 35, is amended to read as follows:

2 d. "Tax credit" means the E-15 plus gasoline
3 promotion tax credit as provided in this section.

4 Sec. 32. Section 422.11Y, subsection 3, unnumbered
5 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
6 531, section 35, is amended to read as follows:

7 The taxes imposed under this division, less the
8 credits allowed under section 422.12, shall be reduced
9 by the amount of the E-15 plus gasoline promotion tax
10 credit for each tax year that the taxpayer is eligible
11 to claim a tax credit under this subsection.

12 Sec. 33. Section 422.11Y, subsection 6, paragraph
13 b, subparagraph (2), if enacted by 2011 Iowa Acts,

14 Senate File 531, section 35, is amended to read as
15 follows:

16 (2) The retail dealer may claim the ethanol
17 promotion tax credit as provided in paragraph "a" for
18 the same ethanol gallonage used to calculate and claim
19 the E-15 plus gasoline promotion tax credit.

20 Sec. 34. Section 423.4, subsection 9, unnumbered
21 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
22 531, section 59, is amended to read as follows:

23 A person who qualifies as a biodiesel producer as
24 provided in this subsection may apply to the director
25 for a refund of the amount of the sales or use tax
26 imposed and paid upon purchases made by the person.

27 Sec. 35. Section 483A.24A, Code 2011, as amended by
28 2011 Iowa Acts, Senate File 194, section 10, is amended
29 to read as follows:

30 483A.24A License refunds — military service.

31 Notwithstanding any provision of this chapter to
32 the contrary, a service member deployed for military
33 service, ~~both~~ as defined in section 29A.1, subsection
34 3, shall receive a refund of that portion of any
35 license fee paid by the service member representing the
36 service member's period of military service.

37 Sec. 36. Section 501.101, subsection 01, as enacted
38 by 2011 Iowa Acts, House File 348, section 7, is
39 amended to read as follows:

40 01. "Alternative voting method" means a method of
41 voting other than a written ballot, including voting
42 by electronic, telephonic, internet, or other means
43 that reasonably ~~allow~~ allows members the opportunity
44 to vote.

45 Sec. 37. Section 501A.703, subsection 5, paragraph
46 d, Code 2011, as amended by 2011 Iowa Acts, House File
47 348, section 19, is amended to read as follows:

48 d. If the ballot of the member is received by
49 the cooperative on or before the date of the regular
50 members' meeting or as otherwise prescribed for an

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1 alternative, voting method, the ballot or alternative
2 voting method shall be accepted and counted as the vote
3 of the absent member.

4 Sec. 38. Section 511.8, subsection 22, paragraph i,
5 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
6 Senate File 406, section 25, is amended to read as
7 follows:

8 Securities held in the legal reserve of a life
9 insurance company or association pledged as collateral
10 for financial instruments used in highly effective
11 hedging transactions as defined in the national
12 association of insurance commissioners' ~~Statement~~

13 ~~statement of Statutory Accounting Principles No.~~
14 ~~statutory accounting principles no. 86~~ shall continue
15 to be eligible for inclusion ~~on~~ in the legal reserve of
16 the life insurance company or association subject to
17 all of the following:
18 Sec. 39. Section 514J.109, subsection 3, paragraph
19 f, if enacted by 2011 Iowa Acts, House File 597,
20 section 9, is amended to read as follows:
21 f. The covered person or the covered person's
22 authorized representative has provided all the
23 information and forms required by the commissioner that
24 are necessary to process an external review request
25 pursuant to this section.
26 Sec. 40. Section 521F.4, subsection 1, paragraph b,
27 as enacted by 2011 Iowa Acts, Senate File 406, section
28 44, is amended to read as follows:
29 b. The filing of a risk-based capital report by
30 a health organization which indicates that the health
31 organization has total adjusted capital which is
32 greater than or equal to its company-action-level
33 risk-based capital but less than the product of its
34 authorized-control-level risk-based capital and three
35 and triggers the trend test determined in accordance
36 with the trend test ~~calculations~~ calculation included
37 in the health risk-based capital instructions.
38 Sec. 41. Section 524.310, subsection 5, paragraph
39 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
40 475, section 120, is amended to read as follows:
41 b. A corporate or company name reserved,
42 registered, or protected as provided in section
43 ~~489.109, 490.402, 490.403, 490A.402,~~ 504.402, or
44 504.403.
45 Sec. 42. Section 717.3, subsection 5, paragraph b,
46 Code 2011, as enacted by 2011 Iowa Acts, Senate File
47 478, section 6, is amended to read as follows:
48 b. That the department shall assume supervision of
49 and provide for the sustenance of the livestock ~~and~~ as
50 provided in section 717.4.

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1 Sec. 43. Section 717.4, subsection 2, as enacted by
2 2011 Iowa Acts, Senate File 478, section 7, is amended
3 to read as follows:
4 2. The court ordered lien shall be for the benefit
5 of the department. The amount of the lien shall not
6 be ~~not~~ more than for expenses incurred in providing
7 sustenance to the livestock pursuant to section 717.3
8 and providing for the disposition of the livestock
9 pursuant to section 717.5.
10 Sec. 44. Section 717.4A, as enacted by 2011 Iowa
11 Acts, Senate File 478, section 8, is amended to read

12 as follows:

13 717.4A Livestock in immediate need of sustenance —
14 livestock remediation fund.

15 The department may utilize the moneys deposited
16 into the livestock remediation fund pursuant to
17 section 459.501 to pay for any expenses associated
18 with providing sustenance to or the disposition of the
19 livestock pursuant to a court order entered pursuant to
20 section 717.3 or 717.5. The department shall utilize
21 moneys from the fund only to the extent that the
22 department determines that expenses cannot be timely
23 paid by utilizing the available provisions of sections
24 717.4 and 717.5. The department shall deposit any
25 unexpended and unobligated moneys in the fund. The
26 department shall pay to the fund the proceeds from the
27 disposition of the livestock and associated products
28 less expenses incurred by the department in providing
29 for the sustenance and disposition of the livestock, as
30 provided in section 717.5.

31 Sec. 45. Section 903A.5, subsection 1, as enacted
32 by 2011 Iowa Acts, House File 271, section 3, is
33 amended to read as follows:

34 1. An inmate shall not be discharged from the
35 custody of the director of the Iowa department of
36 corrections until the inmate has served the full term
37 for which the inmate was sentenced, less earned time
38 and other credits earned and not forfeited, unless
39 the inmate is pardoned or otherwise legally released.
40 Earned time accrued and not forfeited shall apply
41 to reduce a mandatory minimum sentence being served
42 pursuant to section 124.406, 124.413, 902.7, 902.8,
43 902.8A, or 902.11. An inmate shall be deemed to be
44 serving the sentence from the day on which the inmate
45 is received into the institution. If an inmate was
46 confined to a county jail or other correctional or
47 mental facility at any time prior to sentencing, or
48 after sentencing but prior to the case having been
49 decided on appeal, because of failure to furnish
50 bail or because of being charged with a nonbailable

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1 offense, the inmate shall be given credit for the
2 days already served upon the term of the sentence.
3 However, if a person commits any offense while confined
4 in a county jail or other correctional or mental
5 health facility, the person shall not be granted
6 jail credit for that offense. Unless the inmate was
7 confined in a correctional facility, the sheriff of
8 the county in which the inmate was confined shall
9 certify to the clerk of the district court from which
10 the inmate was sentenced and to the department of

11 corrections' records administrator at the Iowa medical
12 and classification center the number of days so served.
13 The department of corrections' records administrator,
14 or the administrator's designee, shall apply jail
15 credit as ordered by the court of proper jurisdiction
16 or as authorized by this section and section 907.3,
17 subsection 3.

18 Sec. 46. EFFECTIVE DATES.

19 1. The section of this division of this Act
20 amending section 422.11O, subsection 5, paragraph a,
21 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
22 File 531, section 17, takes effect January 1, 2012.

23 2. Section 423.4, subsection 9, unnumbered
24 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
25 531, section 59, takes effect January 1, 2012.

26 Sec. 47. APPLICABILITY.

27 1. The section of this division of this Act
28 amending section 422.11O, subsection 5, paragraph a,
29 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
30 File 531, section 17, applies to tax years beginning on
31 and after January 1, 2012.

32 2. The section of this division of this Act
33 amending section 422.11Y, subsection 1, paragraph d, if
34 enacted by 2011 Iowa Acts, Senate File 531, section 35,
35 applies to tax years beginning on and after January 1,
36 2012, and to that part of a retail dealer's tax year or
37 tax years occurring during that portion of the calendar
38 year beginning on and after July 1, 2011, and ending
39 on December 31, 2011.

40 3. The section of this division of this Act
41 amending section 422.11Y, subsection 3, unnumbered
42 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
43 531, section 35, applies to tax years beginning on and
44 after January 1, 2012, and to that part of a retail
45 dealer's tax year or tax years occurring during that
46 portion of the calendar year beginning on and after
47 July 1, 2011, and ending on December 31, 2011.

48 4. The section of this division of this Act
49 amending section 422.11Y, subsection 6, paragraph b,
50 subparagraph (2), if enacted by 2011 Iowa Acts, Senate

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1 File 531, section 35, applies to tax years beginning on
2 and after January 1, 2012, and to that part of a retail
3 dealer's tax year or tax years occurring during that
4 portion of the calendar year beginning on and after
5 July 1, 2011, and ending on December 31, 2011.

6 DIVISION IV

7 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

8 Sec. 48. APPROPRIATION — BATTLESHIP IOWA, BB-61.

9 1. There is appropriated from the general fund of

10 the state to the department of cultural affairs for the
11 fiscal year beginning July 1, 2010, and ending June 30,
12 2011, the following amount, or so much thereof as is
13 necessary, to be credited to the BB-61 fund created in
14 2010 Iowa Acts, chapter 1194:

15 \$ 3,000,000

16 2. If the department of the navy, pursuant to a
17 process outlined in a notice published in the federal
18 register on May 24, 2010, volume 75, number 99, awards
19 possession or conditionally awards possession of the
20 battleship Iowa, BB-61, to a nonprofit group that is
21 eligible to receive the battleship, the department of
22 cultural affairs shall award a grant to the nonprofit
23 group in an amount equal to \$3 million in addition to
24 any moneys awarded as a grant from the BB-61 fund.

25 3. Notwithstanding section 8.33, moneys
26 appropriated in this section that remain unencumbered
27 or unobligated at the close of the fiscal year shall
28 not revert but shall remain available for expenditure
29 for the purposes designated for succeeding fiscal
30 years.

31 Sec. 49. STATE AGENCY OFFICE SUPPLIES PURCHASE,
32 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
33 MARKETING — APPLICABILITY. The limitation on
34 expenditures made for office supplies, purchases
35 of equipment, office equipment, and equipment
36 noninventory, printing and binding, and marketing
37 implemented pursuant to 2011 Iowa Acts, House File 45,
38 section 2, does not apply to a department or agency
39 receiving a supplemental appropriation for the fiscal
40 year beginning July 1, 2010, pursuant to 2011 Iowa
41 Acts, Senate File 209, division III.

42 Sec. 50. NEW SECTION. 7E.8 Implementation of
43 federal statute, regulation, or policy.

44 1. Except as otherwise explicitly authorized by
45 state law, a state administrative agency charged with
46 the implementation of a federal statute, regulation, or
47 policy shall not exceed the specific requirements of
48 that statute, regulation, or policy.

49 2. Any portion of a state administrative agency
50 rule or policy that is in violation of subsection 1 is

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1 void.

2 Sec. 51. Section 256C.5, subsection 1, paragraph c,
3 Code 2011, is amended to read as follows:

4 c. "Preschool budget enrollment" means the figure
5 that is equal to ~~sixty~~ thirty percent of the actual
6 enrollment of eligible students in the preschool
7 programming provided by a school district approved
8 to participate in the preschool program on October 1

9 of the base year, or the first Monday in October if
 10 October 1 falls on a Saturday or Sunday.
 11 Sec. 52. NEW SECTION. 274.3 Exercise of powers —
 12 construction.

13 1. The board of directors of a school district
 14 shall operate, control, and supervise all public
 15 schools located within its district boundaries and may
 16 exercise any broad and implied power related to the
 17 operation, control, and supervision of those public
 18 schools except as expressly prohibited or prescribed by
 19 the Constitution of the State of Iowa or by statute.

20 2. Notwithstanding subsection 1, the board of
 21 directors of a school district shall not have power to
 22 levy any tax unless expressly authorized by the general
 23 assembly.

24 3. This section shall not apply to a research and
 25 development school as defined in section 256G.2 or to
 26 a laboratory school as defined in section 265.1. The
 27 board of directors of a school district in which such a
 28 research and development school or laboratory school
 29 is located shall not exercise over such a school any
 30 powers granted to the board by subsection 1.

31 4. This chapter, chapter 257 and chapters 275
 32 through 301, and other statutes relating to the
 33 boards of directors of school districts and to school
 34 districts shall be liberally construed to effectuate
 35 the purposes of subsection 1.

36 Sec. 53. Section 321J.2, subsection 4, paragraph b,
 37 Code 2011, is amended to read as follows:

38 b. Assessment of a minimum fine of one thousand
 39 eight hundred ~~forty~~ seventy-five dollars and a maximum
 40 fine of six thousand two hundred fifty dollars.
 41 Surcharges and fees shall be assessed pursuant to
 42 chapter 911.

43 Sec. 54. Section 422.11P, subsection 2, paragraph
 44 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
 45 531, section 25, is amended to read as follows:

46 b. The tax credit shall apply to biodiesel blended
 47 fuel classified as provided in this section, if the
 48 classification meets the standards provided in section
 49 214A.2. In ensuring that biodiesel blended fuel meets
 50 the classification requirements of this section, the

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1 department shall take into account reasonable variances
 2 due to testing and other limitations.

3 Sec. 55. Section 455A.6, subsection 5, Code 2011,
 4 is amended by striking the subsection and inserting in
 5 lieu thereof the following:

6 5. Six members of the commission is a quorum, and a
 7 majority of the commission membership may act in any

8 matter within the jurisdiction of the commission.

9 Sec. 56. Section 455A.6, subsection 6, paragraph a,
10 Code 2011, is amended to read as follows:

11 a. Establish policy for the department and adopt
12 rules, pursuant to chapter 17A, necessary to provide
13 for the effective administration of chapter 455B, 455C,
14 or 459. The commission shall have only that authority
15 or discretion which is explicitly delegated to or
16 conferred upon the commission by chapter 455B, 455C, or
17 459, and shall not expand or enlarge on that authority
18 or discretion.

19 Sec. 57. REPEAL. Chapter 327K, Code 2011, is
20 repealed.

21 Sec. 58. EFFECTIVE AND APPLICABILITY DATES. The
22 section of this division of this Act appropriating
23 moneys to the department of cultural affairs for
24 purposes of a grant for the battleship Iowa, BB-61,
25 being deemed of immediate importance, takes effect upon
26 enactment and, if approved by the governor on or after
27 July 1, 2011, shall apply retroactively to June 30,
28 2011.

29 Sec. 59. APPLICABILITY. The section of this
30 division of this Act amending section 256C.5,
31 subsection 1, takes effect upon enactment, and applies
32 to budget years beginning on or after July 1, 2011.

33 Sec. 60. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
34 APPLICABILITY. The provision of this division of this
35 Act relating to a limitation on state agency office
36 supplies purchase, equipment purchases, printing and
37 binding, and marketing as enacted by 2011 Iowa Acts,
38 House File 45, being deemed of immediate importance,
39 takes effect upon enactment and applies retroactively
40 to March 7, 2011.

41 DIVISION V
42 PERFORMANCE OF DUTY

43 Sec. 61. Section 7D.10, Code 2011, is amended to
44 read as follows:

45 7D.10 Court costs.

46 If sufficient funds for court costs have not been
47 appropriated to a state department, or if sufficient
48 funds are not otherwise available for such purposes
49 within the budget of a state department, upon
50 authorization by the executive council ~~may pay, out of~~

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1 ~~any money in the state treasury~~ there is appropriated
2 from moneys in the general fund of the state not
3 otherwise appropriated, an amount sufficient to pay
4 expenses incurred, or costs taxed to the state, in
5 any proceeding brought by or against any of the state
6 departments or in which the state is a party or is

7 interested. This section shall not be construed to
8 authorize the payment of travel or other personal
9 expenses of state officers or employees.

10 Sec. 62. Section 7D.10A, as amended by 2011 Iowa
11 Acts, Senate File 478, section 11, as enacted, is
12 amended to read as follows:

13 7D.10A ~~Allocation~~ Payment to livestock remediation
14 fund.

15 If moneys are not sufficient to support the
16 livestock remediation fund as provided in chapter 459,
17 subchapter V, the executive council may ~~allocate from~~
18 ~~moneys in the general fund of the state, which are~~
19 ~~not otherwise obligated or encumbered, authorize as~~
20 an expense paid from the appropriations addressed in
21 section 7D.29 the payment of an amount to the livestock
22 remediation fund as provided under section 459.501,
23 subsection 5. However, not more than a total of
24 one million dollars shall be allocated shall be paid
25 pursuant to this section to the livestock remediation
26 fund at any time.

27 Sec. 63. Section 7D.29, Code 2011, is amended to
28 read as follows:

29 7D.29 Performance of duty — expense.

30 1. The executive council shall not employ others,
31 or ~~incur~~ authorize any expense, for the purpose of
32 performing any duty imposed upon the council when
33 the duty may, without neglect of their usual duties,
34 be performed by the members, or by their regular
35 employees, but, subject to this limitation, the council
36 may ~~incur~~ authorize the necessary expense to perform
37 or cause to be performed any legal duty imposed on
38 the council, ~~and pay the same out of any money in the~~
39 ~~state treasury not otherwise appropriated. The expenses~~
40 authorized by the executive council in accordance
41 with this section and the expenses authorized by the
42 executive council in accordance with other statutory
43 provisions referencing the appropriations addressed in
44 this section shall be paid as follows:

45 a. From the appropriation made from the Iowa
46 economic emergency fund in section 8.55 for purposes of
47 paying such expenses.

48 b. To the extent the appropriation from the
49 Iowa economic emergency fund described in paragraph
50 "a" is insufficient to pay such expenses, there is

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1 appropriated from moneys in the general fund of the
2 state not otherwise appropriated the amount necessary
3 to fund that deficiency.>

4 2. At least two weeks prior to the executive
5 council's approval of a payment authorization under

6 this section, the secretary of the executive council
7 shall notify the legislative services agency that
8 the authorization request will be considered by
9 the executive council and shall provide background
10 information justifying the request.

11 3. The executive council shall receive requests
12 from the Iowa department of public health relative to
13 the purchase, storing, and distribution of vaccines and
14 medication for prevention, prophylaxis, or treatment.
15 Upon review and after compliance with subsection 2,
16 the executive council may approve the request and may
17 ~~incur~~ authorize payment of the necessary expense ~~and~~
18 ~~pay the same out of any money in the state treasury not~~
19 ~~otherwise appropriated.~~ The expense authorized by the
20 executive council under this subsection shall be paid
21 from the appropriations referred to in subsection 1.

22 Sec. 64. Section 7D.30, Code 2011, is amended to
23 read as follows:

24 7D.30 Necessary record.

25 Before ~~incurring~~ ~~authorizing~~ any expense authorized
26 ~~by~~ in accordance with section 7D.29, the executive
27 council shall, in each case, by resolution, entered
28 upon its records, set forth the necessity for ~~incurring~~
29 ~~authorizing~~ such expense, the special fitness of the
30 one employed to perform such work, the definite rate of
31 compensation or salary allowed, and the total amount of
32 money that may be expended. Compensation or salary for
33 personal services in such cases must be determined by
34 unanimous vote of all members of the council.

35 Sec. 65. Section 8.55, subsection 3, paragraph a,
36 Code 2011, is amended to read as follows:

37 a. Except as provided in paragraphs "b", ~~and~~ "c",
38 ~~and~~ "Od", the moneys in the Iowa economic emergency
39 fund shall only be used pursuant to an appropriation
40 made by the general assembly. An appropriation
41 shall only be made for the fiscal year in which the
42 appropriation is made. The moneys shall only be
43 appropriated by the general assembly for emergency
44 expenditures.

45 Sec. 66. Section 8.55, subsection 3, Code 2011, is
46 amended by adding the following new paragraph:

47 NEW PARAGRAPH. Od. There is appropriated from the
48 Iowa economic emergency fund to the executive council
49 an amount sufficient to pay the expenses authorized by
50 the executive council, as addressed in section 7D.29.

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1 Sec. 67. Section 8A.321, subsection 4, Code 2011,
2 is amended to read as follows:

3 4. Contract, with the approval of the executive
4 council, for the repair, remodeling, or, if the

5 condition warrants, demolition of all buildings and
6 grounds of the state at the seat of government, at
7 the state laboratories facility in Ankeny, and the
8 institutions of the department of human services and
9 the department of corrections for which no specific
10 appropriation has been made, if the cost of repair,
11 remodeling, or demolition will not exceed one hundred
12 thousand dollars when completed. The cost of repair
13 projects for which no specific appropriation has
14 been made shall be paid ~~from the fund~~ as an expense
15 authorized by the executive council as provided in
16 section 7D.29.

17 Sec. 68. Section 8A.321, subsection 6, paragraphs a
18 and b, Code 2011, are amended to read as follows:

19 a. Lease all buildings and office space necessary
20 to carry out the provisions of this subchapter or
21 necessary for the proper functioning of any state
22 agency at the seat of government. For state agencies
23 at the seat of government, the director may lease
24 buildings and office space in Polk county or in a
25 county contiguous to Polk county. If no specific
26 appropriation has been made, the proposed lease shall
27 be submitted to the executive council for ~~approval~~
28 authorization and if authorized lease expense shall
29 be paid from the appropriations addressed in section
30 7D.29. The cost of any lease for which no specific
31 appropriation has been made shall be paid from the fund
32 provided in section 7D.29.

33 b. When the general assembly is not in session, the
34 director may request ~~moneys~~ an expense authorization
35 from the executive council for moving state agencies
36 located at the seat of government from one location
37 to another. The request may include moving costs,
38 telecommunications costs, repair costs, or any other
39 costs relating to the move. The executive council may
40 ~~approve and shall pay the costs from funds~~ authorize
41 the expenses provided and may authorize the expenses to
42 be paid from the appropriations addressed in section
43 7D.29 if it determines the agency or department has
44 no available does not have funds available for these
45 expenses.

46 Sec. 69. Section 11.32, as amended by 2011 Iowa
47 Acts, House File 536, section 26, as enacted, is
48 amended to read as follows:

49 11.32 Certified accountants employed.

50 Nothing in this chapter shall prohibit the auditor

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1 of state, with the prior written permission of the
2 state executive council, from employing certified
3 public accountants for specific assignments. The

4 auditor of state may employ such accountants for any
5 assignment ~~now~~ expressly reserved to the auditor of
6 state. Payments, after approval by the executive
7 council, ~~will~~ shall be made to the accountants so
8 employed from funds from which the auditor of state
9 would have been paid had the auditor of state performed
10 the assignment, or if ~~no~~ such specific funds are
11 ~~indicated not available~~, then ~~payment will be made~~
12 ~~from the funds of~~ authorization of the expense by the
13 executive council shall be requested, and if authorized
14 shall be paid from the appropriations addressed in
15 section 7D.29.

16 Sec. 70. Section 13.3, Code 2011, is amended to
17 read as follows:

18 13.3 Disqualification — substitute.

19 1. If, for any reason, the attorney general ~~be~~
20 is disqualified from appearing in any action or
21 proceeding, the executive council shall ~~appoint some~~
22 authorize the appointment of a suitable person for that
23 purpose and defray the. There is appropriated from
24 moneys in the general fund not otherwise appropriated
25 an amount necessary to pay the reasonable expense
26 thereof from any unappropriated funds in the state
27 treasury for the person appointed. The department
28 involved in the action or proceeding shall be requested
29 to recommend a suitable person to represent the
30 department and when the executive council concurs in
31 the recommendation, the person recommended shall be
32 appointed.

33 2. If the governor or a department is represented
34 by an attorney other than the attorney general in a
35 court proceeding as provided in this section, at the
36 conclusion of the court proceedings, the court shall
37 review the fees charged to the state to determine
38 if the fees are fair and reasonable. The executive
39 council shall not ~~reimburse~~ authorize reimbursement
40 of attorney fees in excess of those determined by the
41 court to be fair and reasonable.

42 Sec. 71. Section 13.7, Code 2011, is amended to
43 read as follows:

44 13.7 Special counsel.

45 Compensation shall not be allowed to any person for
46 services as an attorney or counselor to an executive
47 department of the state government, or the head ~~thereof~~
48 of an executive department of state government, or to
49 a state board or commission. However, the executive
50 council may ~~employ~~ authorize employment of legal

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1 assistance, at a reasonable compensation, in a pending
2 action or proceeding to protect the interests of the

3 state, but only upon a sufficient showing, in writing,
4 made by the attorney general, that the department of
5 justice cannot for reasons stated by the attorney
6 general perform the service, ~~which~~. The reasons
7 and action of the council shall be entered upon its
8 records. ~~When~~ If the attorney general determines that
9 the department of justice cannot perform legal service
10 in an action or proceeding, the executive council
11 shall request the department involved in the action or
12 proceeding to recommend legal counsel to represent the
13 department. If the attorney general concurs with the
14 department that the person recommended is qualified
15 and suitable to represent the department, the person
16 recommended shall be employed. If the attorney general
17 does not concur in the recommendation, the department
18 shall submit a new recommendation. This section does
19 not affect the general counsel for the utilities board
20 of the department of commerce, the legal counsel of the
21 department of workforce development, or the general
22 counsel for the property assessment appeal board.

23 Sec. 72. Section 29A.27, unnumbered paragraph 8,
24 Code 2011, is amended to read as follows:

25 All payments ~~herein~~ provided for under this section
26 shall be paid on the approval of the adjutant general
27 from the contingent fund of the executive council
28 created in section 29C.20.

29 Sec. 73. Section 29C.8, subsection 3, paragraph
30 f, subparagraph (3), Code 2011, is amended to read as
31 follows:

32 (3) Upon notification of a compensable loss to a
33 member of a homeland security and emergency management
34 response team, the department of administrative
35 services shall process the claim and seek ~~funding~~
36 authorization from the executive council ~~for to pay~~
37 as an expense paid from the appropriations addressed
38 in section 7D.29 those costs associated with covered
39 benefits.

40 Sec. 74. Section 29C.20, subsection 1, paragraph a,
41 unnumbered paragraph 1, Code 2011, is amended to read
42 as follows:

43 A contingent fund is created in the state treasury
44 for the use of the executive council ~~which~~. Funding
45 for the contingent fund, if authorized by the executive
46 council, shall be paid from the appropriations
47 addressed in section 7D.29. Moneys in the contingent
48 fund may be expended for the following purposes:

49 Sec. 75. Section 96.13, subsection 3, paragraph c,
50 Code 2011, is amended to read as follows:

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1 c. The department may appear before the executive
2 council and request ~~funds~~ authorization of moneys to
3 meet unanticipated emergencies as an expense from the
4 appropriations addressed in section 7D.29.

5 Sec. 76. Section 135.143, subsection 5, Code 2011,
6 is amended to read as follows:

7 5. Upon notification of a compensable loss, the
8 department of administrative services shall seek
9 ~~funding authorization~~ from the executive council ~~for~~
10 to pay as an expense from the appropriations addressed
11 in section 7D.29 those costs associated with covered
12 workers' compensation benefits.

13 Sec. 77. Section 135.144, subsection 11, Code 2011,
14 is amended to read as follows:

15 11. If a public health disaster or other public
16 health emergency situation exists which poses an
17 imminent threat to the public health, safety, and
18 welfare, the department, in conjunction with the
19 governor, may provide financial assistance, from funds
20 appropriated to the department that are not otherwise
21 encumbered, to political subdivisions as needed to
22 alleviate the disaster or the emergency. If the
23 department does not have sufficient unencumbered funds,
24 the governor may request ~~that~~ the executive council,
25 ~~pursuant to the authority of section 7D.29, commit~~
26 ~~sufficient funds, to authorize the payment of~~ up to one
27 million dollars, ~~that are not otherwise encumbered from~~
28 ~~the general fund, as needed and available, for~~ as an
29 expense from the appropriations addressed in section
30 7D.29 to alleviate the disaster or the emergency. If
31 additional financial assistance is required in excess
32 of one million dollars, approval by the legislative
33 council is also required.

34 Sec. 78. Section 163.3A, subsection 4, paragraph b,
35 Code 2011, is amended to read as follows:

36 b. The department shall provide and update a list
37 of the registered members of each emergency response
38 team, including the members' names and identifying
39 information, to the department of administrative
40 services. Upon notification of a compensable loss
41 suffered by a registered member, the department
42 of administrative services shall seek ~~funding~~
43 ~~authorization~~ from the executive council ~~for~~ to pay as
44 an expense from the appropriations addressed in section
45 7D.29 those costs associated with covered benefits.

46 Sec. 79. Section 163.10, Code 2011, is amended to
47 read as follows:

48 163.10 Quarantining or destroying animals.

49 The department may quarantine or destroy any
50 animal exposed to or afflicted with an infectious or

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1 contagious disease. However, cattle exposed to or
2 infected with tuberculosis shall not be destroyed
3 without the owner's consent, unless there are
4 sufficient moneys to reimburse the owner for the
5 cattle, which may be paid ~~from the appropriation as~~
6 an expense authorized as provided in section 163.15,
7 from moneys in the brucellosis and tuberculosis
8 eradication fund created in section 165.18, or from
9 moneys made available by the United States department
10 of agriculture.

11 Sec. 80. Section 163.15, subsection 2, paragraph
12 a, subparagraph (3), Code 2011, is amended to read as
13 follows:

14 (3) A claim for an indemnity by the owner and a
15 claim for compensation and expenses by the appraisers
16 shall be filed with the department and submitted by the
17 secretary of agriculture to the executive council for
18 ~~its approval or disapproval~~ authorization of payment
19 of the claim as an expense from the appropriations
20 addressed in section 7D.29.

21 Sec. 81. Section 163.15, subsection 2, paragraph
22 a, subparagraph (4), Code 2011, is amended by striking
23 the subparagraph.

24 Sec. 82. Section 163.15, subsection 2, paragraph b,
25 unnumbered paragraph 1, Code 2011, is amended to read
26 as follows:

27 A formula established by rule adopted by the
28 department that is effective as determined by
29 the department in accordance with chapter 17A and
30 applicable upon approval of the ~~plan program~~ of
31 eradication ~~approved~~ by the executive council. The
32 formula shall be applicable to indemnify owners if the
33 executive council, upon recommendation by the secretary
34 of agriculture, determines that an animal population
35 in this state is threatened with infection from an
36 exceptionally contagious disease.

37 Sec. 83. Section 163.15, subsection 2, paragraph
38 b, subparagraph (4), Code 2011, is amended to read as
39 follows:

40 (4) ~~Upon approval by the~~ The executive council,
41 ~~there is appropriated to the department from any~~
42 ~~moneys in the general fund of the state not otherwise~~
43 ~~appropriated moneys sufficient to carry out the~~
44 may authorize payment under the provisions of this
45 paragraph "b" as an expense from the appropriations
46 addressed in section 7D.29.

47 Sec. 84. Section 307.45, subsection 3, Code 2011,
48 is amended to read as follows:

49 3. Assessments against property owned by the state
50 and not under the jurisdiction and control of the

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1 department's administrator of highways shall be made in
2 the same manner as those made against private property
3 and payment shall be ~~made~~ subject to authorization by
4 the executive council ~~from any funds of the state not~~
5 ~~otherwise appropriated. There is appropriated from~~
6 moneys in the general fund not otherwise appropriated
7 an amount necessary to pay the expense authorized by
8 the executive council.

9 Sec. 85. Section 384.56, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. Cities may assess the cost of a public
12 improvement which extends through, abuts upon, or is
13 adjacent to lands owned by the state, and ~~the executive~~
14 ~~council shall pay~~ payment for the assessable portion
15 of the cost of the improvement through or along the
16 lands as provided shall be subject to authorization by
17 the executive council. The executive council shall
18 pay assessments as and payable in the manner provided
19 in section 307.45 for property owned by the state and
20 not under the jurisdiction and control of the state
21 department of transportation.

22 Sec. 86. Section 459.501, subsection 5, as amended
23 by 2011 Iowa Acts, Senate File 478, section 1, as
24 enacted, is amended to read as follows:

25 5. The following shall apply to moneys in the fund:

26 a. (1) The executive council may ~~allocate moneys~~
27 ~~from the general fund of the state as~~ authorize payment
28 of moneys as an expense paid from the appropriations
29 addressed in section 7D.29 and in the manner provided
30 in section 7D.10A in an amount necessary to support the
31 fund, including the following:

32 (a) The payment of claims as provided in section
33 459.505.

34 (b) The allocation of moneys to the department
35 of agriculture and land stewardship for the payment
36 of expenses incurred by the department of agriculture
37 and land stewardship associated with providing for the
38 sustenance and disposition of livestock pursuant to
39 chapter 717.

40 (2) Notwithstanding subparagraph (1), the
41 ~~allocation of moneys from the general fund of the state~~
42 executive council's authorization for payment shall be
43 ~~made~~ provided only if the amount of moneys in the fund,
44 which are not obligated or encumbered, and not counting
45 the department's estimate of the cost to the fund for
46 pending or unsettled claims, the amount to be allocated
47 to the department of agriculture and land stewardship,
48 and any amount required to be credited to the general
49 fund of the state under this subsection, is less than
50 one million dollars.

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1 b. The department of natural resources shall
2 credit an amount to the ~~general fund of the state~~
3 from which the expense authorized by the executive
4 council as provided in paragraph "a" was appropriated
5 which is equal to an amount allocated to support the
6 livestock remediation fund by the executive council
7 under paragraph "a". ~~The~~ However, the department shall
8 only be required to credit the moneys to ~~the general~~
9 such fund of the state if the moneys in the livestock
10 remediation fund which are not obligated or encumbered,
11 and not counting the department's estimate of the
12 cost to the livestock remediation fund for pending or
13 unsettled claims, the amount to be allocated to the
14 department of agriculture and land stewardship, and
15 any amount required to be transferred to the general
16 fund under from which appropriated as described in this
17 paragraph, are in excess of two million five hundred
18 thousand dollars. The department is not required to
19 credit the total amount to the ~~general fund of the~~
20 state from which appropriated as described in this
21 paragraph during any one fiscal year.

22 Sec. 87. Section 468.43, unnumbered paragraph 4,
23 Code 2011, is amended to read as follows:

24 The assessments against lands under the jurisdiction
25 of the department of natural resources shall be paid as
26 an expense from the appropriations addressed in section
27 7D.29, if authorized by the executive council upon
28 certification of the amount by the county treasurer.
29 ~~There is appropriated from any funds in the general~~
30 ~~fund of the state not otherwise appropriated amounts~~
31 ~~sufficient to pay the certified assessments.~~

32 Sec. 88. Section 568.16, Code 2011, is amended to
33 read as follows:

34 568.16 Purchase money refunded.

35 If the grantee of the state, or the grantee's
36 successors, administrators, or assigns, shall be
37 deprived of the land conveyed by the state under this
38 chapter by the final decree of a court of record for
39 the reason that the conveyance by the state ~~passed~~
40 ~~no title whatever to the land therein did not pass~~
41 title to the land described, because title ~~thereto~~ to
42 the land had previously for any reason been vested
43 in others, then the money ~~so~~ paid by the state for
44 the ~~said~~ land shall be refunded by the state to the
45 person or persons entitled ~~thereto~~ to the refund,
46 provided the ~~said~~ grantee, or the grantee's successors,
47 administrators, or assigns, shall file a certified
48 copy of the transcript of the ~~said~~ final decree with
49 the executive council within one year from the date
50 of the issuance of such decree, and shall also file

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1 satisfactory proof with the executive council that the
2 action over the title to the land was commenced within
3 ten years from the date of the issuance of patent or
4 deed by the state. The amount of money to be refunded
5 under the provisions of this section shall be ~~certified~~
6 authorized and paid by the executive council ~~to the~~
7 ~~director of the department of administrative services,~~
8 ~~who shall draw a warrant therefor, and the same shall~~
9 ~~be paid out of the general fund as an expense from the~~
10 appropriations addressed in section 7D.29.

11 Sec. 89. Section 602.10133, Code 2011, is amended
12 to read as follows:

13 602.10133 Costs and expenses.

14 The court costs incident to such proceedings;
15 and the reasonable expense of ~~said the~~ judges in
16 attending ~~said the~~ hearing after being approved by
17 the supreme court shall be paid as ~~court costs an~~
18 expense authorized by the executive council from the
19 appropriations addressed in section 7D.29.

20 Sec. 90. Section 663.44, Code 2011, is amended to
21 read as follows:

22 663.44 Costs.

23 1. If the plaintiff is discharged, the costs shall
24 be assessed to the defendant, unless the defendant
25 is an officer holding the plaintiff in custody under
26 a commitment, or under other legal process, in which
27 case the costs shall be assessed to the county. If the
28 plaintiff's application is refused, the costs shall be
29 assessed against the plaintiff, and, in the discretion
30 of the court, against the person who filed the petition
31 in the plaintiff's behalf.

32 2. ~~However, where Notwithstanding subsection 1, if '~~
33 ~~the plaintiff is confined in any state institution, and~~
34 ~~is discharged in habeas corpus proceedings, or where if~~
35 ~~the habeas corpus proceedings fail, and costs and fees~~
36 ~~cannot be collected from the person liable to pay the~~
37 ~~same costs and fees, such the costs and fees shall be~~
38 ~~paid by the county in which such state institution is~~
39 ~~located. The facts of such payment and the proceedings~~
40 ~~on which it is based, with a statement of the amount~~
41 ~~of fees or costs incurred, with approval in writing~~
42 ~~by the presiding judge appended to such the statement~~
43 ~~or endorsed thereon on the statement, shall then be~~
44 ~~certified by the clerk of the district court under the~~
45 ~~seal of office to the state executive council. The~~
46 ~~executive council shall then review the proceedings and~~
47 ~~authorize reimbursement for all such fees and costs~~
48 ~~or such part thereof of the fees and costs as the~~
49 ~~executive council shall find finds justified, and shall~~
50 ~~notify the director of the department of administrative~~

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1 services to draw a warrant to such county treasurer
2 ~~on the state general fund~~ for the amount authorized.
3 There is appropriated from moneys in the general fund
4 not otherwise appropriated an amount necessary to pay
5 the reimbursement authorized by the executive council.

6 The costs and fees referred to above shall include
7 any award of fees made to a court appointed attorney
8 representing an indigent party bringing the habeas
9 corpus action.

DIVISION VI

GROW IOWA VALUES FUND AND PROGRAM

12 Sec. 91. Section 15.103, subsection 6, Code 2011,
13 is amended to read as follows:

14 6. As part of the organizational structure of the
15 department, the board shall establish a due diligence
16 committee and a loan and credit guarantee committee
17 composed of members of the board. The committees shall
18 serve in an advisory capacity to the board and shall
19 carry out any duties assigned by the board in relation
20 to programs administered by the department. The loan
21 and credit guarantee committee shall advise the board
22 on the winding up of loan guarantees made under the
23 loan and credit guarantee program established pursuant
24 to section 15E.224, Code 2009, ~~and on the proper~~
25 ~~amount of the allocation described in section 15G.111,~~
26 ~~subsection 4, paragraph "g".~~

27 Sec. 92. Section 15.104, subsection 1, Code 2011,
28 is amended by striking the subsection.

29 Sec. 93. Section 15.104, subsection 8, paragraphs
30 b and i, Code 2011, are amended by striking the
31 paragraphs.

32 Sec. 94. Section 15.104, subsection 8, paragraph j,
33 Code 2011, is amended to read as follows:

34 j. Renewable fuel programs. A detailed accounting
35 of expenditures in support of renewable fuel
36 infrastructure programs, as provided in sections
37 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
38 ~~board established in section 15G.202 shall approve that~~
39 ~~portion of the department's annual report regarding~~
40 ~~projects supported from the grow Iowa values fund~~
41 ~~created in section 15G.111. This paragraph is repealed~~
42 on July 1, 2012.

43 Sec. 95. Section 15.327, Code 2011, is amended by
44 adding the following new subsections:

45 NEW SUBSECTION. 01. "Base employment level" means
46 the number of full-time equivalent positions at a
47 business, as established by the department and a
48 business using the business's payroll records, as of
49 the date a business applies for financial assistance
50 under the program.

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1 NEW SUBSECTION. 3A. "County wage" means the
2 average hourly compensation rates, excluding the value
3 of nonwage benefits for comparable jobs, from the most
4 recent four quarters of wage and employment information
5 from the quarterly covered wage and employment
6 data report issued by the department of workforce
7 development.

8 NEW SUBSECTION. 7A. "Full-time equivalent position"
9 means a non-part-time position for the number of hours
10 or days per week considered to be full-time work for
11 the kind of service or work performed for an employer.
12 Typically, a full-time equivalent position requires
13 two thousand eighty hours of work in a calendar year,
14 including all paid holidays, vacations, sick time, and
15 other paid leave.

16 NEW SUBSECTION. 7B. "Maintenance period" means the
17 period of time between the project completion date and
18 maintenance period completion date.

19 NEW SUBSECTION. 12A. "Regional wage" means the
20 average hourly compensation rates, excluding the value
21 of nonwage benefits for comparable jobs, from the most
22 recent four quarters of wage and employment information
23 from the quarterly covered wage and employment
24 data report issued by the department of workforce
25 development.

26 Sec. 96. Section 15.327, subsections 1, 4, 7, 8,
27 10, 12, and 13, Code 2011, are amended by striking
28 the subsections and inserting in lieu thereof the
29 following:

30 1. "Benefit" means nonwage compensation provided
31 to an employee. Benefits typically include medical
32 and dental insurance plans, pension, retirement,
33 and profit-sharing plans, child care services,
34 life insurance coverage, vision insurance coverage,
35 disability insurance coverage, and any other nonwage
36 compensation as determined by the board.

37 4. "Created job" means a new, permanent, full-time
38 equivalent position added to a business's payroll in
39 excess of the business's base employment level.

40 7. "Fiscal impact ratio" means a ratio calculated
41 by estimating the amount of taxes to be received from
42 a business by the state and dividing the estimate by
43 the estimated cost to the state of providing certain
44 financial incentives to the business, reflecting
45 a ten-year period of taxation and incentives and
46 expressed in terms of current dollars. For purposes
47 of the program, "fiscal impact ratio" does not include
48 taxes received by political subdivisions.

49 8. "Maintenance period completion date" means the
50 date on which the maintenance period ends.

Page 30

1 10. "Project completion date" means the date by
2 which a recipient of financial assistance has agreed
3 to meet all the terms and obligations contained in an
4 agreement with the department as described in section
5 15.330.

6 12. "Qualifying wage threshold" means the county
7 wage or the regional wage, as calculated pursuant to
8 subsections 3A and 12A, whichever is lower.

9 13. "Retained job" means a full-time equivalent
10 position, in existence at the time an employer applies
11 for financial assistance which remains continuously
12 filled or authorized to be filled as soon as possible
13 and which is at risk of elimination if the project
14 for which the employer is seeking assistance does not
15 proceed.

16 Sec. 97. Section 15.329, subsection 2, Code 2011,
17 is amended to read as follows:

18 2. A business providing a sufficient package of
19 benefits to each employee holding a created or retained
20 job shall qualify for a credit against the qualifying
21 wage threshold requirements described in subsection
22 1, paragraph "c". The credit shall be calculated and
23 applied in the following manner: described in section
24 15G.112, subsection 4, paragraph "b".

25 a. By multiplying the qualifying wage threshold of
26 the county in which the business is located by one and
27 three-tenths.

28 b. By multiplying the result of paragraph "a" by
29 one-tenth.

30 c. The amount of the result of paragraph "b" shall
31 be credited against the amount of the one hundred
32 thirty percent qualifying wage threshold requirement
33 that the business is required to meet under subsection
34 1, paragraph "c".

35 d. The credit shall not be applied against the
36 one hundred percent of qualifying wage threshold
37 requirement described in subsection 1, paragraph "c".

38 Sec. 98. Section 15.330, subsection 4, Code 2011,
39 is amended to read as follows:

40 4. A project completion date, a maintenance period
41 completion date, the number of jobs to be created
42 or retained, or certain other terms and obligations
43 described in ~~section 15G.112, subsection 1, paragraph~~
44 ~~"d" an agreement~~, as the department deems necessary in
45 order to make the requirements in project agreements
46 uniform. The department, with the approval of
47 the board, may adopt rules as necessary for making
48 such requirements uniform. Such rules shall be in
49 compliance with the provisions of this part ~~and with~~
50 ~~the provisions of chapter 15G.~~

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1 Sec. 99. Section 15.335A, subsection 1, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:

3 Tax incentives are available to eligible businesses
4 as provided in this section. The incentives are based
5 upon the number of jobs created or retained that pay
6 at least one hundred thirty percent of the qualifying
7 wage threshold as computed pursuant to section
8 ~~15G.112 15.329~~, subsection 4 ~~1~~, and the amount of the
9 qualifying investment made according to the following
10 schedule:

11 Sec. 100. Section 15.335A, subsection 2, paragraphs
12 b, c, f, and g, Code 2011, are amended by striking the
13 paragraphs.

14 Sec. 101. Section 15.335A, subsection 5, Code 2011,
15 is amended to read as follows:

16 5. The department shall negotiate the amount of tax
17 incentives provided to an applicant under the program
18 in accordance with this section ~~and section 15G.112, as~~
19 ~~applicable.~~

20 Sec. 102. Section 15A.7, subsection 3, Code 2011,
21 is amended to read as follows:

22 3. That the employer shall agree to pay wages for
23 the jobs for which the credit is taken of at least the
24 county wage or the regional wage, as calculated by the
25 ~~department~~ pursuant to section ~~15G.112, subsection 3~~
26 ~~15.327, subsections 3A and 12A~~, whichever is lower.
27 Eligibility for the supplemental credit shall be based
28 on a one-time determination of starting wages by the
29 community college.

30 Sec. 103. Section 15E.193, subsection 1, paragraphs
31 b through d, Code 2011, are amended to read as follows:

32 b. (1) The business shall provide a sufficient
33 package of benefits to each employee holding a created
34 or retained job. For purposes of this paragraph,
35 "created job" and "retained job" have the same meaning
36 as defined in section ~~15G.101 15.327~~.

37 (2) The board, upon the recommendation of the
38 department, shall adopt rules determining what
39 constitutes a sufficient package of benefits.

40 c. The business shall pay a wage that is at least
41 ninety percent of the qualifying wage threshold. For
42 purposes of this paragraph, "qualifying wage threshold"
43 has the same meaning as defined in section ~~15G.101~~
44 ~~15.327~~.

45 d. Creates or retains at least ten full-time
46 equivalent positions and maintains them until the
47 maintenance period completion date. For purposes of
48 this paragraph, "maintenance period completion date" and
49 "full-time equivalent position" have the same meanings
50 as defined in section ~~15G.101 15.327~~.

Page 32

1 Sec. 104. Section 15E.231, unnumbered paragraph 1,
2 Code 2011, is amended to read as follows:

3 ~~In order for an An~~ economic development region to
4 receive moneys under the grow Iowa values financial
5 assistance program established in section 15G.112,
6 ~~an shall establish a regional development plan. An~~
7 economic development region's regional development
8 plan must be approved by the department. An economic
9 development region shall consist of not less than
10 three counties, unless two contiguous counties have a
11 combined population of at least three hundred thousand
12 based on the most recent federal decennial census. An
13 economic development region shall establish a focused
14 economic development effort that shall include a
15 regional development plan relating to one or more of
16 the following areas:

17 Sec. 105. Section 15E.232, subsections 1, 3, 4,
18 5, 6, and 7, Code 2011, are amended by striking the
19 subsections.

20 Sec. 106. Section 15E.351, subsection 1, Code 2011,
21 is amended to read as follows:

22 1. The department shall establish and administer
23 a business accelerator program to provide financial
24 assistance for the establishment and operation of a
25 business accelerator for technology-based, value-added
26 agricultural, information solutions, alternative
27 and renewable energy including the alternative and
28 renewable energy sectors listed in section 476.42,
29 subsection 1, paragraph "a", or advanced manufacturing
30 start-up businesses or for a satellite of an existing
31 business accelerator. The program shall be designed
32 to foster the accelerated growth of new and existing
33 businesses through the provision of technical
34 assistance. ~~The department, subject to the approval of~~
35 ~~the economic development board, may provide financial~~
36 ~~assistance under this section from moneys allocated~~
37 ~~for regional financial assistance pursuant to section~~
38 ~~15G.111, subsection 9.~~

39 Sec. 107. Section 159A.6B, subsection 2, Code 2011,
40 is amended to read as follows:

41 2. The office may execute contracts in order to
42 provide technical support and outreach services for
43 purposes of assisting and educating interested persons
44 as provided in this section. The office may also
45 contract with a consultant to provide part or all
46 of these services. The office may require that a
47 person receiving assistance pursuant to this section
48 contribute up to fifty percent of the amount required
49 to support the costs of contracting with the consultant
50 to provide assistance to the person. ~~The office~~

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1 ~~shall assist the person in completing any technical~~
2 ~~information required in order to receive assistance~~
3 ~~by the department of economic development pursuant~~
4 ~~to the value-added agriculture component of the grow~~
5 ~~Iowa values financial assistance program established~~
6 ~~pursuant to section 15G.112.~~

7 Sec. 108. Section 455B.104, subsection 2, Code
8 2011, is amended by striking the subsection.

9 Sec. 109. REPEAL. Section 15E.233, Code 2011, is
10 repealed.

11 Sec. 110. REPEAL. Sections 15G.101 and 15G.109
12 through 15G.115, Code 2011, are repealed.

13 Sec. 111. REPEAL. Section 266.19, Code 2011, is
14 repealed.

15 Sec. 112. REPEAL. Section 455B.433, Code 2011, is
16 repealed.

17 DIVISION VII

18 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 19 2013-2014

20 Sec. 113. ADULT MH/MR/DD SERVICES ALLOWED
21 GROWTH FUNDING — FY 2013-2014. Notwithstanding
22 section 331.439, subsection 3, the allowed growth
23 factor adjustment for county mental health, mental
24 retardation, and developmental disabilities service
25 expenditures for the fiscal year beginning July 1,
26 2013, shall be established by statute which shall be
27 enacted within thirty calendar days of the convening
28 of the Eighty-fifth General Assembly, 2013 Session, on
29 January 14, 2013. The governor shall submit to the
30 general assembly a recommendation for such allowed
31 growth factor adjustment and the amounts of related
32 appropriations to the general assembly on or before
33 January 14, 2013.

34 DIVISION VIII

35 STANDING APPROPRIATIONS AND RELATED MATTERS — FY 36 2012-2013

37 Sec. 114. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.

38 1. For the budget process applicable to the fiscal
39 year beginning July 1, 2013, on or before October 1,
40 2012, in lieu of the information specified in section
41 8.23, subsection 1, unnumbered paragraph 1, and
42 paragraph "a", all departments and establishments of
43 the government shall transmit to the director of the
44 department of management, on blanks to be furnished
45 by the director, estimates of their expenditure
46 requirements, including every proposed expenditure, for
47 the ensuing fiscal year, together with supporting data
48 and explanations as called for by the director of the
49 department of management after consultation with the
50 legislative services agency.

1 2. The estimates of expenditure requirements
 2 shall be in a form specified by the director of
 3 the department of management, and the expenditure
 4 requirements shall include all proposed expenditures
 5 and shall be prioritized by program or the results to
 6 be achieved. The estimates shall be accompanied by
 7 performance measures for evaluating the effectiveness
 8 of the programs or results.

9 Sec. 115. LIMITATION OF STANDING APPROPRIATIONS.

10 Notwithstanding the standing appropriations in the
 11 following designated sections for the fiscal year
 12 beginning July 1, 2012, and ending June 30, 2013, the
 13 amounts appropriated from the general fund of the state
 14 pursuant to these sections for the following designated
 15 purposes shall not exceed the following amounts:

16 1. For operational support grants and community
 17 cultural grants under section 99F.11, subsection 3,
 18 paragraph "d", subparagraph (1):

19 \$ 416,702

20 2. For regional tourism marketing under section
 21 99F.11, subsection 3, paragraph "d", subparagraph (2):
 22 \$ 810,306

23 3. For the center for congenital and inherited
 24 disorders central registry under section 144.13A,
 25 subsection 4, paragraph "a":

26 \$ 171,121

27 4. For primary and secondary child abuse prevention
 28 programs under section 144.13A, subsection 4, paragraph
 29 "a":

30 \$ 217,772

31 5. For programs for at-risk children under section
 32 279.51:

33 \$ 10,804,258

34 The amount of any reduction in this subsection shall
 35 be prorated among the programs specified in section
 36 279.51, subsection 1, paragraphs "a", "b", and "c".

37 6. For payment for nonpublic school transportation
 38 under section 285.2:

39 \$ 7,060,931

40 If total approved claims for reimbursement for
 41 nonpublic school pupil transportation exceed the amount
 42 appropriated in accordance with this subsection, the
 43 department of education shall prorate the amount of
 44 each approved claim.

45 7. For the enforcement of chapter 453D relating to
 46 tobacco product manufacturers under section 453D.8:

47 \$ 18,416

48 Sec. 116. APPROPRIATION — FARMERS WITH
 49 DISABILITIES. There is appropriated from the general
 50 fund of the state to the department of agriculture and

1 land stewardship for the fiscal year beginning July 1,
2 2012, and ending June 30, 2013, the following amount,
3 or so much thereof as is necessary, for a program for
4 farmers with disabilities:

5 \$ 82,450

6 The moneys appropriated in this section shall be
7 used for the public purpose of providing a grant to
8 a national nonprofit organization with over 80 years
9 of experience in assisting children and adults with
10 disabilities and special needs. The moneys shall
11 be used to support a nationally recognized program
12 that began in 1986 and has been replicated in at
13 least 30 other states, but which is not available
14 through any other entity in this state, and that
15 provides assistance to farmers with disabilities in
16 all 99 counties to allow the farmers to remain in
17 their own homes and be gainfully engaged in farming
18 through provision of agricultural worksite and home
19 modification consultations, peer support services,
20 services to families, information and referral, and
21 equipment loan services. Notwithstanding section
22 8.33, moneys appropriated in this section that remain
23 unencumbered or unobligated at the close of the fiscal
24 year shall not revert but shall remain available for
25 expenditure for the purposes designated until the close
26 of the succeeding fiscal year.

27 Sec. 117. INSTRUCTIONAL SUPPORT STATE AID — FY
28 2012-2013. In lieu of the appropriation provided in
29 section 257.20, subsection 2, the appropriation for the
30 fiscal year beginning July 1, 2012, and ending June 30,
31 2013, for paying instructional support state aid under
32 section 257.20 for fiscal year 2012-2013 is zero.

33 Sec. 118. Section 257.35, Code 2011, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 5B. Notwithstanding subsection 1,
36 and in addition to the reduction applicable pursuant
37 to subsection 2, the state aid for area education
38 agencies and the portion of the combined district cost
39 calculated for these agencies for the fiscal year
40 beginning July 1, 2012, and ending June 30, 2013, shall
41 be reduced by the department of management by twenty
42 million dollars. The reduction for each area education
43 agency shall be prorated based on the reduction that
44 the agency received in the fiscal year beginning July
45 1, 2003.

DIVISION IX

47 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
48 2012-2013

49 Sec. 119. BONUS PAY. For the fiscal year beginning
50 July 1, 2012, employees of the executive branch,

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1 judicial branch, and legislative branch shall not
2 receive bonus pay unless otherwise authorized by law,
3 required pursuant to a contract of employment entered
4 into before July 1, 2012, or required pursuant to a
5 collective bargaining agreement. This section does
6 not apply to employees of the state board of regents
7 who receive bonuses funded by nonpublic moneys. For
8 purposes of this section, "bonus pay" means any
9 additional remuneration provided an employee in
10 the form of a bonus, including but not limited to a
11 retention bonus, recruitment bonus, exceptional job
12 performance pay, extraordinary job performance pay,
13 exceptional performance pay, extraordinary duty pay,
14 or extraordinary or special duty pay, and any extra
15 benefit not otherwise provided to other similarly
16 situated employees.

17 Sec. 120. SALARY INCREASES — CERTAIN REVOLVING
18 FUNDS.

19 1. For the fiscal years beginning July 1, 2012, and
20 July 1, 2013, there is appropriated from the gaming
21 enforcement revolving fund an amount necessary for
22 funding annual pay adjustments and related benefits
23 for agents and officers of the division of criminal
24 investigation's racetrack, excursion boat, or gambling
25 structure enforcement activities. Moneys appropriated
26 pursuant to this subsection shall be in addition to and
27 supplement other appropriations from the fund.

28 2. For the fiscal years beginning July 1, 2012,
29 and July 1, 2013, there is appropriated from the
30 gaming regulatory revolving fund, if enacted by the
31 Eighty-fourth General Assembly, 2011 or 2012 session,
32 an amount necessary for funding annual pay adjustments
33 and related benefits for positions in the racing and
34 gaming commission of the department of inspections
35 and appeals who are assigned to administration
36 and enforcement of the excursion boat and gambling
37 structure laws. Moneys appropriated pursuant to this
38 subsection shall be in addition to and supplement other
39 appropriations from the fund.

40 Sec. 121. STATE TROOPER MEAL ALLOWANCE. For the
41 fiscal years beginning July 1, 2012, and July 1, 2013,
42 the sworn peace officers in the department of public
43 safety who are not covered by a collective bargaining
44 agreement negotiated pursuant to chapter 20 shall
45 receive the same per diem meal allowance as the sworn
46 peace officers in the department of public safety
47 who are covered by a collective bargaining agreement
48 negotiated pursuant to chapter 20.

49 Sec. 122. SALARY MODEL ADMINISTRATOR. The salary
50 model administrator shall work in conjunction with

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1 the legislative services agency to maintain the
2 state's salary model used for analyzing, comparing,
3 and projecting state employee salary and benefit
4 information, including information relating to
5 employees of the state board of regents. The
6 department of revenue, the department of administrative
7 services, the five institutions under the jurisdiction
8 of the state board of regents, the judicial district
9 departments of correctional services, and the state
10 department of transportation shall provide salary data
11 to the department of management and the legislative
12 services agency to operate the state's salary
13 model. The format and frequency of provision of the
14 salary data shall be determined by the department of
15 management and the legislative services agency. The
16 information shall be used in collective bargaining
17 processes under chapter 20 and in calculating the
18 funding needs contained within the annual salary
19 adjustment legislation. A state employee organization
20 as defined in section 20.3, subsection 4, may request
21 information produced by the model, but the information
22 provided shall not contain information attributable to
23 individual employees.

DIVISION X

REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
OF GROWTH FOR EDUCATION — FY 2012-2013

27 Sec. 123. Section 257.8, subsection 1, Code 2011,
28 is amended to read as follows:

29 1. State percent of growth. ~~The state percent of~~
30 ~~growth for the budget year beginning July 1, 2009, is~~
31 ~~four percent.~~ The state percent of growth for the
32 budget year beginning July 1, 2010, is two percent.
33 The state percent of growth for the budget year
34 beginning July 1, 2012, is two percent. The state
35 percent of growth for each subsequent budget year shall
36 be established by statute which shall be enacted within
37 thirty days of the submission in the year preceding the
38 base year of the governor's budget under section 8.21.
39 The establishment of the state percent of growth for
40 a budget year shall be the only subject matter of the
41 bill which enacts the state percent of growth for a
42 budget year.

43 Sec. 124. Section 257.8, subsection 2, Code 2011,
44 is amended to read as follows:

45 2. Categorical state percent of growth. The
46 categorical state percent of growth for the budget
47 year beginning July 1, 2010, is two percent. The
48 categorical state percent of growth for the budget
49 year beginning July 1, 2012, is two percent. The
50 categorical state percent of growth for each budget

1 year shall be established by statute which shall
 2 be enacted within thirty days of the submission in
 3 the year preceding the base year of the governor's
 4 budget under section 8.21. The establishment of the
 5 categorical state percent of growth for a budget year
 6 shall be the only subject matter of the bill which
 7 enacts the categorical state percent of growth for a
 8 budget year. The categorical state percent of growth
 9 may include state percents of growth for the teacher
 10 salary supplement, the professional development
 11 supplement, and the early intervention supplement.
 12 Sec. 125. CODE SECTION 257.8 — APPLICABILITY. The
 13 requirements of section 257.8 regarding the time period
 14 of enactment and the subject matter of the legislation
 15 establishing the state percent of growth and the
 16 categorical state percent of growth for a budget year
 17 are not applicable to the division. The requirements
 18 of section 257.8 regarding enactment of the regular
 19 program state percent of growth and categorical state
 20 percent of growth within thirty days of the submission
 21 in the year preceding the base year of the governor's
 22 budget and the requirements that the subject matter
 23 of each bill establishing the state percent of growth
 24 or the categorical state percent of growth be the
 25 only subject matter of the bill do not apply to this
 26 division of this Act.

27 Sec. 126. APPLICABILITY. This division of this Act
 28 is applicable for computing state aid under the state
 29 school foundation program for the school budget year
 30 beginning July 1, 2012.

31 DIVISION XI
 32 APPROPRIATION TRANSFERS
 33 REBUILD IOWA INFRASTRUCTURE FUND

34 Sec. 127. 2010 Iowa Acts, chapter 1184, section 26,
 35 is amended to read as follows:

36 SEC. 26. There is appropriated from the rebuild
 37 Iowa infrastructure fund to the department of economic
 38 development for deposit in the grow Iowa values fund,
 39 for the fiscal year beginning July 1, 2010, and ending
 40 June 30, 2011, the following amount, notwithstanding
 41 section 8.57, subsection 6, paragraph "c":

42 \$ 38,000,000

43 Of the moneys appropriated in this section, from
 44 the amount allocated to the department of economic
 45 development in accordance with 2010 Iowa Acts, chapter
 46 1184, section 28, subsection 1, \$1,200,000 shall
 47 be used for the department's Iowans helping Iowans
 48 business assistance program. Notwithstanding section
 49 8.33, moneys designated pursuant to this unnumbered
 50 paragraph that remain unencumbered or unobligated at

1 the close of the fiscal year shall not revert but shall
2 remain available for expenditure for the purposes
3 designated until the close of the succeeding fiscal
4 year.

5 CASH RESERVE FUND

6 Sec. 128. 2010 Iowa Acts, chapter 1193, section 90,
7 subsection 1, is amended to read as follows:

8 1. DEPARTMENT OF HUMAN SERVICES

9 For the medical assistance program:

10 \$187,800,000

11 a. Of the moneys appropriated in this subsection,
12 the following amounts shall be transferred as follows:

13 (1) To the Iowa finance authority to be used for
14 the Iowans helping Iowans housing assistance program:

15 \$ 6,050,000

16 (2) To the department of human services to be
17 used for the unmet needs program administered by the
18 department:

19 \$ 3,056,603

20 b. Notwithstanding section 8.33, moneys transferred
21 pursuant to paragraph "a" that remain unencumbered
22 or unobligated at the close of the fiscal year shall
23 not revert but shall remain available for expenditure
24 for the purposes designated until the close of the
25 succeeding fiscal year.

26 Sec. 129. EFFECTIVE DATE — APPLICABILITY.

27 1. This division of this Act being deemed of
28 immediate importance takes effect upon enactment.

29 2. The provisions of this division of this Act
30 providing for transfers are retroactively applicable
31 to August 27, 2010, and apply in lieu of the transfers
32 made for the same purposes by the executive branch,
33 as reported by the department of management in the
34 transfer notice to the governor and lieutenant governor
35 dated August 27, 2010.

36 DIVISION XII

37 EARNED INCOME TAX CREDIT

38 Sec. 130. Section 422.12B, subsection 1, Code 2011,
39 is amended to read as follows:

40 1. The taxes imposed under this division less the
41 credits allowed under section 422.12 shall be reduced
42 by an earned income credit equal to ~~seven~~ ten percent
43 of the federal earned income credit provided in section
44 32 of the Internal Revenue Code. Any credit in excess
45 of the tax liability is refundable.

46 Sec. 131. RETROACTIVE APPLICABILITY. This division
47 of this Act applies retroactively to January 1, 2011,
48 for tax years beginning on or after that date.

49 DIVISION XIII

50 SCHOOL TUITION ORGANIZATION TAX CREDITS

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1 Sec. 132. Section 422.11S, subsection 7, paragraph
2 a, subparagraph (2), Code 2011, is amended to read as
3 follows:

4 (2) "Total approved tax credits" means ~~for the~~
5 ~~tax year beginning in the 2006 calendar year, two~~
6 ~~million five hundred thousand dollars, for the tax~~
7 ~~year beginning in the 2007 calendar year, five million~~
8 ~~dollars, and for tax years beginning on or after~~
9 ~~January 1, 2008, seven million five hundred thousand~~
10 ~~dollars, the following:~~

11 (a) For tax years beginning on or after January 1,
12 2008, and before January 1, 2012, seven million five
13 hundred thousand dollars.

14 (b) For the tax year beginning on or after January
15 1, 2012, and before January 1, 2013, eight million
16 seven hundred fifty thousand dollars.

17 (c) For tax years beginning on or after January 1,
18 2013, ten million dollars.

19 DIVISION XIV

20 TEACHER EXPENSES

21 Sec. 133. Section 422.7, Code 2011, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 54. A taxpayer is allowed to
24 take the deduction for certain expenses of elementary
25 and secondary school teachers allowed under section
26 62(a)(2)(D) of the Internal Revenue Code, as amended
27 by the federal Emergency Economic Stabilization Act of
28 2008, Pub. L. No. 110-343, in computing net income for
29 state tax purposes.

30 Sec. 134. REFUNDS. Notwithstanding any provision
31 to the contrary in section 422.25, subsection 3,
32 a taxpayer who files an amended return in the time
33 permitted by statute to claim a refund related to the
34 allowance of the deduction enacted in this division of
35 this Act is only entitled to a refund of the amount
36 paid that is in excess of tax liability. The taxpayer
37 shall not be entitled to interest on such excess.

38 Sec. 135. EFFECTIVE DATE AND RETROACTIVE
39 APPLICABILITY. This division of this Act, being deemed
40 of immediate importance, takes effect upon enactment
41 and applies retroactively to January 1, 2008, for
42 tax years beginning on or after that date and before
43 January 1, 2009.

44 DIVISION XV

45 QUALIFIED HIGHER EDUCATION EXPENSES

46 Sec. 136. Section 422.7, Code 2011, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 54. A taxpayer is allowed to
49 take the deduction for qualified tuition and related
50 expenses allowed under section 222 of the Internal

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1 Revenue Code, as amended by the federal Emergency
2 Economic Stabilization Act of 2008, Pub. L. No.
3 110-343, in computing net income for state tax
4 purposes.

5 Sec. 137. REFUNDS. Notwithstanding any provision
6 to the contrary in section 422.25, subsection 3,
7 a taxpayer who files an amended return in the time
8 permitted by statute to claim a refund related to the
9 allowance of the deduction enacted in this division of
10 this Act is only entitled to a refund of the amount
11 paid that is in excess of tax liability. The taxpayer
12 shall not be entitled to interest on such excess.

13 Sec. 138. EFFECTIVE DATE AND RETROACTIVE
14 APPLICABILITY. This division of this Act, being deemed
15 of immediate importance, takes effect upon enactment
16 and applies retroactively to January 1, 2008, for
17 tax years beginning on or after that date and before
18 January 1, 2009.

DIVISION XVI

STATE SALES/USE TAX DEDUCTION

21 Sec. 139. Section 422.9, subsection 2, paragraph i,
22 Code 2011, is amended to read as follows:

23 i. The deduction for state sales and use taxes
24 is allowable only if the taxpayer elected to deduct
25 the state sales and use taxes in lieu of state income
26 taxes under section 164 of the Internal Revenue Code.
27 A deduction for state sales and use taxes is not
28 allowed if the taxpayer has taken the deduction for
29 state income taxes or claimed the standard deduction
30 under section 63 of the Internal Revenue Code. This
31 paragraph applies to taxable years beginning after
32 December 31, 2003, and before January 1, ~~2006~~ 2009, and
33 to taxable years beginning after December 31, 2009, and
34 before January 1, 2012.

35 Sec. 140. REFUNDS. Notwithstanding any provision
36 to the contrary in section 422.25, subsection 3,
37 a taxpayer who files an amended return in the time
38 permitted by statute to claim a refund related to the
39 allowance of the deduction enacted in this division of
40 this Act is only entitled to a refund of the amount
41 paid that is in excess of tax liability. The taxpayer
42 shall not be entitled to interest on such excess.

43 Sec. 141. EFFECTIVE DATE AND RETROACTIVE
44 APPLICABILITY. This division of this Act, being deemed
45 of immediate importance, takes effect upon enactment
46 and applies retroactively to tax years beginning on or
47 after January 1, 2006, and before January 1, 2009, and
48 to tax years beginning on or after January 1, 2010, and
49 before January 1, 2012.

DIVISION XVII

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1 SPECIAL FILING PROVISIONS

2 Sec. 142. SPECIAL FILING PROVISIONS.

3 1. Adjustments by individuals to federal adjusted
4 gross income and by corporations to federal taxable
5 income for tax returns filed prior to the enactment of
6 2011 Iowa Acts, Senate File 512, may be required as a
7 result of the provisions of the divisions of this Act
8 relating to the adjustment provisions enumerated in
9 this subsection. These adjustments are as follows:

10 a. The increased expensing allowance authorized in
11 section 179(b) of the Internal Revenue Code for tax
12 years beginning on or after January 1, 2010, but before
13 January 1, 2011.

14 b. The deduction for qualified tuition and related
15 expenses allowed under section 222 of the Internal
16 Revenue Code.

17 c. The deduction for certain expenses of elementary
18 and secondary school teachers allowed under section
19 62(a)(2)(D) of the Internal Revenue Code.

20 2. In lieu of filing an amended tax return,
21 taxpayers may make the adjustments, pursuant to rules
22 adopted by the director of revenue, on the next return
23 filed subsequent to the enactment of 2011 Iowa Acts,
24 Senate File 512. If the taxpayer elects not to file
25 an amended return, these provisions are suspended with
26 regard to the following adjustments otherwise available
27 as a result of this Act.

28 a. The limitation based on income provisions
29 and regulations of section 179(b)(3) of the Internal
30 Revenue Code with regard to the section 179(b)
31 adjustment.

32 b. The applicable dollar limit provisions of
33 section 222(b)(2)(B) of the Internal Revenue Code with
34 regard to the section 222 adjustment.

35 DIVISION XVIII

36 WITHHOLDING AGREEMENTS

37 Sec. 142. Section 403.19A, subsection 1, paragraphs
38 c and f, Code 2011, are amended to read as follows:

39 c. "Employer" means a business creating or
40 retaining targeted jobs in an urban renewal area of a
41 pilot project city pursuant to a withholding agreement.

42 f. "Targeted job" means a job in a business which
43 is or will be located in an urban renewal area of a
44 pilot project city that pays a wage at least equal to
45 the countywide average wage. "Targeted job" includes
46 new or retained jobs from Iowa business expansions
47 or retentions within the city limits of the pilot
48 project city and those jobs resulting from established
49 out-of-state businesses, as defined by the department
50 of economic development, moving to or expanding in

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1 Iowa.

2 Sec. 143. Section 403.19A, subsection 3, paragraph
3 c, subparagraph (1), Code 2011, is amended to read as
4 follows:

5 (1) The pilot project city shall enter into a
6 withholding agreement with each employer concerning
7 the targeted jobs withholding credit. The withholding
8 agreement shall provide for the total amount of
9 withholding tax credits awarded. An agreement shall
10 not provide for an amount of withholding credits that
11 exceeds the amount of the qualifying investment made in
12 the project. An agreement shall not be entered into by
13 a pilot project city with a business currently located
14 in this state unless the business either creates or
15 retains ten new jobs or makes a qualifying investment
16 of at least five hundred thousand dollars within
17 the urban renewal area. The withholding agreement
18 may have a term of up to ten years. An employer
19 shall not be obligated to enter into a withholding
20 agreement. An agreement shall not be entered into with
21 an employer not already located in a pilot project
22 city when another Iowa community is competing for the
23 same project and both the pilot project city and the
24 other Iowa community are seeking assistance from the
25 department.

26 Sec. 144. Section 403.19A, subsection 3, paragraph
27 f, Code 2011, is amended to read as follows:

28 f. If the employer ceases to meet the requirements
29 of the withholding agreement, the agreement shall be
30 terminated and any withholding tax credits for the
31 benefit of the employer shall cease. However, in
32 regard to the number of ~~new~~ jobs that are to be created
33 or retained, if the employer has met the number of
34 ~~new~~ jobs to be created or retained pursuant to the
35 withholding agreement and subsequently the number of
36 ~~new~~ jobs falls below the required level, the employer
37 shall not be considered as not meeting the ~~new~~ job
38 requirement until eighteen months after the date of the
39 decrease in the number of ~~new~~ jobs created or retained.

40 Sec. 145. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
41 APPLICABILITY. This division of this Act, being
42 deemed of immediate importance, takes effect upon
43 enactment and applies retroactively to July 1, 2006,
44 for agreements entered into on or after that date.

45 DIVISION XIX

46 DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

47 Sec. 146. Section 422.9, Code 2011, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 9. A taxpayer is allowed to take
50 the deduction for disaster-related casualty losses

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1 under section 165(h) of the Internal Revenue Code, as
2 modified by the Heartland Disaster Relief Act of 2008,
3 Pub. L. No. 110-343, in computing net income for state
4 tax purposes.

5 Sec. 147. Notwithstanding any provision to the
6 contrary in section 422.25, subsection 3, a taxpayer
7 who files an amended return in the time permitted by
8 statute to claim a refund related to the allowance of
9 the deduction enacted in this division of this Act is
10 only entitled to a refund of the amount paid that is
11 in excess of tax liability. The taxpayer shall not be
12 entitled to interest on such excess.

13 Sec. 148. EFFECTIVE DATE AND RETROACTIVE
14 APPLICABILITY. This division of this Act, being deemed
15 of immediate importance, takes effect upon enactment
16 and applies retroactively to January 1, 2008, for
17 tax years beginning on or after that date and before
18 January 1, 2009.

19 DIVISION XX

20 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND
21 INSTALLERS — ELECTRICIANS AND ELECTRICAL CONTRACTORS
22 — LICENSING

23 Sec. 149. Section 100C.1, subsection 13, Code 2011,
24 is amended by adding the following new paragraph:
25 NEW PARAGRAPH. c. For a telecommunications
26 company that has been issued a certificate of public
27 convenience and necessity pursuant to section 476.29,
28 a person with whom the telecommunications company
29 contracts, who is certified by the national institute
30 for certification in engineering technologies as
31 required in paragraph "a" or "b" or who meets any other
32 criteria established by rule.

33 Sec. 150. Section 100C.2, subsection 3, Code 2011,
34 is amended by adding the following new paragraph:
35 NEW PARAGRAPH. d. This subsection shall not
36 apply to a responsible managing employee with whom a
37 telecommunications company contracts as provided in
38 section 100C.1, subsection 13, paragraph "c".

39 Sec. 151. NEW SECTION. 103.1A Term "commercial"
40 applied.

41 As used in this chapter:

42 1. "Commercial" refers to a use, installation,
43 structure, or premises associated with a place of
44 business where goods, wares, services, or merchandise
45 is stored or offered for sale on a wholesale or retail
46 basis.

47 2. "Commercial" refers to a residence only if
48 the residence is also used as a place of business as
49 provided in subsection 1.

50 3. "Commercial" does not refer to a use,

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1 installation, structure, or premises associated with
2 any of the following:

3 a. A farm.

4 b. An industrial installation.

5 Sec. 152. Section 103.22, subsection 7, Code 2011,
6 is amended to read as follows:

7 7. Prohibit an owner of property from performing
8 work on the owner's principal residence, if such
9 residence is an existing dwelling rather than new
10 construction and is not an apartment that is attached
11 to any other apartment or building, as those terms are
12 defined in section 499B.2, and is not larger than a
13 single-family dwelling, ~~or farm property, excluding~~
14 ~~commercial or industrial installations or installations~~
15 ~~in public use buildings or facilities, or require~~
16 such owner to be licensed under this chapter. In
17 order to qualify for inapplicability pursuant to this
18 subsection, a residence shall qualify for the homestead
19 tax exemption.

20 Sec. 153. Section 103.22, Code 2011, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 15. Apply to a person performing
23 any installation on a farm, if the person is associated
24 with the farm as a holder of a legal or equitable
25 interest, a relative or employee of the holder, or
26 an operator or manager of the farm. The provisions
27 of this chapter do not require such person to be
28 licensed. In addition, a permit is not required for an
29 installation on a farm, and an installation on a farm
30 is not required to be inspected. In order for a farm
31 building to qualify under this subsection, the farm
32 building must not be regularly open to the public as a
33 place of business for the retail sale of goods, wares,
34 services, or merchandise.

35 DIVISION XXI

36 CLASS "A" FELONIES — JUVENILES

37 Sec. 154. Section 902.1, Code 2011, is amended to
38 read as follows:

39 902.1 Class "A" felony.

40 1. Upon a plea of guilty, a verdict of guilty, or
41 a special verdict upon which a judgment of conviction
42 of a class "A" felony may be rendered, the court shall
43 enter a judgment of conviction and shall commit the
44 defendant into the custody of the director of the
45 Iowa department of corrections for the rest of the
46 defendant's life. Nothing in the Iowa corrections code
47 pertaining to deferred judgment, deferred sentence,
48 suspended sentence, or reconsideration of sentence
49 applies to a class "A" felony, and a person convicted
50 of a class "A" felony shall not be released on parole

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1 unless the governor commutes the sentence to a term of
2 years.

3 2. a. Notwithstanding subsection 1, a person
4 convicted of a class "A" felony, and who was under the
5 age of eighteen at the time the offense was committed
6 shall be eligible for parole after serving a minimum
7 term of confinement of twenty-five years.

8 b. If a person is paroled pursuant to this
9 subsection the person shall be subject to the same set
10 of procedures set out in chapters 901B, 905, 906, and
11 chapter 908, and rules adopted under those chapters for
12 persons on parole.

13 c. A person convicted of murder in the first degree
14 in violation of section 707.2 shall not be eligible for
15 parole pursuant to this subsection.

16 Sec. 155. EFFECTIVE UPON ENACTMENT. This division
17 of this Act, being deemed of immediate importance,
18 takes effect upon enactment.

19 DIVISION XXII

20 SCHOOL DRESS CODES

21 Sec. 156. Section 279.58, subsection 1, Code 2011,
22 is amended by striking the subsection.

23 Sec. 157. Section 279.58, subsection 2, Code 2011,
24 is amended to read as follows:

25 2. The board of directors of a school district may
26 adopt, for the district or for an individual school
27 within the district, a dress code policy that ~~prohibits~~
28 ~~students from wearing gang-related or other specific~~
29 ~~apparel prescribes standard dress, or that otherwise~~
30 imposes limitations on student dress without limiting
31 a student's constitutional rights and privileges.

32 if the board determines that the policy is necessary
33 for ~~would improve~~ the health, safety, or positive
34 educational environment of students and staff in the
35 school environment or for the appropriate discipline
36 and operation of the school.

37 3. Adoption and enforcement of a dress code policy
38 pursuant to this section is not a violation of section
39 280.22.

40 Sec. 158. EFFECTIVE UPON ENACTMENT. This division
41 of this Act, being deemed of immediate importance,
42 takes effect upon enactment.

43 DIVISION XXIII

44 DAYS OF INSTRUCTION

45 Sec. 159. Section 256.7, subsection 19, Code 2011,
46 is amended to read as follows:

47 19. Define the ~~minimum school day as a day~~
48 ~~consisting of five and one-half hours of instructional~~
49 ~~time for grades one through twelve. The minimum~~
50 hours as time spent with a licensed teacher that shall

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1 be exclusive of the lunch period and parent-teacher
2 conferences, but may include passing time between
3 classes. ~~Time spent on parent-teacher conferences~~
4 ~~shall be considered instructional time. A school or~~
5 ~~school district may record a day of school with less~~
6 ~~than the minimum instructional hours as a minimum~~
7 ~~school day if any of the following apply:~~
8 a. ~~If emergency health or safety factors require~~
9 ~~the late arrival or early dismissal of students on a~~
10 ~~specific day.~~
11 b. ~~If the total hours of instructional school~~
12 ~~time for grades one through twelve for any five~~
13 ~~consecutive school days equal a minimum of twenty-seven~~
14 ~~and one-half hours, even though any one day of~~
15 ~~school is less than the minimum instructional hours~~
16 ~~because of a staff development opportunity provided~~
17 ~~for the professional instructional staff or because~~
18 ~~parent-teacher conferences have been scheduled~~
19 ~~beyond the regular school day. Furthermore, if the~~
20 ~~total hours of instructional time for the first four~~
21 ~~consecutive days equal at least twenty-seven and~~
22 ~~one-half hours because parent-teacher conferences~~
23 ~~have been scheduled beyond the regular school day, a~~
24 ~~school or school district may record zero hours of~~
25 ~~instructional time on the fifth consecutive school day~~
26 ~~as a minimum school day.~~
27 Sec. 160. Section 256F.4, subsection 5, Code 2011,
28 is amended to read as follows:
29 5. A charter school or innovation zone school shall
30 provide instruction for at least the number of ~~days~~
31 hours required by section 279.10, subsection 1, ~~or~~
32 ~~shall provide at least the equivalent number of total~~
33 ~~hours.~~
34 Sec. 161. Section 279.10, subsection 1, Code 2011,
35 is amended to read as follows:
36 1. The school year for each school district and
37 accredited nonpublic school shall begin on ~~the first~~
38 ~~day of July 1~~ and each regularly established elementary
39 and secondary school shall begin no sooner than a day
40 during the calendar week in which the first day of
41 September falls but no later than the first Monday
42 in December. However, if the first day of September
43 falls on a Sunday, school may begin on a day during the
44 calendar week which immediately precedes the first day
45 of September. ~~School shall continue for at least one~~
46 ~~hundred eighty days, except as provided in subsection~~
47 ~~3, and may be maintained. The school calendar shall~~
48 include not less than one thousand eighty hours of
49 instruction during the entire calendar year. ~~However,~~
50 ~~if The board of directors of a school district and the~~

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1 authorities in charge of an accredited nonpublic school
2 shall set the number of days of required attendance
3 for the school year as provided in section 299.1,
4 subsection 2, but the board of directors of a school
5 district shall hold a public hearing on any proposed
6 school calendar prior to adopting the school calendar.
7 If the board of directors of a district or the
8 authorities in charge of an accredited nonpublic school
9 extends the school calendar because inclement weather
10 caused the school district or accredited nonpublic
11 school to temporarily close school during the regular
12 school calendar, the school district or accredited
13 nonpublic school may excuse a graduating senior who
14 has met district or school requirements for graduation
15 from attendance during the extended school calendar. A
16 school corporation may begin employment of personnel
17 for in-service training and development purposes before
18 the date to begin elementary and secondary school.

19 Sec. 162. Section 279.10, subsections 2 and 3, Code
20 2011, are amended by striking the subsections.
21 Sec. 163. Section 299.4, subsection 1, Code 2011,
22 is amended to read as follows:

23 1. The parent, guardian, or legal custodian of a
24 child who is of compulsory attendance age, who places
25 the child under competent private instruction under
26 either section 299A.2 or 299A.3, not in an accredited
27 school or a home school assistance program operated
28 by a school district or accredited nonpublic school,
29 shall furnish a report in duplicate on forms provided
30 by the public school district, to the district by the
31 ~~earliest starting date specified in section 279.10,~~
32 subsection 1 September 1 of the school year in which
33 the child will be under competent private instruction.
34 The secretary shall retain and file one copy and
35 forward the other copy to the district's area education
36 agency. The report shall state the name and age of the
37 child, the period of time during which the child has
38 been or will be under competent private instruction
39 for the year, an outline of the course of study, texts
40 used, and the name and address of the instructor. The
41 parent, guardian, or legal custodian of a child, who is
42 placing the child under competent private instruction
43 for the first time, shall also provide the district
44 with evidence that the child has had the immunizations
45 required under section 139A.8, and, if the child is
46 elementary school age, a blood lead test in accordance
47 with section 135.105D. The term "outline of course of
48 study" shall include subjects covered, lesson plans,
49 and time spent on the areas of study.

50 Sec. 164. REPEAL. Section 256.22, Code 2011, is

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1 repealed.

2 Sec. 165. EFFECTIVE DATE. This division of this
3 Act takes effect July 1, 2012.

4 DIVISION XXIV

5 MEDICATION THERAPY MANAGEMENT

6 Sec. 166. 2010 Iowa Acts, chapter 1193, section
7 166, subsections 2 and 3, are amended to read as
8 follows:

9 2. a. Prior to July 1, 2010, the department of
10 administrative services shall utilize a request for
11 proposals process to contract for the provision of
12 medication therapy management services beginning
13 July 1, 2010, and prior to July 1, 2011, shall amend
14 the contract to continue the provision of medication
15 therapy management services beginning July 1, 2011,
16 for eligible employees who meet any of the following
17 criteria:

18 (1) An individual who takes four or more
19 prescription drugs to treat or prevent two or more
20 chronic medical conditions.

21 (2) An individual with a prescription drug therapy
22 problem who is identified by the prescribing physician
23 or other appropriate prescriber, and referred to a
24 pharmacist for medication therapy management services.

25 (3) An individual who meets other criteria
26 established by the third-party payment provider
27 contract, policy, or plan.

28 ~~b. The department of administrative services shall~~
29 ~~utilize an advisory committee comprised of an equal~~
30 ~~number of physicians and pharmacists to provide advice~~
31 ~~and oversight regarding the request for proposals and~~
32 ~~evaluation processes. The department shall appoint the~~
33 ~~members of the advisory council based upon designees~~
34 ~~of the Iowa pharmacy association, the Iowa medical~~
35 ~~society, and the Iowa osteopathic medical association.~~

36 e. ~~b.~~ The contract shall require the company
37 to provide annual reports to the general assembly
38 detailing the costs, savings, estimated cost avoidance
39 and return on investment, and patient outcomes
40 related to the medication therapy management services
41 provided. The company shall guarantee demonstrated
42 annual savings, including any savings associated with
43 cost avoidance at least equal to the program's costs
44 with any shortfall amount refunded to the state. As
45 a proof of concept in the program for the period
46 beginning July 1, 2010, and ending June 30, 2011, the
47 company shall offer a dollar-for-dollar guarantee for
48 drug product costs savings alone. Prior to entering
49 into a contract with a company, the department and
50 the company shall agree on the terms, conditions,

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1 and applicable measurement standards associated
2 with the demonstration of savings. The department
3 shall verify the demonstrated savings reported by
4 the company was performed in accordance with the
5 agreed upon measurement standards. The company shall
6 be prohibited from using the company's employees to
7 provide the medication therapy management services and
8 shall instead be required to contract with licensed
9 pharmacies, pharmacists, or physicians.

10 d. The fees for pharmacist-delivered medication
11 therapy management services shall be separate from
12 the reimbursement for prescription drug product or
13 dispensing services; shall be determined by each
14 third-party payment provider contract, policy, or plan;
15 and must be reasonable based on the resources and time
16 required to provide the service.

17 e. A fee shall be established for physician
18 reimbursement for services delivered for medication
19 therapy management as determined by each third-party
20 payment provider contract, policy, or plan, and must be
21 reasonable based on the resources and time required to
22 provide the service.

23 f. If any part of the medication therapy management
24 plan developed by a pharmacist incorporates services
25 which are outside the pharmacist's independent scope
26 of practice including the initiation of therapy,
27 modification of dosages, therapeutic interchange, or
28 changes in drug therapy, the express authorization
29 of the individual's physician or other appropriate
30 prescriber is required.

31 g. For the contract period beginning July 1, 2011,
32 the department shall utilize the services of the
33 college of pharmacy at a state university to validate
34 reported drug cost savings.

35 h. The results of the pilot program for the period
36 beginning July 1, 2010, and ending December 31, 2011,
37 shall be submitted to the general assembly no later
38 than March 1, 2012.

39 3. This section is repealed December 31, ~~2011~~ 2012.

40 Sec. 167. TRANSFER — MEDICATION THERAPY MANAGEMENT
41 PROGRAM. There is transferred \$510,000 from the
42 fees collected by the board of pharmacy pursuant to
43 chapter 155A and retained by the board pursuant to the
44 authority granted in section 147.82 to the department
45 of administrative services for the fiscal year
46 beginning July 1, 2011, and ending June 30, 2012, to be
47 used to be used for the medication therapy management
48 program.

49 Sec. 168. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
50 APPLICABILITY. This division of this Act, being deemed

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1 of immediate importance, takes effect upon enactment,
2 and is retroactively applicable to June 15, 2011.

3 DIVISION XXV

4 CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

5 Sec. 169. SENATE FILE 508 EFFECTIVE DATE. Unless
6 otherwise provided, if 2011 Iowa Acts, Senate File 508,
7 as enacted, is approved by the governor on or after
8 July 1, 2011, the Act takes effect upon enactment and
9 applies retroactively to July 1, 2011.

10 Sec. 170. SENATE FILE 511 EFFECTIVE DATE. Unless
11 otherwise provided, if 2011 Iowa Acts, Senate File 511,
12 as enacted, is approved by the governor on or after
13 July 1, 2011, the Act takes effect upon enactment and
14 applies retroactively to July 1, 2011.

15 Sec. 171. SENATE FILE 525 EFFECTIVE DATE. Unless
16 otherwise provided, if 2011 Iowa Acts, Senate File 525,
17 as enacted, is approved by the governor on or after
18 July 1, 2011, the Act takes effect upon enactment and
19 applies retroactively to June 30, 2011.

20 Sec. 172. SENATE FILE 148 EFFECTIVE DATE. Unless
21 otherwise provided, if 2011 Iowa Acts, House File 148,
22 as enacted, is approved by the governor on or after
23 July 1, 2011, the Act takes effect upon enactment and
24 applies retroactively to June 30, 2011.

25 Sec. 173. EFFECTIVE UPON ENACTMENT AND
26 APPLICABILITY. This division of this Act, being deemed
27 of immediate importance, takes effect upon enactment
28 and applies as provided by this division of this Act.

29 DIVISION XXVI

30 NOTICE OF MORTGAGE MEDIATION ASSISTANCE — SUNSET

31 Sec. 174. Section 654.4B, subsection 2, paragraph
32 b, Code 2011, is amended to read as follows:

33 b. This subsection is repealed July 1, ~~2011~~ 2012.

34 Sec. 175. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
35 APPLICABILITY. This division of this Act, being deemed
36 of immediate importance, takes effect upon enactment
37 and, if approved by the governor on or after July 1,
38 2011, applies retroactively to June 30, 2011.

39 DIVISION XXVII

40 HOUSING DEVELOPMENT — TAX STATUS

41 Sec. 176. Section 405.1, Code 2011, is amended to
42 read as follows:

43 405.1 Housing development — tax status —
44 limitation.

45 ~~1. The board of supervisors of a county with a~~
46 ~~population of less than twenty thousand~~ may adopt
47 an ordinance providing that property acquired and
48 subdivided for development of housing shall continue
49 to be assessed for taxation in the manner that it was
50 prior to the acquisition for housing. Each lot shall

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1 continue to be taxed in the manner it was prior to
2 its acquisition for housing until the lot is sold for
3 construction or occupancy of housing or ~~five~~ ten years
4 from the date of subdivision, whichever is shorter.
5 Upon the sale or the expiration of the ~~five-year~~
6 ten-year period, the property shall be assessed for
7 taxation as residential or commercial multifamily
8 property, whichever is applicable.

9 ~~2. The board of supervisors of a county with
10 a population of twenty thousand or more may adopt
11 an ordinance providing that property acquired and
12 subdivided for development of housing shall continue
13 to be assessed for taxation in the manner that it was
14 prior to the acquisition for housing. Each lot shall
15 continue to be taxed in the manner it was prior to
16 its acquisition for housing until the lot is sold for
17 construction or occupancy of housing or three years
18 from the date of subdivision, whichever is shorter.
19 Upon the sale or the expiration of the three-year
20 period, the property shall be assessed for taxation
21 as residential or commercial multifamily property,
22 whichever is applicable.~~

23 Sec. 177. Section 441.72, Code 2011, is amended to
24 read as follows:

25 441.72 Assessment of platted lots.

26 When a subdivision plat is recorded pursuant to
27 chapter 354, the individual lots within the subdivision
28 plat shall not be assessed in excess of the total
29 assessment of the land as acreage or unimproved
30 property for ~~three~~ ten years after the recording of
31 the plat or until the lot is actually improved with
32 permanent construction, whichever occurs first. When
33 an individual lot has been improved with permanent
34 construction, the lot shall be assessed for taxation
35 purposes as provided in chapter 428 and this chapter.
36 This section does not apply to special assessment
37 levies.

38 Sec. 178. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
39 APPLICABILITY. This division of this Act, being deemed
40 of immediate importance, takes effect upon enactment
41 and applies retroactively to assessment years beginning
42 on or after January 1, 2011. The division applies to
43 subdivision plats recorded on or after January 1, 2004.

44 DIVISION XXVIII

45 CONDITIONAL RETROACTIVE APPLICABILITY

46 Sec. 179. RETROACTIVE APPLICABILITY. Unless
47 otherwise provided, this Act, if approved by

48 the governor on or after July 1, 2011, applies
49 retroactively to July 1, 2011.>
50 2. By renumbering as necessary.

WAGNER of Linn

H-1750

1 Amend the Senate amendment, H-1682, to House File
2 646, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 5, through page 36,
5 line 47, and inserting:

6 <DIVISION I
7 FY 2011-2012

8 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

9 1. There is appropriated from the general fund of
10 the state to the department of administrative services
11 for the fiscal year beginning July 1, 2011, and ending
12 June 30, 2012, the following amounts, or so much
13 thereof as is necessary, to be used for the purposes
14 designated, and for not more than the following
15 full-time equivalent positions:

16 a. For salaries, support, maintenance, and
17 miscellaneous purposes:

18 \$ 4,020,344
19 FTEs 84.18

20 b. For the payment of utility costs:

21 \$ 2,626,460
22 FTEs 1.00

23 Notwithstanding section 8.33, any excess funds
24 appropriated for utility costs in this lettered
25 paragraph shall not revert to the general fund of the
26 state at the end of the fiscal year but shall remain
27 available for expenditure for the purposes of this
28 lettered paragraph during the succeeding fiscal year.

29 c. For Terrace Hill operations:

30 \$ 405,914
31 FTEs 6.88

32 d. For the I3 distribution account:

33 \$ 3,277,946

34 e. For operations and maintenance of the Iowa
35 building:

36 \$ 995,535
37 FTEs 7.00

38 2. Members of the general assembly serving as
39 members of the deferred compensation advisory board
40 shall be entitled to receive per diem and necessary
41 travel and actual expenses pursuant to section 2.10,
42 subsection 5, while carrying out their official duties
43 as members of the board.

44 3. Any funds and premiums collected by the

45 department for workers' compensation shall be
46 segregated into a separate workers' compensation
47 fund in the state treasury to be used for payment of
48 state employees' workers' compensation claims and
49 administrative costs. Notwithstanding section 8.33,
50 unencumbered or unobligated moneys remaining in this

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1 workers' compensation fund at the end of the fiscal
2 year shall not revert but shall be available for
3 expenditure for purposes of the fund for subsequent
4 fiscal years.

5 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.

6 1. A state agency that has entered into a lease
7 for any buildings or office space shall forward a
8 copy of each such existing lease to the department of
9 administrative services for review prior to July 1,
10 2011.

11 2. A state agency that is in the process of
12 entering into or renewing a lease for any building
13 or office space shall contact the department of
14 administrative services prior to finalizing such lease.
15 Such lease shall not be entered into or renewed without
16 the approval of the department.

17 3. The department shall provide space management
18 services and begin to lease all buildings and office
19 space wherever located throughout the state as provided
20 in section 8A.321, as amended by this Act, as soon
21 as practicable, but by no later than December 1,
22 2011. Prior to assuming those responsibilities,
23 the department shall review and approve leases under
24 subsection 2 unless, in the department's discretion, it
25 is determined that entering into or renewing such lease
26 would not be in the best interests of the state.

27 4. The department is authorized to assess a fee
28 to a state agency for which a lease is negotiated
29 or renewed pursuant to this Act sufficient to cover
30 the department's costs in providing space management
31 services under this Act.

32 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.

33 1. If this Act is approved by the governor
34 prior to July 1, 2011, the electronic online travel
35 authorization form provided for in section 8A.512A, if
36 enacted, shall be developed on or before July 1, 2011,
37 and executive branch employees subject to that section
38 traveling out of state on behalf of the state shall
39 utilize the form on and after that date.

40 2. The database to be made available by the
41 department of administrative services as provided in
42 section 8A.512A, if enacted, shall be developed and
43 available for public access on or before January 1,

44 2012.
45 3. The department shall develop a plan for
46 converting the existing reimbursement process to a
47 paperless process, including implementation steps, a
48 timeline, and an estimated budget. The plan shall be
49 submitted to the governor by no later than January 1,
50 2012.

Page 3

1 Sec. 4. REVOLVING FUNDS. There is appropriated
2 to the department of administrative services for the
3 fiscal year beginning July 1, 2011, and ending June
4 30, 2012, from the revolving funds designated in
5 chapter 8A and from internal service funds created
6 by the department such amounts as the department
7 deems necessary for the operation of the department
8 consistent with the requirements of chapter 8A.

9 Sec. 5. FUNDING FOR IOWACCESS.

10 1. Notwithstanding section 321A.3, subsection
11 1, for the fiscal year beginning July 1, 2011, and
12 ending June 30, 2012, the first \$750,000 collected
13 and transferred by the department of transportation
14 to the treasurer of state with respect to the fees
15 for transactions involving the furnishing of a
16 certified abstract of a vehicle operating record under
17 section 321A.3, subsection 1, shall be transferred
18 to the IowAccess revolving fund for the purposes of
19 developing, implementing, maintaining, and expanding
20 electronic access to government records as provided by
21 law.

22 2. All fees collected with respect to transactions
23 involving IowAccess shall be deposited in the IowAccess
24 revolving fund and shall be used only for the support
25 of IowAccess projects.

26 3. For the fiscal year beginning July 1, 2011,
27 and ending June 30, 2012, there is appropriated from
28 the IowAccess revolving fund, to the office of the
29 secretary of state \$75,000 for costs associated with
30 decennial redistricting.

31 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE
32 ADMINISTRATION CHARGE. For the fiscal year beginning
33 July 1, 2011, and ending June 30, 2012, the monthly per
34 contract administrative charge which may be assessed by
35 the department of administrative services shall be \$2
36 per contract on all health insurance plans administered
37 by the department.

38 Sec. 7. AUDITOR OF STATE.

39 1. There is appropriated from the general fund of
40 the state to the office of the auditor of state for the
41 fiscal year beginning July 1, 2011, and ending June 30,
42 2012, the following amount, or so much thereof as is

43 necessary, to be used for the purposes designated, and
44 for not more than the following full-time equivalent
45 positions:

46 For salaries, support, maintenance, and
47 miscellaneous purposes:

48 \$ 905,468
49 FTEs 103.00

50 2. The auditor of state may retain additional

Page 4

1 full-time equivalent positions as is reasonable and
2 necessary to perform governmental subdivision audits
3 which are reimbursable pursuant to section 11.20
4 or 11.21, to perform audits which are requested by
5 and reimbursable from the federal government, and
6 to perform work requested by and reimbursable from
7 departments or agencies pursuant to section 11.5A
8 or 11.5B. The auditor of state shall notify the
9 department of management, the legislative fiscal
10 committee, and the legislative services agency of the
11 additional full-time equivalent positions retained.

12 3. The auditor of state shall allocate resources
13 from the appropriation in this section solely for audit
14 work related to the comprehensive annual financial
15 report, federally required audits, and investigations
16 of embezzlement, theft, or other significant financial
17 irregularities until the audit of the comprehensive
18 annual financial report is complete.

19 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE
20 BOARD. There is appropriated from the general fund of
21 the state to the Iowa ethics and campaign disclosure
22 board for the fiscal year beginning July 1, 2011, and
23 ending June 30, 2012, the following amount, or so much
24 thereof as is necessary, for the purposes designated:

25 For salaries, support, maintenance, and
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:

28 \$ 475,000
29 FTEs 5.00

30 Sec. 9. DEPARTMENT OF COMMERCE.

31 1. There is appropriated from the general fund
32 of the state to the department of commerce for the
33 fiscal year beginning July 1, 2011, and ending June 30,
34 2012, the following amounts, or so much thereof as is
35 necessary, for the purposes designated:

36 a. ALCOHOLIC BEVERAGES DIVISION

37 (1) For salaries, support, maintenance, and
38 miscellaneous purposes, and for not more than the
39 following full-time equivalent positions:

40 \$ 1,220,391
41 FTEs 21.00

42 (2) Of the funds appropriated pursuant to this
43 paragraph, up to \$60,000 shall be used to establish
44 and implement a web-based alcohol compliance employee
45 training program for alcoholic beverage sales
46 personnel.

47 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

48 For salaries, support, maintenance, and
49 miscellaneous purposes, and for not more than the
50 following full-time equivalent positions:

Page 5

1 \$ 600,353
2 FTEs 12.00

3 2. There is appropriated from the department of
4 commerce revolving fund created in section 546.12
5 to the department of commerce for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the
7 following amounts, or so much thereof as is necessary,
8 for the purposes designated:

9 a. BANKING DIVISION

10 For salaries, support, maintenance, and
11 miscellaneous purposes, and for not more than the
12 following full-time equivalent positions:

13 \$ 8,851,670
14 FTEs 80.00

15 b. CREDIT UNION DIVISION

16 For salaries, support, maintenance, and
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19 \$ 1,727,995
20 FTEs 19.00

21 c. INSURANCE DIVISION

22 (1) For salaries, support, maintenance, and
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:

25 \$ 4,983,244
26 FTEs 106.50

27 (2) The insurance division may reallocate
28 authorized full-time equivalent positions as necessary
29 to respond to accreditation recommendations or
30 requirements. The insurance division expenditures
31 for examination purposes may exceed the projected
32 receipts, refunds, and reimbursements, estimated
33 pursuant to section 505.7, subsection 7, including the
34 expenditures for retention of additional personnel,
35 if the expenditures are fully reimbursable and the
36 division first does both of the following:

37 (a) Notifies the department of management, the
38 legislative services agency, and the legislative fiscal
39 committee of the need for the expenditures.

40 (b) Files with each of the entities named in

41 subparagraph division (a) the legislative and
42 regulatory justification for the expenditures, along
43 with an estimate of the expenditures.

44 d. UTILITIES DIVISION

45 (1) For salaries, support, maintenance, and
46 miscellaneous purposes, and for not more than the
47 following full-time equivalent positions:

48 \$ 8,173,069
49 FTEs 79.00

50 (2) The utilities division may expend additional

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1 funds, including funds for additional personnel, if
2 those additional expenditures are actual expenses which
3 exceed the funds budgeted for utility regulation and
4 the expenditures are fully reimbursable. Before the
5 division expends or encumbers an amount in excess of
6 the funds budgeted for regulation, the division shall
7 first do both of the following:

8 (a) Notify the department of management, the
9 legislative services agency, and the legislative fiscal
10 committee of the need for the expenditures.

11 (b) File with each of the entities named in
12 subparagraph division (a) the legislative and
13 regulatory justification for the expenditures, along
14 with an estimate of the expenditures.

15 (3) Notwithstanding sections 8.33 and 476.10 or
16 any other provisions to the contrary, any unencumbered
17 or unobligated balance of the appropriation made in
18 this paragraph for the utilities division or any other
19 operational appropriation made for the fiscal year
20 beginning July 1, 2011, and ending June 30, 2012,
21 that remains unused, unencumbered, or unobligated
22 at the close of the fiscal year shall not revert but
23 shall remain available to be used for purposes of the
24 energy-efficient building project authorized under
25 section 476.10B, or for relocation costs in succeeding
26 fiscal years.

27 (4) In addition to the funds otherwise appropriated
28 to the division in subparagraph (1), and contingent
29 upon the enactment of legislation during the 2011
30 legislative session relating to the permitting,
31 licensing, construction, and operation of nuclear
32 generation facilities and establishing rate-making
33 principles in relation thereto, for salaries, support,
34 maintenance, and miscellaneous purposes, and for not
35 more than the following full-time equivalent positions:

36 \$ 500,000
37 FTEs 3.50

38 3. CHARGES. Each division and the office of
39 consumer advocate shall include in its charges

40 assessed or revenues generated an amount sufficient
41 to cover the amount stated in its appropriation and
42 any state-assessed indirect costs determined by the
43 department of administrative services.

44 Sec. 10. DEPARTMENT OF COMMERCE — PROFESSIONAL
45 LICENSING AND REGULATION BUREAU. There is appropriated
46 from the housing trust fund of the Iowa finance
47 authority created in section 16.181, to the bureau of
48 professional licensing and regulation of the banking
49 division of the department of commerce for the fiscal
50 year beginning July 1, 2011, and ending June 30,

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1 2012, the following amount, or so much thereof as is
2 necessary, to be used for the purposes designated:

3 For salaries, support, maintenance, and
4 miscellaneous purposes:

5 \$ 62,317

6 Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There
7 is appropriated from the general fund of the state to
8 the offices of the governor and the lieutenant governor
9 for the fiscal year beginning July 1, 2011, and ending
10 June 30, 2012, the following amounts, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:

13 For salaries, support, maintenance, and
14 miscellaneous purposes:

15 \$ 2,288,025

16 FTEs 22.88

17 Sec. 12. GOVERNOR'S OFFICE OF DRUG CONTROL
18 POLICY. There is appropriated from the general fund
19 of the state to the governor's office of drug control
20 policy for the fiscal year beginning July 1, 2011, and
21 ending June 30, 2012, the following amount, or so much
22 thereof as is necessary, to be used for the purposes
23 designated:

24 For salaries, support, maintenance, and
25 miscellaneous purposes, including statewide
26 coordination of the drug abuse resistance education
27 (D.A.R.E.) programs or similar programs, and for not
28 more than the following full-time equivalent positions:

29 \$ 290,000

30 FTEs 8.00

31 Sec. 13. DEPARTMENT OF HUMAN RIGHTS. There is
32 appropriated from the general fund of the state to
33 the department of human rights for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the
35 following amounts, or so much thereof as is necessary,
36 to be used for the purposes designated:

37 1. CENTRAL ADMINISTRATION DIVISION

38 For salaries, support, maintenance, and

39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:
 41 \$ 206,103
 42 FTEs 7.00
 43 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
 44 For salaries, support, maintenance, and
 45 miscellaneous purposes, and for not more than the
 46 following full-time equivalent positions:
 47 \$ 1,028,077
 48 FTEs 17.00
 49 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 50 For salaries, support, maintenance, and

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1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:
 3 \$ 1,023,892
 4 FTEs 10.00
 5 The criminal and juvenile justice planning advisory
 6 council and the juvenile justice advisory council
 7 shall coordinate their efforts in carrying out their
 8 respective duties relative to juvenile justice.
 9 Sec. 14. DEPARTMENT OF INSPECTIONS AND
 10 APPEALS. There is appropriated from the general fund
 11 of the state to the department of inspections and
 12 appeals for the fiscal year beginning July 1, 2011, and
 13 ending June 30, 2012, the following amounts, or so much
 14 thereof as is necessary, for the purposes designated:
 15 1. ADMINISTRATION DIVISION
 16 For salaries, support, maintenance, and
 17 miscellaneous purposes, and for not more than the
 18 following full-time equivalent positions:
 19 \$ 1,527,740
 20 FTEs 37.40
 21 2. ADMINISTRATIVE HEARINGS DIVISION
 22 For salaries, support, maintenance, and
 23 miscellaneous purposes, and for not more than the
 24 following full-time equivalent positions:
 25 \$ 528,753
 26 FTEs 23.00
 27 3. INVESTIGATIONS DIVISION
 28 a. For salaries, support, maintenance, and
 29 miscellaneous purposes, and for not more than the
 30 following full-time equivalent positions:
 31 \$ 1,168,639
 32 FTEs 58.50
 33 b. The department, in coordination with the
 34 investigations division, shall provide a report to
 35 the general assembly by January 10, 2012, concerning
 36 the fiscal impact of additional full-time equivalent
 37 positions on the department's efforts relative to the

38 Medicaid divestiture program under chapter 249F.
 39 4. HEALTH FACILITIES DIVISION
 40 a. For salaries, support, maintenance, and
 41 miscellaneous purposes, and for not more than the
 42 following full-time equivalent positions:
 43 \$ 3,555,328
 44 FTEs 134.75
 45 b. The department shall, in coordination with
 46 the health facilities division, make the following
 47 information available to the public in a timely
 48 manner, to include providing the information on the
 49 department's internet website, during the fiscal year
 50 beginning July 1, 2011, and ending June 30, 2012:

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1 (1) The number of inspections conducted by the
 2 division annually by type of service provider and type
 3 of inspection.
 4 (2) The total annual operations budget for the
 5 division, including general fund appropriations and
 6 federal contract dollars received by type of service
 7 provider inspected.
 8 (3) The total number of full-time equivalent
 9 positions in the division, to include the number of
 10 full-time equivalent positions serving in a supervisory
 11 capacity, and serving as surveyors, inspectors, or
 12 monitors in the field by type of service provider
 13 inspected.
 14 (4) Identification of state and federal survey
 15 trends, cited regulations, the scope and severity of
 16 deficiencies identified, and federal and state fines
 17 assessed and collected concerning nursing and assisted
 18 living facilities and programs.
 19 c. It is the intent of the general assembly that
 20 the department and division continuously solicit input
 21 from facilities regulated by the division to assess and
 22 improve the division's level of collaboration and to
 23 identify new opportunities for cooperation.
 24 5. EMPLOYMENT APPEAL BOARD
 25 a. For salaries, support, maintenance, and
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:
 28 \$ 42,215
 29 FTEs 14.00
 30 b. The employment appeal board shall be reimbursed
 31 by the labor services division of the department
 32 of workforce development for all costs associated
 33 with hearings conducted under chapter 91C, related
 34 to contractor registration. The board may expend,
 35 in addition to the amount appropriated under this
 36 subsection, additional amounts as are directly billable

37 to the labor services division under this subsection
 38 and to retain the additional full-time equivalent
 39 positions as needed to conduct hearings required
 40 pursuant to chapter 91C.
 41 6. CHILD ADVOCACY BOARD
 42 a. For foster care review and the court appointed
 43 special advocate program, including salaries, support,
 44 maintenance, and miscellaneous purposes, and for not
 45 more than the following full-time equivalent positions:
 46 \$ 2,680,290
 47 FTEs 40.80
 48 b. The department of human services, in
 49 coordination with the child advocacy board and the
 50 department of inspections and appeals, shall submit an

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1 application for funding available pursuant to Tit. IV-E
 2 of the federal Social Security Act for claims for child
 3 advocacy board administrative review costs.
 4 c. The court appointed special advocate program
 5 shall investigate and develop opportunities for
 6 expanding fund-raising for the program.
 7 d. Administrative costs charged by the department
 8 of inspections and appeals for items funded under this
 9 subsection shall not exceed 4 percent of the amount
 10 appropriated in this subsection.

11 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS
 12 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
 13 fiscal year beginning July 1, 2011, and ending June 30,
 14 2012, the department of inspections and appeals shall
 15 retain any license fees generated during the fiscal
 16 year as a result of actions under section 137F.3A
 17 occurring during the period beginning July 1, 2009, and
 18 ending June 30, 2011, for the purpose of enforcing the
 19 provisions of chapters 137C, 137D, and 137F.

20 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS —
 21 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
 22 any provision of section 135C.16 to the contrary,
 23 inspections of health care facilities that are only
 24 state-licensed and not certified under the Medicare
 25 or Medicaid programs shall not be inspected by the
 26 department of inspections and appeals every thirty
 27 months, but only as provided pursuant to sections
 28 135C.9 and 135C.38.

29 Sec. 17. DEPARTMENT OF INSPECTIONS AND
 30 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
 31 APPROPRIATION. There is appropriated from the Medicaid
 32 fraud fund created in section 249A.7 to the health
 33 facilities division of the department of inspections
 34 and appeals for the fiscal year beginning July 1, 2011,
 35 and ending June 30, 2012, the following amount, or

36 so much thereof as is necessary, to be used for the
 37 purposes designated:
 38 For salaries, support, maintenance, and
 39 miscellaneous purposes:
 40 \$ 650,000
 41 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
 42 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
 43 APPROPRIATION. There is appropriated from the Medicaid
 44 fraud fund created in section 249A.7 to the department
 45 of inspections and appeals for the fiscal year
 46 beginning July 1, 2011, and ending June 30, 2012, the
 47 amounts necessary for the purposes designated:
 48 1. To cover the cost of any state match to draw
 49 down matching federal funds through the department of
 50 human services for additional full-time equivalent

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1 positions for conducting investigations of alleged
 2 fraud and overpayments of food assistance benefits
 3 through electronic benefits transfer.
 4 2. For the state financial match requirement
 5 for meeting the federal mandates connected with the
 6 department's Medicaid fraud and abuse activities, and
 7 the amount necessary to cover costs incurred by the
 8 department or other agencies in providing regulation,
 9 responding to allegations, or other activity involving
 10 chapter 135O.
 11 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS
 12 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND
 13 APPROPRIATION. There is appropriated from the Medicaid
 14 fraud fund created in section 249A.7 to the department
 15 of inspections and appeals for the fiscal year
 16 beginning July 1, 2011, and ending June 30, 2012, the
 17 following amount, or so much thereof as is necessary,
 18 to be used for the purposes designated:
 19 For salaries, support, maintenance, miscellaneous
 20 purposes, administration, and other costs associated
 21 with implementation of 2010 Iowa Acts, chapter 1177:
 22 \$ 250,000
 23 Sec. 20. RACING AND GAMING COMMISSION.
 24 1. RACETRACK REGULATION
 25 There is appropriated from the gaming regulatory
 26 revolving fund established in section 99F.20 to the
 27 racing and gaming commission of the department of
 28 inspections and appeals for the fiscal year beginning
 29 July 1, 2011, and ending June 30, 2012, the following
 30 amount, or so much thereof as is necessary, to be used
 31 for the purposes designated:
 32 For salaries, support, maintenance, and
 33 miscellaneous purposes for the regulation of
 34 pari-mutuel racetracks, and for not more than the

35 following full-time equivalent positions:
 36 \$ 2,511,440
 37 FTEs 28.53
 38 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
 39 There is appropriated from the gaming regulatory
 40 revolving fund established in section 99F.20 to the
 41 racing and gaming commission of the department of
 42 inspections and appeals for the fiscal year beginning
 43 July 1, 2011, and ending June 30, 2012, the following
 44 amount, or so much thereof as is necessary, to be used
 45 for the purposes designated:
 46 For salaries, support, maintenance, and
 47 miscellaneous purposes for administration and
 48 enforcement of the excursion boat gambling and gambling
 49 structure laws, and for not more than the following
 50 full-time equivalent positions:

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1 \$ 3,078,100
 2 FTEs 44.22
 3 Sec. 21. ROAD USE TAX FUND APPROPRIATION —
 4 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 5 appropriated from the road use tax fund created in
 6 section 312.1 to the administrative hearings division
 7 of the department of inspections and appeals for the
 8 fiscal year beginning July 1, 2011, and ending June 30,
 9 2012, the following amount, or so much thereof as is
 10 necessary, for the purposes designated:
 11 For salaries, support, maintenance, and
 12 miscellaneous purposes:
 13 \$ 1,623,897
 14 Sec. 22. DEPARTMENT OF MANAGEMENT.
 15 1. There is appropriated from the general fund
 16 of the state to the department of management for the
 17 fiscal year beginning July 1, 2011, and ending June 30,
 18 2012, the following amounts, or so much thereof as is
 19 necessary, to be used for the purposes designated:
 20 For salaries, support, maintenance, and
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 2,393,998
 24 FTEs 25.00
 25 2. Of the moneys appropriated in this section, the
 26 department shall use a portion for enterprise resource
 27 planning, providing for a salary model administrator,
 28 conducting performance audits, and for the department's
 29 LEAN process.
 30 Sec. 23. ROAD USE TAX APPROPRIATION — DEPARTMENT
 31 OF MANAGEMENT. There is appropriated from the road use
 32 tax fund created in section 312.1 to the department
 33 of management for the fiscal year beginning July 1,

34 2011, and ending June 30, 2012, the following amount,
35 or so much thereof as is necessary, to be used for the
36 purposes designated:

37 For salaries, support, maintenance, and
38 miscellaneous purposes:

39 \$ 56,000

40 Sec. 24. DEPARTMENT OF REVENUE.

41 1. There is appropriated from the general fund
42 of the state to the department of revenue for the
43 fiscal year beginning July 1, 2011, and ending June 30,
44 2012, the following amounts, or so much thereof as is
45 necessary, to be used for the purposes designated:

46 For salaries, support, maintenance, and
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:

49 \$ 17,659,484

50 FTEs 303.48

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1 2. Of the funds appropriated pursuant to this
2 section, \$400,000 shall be used to pay the direct
3 costs of compliance related to the collection and
4 distribution of local sales and services taxes imposed
5 pursuant to chapters 423B and 423E.

6 3. The director of revenue shall prepare and issue
7 a state appraisal manual and the revisions to the
8 state appraisal manual as provided in section 421.17,
9 subsection 17, without cost to a city or county.

10 Sec. 25. MOTOR VEHICLE FUEL TAX
11 APPROPRIATION. There is appropriated from the motor
12 fuel tax fund created by section 452A.77 to the
13 department of revenue for the fiscal year beginning
14 July 1, 2011, and ending June 30, 2012, the following
15 amount, or so much thereof as is necessary, to be used
16 for the purposes designated:

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for administration and enforcement of the
19 provisions of chapter 452A and the motor vehicle use
20 tax program:

21 \$ 1,305,775

22 Sec. 26. SECRETARY OF STATE.

23 1. There is appropriated from the general fund of
24 the state to the office of the secretary of state for
25 the fiscal year beginning July 1, 2011, and ending June
26 30, 2012, the following amounts, or so much thereof as
27 is necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31 \$ 2,895,585

32 FTEs 45.00

33 2. The state department or state agency which
34 provides data processing services to support voter
35 registration file maintenance and storage shall provide
36 those services without charge.

37 Sec. 27. SECRETARY OF STATE FILING FEES REFUND.

38 Notwithstanding the obligation to collect fees pursuant
39 to the provisions of section 490.122, subsection 1,
40 paragraphs "a" and "s", and section 504.113, subsection
41 1, paragraphs "a", "c", "d", "j", "k", "l", and
42 "m", for the fiscal year beginning July 1, 2011, the
43 secretary of state may refund these fees to the filer
44 pursuant to rules established by the secretary of
45 state. The decision of the secretary of state not to
46 issue a refund under rules established by the secretary
47 of state is final and not subject to review pursuant
48 to chapter 17A.

49 Sec. 28. TREASURER.

50 1. There is appropriated from the general fund of

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1 the state to the office of treasurer of state for the
2 fiscal year beginning July 1, 2011, and ending June 30,
3 2012, the following amount, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 For salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the
7 following full-time equivalent positions:

8	\$ 854,289
9	FTEs 28.80

10 2. The office of treasurer of state shall supply
11 clerical and secretarial support for the executive
12 council.

13 Sec. 29. ROAD USE TAX APPROPRIATION — OFFICE

14 OF TREASURER OF STATE. There is appropriated from
15 the road use tax fund created in section 312.1 to
16 the office of treasurer of state for the fiscal year
17 beginning July 1, 2011, and ending June 30, 2012, the
18 following amount, or so much thereof as is necessary,
19 to be used for the purposes designated:

20 For enterprise resource management costs related to
21 the distribution of road use tax funds:
22

.....	\$ 93,148
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23 Sec. 30. IPERS — GENERAL OFFICE. There is

24 appropriated from the Iowa public employees' retirement
25 system fund to the Iowa public employees' retirement
26 system for the fiscal year beginning July 1, 2011, and
27 ending June 30, 2012, the following amount, or so much
28 thereof as is necessary, to be used for the purposes
29 designated:

30 For salaries, support, maintenance, and other
31 operational purposes to pay the costs of the Iowa

32 public employees' retirement system, and for not more
33 than the following full-time equivalent positions:

34 \$ 17,686,968

35 FTEs 90.13

36 Sec. 31. STATE CAPITOL SIDEWALK HEATING —
37 DISCONNECTION. The department of administrative
38 services shall disconnect electricity to the heated
39 sidewalk installed in the entry walkway on the East
40 side of the state capitol building, and shall not
41 reconnect the electricity without the authorization of
42 the general assembly.

43 Sec. 32. Section 8A.111, subsection 4, Code 2011,
44 is amended by striking the subsection.

45 Sec. 33. Section 8A.311, subsection 15, Code 2011,
46 is amended to read as follows:

47 15. a. A bidder ~~awarded, to be considered for an~~
48 ~~award of a state construction contract, shall disclose~~
49 ~~to the state agency awarding the contract~~ the names of
50 all subcontractors; ~~and suppliers~~ who will work on the

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1 project being bid, within forty-eight hours after the
2 ~~award of the contract published date and time by which~~
3 ~~bids must be submitted.~~

4 ~~b. A bidder shall not replace a subcontractor or~~
5 ~~supplier disclosed under paragraph "a" without the~~
6 ~~approval of the state agency awarding the contract.~~

7 ~~c. A bidder, prior to an award or who is awarded a~~
8 ~~state construction contract, shall disclose all of the~~
9 ~~following, as applicable:~~

10 ~~b. (1) If a subcontractor named or supplier~~
11 ~~disclosed under paragraph "a" by a bidder awarded~~
12 ~~a state construction contract is replaced, or if~~
13 ~~the reason for replacement and the name of the new~~
14 ~~subcontractor or supplier.~~

15 ~~(2) If the cost of work to be done by a~~
16 ~~subcontractor or supplier is reduced, the bidder shall~~
17 ~~disclose the name of the new subcontractor or changed~~
18 ~~or if the replacement of a subcontractor or supplier~~
19 ~~results in a change in the cost, the amount of the~~
20 ~~reduced change in cost.~~

21 Sec. 34. Section 8A.315, subsection 1, paragraph d,
22 Code 2011, is amended by striking the paragraph.

23 Sec. 35. Section 8A.321, subsection 6, Code 2011,
24 is amended to read as follows:

25 6. a. Lease all buildings and office space
26 necessary to carry out the provisions of this
27 subchapter or necessary for the proper functioning of
28 any state agency ~~at the seat of government wherever~~
29 ~~located throughout the state.~~ For state agencies
30 at the seat of government, the director may lease

31 buildings and office space in Polk county or in a
 32 county contiguous to Polk county. If no specific
 33 appropriation has been made, the proposed lease
 34 shall be submitted to the executive council for
 35 approval. The cost of any lease for which no specific
 36 appropriation has been made shall be paid from the fund
 37 provided in section 7D.29. Additionally, the director
 38 shall also develop cooperative relationships with the
 39 state board of regents in order to promote colocation
 40 of state agencies.

41 b. When the general assembly is not in session,
 42 the director may request moneys from the executive
 43 council for moving state agencies ~~located at the seat~~
 44 ~~of government~~ from one location to another. The
 45 request may include moving costs, telecommunications
 46 costs, repair costs, or any other costs relating to the
 47 move. The executive council may approve and shall pay
 48 the costs from funds provided in section 7D.29 if it
 49 determines the agency or department has no available
 50 funds for these expenses.

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1 ~~e. Coordinate the leasing of buildings and office~~
 2 ~~space by state agencies throughout the state and~~
 3 ~~develop cooperative relationships with the state board~~
 4 ~~of regents in order to promote the colocation of state~~
 5 ~~agencies.~~

6 Sec. 36. Section 8A.327, subsection 1, Code 2011,
 7 is amended to read as follows:

8 1. A rent revolving fund is created in the state
 9 treasury under the control of the department to be used
 10 by the department to pay the lease or rental costs of
 11 all buildings and office space necessary for the proper
 12 functioning of any state agency ~~at the seat of state~~
 13 ~~government wherever located throughout the state~~ as
 14 provided in section 8A.321, subsection 6, except that
 15 this fund shall not be used to pay the rental or lease
 16 costs of a state agency which has not received funds
 17 budgeted for rental or lease purposes.

18 Sec. 37. Section 8A.361, Code 2011, is amended to
 19 read as follows:

20 8A.361 Vehicle assignment — authority in
 21 department.

22 The department shall provide for the assignment of
 23 all ~~state-owned~~ motor vehicles to utilized by all state
 24 officers and employees, and ~~to~~ by all state offices,
 25 departments, bureaus, and commissions, except the state
 26 department of transportation, institutions under the
 27 control of the state board of regents, the department
 28 for the blind, and any other agencies exempted by law.

29 Sec. 38. Section 8A.362, subsection 4, paragraphs a

30 through c, Code 2011, are amended to read as follows:

31 a. The director shall provide for the purchase
32 of ~~all~~ motor vehicles for all branches of the
33 state government, except the state department of
34 transportation, institutions under the control of the
35 state board of regents, the department for the blind,
36 and any other state agency exempted by law, which are
37 not rented or leased pursuant to section 8A.367. The
38 director shall purchase new vehicles in accordance with
39 competitive bidding procedures for items or services as
40 provided in this subchapter. The director may purchase
41 used or preowned vehicles at governmental or dealer
42 auctions if the purchase is determined to be in the
43 best interests of the state.

44 b. The director, and any other state agency,
45 which for purposes of this subsection includes but is
46 not limited to community colleges and institutions
47 under the control of the state board of regents, or
48 local governmental subdivisions purchasing new motor
49 vehicles, shall purchase ~~new passenger motor~~ vehicles
50 and light trucks, which are not rented or leased

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1 pursuant to section 8A.367, so that the average fuel
2 efficiency for the fleet of new passenger vehicles and
3 light trucks purchased in that year equals or exceeds
4 the average fuel economy standard for the vehicles'
5 model year as established by the United States
6 secretary of transportation under 15 U.S.C. § 2002.
7 This paragraph does not apply to vehicles purchased
8 for law enforcement purposes or used for off-road
9 maintenance work, or work vehicles used to pull loaded
10 trailers.

11 c. Not later than June 15 of each year, the
12 director shall report compliance with the corporate
13 average fuel economy standards published by the United
14 States secretary of transportation for ~~new assigned~~
15 motor vehicles, other than motor vehicles purchased by
16 the state department of transportation, institutions
17 under the control of the state board of regents, the
18 department for the blind, and any other state agency
19 exempted from the requirements of this subsection.
20 The report of compliance shall classify the vehicles
21 ~~purchased~~ assigned for the current vehicle model year
22 using the following categories: passenger automobiles,
23 enforcement automobiles, vans, and light trucks.
24 The director shall deliver a copy of the report to
25 the office of energy independence. As used in this
26 paragraph, "corporate average fuel economy" means the
27 corporate average fuel economy as defined in 49 C.F.R.
28 § 533.5.

29 Sec. 39. Section 8A.362, subsection 5, Code 2011,
30 is amended by striking the subsection.
31 Sec. 40. Section 8A.362, subsections 7 through 9,
32 Code 2011, are amended to read as follows:
33 7. The director may authorize the establishment
34 of motor pools consisting of a number of ~~state-owned~~
35 ~~state-assigned~~ motor vehicles under the director's
36 supervision. The director may store the motor vehicles
37 in a public or private garage. If the director
38 establishes a motor pool, any state officer or employee
39 desiring the use of a ~~state-owned~~ ~~state-assigned~~ motor
40 vehicle on state business shall notify the director
41 of the need for a vehicle within a reasonable time
42 prior to actual use of the motor vehicle. The director
43 may assign a motor vehicle from the motor pool to the
44 state officer or employee, or from the vendor awarded
45 a contract pursuant to section 8A.367. If two or
46 more state officers or employees desire the use of a
47 ~~state-owned~~ ~~state-assigned~~ motor vehicle for a trip to
48 the same destination for the same length of time, the
49 director may assign one vehicle to make the trip.
50 8. The director shall require that a sign be placed

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1 on each state-owned motor vehicle in a conspicuous
2 place which indicates its ownership by the state.
3 This requirement shall not apply to motor vehicles
4 requested to be exempt by the director or by the
5 commissioner of public safety. All state-owned motor
6 vehicles shall display registration plates bearing the
7 word "official" except motor vehicles requested to be
8 furnished with ordinary plates by the director or by
9 the commissioner of public safety pursuant to section
10 321.19. The director shall keep an accurate record
11 of the registration plates used on all state-owned
12 motor vehicles. This subsection shall not apply to an
13 assigned vehicle rented or leased pursuant to section
14 8A.367.
15 9. All fuel used in ~~state-owned~~ ~~state-assigned~~
16 automobiles shall be purchased at cost from the various
17 installations or garages of the state department of
18 transportation, state board of regents, department of
19 human services, or state motor pools throughout the
20 state, unless the state-owned sources for the purchase
21 of fuel are not reasonably accessible. If the director
22 determines that state-owned sources for the purchase of
23 fuel are not reasonably accessible, the director shall
24 authorize the purchase of fuel from other sources. The
25 director may prescribe a manner, other than the use
26 of the revolving fund, in which the purchase of fuel
27 from state-owned sources is charged to the state agency

28 responsible for the use of the motor vehicle. The
29 director shall prescribe the manner in which oil and
30 other normal motor vehicle maintenance for state-owned
31 motor vehicles may be purchased from private sources,
32 if they cannot be reasonably obtained from a state
33 motor pool. The director may advertise for bids and
34 award contracts in accordance with competitive bidding
35 procedures for items and services as provided in
36 this subchapter for furnishing fuel, oil, grease, and
37 vehicle replacement parts for all state-owned motor
38 vehicles. The director and other state agencies, when
39 advertising for bids for gasoline, shall also seek bids
40 for ethanol blended gasoline.

41 Sec. 41. Section 8A.363, subsection 1, Code 2011,
42 is amended to read as follows:

43 1. A state officer or employee shall not use a
44 ~~state-owned~~ state-assigned motor vehicle for personal
45 private use. A state officer or employee shall not be
46 compensated for driving a privately owned motor vehicle
47 unless it is done on state business with the approval
48 of the director. In that case the state officer or
49 employee shall receive an amount to be determined by
50 the director. The amount shall not exceed the maximum

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1 allowable under the federal internal revenue service
2 rules per mile, notwithstanding established mileage
3 requirements or depreciation allowances. However, the
4 director may authorize private motor vehicle rates in
5 excess of the rate allowed under the federal internal
6 revenue service rules for state business use of
7 substantially modified or specially equipped privately
8 owned vehicles required by persons with disabilities.
9 A statutory provision establishing reimbursement for
10 necessary mileage, travel, or actual expenses to a
11 state officer falls under the private motor vehicle
12 mileage rate limitation provided in this section
13 unless specifically provided otherwise. Any peace
14 officer employed by the state as defined in section
15 801.4 who is required to use a private motor vehicle
16 in the performance of official duties shall receive
17 the private vehicle mileage rate at the rate provided
18 in this section. However, the director may delegate
19 authority to officials of the state, and department
20 heads, for the use of private vehicles on state
21 business up to a yearly mileage figure established
22 by the director. If a ~~state~~ motor vehicle has been
23 assigned to a state officer or employee, the officer
24 or employee shall not collect mileage for the use of a
25 privately owned motor vehicle unless the ~~state~~ motor
26 vehicle assigned is not usable.

27 Sec. 42. NEW SECTION. 8A.367 State-owned passenger
28 vehicles — disposition and sale — fleet privatization.
29 1. For purposes of this section, "passenger
30 vehicles" means United States environmental protection
31 agency designated compact sedans, compact wagons,
32 midsize sedans, midsize wagons, full-size sedans,
33 and passenger minivans, and additional vehicle
34 classes determined by the department to be able to be
35 reasonably supported by a private entity for rental or
36 leasing. "Passenger vehicles" does not mean utility
37 vehicles, vans other than passenger minivans, fire
38 trucks, ambulances, motor homes, buses, medium-duty and
39 heavy-duty trucks, heavy construction equipment and
40 other highway maintenance vehicles, vehicles assigned
41 for law enforcement purposes, and any other classes
42 of vehicles of limited application approved by the
43 director of the department of administrative services.
44 2. On or before September 30, 2011, the department
45 shall implement a request for proposal process to enter
46 into a contract for the purpose of state passenger
47 vehicle rental or leasing from a private entity.
48 Prior to awarding a contract, a private entity shall
49 demonstrate the following:
50 a. Existence of sufficient inventory of passenger

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1 vehicles within this state to accommodate the needs of
2 the state in assigning passenger vehicles.
3 b. Existence of adequate personnel in any county
4 within the state where rental and leasing activity can
5 be supported to satisfy the terms of the contract in
6 renting or leasing state-assigned vehicles.
7 c. Existence of adequate personnel to facilitate
8 the sale and disposition of the existing state-owned
9 passenger vehicles returned to the department pursuant
10 to subsection 3 or otherwise under the control of the
11 department. Notwithstanding the provisions of section
12 8A.364 to the contrary, proceeds from the sale of
13 motor vehicles as provided by this subsection shall be
14 credited to the fund from which the motor vehicles were
15 purchased.
16 3. By March 1, 2012, the department shall award
17 a vehicle rental or leasing contract to a private
18 entity, and shall assign passenger vehicles for rental
19 or lease pursuant to that contract, to the extent the
20 department determines doing so would be economically
21 feasible and financially advantageous. By March 1,
22 2012, all state-assigned passenger vehicles designated
23 for use by multiple drivers, and located in any county
24 of this state which can support the operation of a
25 private entity for rental and leasing purposes, which

26 the department determines would be suitable for rental
27 or leasing shall be returned to the department for use
28 and disposition as provided in this section.

29 4. Notwithstanding any other provision of state law
30 to the contrary, a private entity awarded a contract
31 pursuant to this section shall not be required to
32 indemnify or hold harmless the state for any liability
33 the state might have to any third party due to the
34 negligence of the state or any of its employees.

35 5. The department shall conduct an ongoing
36 evaluation regarding the economic advantages of
37 renting or leasing state-assigned vehicles versus state
38 ownership of such vehicles, and shall accordingly
39 adjust the number of vehicles subject to the rental and
40 leasing contract pursuant to this section at intervals
41 specified in the contract.

42 Sec. 43. Section 8A.512, subsection 2, Code 2011,
43 is amended by striking the subsection.

44 Sec. 44. NEW SECTION. 8A.512A Executive branch
45 employee travel — information and database.

46 1. The department shall develop and maintain the
47 following:

48 a. An electronic travel authorization form to be
49 used for any executive branch employee's out-of-state
50 travel, conference, or related expenditures associated

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1 with the employee's official duties. The electronic
2 travel authorization form shall include all of the
3 following:

4 (1) The identification of the employee, the
5 employee's title, and the employee's department or
6 agency.

7 (2) The travel departure point and destination
8 point.

9 (3) The reason for the travel.

10 (4) The estimated reimbursable expenses.

11 (5) The date or dates upon which the travel is to
12 occur.

13 b. A searchable database available on the
14 department's internet site containing information
15 related to all executive branch employee travel that
16 includes all of the following:

17 (1) The identification of the employee who engaged
18 in the travel, the employee's department or agency, and
19 the employee's title.

20 (2) The travel departure point and destination
21 point.

22 (3) The reason for the travel.

23 (4) The actual amount of expenses reimbursed.

24 (5) The date or dates upon which the travel

25 occurred.

26 c. Notwithstanding paragraph "b" of this
27 subsection, the searchable database shall not
28 include information regarding travel by officers and
29 employees of the department of public safety occurring
30 in relation to or during the course of criminal
31 investigations, including but not limited to undercover
32 operations.

33 2. A claim for reimbursement for any out-of-state
34 travel, conference, or related expenditures shall
35 only be allowed after the occurrence of both of the
36 following:

37 a. The electronic travel authorization form is
38 approved by the head of the employee's department.

39 b. The request for reimbursement is submitted by
40 the employee on the appropriate form with required
41 approvals.

42 3. For purposes of this section, "executive branch
43 employee" means an employee of the executive branch
44 as defined in section 7E.2, other than a member or
45 employee of the state board of regents and institutions
46 under the control of the state board of regents.

47 Sec. 45. Section 22.3A, subsection 1, paragraph e,
48 Code 2011, is amended to read as follows:

49 e. "Data processing software" means an ordered set
50 of instructions or statements that, when executed by

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1 a computer, causes the computer to process data, and
2 includes any program or set of programs, procedures,
3 or routines used to employ and control capabilities of
4 computer hardware. As used in this paragraph "data
5 processing software" includes but is not limited to an
6 operating system, compiler, assembler, utility, library
7 resource, maintenance routine, application, ~~or~~ computer
8 networking program, or the associated documentation.

9 Sec. 46. Section 99D.14, subsection 2, Code 2011,
10 is amended by adding the following new paragraph:
11 NEW PARAGRAPH. c. Notwithstanding sections 8.60
12 and 99D.17, the portion of the fee paid pursuant to
13 paragraph "a" relating to the costs of the commission,
14 shall not be deposited in the general fund of the
15 state but instead shall be deposited into the gaming
16 regulatory revolving fund established in section
17 99F.20.

18 Sec. 47. Section 99F.10, subsection 4, Code 2011,
19 is amended by adding the following new paragraph:
20 NEW PARAGRAPH. c. Notwithstanding sections 8.60
21 and 99F.4, the portion of the fee paid pursuant to
22 paragraph "a" relating to the costs of the commission,
23 shall not be deposited in the general fund of the

24 state but instead shall be deposited into the gaming
25 regulatory revolving fund established in section
26 99F.20.
27 Sec. 48. NEW SECTION. 99F.20 Gaming regulatory
28 revolving fund.
29 1. A gaming regulatory revolving fund is created in
30 the state treasury under the control of the department
31 of inspections and appeals. The fund shall consist
32 of fees collected and deposited into the fund paid by
33 licensees pursuant to section 99D.14, subsection 2,
34 paragraph "c", and fees paid by licensees pursuant to
35 section 99F.10, subsection 4, paragraph "c". All costs
36 relating to racetrack, excursion boat, and gambling
37 structure regulation shall be paid from the fund as
38 provided in appropriations made for this purpose by
39 the general assembly. The department shall provide
40 quarterly reports to the department of management and
41 the legislative services agency specifying revenues
42 billed and collected and expenditures from the fund in
43 a format as determined by the department of management
44 in consultation with the legislative services agency.
45 2. To meet the department's cash flow needs, the
46 department may temporarily use funds from the general
47 fund of the state to pay expenses in excess of moneys
48 available in the revolving fund if those additional
49 expenditures are fully reimbursable and the department
50 reimburses the general fund of the state and ensures

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1 all moneys are repaid in full by the close of the
2 fiscal year. Notwithstanding any provision to the
3 contrary, the department shall, to the fullest extent
4 possible, make an estimate of billings and make such
5 billings as early as possible in each fiscal year,
6 so that the need for the use of general fund moneys
7 is minimized to the lowest extent possible. Periodic
8 billings shall be deemed sufficient to satisfy this
9 requirement. Because any general fund moneys used
10 shall be fully reimbursed, such temporary use of funds
11 from the general fund of the state shall not constitute
12 an appropriation for purposes of calculating the state
13 general fund expenditure limitation pursuant to section
14 8.54.
15 3. Section 8.33 does not apply to any moneys
16 credited or appropriated to the revolving fund from any
17 other fund.
18 4. The establishment of the revolving fund pursuant
19 to this section shall not be interpreted in any manner
20 to compromise or impact the accountability of, or limit
21 authority with respect to, the department under state
22 law. Any provision applicable to, or responsibility

23 of, the department shall not be altered or impacted by
24 the existence of the fund and shall remain applicable
25 to the same extent as if the department were receiving
26 moneys pursuant to a general fund appropriation. The
27 department shall comply with directions by the governor
28 to executive branch departments regarding restrictions
29 on out-of-state travel, hiring justifications,
30 association memberships, equipment purchases,
31 consulting contracts, and any other expenditure
32 efficiencies that the governor deems appropriate.

33 Sec. 49. Section 249A.7, subsection 3, as amended
34 by 2011 Iowa Acts, House File 389, section 1, is
35 amended by striking the subsection and inserting in
36 lieu thereof the following:

37 3. a. A Medicaid fraud fund is created in the
38 state treasury under the authority of the department
39 of inspections and appeals. Moneys from penalties,
40 investigative costs recouped by the Medicaid fraud
41 control unit, and other amounts received as a result of
42 prosecutions involving the department of inspections
43 and appeals investigations and audits to ensure
44 compliance with the medical assistance program that are
45 not credited to the program shall be credited to the
46 fund.

47 b. Notwithstanding section 8.33, moneys credited
48 to the fund from any other account or fund shall not
49 revert to the other account or fund. Moneys in the
50 fund shall only be used as provided in appropriations

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1 from the fund and shall be used in accordance with
2 applicable laws, regulations, and the policies of
3 the office of inspector general of the United States
4 department of health and human services.

5 c. For the purposes of this subsection,
6 "investigative costs" means the reasonable value of a
7 Medicaid fraud control unit investigator's, auditor's
8 or employee's time, any moneys expended by the Medicaid
9 fraud control unit, and the reasonable fair market
10 value of resources used or expended by the Medicaid
11 fraud control unit in a case resulting in a criminal
12 conviction of a provider under this chapter or chapter
13 714 or 715A.

14 Sec. 50. Section 542.3, subsection 1, paragraph
15 a, subparagraph (3), Code 2011, is amended to read as
16 follows:

17 (3) ~~An examination of prospective financial~~
18 ~~information~~ Any engagement to be performed in
19 accordance with the statements on standards for
20 attestation engagements.

21 Sec. 51. Section 546.12, Code 2011, is amended to

22 read as follows:

23 546.12 Department of commerce revolving fund.
24 1. A department of commerce revolving fund is
25 created in the state treasury. The fund shall consist
26 of moneys collected by the banking division; credit
27 union division; utilities division, including moneys
28 collected on behalf of the office of consumer advocate
29 established in section 475A.3; and the insurance
30 division of the department; and deposited into an
31 account for that division or office within the fund
32 on a monthly basis. Except as otherwise provided by
33 statute, all costs for operating the office of consumer
34 advocate and the banking division, the credit union
35 division, the utilities division, and the insurance
36 division of the department shall be paid from the
37 division's accounts within the fund, subject to
38 appropriation by the general assembly. The insurance
39 division shall administer the fund and all other
40 divisions shall work with the insurance division to
41 make sure the fund is properly accounted and reported
42 to the department of management and the department of
43 administrative services. The divisions shall provide
44 quarterly reports to the department of management and
45 the legislative services agency on revenues billed
46 and collected and expenditures from the fund in a
47 format as determined by the department of management in
48 consultation with the legislative services agency.
49 2. To meet cash flow needs for the office of
50 consumer advocate and the banking division, credit

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1 union division, utilities division, or the insurance
2 division of the department, the administrative head of
3 that division or office may temporarily use funds from
4 the general fund of the state to pay expenses in excess
5 of moneys available in the revolving fund for that
6 division or office if those additional expenditures
7 are fully reimbursable and the division or office
8 reimburses the general fund of the state and ensures
9 all moneys are repaid in full by the close of the
10 fiscal year. Notwithstanding any provision to the
11 contrary, the divisions shall, to the fullest extent
12 possible, make an estimate of billings and make such
13 billings as early as possible in each fiscal year,
14 so that the need for the use of general fund moneys
15 is minimized to the lowest extent possible. Periodic
16 billings shall be deemed sufficient to satisfy this
17 requirement. Because any general fund moneys used
18 shall be fully reimbursed, such temporary use of funds
19 from the general fund of the state shall not constitute
20 an appropriation for purposes of calculating the state

21 general fund expenditure limitation pursuant to section
22 8.54.

23 3. Section 8.33 does not apply to any moneys
24 credited or appropriated to the revolving fund from any
25 other fund.

26 4. The establishment of the revolving fund pursuant
27 to this section shall not be interpreted in any manner
28 to compromise or impact the accountability of, or
29 limit authority with respect to, an agency or entity
30 under state law. Any provision applicable to, or
31 responsibility of, a division or office collecting
32 moneys for deposit into the fund established pursuant
33 to this section shall not be altered or impacted by
34 the existence of the fund and shall remain applicable
35 to the same extent as if the division or office
36 were receiving moneys pursuant to a general fund
37 appropriation. Appropriations from the revolving
38 fund shall not be subject to the provisions of section
39 8.31, subsection 5. The divisions of the department of
40 commerce shall comply with directions by the governor
41 to executive branch departments regarding restrictions
42 on out-of-state travel, hiring justifications,
43 association memberships, equipment purchases,
44 consulting contracts, and any other expenditure
45 efficiencies that the governor deems appropriate.

46 Sec. 52. Section 904.114, Code 2011, is amended to
47 read as follows:

48 904.114 Travel expenses.

49 The director, staff members, assistants, and
50 employees, in addition to salary, shall receive their

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1 necessary traveling expenses by the nearest practicable
2 route, when engaged in the performance of official
3 business. Permission shall not be granted to any
4 person to travel to another state except by approval of
5 the board ~~and the executive council.~~

6 Sec. 53. 2009 Iowa Acts, chapter 169, section 4,
7 subsection 2, is amended to read as follows:

8 2. From the moneys appropriated in this section,
9 there is transferred to the department of human rights
10 two hundred fifty thousand dollars for deposit in the
11 individual development account state match fund created
12 in section 541A.7. Notwithstanding other provisions to
13 the contrary in section 541A.3, subsection 1, moneys
14 appropriated to the individual development account
15 state match fund under this subsection shall be used
16 to provide the state match to account holders affected
17 by a natural disaster ~~occurring in 2008~~ for which the
18 president of the United States declared a disaster
19 area, and who have a household income that is equal

20 to or less than three hundred percent of the federal
21 poverty level as defined by the most recently revised
22 poverty income guidelines published by the United
23 States department of health and human services.

24 Sec. 54. 2010 Iowa Acts, chapter 1193, section 29,
25 is amended to read as follows:

26 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES —
27 INFORMATION TECHNOLOGY.

28 1. There is appropriated from the general fund of
29 the state to the department of administrative services
30 for the fiscal year beginning July 1, 2010, and
31 ending June 30, 2011, the following amount, or so much
32 thereof as is necessary, to be used for the purposes
33 designated:

34 For implementing 2010 Iowa Acts, Senate File 2088,
35 division I, including salaries, support, maintenance,
36 and miscellaneous purposes:
37 \$ 2,300,000

38 2. Notwithstanding section 8.33, moneys
39 appropriated in this section that remain unencumbered
40 or unobligated at the close of the fiscal year ending
41 June 30, 2011, shall not revert but shall remain
42 available for expenditure for the purposes designated
43 until the close of the fiscal year ending June 30,
44 2012.

45 Sec. 55. 2011 Iowa Acts, House File 45, section 8,
46 is amended to read as follows:

47 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS

48 NETWORK. The Iowa telecommunications and technology
49 commission shall implement a request for proposals
50 process to sell or lease the Iowa communications

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1 network. The request for proposals shall provide for
2 the sale to be concluded or the lease to commence
3 during the fiscal year beginning July 1, ~~2011~~ 2012.
4 The commission shall condition the sale or lease of the
5 Iowa communications network with terms that will allow
6 existing authorized users of the network to continue
7 such use at a lower overall long-term cost when
8 compared to the anticipated operation and maintenance
9 costs if state ownership and control were to continue.
10 Public funds shall not be used to secure the purchase
11 of the network. The commission shall submit periodic
12 status reports to the general assembly at three-month
13 intervals, beginning on October 1, 2011, regarding
14 progress made toward selling or leasing the network.
15 The prior authorization and approval requirements
16 specified in section 8D.12 shall be complied with prior
17 to a sale or lease of the network pursuant to this
18 section.

19 Sec. 56. REPEAL. Section 217.20, Code 2011, is
20 repealed.
21 Sec. 57. REPEAL. 2009 Iowa Acts, chapter 179,
22 section 146, is repealed.
23 Sec. 58. CODE EDITOR DIRECTIVE. The Code editor
24 is directed to change the words "state-owned" to
25 "state-assigned", to the extent not otherwise changed
26 pursuant to this Act, in Code sections 8A.362, 8A.363,
27 8A.364, and 8A.366.
28 Sec. 59. MEDICAID FRAUD FUND TRANSITION.
29 1. Unencumbered and unobligated moneys in and
30 moneys reverting to the Medicaid fraud account created
31 in section 249A.7, Code 2011, on or after June 30,
32 2011, shall be credited to the Medicaid fraud fund
33 created in section 249A.7, by this division of this
34 Act.
35 2. The appropriations made from the Medicaid fraud
36 account for the fiscal years beginning July 1, 2011,
37 and July 1, 2012, shall instead be charged to the
38 Medicaid fraud fund created in section 249A.7, by this
39 division of this Act.
40 3. This section of this Act, being deemed of
41 immediate importance, takes effect upon enactment, and,
42 if this Act is approved by the governor on or after
43 July 1, 2011, subsection 1 of this section applies
44 retroactively to June 30, 2011.
45 Sec. 60. EFFECTIVE UPON ENACTMENT.
46 1. The section of this division of this Act
47 directing the department of administrative services
48 to disconnect electricity to the heated sidewalk
49 installed at the state capitol building, being deemed
50 of immediate importance, takes effect upon enactment.

Page 28

1 2. The section of this division of this Act
2 providing implementation provisions regarding leasing
3 authority of the department of administrative services,
4 being deemed of immediate importance, takes effect upon
5 enactment.
6 3. The sections of this division of this Act
7 relating to executive branch employee travel and travel
8 reimbursement implementation, being deemed of immediate
9 importance, take effect upon enactment.
10 4. The section of this division of this Act
11 relating to nonreversion of moneys appropriated
12 to the department of administrative services for
13 implementation of 2010 Iowa Acts, chapter 1031,
14 division I, being deemed of immediate importance, takes
15 effect upon enactment.
16 DIVISION II
17 FY 2012-2013

18 Sec. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.

19 1. There is appropriated from the general fund of
 20 the state to the department of administrative services
 21 for the fiscal year beginning July 1, 2012, and ending
 22 June 30, 2013, the following amounts, or so much
 23 thereof as is necessary, to be used for the purposes
 24 designated, and for not more than the following
 25 full-time equivalent positions:

26 a. For salaries, support, maintenance, and
 27 miscellaneous purposes:

28 \$ 2,010,172
 29 FTEs 84.18

30 b. For the payment of utility costs:
 31 \$ 1,313,230
 32 FTEs 1.00

33 Notwithstanding section 8.33, any excess funds
 34 appropriated for utility costs in this lettered
 35 paragraph shall not revert to the general fund of the
 36 state at the end of the fiscal year but shall remain
 37 available for expenditure for the purposes of this
 38 lettered paragraph during the succeeding fiscal year.

39 c. For Terrace Hill operations:
 40 \$ 202,957
 41 FTEs 6.88

42 d. For the I3 distribution account:
 43 \$ 1,638,973

44 e. For operations and maintenance of the Iowa
 45 building:
 46 \$ 497,768
 47 FTEs 7.00

48 2. Members of the general assembly serving as
 49 members of the deferred compensation advisory board
 50 shall be entitled to receive per diem and necessary

Page 29

1 travel and actual expenses pursuant to section 2.10,
 2 subsection 5, while carrying out their official duties
 3 as members of the board.
 4 3. Any funds and premiums collected by the
 5 department for workers' compensation shall be
 6 segregated into a separate workers' compensation
 7 fund in the state treasury to be used for payment of
 8 state employees' workers' compensation claims and
 9 administrative costs. Notwithstanding section 8.33,
 10 unencumbered or unobligated moneys remaining in this
 11 workers' compensation fund at the end of the fiscal
 12 year shall not revert but shall be available for
 13 expenditure for purposes of the fund for subsequent
 14 fiscal years.

15 Sec. 62. REVOLVING FUNDS. There is appropriated
 16 to the department of administrative services for the

17 fiscal year beginning July 1, 2012, and ending June
18 30, 2013, from the revolving funds designated in
19 chapter 8A and from internal service funds created
20 by the department such amounts as the department
21 deems necessary for the operation of the department
22 consistent with the requirements of chapter 8A.

23 Sec. 63. FUNDING FOR IOWACCESS.

24 1. Notwithstanding section 321A.3, subsection
25 1, for the fiscal year beginning July 1, 2012, and
26 ending June 30, 2013, the first \$750,000 collected
27 and transferred by the department of transportation
28 to the treasurer of state with respect to the fees
29 for transactions involving the furnishing of a
30 certified abstract of a vehicle operating record under
31 section 321A.3, subsection 1, shall be transferred
32 to the IowAccess revolving fund for the purposes of
33 developing, implementing, maintaining, and expanding
34 electronic access to government records as provided by
35 law.

36 2. All fees collected with respect to transactions
37 involving IowAccess shall be deposited in the IowAccess
38 revolving fund and shall be used only for the support
39 of IowAccess projects.

40 Sec. 64. STATE EMPLOYEE HEALTH INSURANCE
41 ADMINISTRATION CHARGE. For the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, the monthly per
43 contract administrative charge which may be assessed by
44 the department of administrative services shall be \$2
45 per contract on all health insurance plans administered
46 by the department.

47 Sec. 65. AUDITOR OF STATE.

48 1. There is appropriated from the general fund of
49 the state to the office of the auditor of state for the
50 fiscal year beginning July 1, 2012, and ending June

Page 30

1 30, 2013, subject to subsection 3 of this section, the
2 following amount, or so much thereof as is necessary,
3 to be used for the purposes designated, and for not
4 more than the following full-time equivalent positions:

5 For salaries, support, maintenance, and
6 miscellaneous purposes:

7 \$ 452,734
8 FTEs 103.00

9 2. The auditor of state may retain additional
10 full-time equivalent positions as is reasonable and
11 necessary to perform governmental subdivision audits
12 which are reimbursable pursuant to section 11.20
13 or 11.21, to perform audits which are requested by
14 and reimbursable from the federal government, and
15 to perform work requested by and reimbursable from

16 departments or agencies pursuant to section 11.5A
17 or 11.5B. The auditor of state shall notify the
18 department of management, the legislative fiscal
19 committee, and the legislative services agency of the
20 additional full-time equivalent positions retained.

21 3. The auditor of state shall allocate resources
22 from the appropriation in this section solely for audit
23 work related to the comprehensive annual financial
24 report, federally required audits, and investigations
25 of embezzlement, theft, or other significant financial
26 irregularities until the audit of the comprehensive
27 annual financial report is complete.

28 Sec. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE

29 BOARD. There is appropriated from the general fund of
30 the state to the Iowa ethics and campaign disclosure
31 board for the fiscal year beginning July 1, 2012, and
32 ending June 30, 2013, the following amount, or so much
33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, and
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:

37 \$ 237,500
38 FTEs 5.00

39 Sec. 67. DEPARTMENT OF COMMERCE.

40 1. There is appropriated from the general fund
41 of the state to the department of commerce for the
42 fiscal year beginning July 1, 2012, and ending June 30,
43 2013, the following amounts, or so much thereof as is
44 necessary, for the purposes designated:

45 a. ALCOHOLIC BEVERAGES DIVISION

46 For salaries, support, maintenance, and
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:

49 \$ 610,196
50 FTEs 21.00

Page 31

1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

2 For salaries, support, maintenance, and
3 miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:

5 \$ 300,177
6 FTEs 12.00

7 2. There is appropriated from the department of
8 commerce revolving fund created in section 546.12
9 to the department of commerce for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amounts, or so much thereof as is necessary,
12 for the purposes designated:

13 a. BANKING DIVISION

14 For salaries, support, maintenance, and

15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions:

17 \$ 4,425,835
18 FTEs 80.00

19 b. CREDIT UNION DIVISION

20 For salaries, support, maintenance, and
21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions:

23 \$ 863,998
24 FTEs 19.00

25 c. INSURANCE DIVISION

26 (1) For salaries, support, maintenance, and
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 2,491,622
30 FTEs 106.50

31 (2) The insurance division may reallocate
32 authorized full-time equivalent positions as necessary
33 to respond to accreditation recommendations or
34 requirements. The insurance division expenditures
35 for examination purposes may exceed the projected
36 receipts, refunds, and reimbursements, estimated
37 pursuant to section 505.7, subsection 7, including the
38 expenditures for retention of additional personnel,
39 if the expenditures are fully reimbursable and the
40 division first does both of the following:

41 (a) Notifies the department of management, the
42 legislative services agency, and the legislative fiscal
43 committee of the need for the expenditures.

44 (b) Files with each of the entities named in
45 subparagraph division (a) the legislative and
46 regulatory justification for the expenditures, along
47 with an estimate of the expenditures.

48 d. UTILITIES DIVISION

49 (1) For salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

Page 32

1 following full-time equivalent positions:

2 \$ 4,086,535
3 FTEs 79.00

4 (2) The utilities division may expend additional
5 funds, including funds for additional personnel, if
6 those additional expenditures are actual expenses which
7 exceed the funds budgeted for utility regulation and
8 the expenditures are fully reimbursable. Before the
9 division expends or encumbers an amount in excess of
10 the funds budgeted for regulation, the division shall
11 first do both of the following:

12 (a) Notify the department of management, the
13 legislative services agency, and the legislative fiscal

14 committee of the need for the expenditures.

15 (b) File with each of the entities named in
16 subparagraph division (a) the legislative and
17 regulatory justification for the expenditures, along
18 with an estimate of the expenditures.

19 (3) Notwithstanding sections 8.33 and 476.10 or
20 any other provisions to the contrary, any unencumbered
21 or unobligated balance of the appropriation made in
22 this paragraph for the utilities division or any other
23 operational appropriation made for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013,
25 that remains unused, unencumbered, or unobligated
26 at the close of the fiscal year shall not revert but
27 shall remain available to be used for purposes of the
28 energy-efficient building project authorized under
29 section 476.10B, or for relocation costs in succeeding
30 fiscal years.

31 (4) In addition to the funds otherwise appropriated
32 to the division in subparagraph (1), and contingent
33 upon the enactment of legislation during the 2011
34 legislative session relating to the permitting,
35 licensing, construction, and operation of nuclear
36 generation facilities and establishing rate-making
37 principles in relation thereto, for salaries, support,
38 maintenance, and miscellaneous purposes, and for not
39 more than the following full-time equivalent positions:

40 \$ 425,000
41 FTEs 3.50

42 3. CHARGES. Each division and the office of
43 consumer advocate shall include in its charges
44 assessed or revenues generated an amount sufficient
45 to cover the amount stated in its appropriation and
46 any state-assessed indirect costs determined by the
47 department of administrative services.

48 Sec. 68. DEPARTMENT OF COMMERCE — PROFESSIONAL
49 LICENSING AND REGULATION BUREAU. There is appropriated
50 from the housing trust fund of the Iowa finance

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1 authority created in section 16.181, to the bureau of
2 professional licensing and regulation of the banking
3 division of the department of commerce for the fiscal
4 year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purposes designated:

7 For salaries, support, maintenance, and
8 miscellaneous purposes:
9 \$ 31,159

10 Sec. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There
11 is appropriated from the general fund of the state to
12 the offices of the governor and the lieutenant governor

13 for the fiscal year beginning July 1, 2012, and ending
14 June 30, 2013, the following amounts, or so much
15 thereof as is necessary, to be used for the purposes
16 designated:

17 For salaries, support, maintenance, and
18 miscellaneous purposes:
19 \$ 1,144,013
20 FTEs 22.88

21 Sec. 70. GOVERNOR'S OFFICE OF DRUG CONTROL
22 POLICY. There is appropriated from the general fund
23 of the state to the governor's office of drug control
24 policy for the fiscal year beginning July 1, 2012, and
25 ending June 30, 2013, the following amount, or so much
26 thereof as is necessary, to be used for the purposes
27 designated:

28 For salaries, support, maintenance, and
29 miscellaneous purposes, including statewide
30 coordination of the drug abuse resistance education
31 (D.A.R.E.) programs or similar programs, and for not
32 more than the following full-time equivalent positions:
33 \$ 145,000
34 FTEs 8.00

35 Sec. 71. DEPARTMENT OF HUMAN RIGHTS. There is
36 appropriated from the general fund of the state to
37 the department of human rights for the fiscal year
38 beginning July 1, 2012, and ending June 30, 2013, the
39 following amounts, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 1. CENTRAL ADMINISTRATION DIVISION

42 For salaries, support, maintenance, and
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:
45 \$ 103,052
46 FTEs 7.00

47 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

48 For salaries, support, maintenance, and
49 miscellaneous purposes, and for not more than the
50 following full-time equivalent positions:

Page 34

1 \$ 514,039
2 FTEs 17.00

3 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

4 For salaries, support, maintenance, and
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:
7 \$ 511,946
8 FTEs 10.00

9 The criminal and juvenile justice planning advisory
10 council and the juvenile justice advisory council
11 shall coordinate their efforts in carrying out their

12 respective duties relative to juvenile justice.
 13 Sec. 72. DEPARTMENT OF INSPECTIONS AND
 14 APPEALS. There is appropriated from the general fund
 15 of the state to the department of inspections and
 16 appeals for the fiscal year beginning July 1, 2012, and
 17 ending June 30, 2013, the following amounts, or so much
 18 thereof as is necessary, for the purposes designated:

19 1. ADMINISTRATION DIVISION

20 For salaries, support, maintenance, and
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:

23 \$ 763,870
 24 FTEs 37.40

25 2. ADMINISTRATIVE HEARINGS DIVISION

26 For salaries, support, maintenance, and
 27 miscellaneous purposes, and for not more than the
 28 following full-time equivalent positions:

29 \$ 264,377
 30 FTEs 23.00

31 3. INVESTIGATIONS DIVISION

32 a. For salaries, support, maintenance, and
 33 miscellaneous purposes, and for not more than the
 34 following full-time equivalent positions:

35 \$ 584,320
 36 FTEs 58.50

37 b. The department, in coordination with the
 38 investigations division, shall provide a report to
 39 the general assembly by January 10, 2013, concerning
 40 the fiscal impact of additional full-time equivalent
 41 positions on the department's efforts relative to the
 42 Medicaid divestiture program under chapter 249F.

43 4. HEALTH FACILITIES DIVISION

44 a. For salaries, support, maintenance, and
 45 miscellaneous purposes, and for not more than the
 46 following full-time equivalent positions:

47 \$ 1,777,664
 48 FTEs 134.75

49 b. The department shall, in coordination with
 50 the health facilities division, make the following

Page 35

1 information available to the public in a timely
 2 manner, to include providing the information on the
 3 department's internet website, during the fiscal year
 4 beginning July 1, 2012, and ending June 30, 2013:

5 (1) The number of inspections conducted by the
 6 division annually by type of service provider and type
 7 of inspection.

8 (2) The total annual operations budget for the
 9 division, including general fund appropriations and
 10 federal contract dollars received by type of service

11 provider inspected.
 12 (3) The total number of full-time equivalent
 13 positions in the division, to include the number of
 14 full-time equivalent positions serving in a supervisory
 15 capacity, and serving as surveyors, inspectors, or
 16 monitors in the field by type of service provider
 17 inspected.

18 (4) Identification of state and federal survey
 19 trends, cited regulations, the scope and severity of
 20 deficiencies identified, and federal and state fines
 21 assessed and collected concerning nursing and assisted
 22 living facilities and programs.

23 c. It is the intent of the general assembly that
 24 the department and division continuously solicit input
 25 from facilities regulated by the division to assess and
 26 improve the division's level of collaboration and to
 27 identify new opportunities for cooperation.

28 5. EMPLOYMENT APPEAL BOARD

29 a. For salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32 \$ 21,108
 33 FTEs 14.00

34 b. The employment appeal board shall be reimbursed
 35 by the labor services division of the department
 36 of workforce development for all costs associated
 37 with hearings conducted under chapter 91C, related
 38 to contractor registration. The board may expend,
 39 in addition to the amount appropriated under this
 40 subsection, additional amounts as are directly billable
 41 to the labor services division under this subsection
 42 and to retain the additional full-time equivalent
 43 positions as needed to conduct hearings required
 44 pursuant to chapter 91C.

45 6. CHILD ADVOCACY BOARD

46 a. For foster care review and the court appointed
 47 special advocate program, including salaries, support,
 48 maintenance, and miscellaneous purposes, and for not
 49 more than the following full-time equivalent positions:
 50 \$ 1,340,145

Page 36

1 FTEs 40.80

2 b. The department of human services, in
 3 coordination with the child advocacy board and the
 4 department of inspections and appeals, shall submit an
 5 application for funding available pursuant to Tit. IV-E
 6 of the federal Social Security Act for claims for child
 7 advocacy board administrative review costs.

8 c. The court appointed special advocate program
 9 shall investigate and develop opportunities for

10 expanding fund-raising for the program.
11 d. Administrative costs charged by the department
12 of inspections and appeals for items funded under this
13 subsection shall not exceed 4 percent of the amount
14 appropriated in this subsection.

15 Sec. 73. DEPARTMENT OF INSPECTIONS AND APPEALS
16 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
17 fiscal year beginning July 1, 2012, and ending June 30,
18 2013, the department of inspections and appeals shall
19 retain any license fees generated during the fiscal
20 year as a result of actions under section 137F.3A
21 occurring during the period beginning July 1, 2009, and
22 ending June 30, 2011, for the purpose of enforcing the
23 provisions of chapters 137C, 137D, and 137F.

24 Sec. 74. DEPARTMENT OF INSPECTIONS AND APPEALS —
25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
26 any provision of section 135C.16 to the contrary,
27 inspections of health care facilities that are only
28 state-licensed and not certified under the Medicare
29 or Medicaid programs shall not be inspected by the
30 department of inspections and appeals every thirty
31 months, but only as provided pursuant to sections
32 135C.9 and 135C.38.

33 Sec. 75. DEPARTMENT OF INSPECTIONS AND
34 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
35 APPROPRIATION. There is appropriated from the Medicaid
36 fraud fund created in section 249A.7 to the department
37 of inspections and appeals for the fiscal year
38 beginning July 1, 2012, and ending June 30, 2013, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 For additional health facility surveyors, compliance
42 officers, and residential care facility surveyors:
43

44 Sec. 76. DEPARTMENT OF INSPECTIONS AND APPEALS
45 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
46 APPROPRIATION. There is appropriated from the Medicaid
47 fraud fund created in section 249A.7 to the department
48 of inspections and appeals for the fiscal year
49 beginning July 1, 2012, and ending June 30, 2013, the
50 amounts necessary for the purposes designated:

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- 1 1. To cover the cost of any state match to draw
- 2 down matching federal funds through the department of
- 3 human services for additional full-time equivalent
- 4 positions for conducting investigations of alleged
- 5 fraud and overpayments of food assistance benefits
- 6 through electronic benefits transfer.
- 7 2. For the state financial match requirement
- 8 for meeting the federal mandates connected with the

9 department's Medicaid fraud and abuse activities, and
10 the amount necessary to cover costs incurred by the
11 department or other agencies in providing regulation,
12 responding to allegations, or other activity involving
13 chapter 135O.

14 Sec. 77. DEPARTMENT OF INSPECTIONS AND APPEALS
15 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND

16 APPROPRIATION. There is appropriated from the Medicaid
17 fraud fund created in section 249A.7 to the department
18 of inspections and appeals for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the
20 following amount, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous
23 purposes, administration, and other costs associated
24 with implementation of 2010 Iowa Acts, chapter 1177:
25 \$ 125,000

26 Sec. 78. RACING AND GAMING COMMISSION.
27 1. RACETRACK REGULATION

28 There is appropriated from the gaming regulatory
29 revolving fund established in section 99F.20 to the
30 racing and gaming commission of the department of
31 inspections and appeals for the fiscal year beginning
32 July 1, 2012, and ending June 30, 2013, the following
33 amount, or so much thereof as is necessary, to be used
34 for the purposes designated:

35 For salaries, support, maintenance, and
36 miscellaneous purposes for the regulation of
37 pari-mutuel racetracks, and for not more than the
38 following full-time equivalent positions:
39 \$ 1,255,720
40 FTEs 28.53

41 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

42 There is appropriated from the gaming regulatory
43 revolving fund established in section 99F.20 to the
44 racing and gaming commission of the department of
45 inspections and appeals for the fiscal year beginning
46 July 1, 2012, and ending June 30, 2013, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purposes designated:

49 For salaries, support, maintenance, and
50 miscellaneous purposes for administration and

Page 38

1 enforcement of the excursion boat gambling and gambling
2 structure laws, and for not more than the following
3 full-time equivalent positions:

4 \$ 1,539,050
5 FTEs 44.22

6 Sec. 79. ROAD USE TAX FUND APPROPRIATION —
7 DEPARTMENT OF INSPECTIONS AND APPEALS. There is

8 appropriated from the road use tax fund created in
9 section 312.1 to the administrative hearings division
10 of the department of inspections and appeals for the
11 fiscal year beginning July 1, 2012, and ending June 30,
12 2013, the following amount, or so much thereof as is
13 necessary, for the purposes designated:

14 For salaries, support, maintenance, and
15 miscellaneous purposes:

16 \$ 811,949

17 Sec. 80. DEPARTMENT OF MANAGEMENT.

18 1. There is appropriated from the general fund
19 of the state to the department of management for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26 \$ 1,196,999

27 FTEs 25.00

28 2. Of the moneys appropriated in this section, the
29 department shall use a portion for enterprise resource
30 planning, providing for a salary model administrator,
31 conducting performance audits, and for the department's
32 LEAN process.

33 Sec. 81. ROAD USE TAX APPROPRIATION — DEPARTMENT
34 OF MANAGEMENT. There is appropriated from the road use

35 tax fund created in section 312.1 to the department
36 of management for the fiscal year beginning July 1,
37 2012, and ending June 30, 2013, the following amount,
38 or so much thereof as is necessary, to be used for the
39 purposes designated:

40 For salaries, support, maintenance, and
41 miscellaneous purposes:

42 \$ 28,000

43 Sec. 82. DEPARTMENT OF REVENUE.

44 1. There is appropriated from the general fund
45 of the state to the department of revenue for the
46 fiscal year beginning July 1, 2012, and ending June 30,
47 2013, the following amounts, or so much thereof as is
48 necessary, to be used for the purposes designated:

49 For salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:

2 \$ 8,829,742

3 FTEs 303.48

4 2. Of the funds appropriated pursuant to this
5 section, \$400,000 shall be used to pay the direct
6 costs of compliance related to the collection and

7 distribution of local sales and services taxes imposed
 8 pursuant to chapters 423B and 423E.
 9 3. The director of revenue shall prepare and issue
 10 a state appraisal manual and the revisions to the
 11 state appraisal manual as provided in section 421.17,
 12 subsection 17, without cost to a city or county.

13 Sec. 83. MOTOR VEHICLE FUEL TAX
 14 APPROPRIATION. There is appropriated from the motor
 15 fuel tax fund created by section 452A.77 to the
 16 department of revenue for the fiscal year beginning
 17 July 1, 2012, and ending June 30, 2013, the following
 18 amount, or so much thereof as is necessary, to be used
 19 for the purposes designated:

20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for administration and enforcement of the
 22 provisions of chapter 452A and the motor vehicle use
 23 tax program:

24 \$ 652,888

25 Sec. 84. SECRETARY OF STATE.

26 1. There is appropriated from the general fund of
 27 the state to the office of the secretary of state for
 28 the fiscal year beginning July 1, 2012, and ending June
 29 30, 2013, the following amounts, or so much thereof as
 30 is necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, and
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:

34 \$ 1,447,793

35 FTEs 45.00

36 2. The state department or state agency which
 37 provides data processing services to support voter
 38 registration file maintenance and storage shall provide
 39 those services without charge.

40 Sec. 85. SECRETARY OF STATE FILING FEES REFUND.

41 Notwithstanding the obligation to collect fees pursuant
 42 to the provisions of section 490.122, subsection 1,
 43 paragraphs "a" and "s", and section 504.113, subsection
 44 1, paragraphs "a", "c", "d", "j", "k", "l", and
 45 "m", for the fiscal year beginning July 1, 2012, the
 46 secretary of state may refund these fees to the filer
 47 pursuant to rules established by the secretary of
 48 state. The decision of the secretary of state not to
 49 issue a refund under rules established by the secretary
 50 of state is final and not subject to review pursuant

1 to chapter 17A.

2 Sec. 86. TREASURER.

3 1. There is appropriated from the general fund of
 4 the state to the office of treasurer of state for the
 5 fiscal year beginning July 1, 2012, and ending June 30,

6 2013, the following amount, or so much thereof as is
7 necessary, to be used for the purposes designated:
8 For salaries, support, maintenance, and
9 miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:

11 \$ 427,145
12 FTEs 28.80

13 2. The office of treasurer of state shall supply
14 clerical and secretarial support for the executive
15 council.

16 Sec. 87. ROAD USE TAX APPROPRIATION — OFFICE
17 OF TREASURER OF STATE. There is appropriated from
18 the road use tax fund created in section 312.1 to
19 the office of treasurer of state for the fiscal year
20 beginning July 1, 2012, and ending June 30, 2013, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purposes designated:

23 For enterprise resource management costs related to
24 the distribution of road use tax funds:
25 \$ 46,574

26 Sec. 88. IPERS — GENERAL OFFICE. There is
27 appropriated from the Iowa public employees' retirement
28 system fund to the Iowa public employees' retirement
29 system for the fiscal year beginning July 1, 2012, and
30 ending June 30, 2013, the following amount, or so much
31 thereof as is necessary, to be used for the purposes
32 designated:

33 For salaries, support, maintenance, and other
34 operational purposes to pay the costs of the Iowa
35 public employees' retirement system, and for not more
36 than the following full-time equivalent positions:
37 \$ 8,843,484
38 FTEs 90.13

39 DIVISION III
40 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
41 APPLICABILITY

42 Sec. 89. EFFECTIVE DATE AND RETROACTIVE
43 APPLICABILITY. Unless otherwise provided, this Act,
44 if approved by the governor on or after July 1, 2011,
45 takes effect upon enactment and applies retroactively
46 to July 1, 2011.>

WATTS of Dallas

H-1751

1 Amend the Senate amendment, H-1732, to House File
2 649, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 1, through page 53,
5 line 18, and inserting:

6 <Amend House File 649, as amended, passed, and
7 reprinted by the House, as follows:

8 _____. By striking everything after the enacting
9 clause and inserting:

10 <DIVISION I

11 HEALTH AND HUMAN SERVICES

12 DEPARTMENT ON AGING — FY 2011-2012

13 Section 1. DEPARTMENT ON AGING. There is
14 appropriated from the general fund of the state to
15 the department on aging for the fiscal year beginning
16 July 1, 2011, and ending June 30, 2012, the following
17 amount, or so much thereof as is necessary, to be used
18 for the purposes designated:

19 For aging programs for the department on aging and
20 area agencies on aging to provide citizens of Iowa who
21 are 60 years of age and older with case management for
22 frail elders, Iowa's aging and disabilities resource
23 center, and other services which may include but are
24 not limited to adult day services, respite care, chore
25 services, information and assistance, and material aid,
26 for information and options counseling for persons with
27 disabilities who are 18 years of age or older, and
28 for salaries, support, administration, maintenance,
29 and miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:

31 \$ 10,302,577

32 FTEs 35.00

33 1. Funds appropriated in this section may be used
34 to supplement federal funds under federal regulations.
35 To receive funds appropriated in this section, a local
36 area agency on aging shall match the funds with moneys
37 from other sources according to rules adopted by the
38 department. Funds appropriated in this section may be
39 used for elderly services not specifically enumerated
40 in this section only if approved by an area agency on
41 aging for provision of the service within the area.

42 2. The amount appropriated in this section includes
43 additional funding of \$450,000 for delivery of
44 long-term care services to older individuals with low
45 or moderate incomes.

46 3. Of the funds appropriated in this section,
47 \$179,946 shall be transferred to the department
48 of economic development for the Iowa commission on
49 volunteer services to be used for the retired and
50 senior volunteer program.

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1 4. a. The department on aging shall establish and
2 enforce procedures relating to expenditure of state and
3 federal funds by area agencies on aging that require
4 compliance with both state and federal laws, rules, and
5 regulations, including but not limited to all of the
6 following:

7 (1) Requiring that expenditures are incurred only
8 for goods or services received or performed prior to
9 the end of the fiscal period designated for use of the
10 funds.

11 (2) Prohibiting prepayment for goods or services
12 not received or performed prior to the end of the
13 fiscal period designated for use of the funds.

14 (3) Prohibiting the prepayment for goods or
15 services not defined specifically by good or service,
16 time period, or recipient.

17 (4) Prohibiting the establishment of accounts from
18 which future goods or services which are not defined
19 specifically by good or service, time period, or
20 recipient, may be purchased.

21 b. The procedures shall provide that if any funds
22 are expended in a manner that is not in compliance with
23 the procedures and applicable federal and state laws,
24 rules, and regulations, and are subsequently subject
25 to repayment, the area agency on aging expending such
26 funds in contravention of such procedures, laws, rules
27 and regulations, not the state, shall be liable for
28 such repayment.

29 DIVISION II

30 HEALTH AND HUMAN SERVICES

31 DEPARTMENT OF PUBLIC HEALTH — FY 2011-2012

32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
33 appropriated from the general fund of the state to
34 the department of public health for the fiscal year
35 beginning July 1, 2011, and ending June 30, 2012, the
36 following amounts, or so much thereof as is necessary,
37 to be used for the purposes designated:

38 1. ADDICTIVE DISORDERS

39 For reducing the prevalence of use of tobacco,
40 alcohol, and other drugs, and treating individuals
41 affected by addictive behaviors, including gambling,
42 and for not more than the following full-time
43 equivalent positions:

44 \$ 20,703,190
45 FTEs 13.00

46 a. (1) Of the funds appropriated in this
47 subsection 1, \$453,830 shall be transferred to the
48 alcoholic beverages division of the department of
49 commerce for enforcement of tobacco laws, regulations,
50 and ordinances in accordance with 2011 Iowa Acts, House

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1 File 467, as enacted.

2 (2) Implementation of the tobacco use prevention
3 and control initiative for the fiscal year beginning
4 July 1, 2011, including efforts at the state and local
5 levels, as provided in chapter 142A, shall be limited

6 to the extent of the funding available.

7 b. Of the funds appropriated in this subsection
8 1, \$20,249,360 shall be used for problem gambling and
9 substance abuse prevention, treatment, and recovery
10 services, including a 24-hour helpline, public
11 information resources, professional training, and
12 program evaluation.

13 (1) Of the funds allocated in this paragraph
14 "b", \$17,132,508 shall be used for substance abuse
15 prevention and treatment.

16 (a) Of the funds allocated in this subparagraph
17 (1), \$899,300 shall be used for the public purpose of
18 a grant program to provide substance abuse prevention
19 programming for children.

20 (i) Of the funds allocated in this subparagraph
21 division (a), \$427,539 shall be used for grant funding
22 for organizations that provide programming for
23 children by utilizing mentors. Programs approved for
24 such grants shall be certified or will be certified
25 within six months of receiving the grant award by the
26 Iowa commission on volunteer services as utilizing
27 the standards for effective practice for mentoring
28 programs.

29 (ii) Of the funds allocated in this subparagraph
30 division (a), \$426,839 shall be used for grant
31 funding for organizations that provide programming
32 that includes youth development and leadership. The
33 programs shall also be recognized as being programs
34 that are scientifically based with evidence of their
35 effectiveness in reducing substance abuse in children.

36 (iii) The department of public health shall utilize
37 a request for proposals process to implement the grant
38 program.

39 (iv) All grant recipients shall participate in a
40 program evaluation as a requirement for receiving grant
41 funds.

42 (v) Of the funds allocated in this subparagraph
43 division (a), up to \$44,922 may be used to administer
44 substance abuse prevention grants and for program
45 evaluations.

46 (b) Of the funds allocated in this subparagraph
47 (1), \$273,062 shall be used for culturally competent
48 substance abuse treatment pilot projects.

49 (i) The department shall utilize the amount
50 allocated in this subparagraph division (b) for at

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1 least three pilot projects to provide culturally
2 competent substance abuse treatment in various areas
3 of the state. Each pilot project shall target a
4 particular ethnic minority population. The populations

5 targeted shall include but are not limited to African
6 American, Asian, and Latino.

7 (ii) The pilot project requirements shall provide
8 for documentation or other means to ensure access
9 to the cultural competence approach used by a pilot
10 project so that such approach can be replicated and
11 improved upon in successor programs.

12 (2) Of the funds allocated in this paragraph "b",
13 up to \$3,116,852 may be used for problem gambling
14 prevention, treatment, and recovery services.

15 (a) Of the funds allocated in this subparagraph
16 (2), \$2,579,000 shall be used for problem gambling
17 prevention and treatment.

18 (b) Of the funds allocated in this subparagraph
19 (2), up to \$437,852 may be used for a 24-hour helpline,
20 public information resources, professional training,
21 and program evaluation.

22 (c) Of the funds allocated in this subparagraph
23 (2), up to \$100,000 may be used for the licensing of
24 problem gambling treatment programs.

25 (3) It is the intent of the general assembly that
26 from the moneys allocated in this paragraph "b",
27 persons with a dual diagnosis of substance abuse
28 and gambling addictions shall be given priority in
29 treatment services.

30 c. Notwithstanding any provision of law to the
31 contrary, to standardize the availability, delivery,
32 cost of delivery, and accountability of problem
33 gambling and substance abuse treatment services
34 statewide, the department shall continue implementation
35 of a process to create a system for delivery of
36 treatment services in accordance with the requirements
37 specified in 2008 Iowa Acts, chapter 1187, section
38 3, subsection 4. To ensure the system provides a
39 continuum of treatment services that best meets the
40 needs of Iowans, the problem gambling and substance
41 abuse treatment services in any area may be provided
42 either by a single agency or by separate agencies
43 submitting a joint proposal.

44 (1) The system for delivery of substance abuse
45 and problem gambling treatment shall include problem
46 gambling prevention by July 1, 2012. The department
47 shall submit a proposed legislative bill in accordance
48 with section 2.16, for consideration during the 2012
49 legislative session, addressing any statutory revisions
50 necessary for full implementation of the system.

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1 (2) The system for delivery of substance abuse and
2 problem gambling treatment shall include substance
3 abuse prevention by July 1, 2014.

4 (3) Of the funds allocated in paragraph "b", the
5 department may use up to \$100,000 for administrative
6 costs to continue developing and implementing the
7 process in accordance with this paragraph "c".
8 d. The requirement of section 123.53, subsection
9 5, is met by the appropriations and allocations made
10 in the health and human services divisions of this Act
11 for purposes of substance abuse treatment and addictive
12 disorders for the fiscal year beginning July 1, 2011.
13 e. The department of public health shall work
14 with all other departments that fund substance
15 abuse prevention and treatment services and all
16 such departments shall, to the extent necessary,
17 collectively meet the state maintenance of effort
18 requirements for expenditures for substance abuse
19 services as required under the federal substance abuse
20 prevention and treatment block grant.
21 f. The department shall amend or otherwise
22 revise departmental policies and contract provisions
23 in order to eliminate free t-shirt distribution,
24 banner production, and other unnecessary promotional
25 expenditures.

26 2. HEALTHY CHILDREN AND FAMILIES

27 For promoting the optimum health status for
28 children, adolescents from birth through 21 years of
29 age, and families, and for not more than the following
30 full-time equivalent positions:
31 \$ 2,594,270
32 FTEs 10.00
33 a. Of the funds appropriated in this subsection,
34 not more than \$739,318 shall be used for the healthy
35 opportunities to experience success (HOPES)-healthy
36 families Iowa (HFI) program established pursuant to
37 section 135.106. The funding shall be distributed to
38 renew the grants that were provided to the grantees
39 that operated the program during the fiscal year ending
40 June 30, 2011.
41 b. Of the funds appropriated in this subsection,
42 \$329,885 shall be used to continue to address the
43 healthy mental development of children from birth
44 through five years of age through local evidence-based
45 strategies that engage both the public and private
46 sectors in promoting healthy development, prevention,
47 and treatment for children.
48 c. Of the funds appropriated in this subsection,
49 \$31,597 shall be distributed to a statewide dental
50 carrier to provide funds to continue the donated dental

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1 services program patterned after the projects developed
2 by the dental lifeline network to provide dental

3 services to indigent elderly and disabled individuals.
4 d. Of the funds appropriated in this subsection,
5 \$112,677 shall be used for childhood obesity
6 prevention.

7 e. Of the funds appropriated in this subsection,
8 \$163,760 shall be used to provide audiological services
9 and hearing aids for children. The department may
10 enter into a contract to administer this paragraph.

11 3. CHRONIC CONDITIONS

12 For serving individuals identified as having chronic
13 conditions or special health care needs, and for not
14 more than the following full-time equivalent positions:

15	\$ 3,438,591
16	FTEs 4.00

17 a. Of the funds appropriated in this subsection,
18 \$160,582 shall be used for grants to individual
19 patients who have phenylketonuria (PKU) to assist with
20 the costs of necessary special foods.

21 b. Of the funds appropriated in this subsection,
22 \$483,600 is allocated for continuation of the contracts
23 for resource facilitator services in accordance with
24 section 135.22B, subsection 9, and for brain injury
25 training services and recruiting of service providers
26 to increase the capacity within this state to address
27 the needs of individuals with brain injuries and such
28 individuals' families.

29 c. Of the funds appropriated in this subsection,
30 \$468,874 shall be used as additional funding to
31 leverage federal funding through the federal Ryan
32 White Care Act, Tit. II, AIDS drug assistance program
33 supplemental drug treatment grants.

34 d. Of the funds appropriated in this subsection,
35 \$31,254 shall be used for the public purpose of
36 providing a grant to an existing national-affiliated
37 organization to provide education, client-centered
38 programs, and client and family support for people
39 living with epilepsy and their families.

40 e. Of the funds appropriated in this subsection,
41 \$12,500 shall be used for the purposes of the epilepsy
42 treatment and education task force as specified in 2011
43 Iowa Acts, House File 322, as enacted.

44 f. Of the funds appropriated in this subsection,
45 \$788,303 shall be used for child health specialty
46 clinics.

47 g. Of the funds appropriated in this subsection,
48 \$711,052 shall be used for the comprehensive cancer
49 control program to reduce the burden of cancer in
50 Iowa through prevention, early detection, effective

1 treatment, and ensuring quality of life. Of the funds
 2 allocated in this lettered paragraph, \$363,987 shall
 3 be used to support a melanoma research symposium,
 4 a melanoma biorepository and registry, basic and
 5 translational melanoma research, and clinical trials.

6 h. Of the funds appropriated in this subsection,
 7 \$126,450 shall be used for cervical and colon cancer
 8 screening.

9 i. Of the funds appropriated in this subsection,
 10 \$421,782 shall be used for the center for congenital
 11 and inherited disorders.

12 j. Of the funds appropriated in this subsection,
 13 \$129,937 shall be used for the prescription drug
 14 donation repository program created in chapter 135M.

15 4. COMMUNITY CAPACITY

16 For strengthening the health care delivery system at
 17 the local level, and for not more than the following
 18 full-time equivalent positions:

19 \$ 4,414,063
 20 FTEs 14.00

21 a. Of the funds appropriated in this subsection,
 22 \$100,000 is allocated for a child vision screening
 23 program implemented through the university of Iowa
 24 hospitals and clinics in collaboration with early
 25 childhood Iowa areas.

26 b. Of the funds appropriated in this subsection,
 27 \$111,308 is allocated for continuation of an initiative
 28 implemented at the university of Iowa and \$100,493 is
 29 allocated for continuation of an initiative at the
 30 state mental health institute at Cherokee to expand
 31 and improve the workforce engaged in mental health
 32 treatment and services. The initiatives shall receive
 33 input from the university of Iowa, the department of
 34 human services, the department of public health, and
 35 the mental health, mental retardation, developmental
 36 disabilities, and brain injury commission to address
 37 the focus of the initiatives.

38 c. Of the funds appropriated in this subsection,
 39 \$1,171,491 shall be used for essential public health
 40 services that promote healthy aging throughout the
 41 lifespan, contracted through a formula for local boards
 42 of health, to enhance health promotion and disease
 43 prevention services.

44 d. Of the funds appropriated in this section,
 45 \$121,817 shall be deposited in the governmental public
 46 health system fund created in section 135A.8 to be used
 47 for the purposes of the fund.

48 e. Of the funds appropriated in this subsection,
 49 \$106,279 shall be used for the mental health
 50 professional shortage area program implemented pursuant

1 to section 135.80.

2 f. Of the funds appropriated in this subsection,
3 \$38,263 shall be used for a grant to a statewide
4 association of psychologists that is affiliated
5 with the American psychological association to be
6 used for continuation of a program to rotate intern
7 psychologists in placements in urban and rural mental
8 health professional shortage areas, as defined in
9 section 135.80.

10 g. Of the funds appropriated in this subsection,
11 the following amounts shall be allocated to the Iowa
12 collaborative safety net provider network established
13 pursuant to section 135.153 to be used for the purposes
14 designated. The following amounts allocated under
15 this lettered paragraph shall be distributed to

16 the specified provider and shall not be reduced for
17 administrative or other costs prior to distribution:

18 (1) For distribution to the Iowa primary care
19 association for statewide coordination of the Iowa
20 collaborative safety net provider network:

21 \$ 116,597

22 (2) For distribution to the local boards of health
23 that provide direct services for pilot programs in
24 three counties to assist patients in determining an
25 appropriate medical home:

26 \$ 68,332

27 (3) For distribution to maternal and child health
28 centers for pilot programs in three counties to assist
29 patients in determining an appropriate medical home:

30 \$ 68,332

31 (4) For distribution to free clinics for necessary
32 infrastructure, statewide coordination, provider
33 recruitment, service delivery, and provision of
34 assistance to patients in determining an appropriate
35 medical home:

36 \$ 113,754

37 (5) For distribution to rural health clinics for
38 necessary infrastructure, statewide coordination,
39 provider recruitment, service delivery, and provision
40 of assistance to patients in determining an appropriate
41 medical home:

42 \$ 101,264

43 (6) For continuation of the safety net provider
44 patient access to specialty health care initiative as
45 described in 2007 Iowa Acts, chapter 218, section 109:

46 \$ 238,420

47 (7) For continuation of the pharmaceutical
48 infrastructure for safety net providers as described in
49 2007 Iowa Acts, chapter 218, section 108:

50 \$ 247,590

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1 The Iowa collaborative safety net provider network
2 may continue to distribute funds allocated pursuant to
3 this lettered paragraph through existing contracts or
4 renewal of existing contracts.

5 h. (1) Of the funds appropriated in this
6 subsection, \$100,000 shall be used for continued
7 implementation of the recommendations of the direct
8 care worker task force established pursuant to 2005
9 Iowa Acts, chapter 88, based upon the report submitted
10 to the governor and the general assembly in December
11 2006. The department may use a portion of the funds
12 allocated in this lettered paragraph for an additional
13 position to assist in the continued implementation.

14 (2) The direct care worker advisory council
15 shall submit a final report no later than March 1,
16 2012, to the governor and the general assembly, in
17 accordance with 2010 Iowa Acts, chapter 1192, section
18 2, subsection 4, paragraph "h", subparagraph (3).

19 (3) The department of public health shall report
20 to the persons designated in the department of human
21 services division of this Act for FY 2011-2012 for
22 submission of reports regarding use of the funds
23 allocated in this lettered paragraph, on or before
24 January 15, 2012.

25 i. Of the funds appropriated in this subsection,
26 \$150,000 shall be used for allocation through a request
27 for proposals process to a statewide direct care worker
28 association for education, outreach, and mentoring
29 intended to enhance the recruitment and retention of
30 direct care workers in health care and long-term care
31 settings. Funding allocated in this lettered paragraph
32 shall not be used by the recipient association for
33 lobbying activities as described in section 689B.36.

34 j. The department may utilize one of the full-time
35 equivalent positions authorized in this subsection for
36 administration of the activities related to the Iowa
37 collaborative safety net provider network.

38 k. Of the funds appropriated in this subsection,
39 the department may use up to \$60,000 for up to one
40 full-time equivalent position to administer the
41 volunteer health care provider program pursuant to
42 section 135.24.

43 l. Of the funds appropriated in this subsection,
44 \$50,000 shall be used for a matching dental education
45 loan repayment program to be allocated to a dental
46 nonprofit health service corporation to develop the
47 criteria and implement the loan repayment program.

48 m. Of the funds appropriated in this subsection,
49 \$363,987 shall be used as state matching funds for
50 the health information network as established by the

1 department of public health.

2 5. HEALTHY AGING

3 To provide public health services that reduce risks
4 and invest in promoting and protecting good health over
5 the course of a lifetime with a priority given to older
6 Iowans and vulnerable populations:

7 \$ 7,297,142

8 a. Of the funds appropriated in this subsection,
9 \$2,009,187 shall be used for local public health
10 nursing services.

11 b. Of the funds appropriated in this subsection,
12 \$5,287,955 shall be used for home care aide services.

13 6. ENVIRONMENTAL HAZARDS

14 For reducing the public's exposure to hazards in the
15 environment, primarily chemical hazards, and for not
16 more than the following full-time equivalent positions:

17 \$ 813,777

18 FTEs 4.00

19 Of the funds appropriated in this subsection,
20 \$544,377 shall be used for childhood lead poisoning
21 provisions.

22 7. INFECTIOUS DISEASES

23 For reducing the incidence and prevalence of
24 communicable diseases, and for not more than the
25 following full-time equivalent positions:

26 \$ 1,345,847

27 FTEs 4.00

28 8. PUBLIC PROTECTION

29 For protecting the health and safety of the
30 public through establishing standards and enforcing
31 regulations, and for not more than the following
32 full-time equivalent positions:

33 \$ 2,776,232

34 FTEs 125.00

35 a. Of the funds appropriated in this subsection,
36 not more than \$471,690 shall be credited to the
37 emergency medical services fund created in section
38 135.25. Moneys in the emergency medical services fund
39 are appropriated to the department to be used for the
40 purposes of the fund.

41 b. Of the funds appropriated in this subsection,
42 \$210,619 shall be used for sexual violence prevention
43 programming through a statewide organization
44 representing programs serving victims of sexual
45 violence through the department's sexual violence
46 prevention program. The amount allocated in this
47 lettered paragraph shall not be used to supplant
48 funding administered for other sexual violence
49 prevention or victims assistance programs.

50 c. Of the funds appropriated in this subsection,

1 not more than \$436,582 shall be used for the state
2 poison control center.

3 9. RESOURCE MANAGEMENT

4 For establishing and sustaining the overall
5 ability of the department to deliver services to the
6 public, and for not more than the following full-time
7 equivalent positions:

8 \$ 819,554
9 FTEs 7.00

10 The university of Iowa hospitals and clinics under
11 the control of the state board of regents shall not
12 receive indirect costs from the funds appropriated in
13 this section. The university of Iowa hospitals and
14 clinics billings to the department shall be on at least
15 a quarterly basis.

16 DIVISION III

17 HEALTH AND HUMAN SERVICES

18 DEPARTMENT OF VETERANS AFFAIRS — FY 2011-2012

19 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
20 appropriated from the general fund of the state to the
21 department of veterans affairs for the fiscal year
22 beginning July 1, 2011, and ending June 30, 2012, the
23 following amounts, or so much thereof as is necessary,
24 to be used for the purposes designated:

25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

26 For salaries, support, maintenance, and
27 miscellaneous purposes, including the war orphans
28 educational assistance fund created in section
29 35.8, and for not more than the following full-time
30 equivalent positions:

31 \$ 998,832
32 FTEs 16.34

33 2. IOWA VETERANS HOME

34 For salaries, support, maintenance, and
35 miscellaneous purposes:

36 \$ 8,952,151

37 a. The Iowa veterans home billings involving the
38 department of human services shall be submitted to the
39 department on at least a monthly basis.

40 b. If there is a change in the employer of
41 employees providing services at the Iowa veterans home
42 under a collective bargaining agreement, such employees
43 and the agreement shall be continued by the successor
44 employer as though there had not been a change in
45 employer.

46 c. Within available resources and in conformance
47 with associated state and federal program eligibility
48 requirements, the Iowa veterans home may implement
49 measures to provide financial assistance to or on
50 behalf of veterans or their spouses participating in

1 the community reentry program.
2 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
3 DECEASED VETERANS

4 For provision of educational assistance pursuant to
5 section 35.9:

6 \$ 12,416

7 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS
8 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding
9 the standing appropriation in the following designated
10 section for the fiscal year beginning July 1, 2011, and
11 ending June 30, 2012, the amounts appropriated from the
12 general fund of the state pursuant to that section for
13 the following designated purposes shall not exceed the
14 following amount:

15 For the county commissions of veterans affairs fund
16 under section 35A.16:

17 \$ 990,000

18 DIVISION IV

19 HEALTH AND HUMAN SERVICES

20 DEPARTMENT OF HUMAN SERVICES — FY 2011-2012

21 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

22 BLOCK GRANT. There is appropriated from the fund
23 created in section 8.41 to the department of human
24 services for the fiscal year beginning July 1, 2011,
25 and ending June 30, 2012, from moneys received under
26 the federal temporary assistance for needy families
27 (TANF) block grant pursuant to the federal Personal
28 Responsibility and Work Opportunity Reconciliation
29 Act of 1996, Pub. L. No. 104-193, and successor
30 legislation, and from moneys received under the
31 emergency contingency fund for temporary assistance
32 for needy families state program established pursuant
33 to the federal American Recovery and Reinvestment
34 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
35 legislation, the following amounts, or so much
36 thereof as is necessary, to be used for the purposes
37 designated:

38 1. To be credited to the family investment program
39 account and used for assistance under the family
40 investment program under chapter 239B:

41 \$ 21,500,738

42 2. To be credited to the family investment program
43 account and used for the job opportunities and
44 basic skills (JOBS) program and implementing family
45 investment agreements in accordance with chapter 239B:

46 \$ 12,411,528

47 3. To be used for the family development and
48 self-sufficiency grant program in accordance with
49 section 216A.107:

50 \$ 2,898,980

1 Notwithstanding section 8.33, moneys appropriated in
 2 this subsection that remain unencumbered or unobligated
 3 at the close of the fiscal year shall not revert but
 4 shall remain available for expenditure for the purposes
 5 designated until the close of the succeeding fiscal
 6 year. However, unless such moneys are encumbered or
 7 obligated on or before September 30, 2012, the moneys
 8 shall revert.

9 4. For field operations:
 10 \$ 31,296,232

11 5. For general administration:
 12 \$ 3,744,000

13 6. For state child care assistance:
 14 \$ 16,382,687

15 The funds appropriated in this subsection shall be
 16 transferred to the child care and development block
 17 grant appropriation made by the Eighty-fourth General
 18 Assembly, 2011 Session, for the federal fiscal year
 19 beginning October 1, 2011, and ending September 30,
 20 2012. Of this amount, \$200,000 shall be used for
 21 provision of educational opportunities to registered
 22 child care home providers in order to improve services
 23 and programs offered by this category of providers and
 24 to increase the number of providers. The department
 25 may contract with institutions of higher education or
 26 child care resource and referral centers to provide the
 27 educational opportunities. Allowable administrative
 28 costs under the contracts shall not exceed 5 percent.
 29 The application for a grant shall not exceed two pages
 30 in length.

31 7. For mental health and developmental disabilities
 32 community services:
 33 \$ 4,894,052

34 8. For child and family services:
 35 \$ 32,084,430

36 9. For child abuse prevention grants:
 37 \$ 125,000

38 10. For pregnancy prevention grants on the
 39 condition that family planning services are funded:
 40 \$ 1,930,067

41 Pregnancy prevention grants shall be awarded
 42 to pregnancy prevention programs that are based
 43 on existing models that have demonstrated positive
 44 outcomes. Grants shall comply with the requirements
 45 provided in 1997 Iowa Acts, chapter 208, section 14,
 46 subsections 1 and 2, including the requirement that
 47 grant programs must emphasize sexual abstinence.
 48 Priority in the awarding of grants shall be given
 49 to programs that serve areas of the state which
 50 demonstrate the highest percentage of unplanned

1 pregnancies of females of childbearing age within the
2 geographic area to be served by the grant.

3 11. For technology needs and other resources
4 necessary to meet federal welfare reform reporting,
5 tracking, and case management requirements:

6 \$ 1,037,186

7 12. To be credited to the state child care
8 assistance appropriation made in this section to be
9 used for funding of community-based early childhood
10 programs targeted to children from birth through five
11 years of age developed by early childhood Iowa areas as
12 provided in section 256I.11:

13 \$ 6,350,000

14 The department shall transfer TANF block grant
15 funding appropriated and allocated in this subsection
16 to the child care and development block grant
17 appropriation in accordance with federal law as
18 necessary to comply with the provisions of this
19 subsection.

20 13. a. Notwithstanding any provision to the
21 contrary, including but not limited to requirements
22 in section 8.41 or provisions in 2010 or 2011 Iowa
23 Acts regarding the receipt and appropriation of
24 federal block grants, federal funds from the emergency
25 contingency fund for temporary assistance for needy
26 families state program established pursuant to the
27 federal American Recovery and Reinvestment Act of
28 2009, Pub. L. No. 111-5 § 2101, received by the state
29 during the fiscal year beginning July 1, 2010, and
30 ending June 30, 2011, not otherwise appropriated in
31 this section and remaining available as of July 1,
32 2011, and received by the state during the fiscal year
33 beginning July 1, 2011, and ending June 30, 2012, are
34 appropriated to the extent as may be necessary to be
35 used in the following priority order: the family
36 investment program for the fiscal year and for state
37 child care assistance program payments for individuals
38 enrolled in the family investment program who are
39 employed. The federal funds appropriated in this
40 paragraph "a" shall be expended only after all other
41 funds appropriated in subsection 1 for the assistance
42 under the family investment program under chapter 239B
43 have been expended.

44 b. The department shall, on a quarterly basis,
45 advise the legislative services agency and department
46 of management of the amount of funds appropriated in
47 this subsection that was expended in the prior quarter.

48 14. Of the amounts appropriated in this section,
49 \$12,962,008 for the fiscal year beginning July 1,
50 2011, shall be transferred to the appropriation of

1 the federal social services block grant made for that
2 fiscal year.

3 15. For continuation of the program allowing the
4 department to maintain categorical eligibility for the
5 food assistance program as required under the section
6 of this division of this Act relating to the family
7 investment account:

8 \$ 146,072

9 16. The department may transfer funds allocated
10 in this section to the appropriations made in this
11 division of this Act for general administration and
12 field operations for resources necessary to implement
13 and operate the services referred to in this section
14 and those funded in the appropriation made in this
15 division of this Act for the family investment program
16 from the general fund of the state.

17 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

18 1. Moneys credited to the family investment program
19 (FIP) account for the fiscal year beginning July
20 1, 2011, and ending June 30, 2012, shall be used to
21 provide assistance in accordance with chapter 239B.

22 2. The department may use a portion of the moneys
23 credited to the FIP account under this section as
24 necessary for salaries, support, maintenance, and
25 miscellaneous purposes.

26 3. The department may transfer funds allocated in
27 this section to the appropriations in this division
28 of this Act for general administration and field
29 operations for resources necessary to implement and
30 operate the services referred to in this section and
31 those funded in the appropriation made in this division
32 of this Act for the family investment program from the
33 general fund of the state.

34 4. Moneys appropriated in this division of this Act
35 and credited to the FIP account for the fiscal year
36 beginning July 1, 2011, and ending June 30, 2012, are
37 allocated as follows:

38 a. To be retained by the department of human
39 services to be used for coordinating with the
40 department of human rights to more effectively serve
41 participants in the FIP program and other shared
42 clients and to meet federal reporting requirements
43 under the federal temporary assistance for needy
44 families block grant:

45 \$ 20,000

46 b. To the department of human rights for staffing,
47 administration, and implementation of the family
48 development and self-sufficiency grant program in
49 accordance with section 216A.107:

50 \$ 5,342,834

1 (1) Of the funds allocated for the family
2 development and self-sufficiency grant program in this
3 lettered paragraph, not more than 5 percent of the
4 funds shall be used for the administration of the grant
5 program.

6 (2) The department of human rights may continue to
7 implement the family development and self-sufficiency
8 grant program statewide during fiscal year 2011-2012.

9 c. For the diversion subaccount of the FIP account:
10 \$ 1,698,400

11 A portion of the moneys allocated for the subaccount
12 may be used for field operations salaries, data
13 management system development, and implementation
14 costs and support deemed necessary by the director of
15 human services in order to administer the FIP diversion
16 program.

17 d. For the food stamp employment and training
18 program:

19 \$ 66,588

20 (1) The department shall amend the food stamp
21 employment and training state plan in order to maximize
22 to the fullest extent permitted by federal law the
23 use of the 50-50 match provisions for the claiming
24 of allowable federal matching funds from the United
25 States department of agriculture pursuant to the
26 federal food stamp employment and training program for
27 providing education, employment, and training services
28 for eligible food assistance program participants,
29 including but not limited to related dependent care and
30 transportation expenses.

31 (2) The department shall continue the categorical
32 federal food assistance program eligibility at 160
33 percent of the federal poverty level and continue to
34 eliminate the asset test from eligibility requirements,
35 consistent with federal food assistance program
36 requirements. The department shall include as many
37 food assistance households as is allowed by federal
38 law. The eligibility provisions shall conform to all
39 federal requirements including requirements addressing
40 individuals who are incarcerated or otherwise
41 ineligible.

42 e. For the JOBS program:
43 \$ 20,235,905

44 5. Of the child support collections assigned under
45 FIP, an amount equal to the federal share of support
46 collections shall be credited to the child support
47 recovery appropriation made in this division of this
48 Act. Of the remainder of the assigned child support
49 collections received by the child support recovery
50 unit, a portion shall be credited to the FIP account,

1 a portion may be used to increase recoveries, and a
 2 portion may be used to sustain cash flow in the child
 3 support payments account. If as a consequence of the
 4 appropriations and allocations made in this section
 5 the resulting amounts are insufficient to sustain
 6 cash assistance payments and meet federal maintenance
 7 of effort requirements, the department shall seek
 8 supplemental funding. If child support collections
 9 assigned under FIP are greater than estimated or are
 10 otherwise determined not to be required for maintenance
 11 of effort, the state share of either amount may be
 12 transferred to or retained in the child support payment
 13 account.

14 6. The department may adopt emergency rules for
 15 the family investment, JOBS, food stamp, and medical
 16 assistance programs if necessary to comply with federal
 17 requirements.

18 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL
 19 FUND. There is appropriated from the general fund of
 20 the state to the department of human services for the
 21 fiscal year beginning July 1, 2011, and ending June 30,
 22 2012, the following amount, or so much thereof as is
 23 necessary, to be used for the purpose designated:

24 To be credited to the family investment program
 25 (FIP) account and used for family investment program
 26 assistance under chapter 239B:

27 \$ 50,171,027

28 1. Of the funds appropriated in this section,
 29 \$7,824,377 is allocated for the JOBS program.

30 2. Of the funds appropriated in this section,
 31 \$2,463,854 is allocated for the family development and
 32 self-sufficiency grant program.

33 3. Notwithstanding section 8.39, for the fiscal
 34 year beginning July 1, 2011, if necessary to meet
 35 federal maintenance of effort requirements or to
 36 transfer federal temporary assistance for needy
 37 families block grant funding to be used for purposes
 38 of the federal social services block grant or to meet
 39 cash flow needs resulting from delays in receiving
 40 federal funding or to implement, in accordance with
 41 this division of this Act, activities currently funded
 42 with juvenile court services, county, or community
 43 moneys and state moneys used in combination with such
 44 moneys, the department of human services may transfer
 45 funds within or between any of the appropriations made
 46 in this division of this Act and appropriations in law
 47 for the federal social services block grant to the
 48 department for the following purposes, provided that
 49 the combined amount of state and federal temporary
 50 assistance for needy families block grant funding for

1 each appropriation remains the same before and after
2 the transfer:

- 3 a. For the family investment program.
- 4 b. For child care assistance.
- 5 c. For child and family services.
- 6 d. For field operations.
- 7 e. For general administration.
- 8 f. MH/MR/DD/BI community services (local purchase).

9 This subsection shall not be construed to prohibit
10 the use of existing state transfer authority for other
11 purposes. The department shall report any transfers
12 made pursuant to this subsection to the legislative
13 services agency.

14 4. Of the funds appropriated in this section,
15 \$195,678 shall be used for continuation of a grant to
16 an Iowa-based nonprofit organization with a history
17 of providing tax preparation assistance to low-income
18 Iowans in order to expand the usage of the earned
19 income tax credit. The purpose of the grant is to
20 supply this assistance to underserved areas of the
21 state.

22 Sec. 8. CHILD SUPPORT RECOVERY. There is
23 appropriated from the general fund of the state to
24 the department of human services for the fiscal year
25 beginning July 1, 2011, and ending June 30, 2012, the
26 following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:

28 For child support recovery, including salaries,
29 support, maintenance, and miscellaneous purposes, and
30 for not more than the following full-time equivalent
31 positions:

32	\$ 13,044,451
33	FTEs 475.00

34 1. The department shall expend up to \$24,329,
35 including federal financial participation, for the
36 fiscal year beginning July 1, 2011, for a child support
37 public awareness campaign. The department and the
38 office of the attorney general shall cooperate in
39 continuation of the campaign. The public awareness
40 campaign shall emphasize, through a variety of media
41 activities, the importance of maximum involvement of
42 both parents in the lives of their children as well as
43 the importance of payment of child support obligations.

44 2. Federal access and visitation grant moneys shall
45 be issued directly to private not-for-profit agencies
46 that provide services designed to increase compliance
47 with the child access provisions of court orders,
48 including but not limited to neutral visitation sites
49 and mediation services.

50 3. The appropriation made to the department for

1 child support recovery may be used throughout the
 2 fiscal year in the manner necessary for purposes of
 3 cash flow management, and for cash flow management
 4 purposes the department may temporarily draw more
 5 than the amount appropriated, provided the amount
 6 appropriated is not exceeded at the close of the fiscal
 7 year.

8 4. With the exception of the funding amount
 9 specified, the requirements established under 2001
 10 Iowa Acts, chapter 191, section 3, subsection 5,
 11 paragraph "c", subparagraph (3), shall be applicable
 12 to parental obligation pilot projects for the fiscal
 13 year beginning July 1, 2011, and ending June 30,
 14 2012. Notwithstanding 441 IAC 100.8, providing for
 15 termination of rules relating to the pilot projects,
 16 the rules shall remain in effect until June 30, 2012.

17 Sec. 9. HEALTH CARE TRUST FUND — MEDICAL
 18 ASSISTANCE. Any funds remaining in the health
 19 care trust fund created in section 453A.35A for the
 20 fiscal year beginning July 1, 2011, and ending June
 21 30, 2012, are appropriated to the department of
 22 human services to supplement the medical assistance
 23 program appropriations made in the health and human
 24 services divisions of this Act, for medical assistance
 25 reimbursement and associated costs, including
 26 program administration and costs associated with
 27 implementation.

28 Sec. 10. MEDICAL ASSISTANCE. There is appropriated
 29 from the general fund of the state to the department of
 30 human services for the fiscal year beginning July 1,
 31 2011, and ending June 30, 2012, the following amount,
 32 or so much thereof as is necessary, to be used for the
 33 purpose designated:

34 For medical assistance reimbursement and associated
 35 costs as specifically provided in the reimbursement
 36 methodologies in effect on June 30, 2011, except as
 37 otherwise expressly authorized by law, including
 38 reimbursement for abortion services which shall be
 39 available under the medical assistance program only for
 40 those abortions which are medically necessary:
 41 \$907,087,190

- 42 1. Medically necessary abortions are those
- 43 performed under any of the following conditions:
- 44 a. The attending physician certifies that
- 45 continuing the pregnancy would endanger the life of the
- 46 pregnant woman.
- 47 b. Any spontaneous abortion, commonly known as a
- 48 miscarriage, if not all of the products of conception
- 49 are expelled.
- 50 2. The department shall utilize not more than

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1 \$60,000 of the funds appropriated in this section
2 to continue the AIDS/HIV health insurance premium
3 payment program as established in 1992 Iowa Acts,
4 Second Extraordinary Session, chapter 1001, section
5 409, subsection 6. Of the funds allocated in this
6 subsection, not more than \$5,000 may be expended for
7 administrative purposes.

8 3. Of the funds appropriated in the department of
9 public health division of this Act for FY 2011-2012
10 to the department of public health for addictive
11 disorders, \$950,000 for the fiscal year beginning
12 July 1, 2011, shall be transferred to the department
13 of human services for an integrated substance abuse
14 managed care system. The department shall not assume
15 management of the substance abuse system in place
16 of the managed care contractor unless such a change
17 in approach is specifically authorized in law. The
18 departments of human services and public health shall
19 work together to maintain the level of mental health
20 and substance abuse services provided by the managed
21 care contractor through the Iowa plan for behavioral
22 health. Each department shall take the steps necessary
23 to continue the federal waivers as necessary to
24 maintain the level of services.

25 4. a. The department shall aggressively pursue
26 options for providing medical assistance or other
27 assistance to individuals with special needs who become
28 ineligible to continue receiving services under the
29 early and periodic screening, diagnostic, and treatment
30 program under the medical assistance program due
31 to becoming 21 years of age who have been approved
32 for additional assistance through the department's
33 exception to policy provisions, but who have health
34 care needs in excess of the funding available through
35 the exception to policy provisions.

36 b. Of the funds appropriated in this section,
37 \$100,000 shall be used for participation in one or more
38 pilot projects operated by a private provider to allow
39 the individual or individuals to receive service in the
40 community in accordance with principles established in
41 *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose
42 of providing medical assistance or other assistance to
43 individuals with special needs who become ineligible
44 to continue receiving services under the early and
45 periodic screening, diagnosis, and treatment program
46 under the medical assistance program due to becoming
47 21 years of age who have been approved for additional
48 assistance through the department's exception to policy
49 provisions, but who have health care needs in excess
50 of the funding available through the exception to the

1 policy provisions.

2 5. Of the funds appropriated in this section, up to
3 \$3,050,082 may be transferred to the field operations
4 or general administration appropriations in this
5 division of this Act for operational costs associated
6 with Part D of the federal Medicare Prescription Drug
7 Improvement and Modernization Act of 2003, Pub. L. No.
8 108-173.

9 6. Of the funds appropriated in this section, up
10 to \$442,100 may be transferred to the appropriation
11 in this division of this Act for medical contracts
12 to be used for clinical assessment services and prior
13 authorization of services.

14 7. A portion of the funds appropriated in this
15 section may be transferred to the appropriations in
16 this division of this Act for general administration,
17 medical contracts, the children's health insurance
18 program, or field operations to be used for the
19 state match cost to comply with the payment error
20 rate measurement (PERM) program for both the medical
21 assistance and children's health insurance programs
22 as developed by the centers for Medicare and Medicaid
23 services of the United States department of health and
24 human services to comply with the federal Improper
25 Payments Information Act of 2002, Pub. L. No. 107-300.

26 8. It is the intent of the general assembly
27 that the department continue to implement the
28 recommendations of the assuring better child health
29 and development initiative II (ABCDII) clinical panel
30 to the Iowa early and periodic screening, diagnostic,
31 and treatment services healthy mental development
32 collaborative board regarding changes to billing
33 procedures, codes, and eligible service providers.

34 9. Of the funds appropriated in this section,
35 a sufficient amount is allocated to supplement
36 the incomes of residents of nursing facilities,
37 intermediate care facilities for persons with mental
38 illness, and intermediate care facilities for persons
39 with mental retardation, with incomes of less than \$50
40 in the amount necessary for the residents to receive a
41 personal needs allowance of \$50 per month pursuant to
42 section 249A.30A.

43 10. Of the funds appropriated in this section,
44 the following amounts shall be transferred to the
45 appropriations made in this division of this Act for
46 the state mental health institutes:

- 47 a. Cherokee mental health institute
- 48 \$ 9,098,425
- 49 b. Clarinda mental health institute
- 50 \$ 1,977,305

1 c. Independence mental health institute
2 \$ 9,045,894
3 d. Mount Pleasant mental health institute
4 \$ 5,752,587

5 11. a. Of the funds appropriated in this section,
6 \$7,425,684 is allocated for the state match for a
7 disproportionate share hospital payment of \$19,133,430
8 to hospitals that meet both of the conditions specified
9 in subparagraphs (1) and (2). In addition, the
10 hospitals that meet the conditions specified shall
11 either certify public expenditures or transfer to
12 the medical assistance program an amount equal to
13 provide the nonfederal share for a disproportionate
14 share hospital payment of \$7,500,000. The hospitals
15 that meet the conditions specified shall receive and
16 retain 100 percent of the total disproportionate share
17 hospital payment of \$26,633,430.

18 (1) The hospital qualifies for disproportionate
19 share and graduate medical education payments.
20 (2) The hospital is an Iowa state-owned hospital
21 with more than 500 beds and eight or more distinct
22 residency specialty or subspecialty programs recognized
23 by the American college of graduate medical education.

24 b. Distribution of the disproportionate share
25 payments shall be made on a monthly basis. The total
26 amount of disproportionate share payments including
27 graduate medical education, enhanced disproportionate
28 share, and Iowa state-owned teaching hospital payments
29 shall not exceed the amount of the state's allotment
30 under Pub. L. No. 102-234. In addition, the total
31 amount of all disproportionate share payments shall not
32 exceed the hospital-specific disproportionate share
33 limits under Pub. L. No. 103-66.

34 12. The university of Iowa hospitals and clinics
35 shall either certify public expenditures or transfer to
36 the medical assistance appropriation an amount equal
37 to provide the nonfederal share for increased medical
38 assistance payments for inpatient and outpatient
39 hospital services of \$9,900,000. The university of
40 Iowa hospitals and clinics shall receive and retain 100
41 percent of the total increase in medical assistance
42 payments.

43 13. Of the funds appropriated in this section,
44 up to \$4,480,304 may be transferred to the IowaCare
45 account created in section 249J.24.

46 14. Of the funds appropriated in this section,
47 \$200,000 shall be used for the Iowa chronic care
48 consortium pursuant to 2003 Iowa Acts, chapter 112,
49 section 12, as amended by 2003 Iowa Acts, chapter 179,
50 sections 166 and 167.

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1 15. One hundred percent of the nonfederal share of
2 payments to area education agencies that are medical
3 assistance providers for medical assistance-covered
4 services provided to medical assistance-covered
5 children, shall be made from the appropriation made in
6 this section.

7 16. Any new or renewed contract entered into by the
8 department with a third party to administer behavioral
9 health services under the medical assistance program
10 shall provide that any interest earned on payments
11 from the state during the state fiscal year shall be
12 remitted to the department and treated as recoveries to
13 offset the costs of the medical assistance program.

14 17. The department shall continue to implement the
15 provisions in 2007 Iowa Acts, chapter 218, section
16 124 and section 126, as amended by 2008 Iowa Acts,
17 chapter 1188, section 55, relating to eligibility for
18 certain persons with disabilities under the medical
19 assistance program in accordance with the federal
20 family opportunity Act.

21 18. A portion of the funds appropriated in this
22 section may be transferred to the appropriation in this
23 division of this Act for medical contracts to be used
24 for administrative activities associated with the money
25 follows the person demonstration project.

26 19. Of the funds appropriated in this section,
27 \$349,011 shall be used for the administration of the
28 health insurance premium payment program, including
29 salaries, support, maintenance, and miscellaneous
30 purposes for the fiscal year beginning July 1, 2011.

31 20. a. The department may implement cost
32 containment strategies recommended by the governor, and
33 may adopt emergency rules for such implementation.

34 b. The department may increase the amounts
35 allocated for salaries, support, maintenance, and
36 miscellaneous purposes associated with the medical
37 assistance program, as necessary, to implement the cost
38 containment strategies. The department shall report
39 any such increase to the legislative services agency
40 and the department of management.

41 c. If the savings to the medical assistance
42 program exceed the cost, the department may transfer
43 any savings generated for the fiscal year due to
44 medical assistance program cost containment efforts
45 initiated pursuant to 2010 Iowa Acts, chapter 1031,
46 Executive Order No. 20, issued December 16, 2009, or
47 cost containment strategies initiated pursuant to
48 this subsection, to the appropriation made in this
49 division of this Act for medical contracts or general
50 administration to defray the increased contract costs

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1 associated with implementing such efforts.

2 d. The department shall report the implementation
3 of any cost containment strategies under this
4 subsection to the individuals specified in this
5 division of this Act for submission of reports on a
6 quarterly basis.

7 21. Notwithstanding any provision of law to the
8 contrary, the department of human services shall amend
9 the section 1915(b) waiver and Iowa plan contract to
10 include remedial services under the Iowa plan contract
11 effective July 1, 2011.

12 22. a. The department may submit medical
13 assistance program state plan amendments to the centers
14 for Medicare and Medicaid services of the United
15 States department of health and human services, and may
16 adopt administrative rules pursuant to chapter 17A to
17 implement any of the following if the respective state
18 plan amendment is approved:

19 (1) Health homes pursuant to section 2703 of the
20 federal Patient Protection and Affordable Care Act,
21 Pub. L. No. 111-148. The department shall collaborate
22 with the medical home system advisory council created
23 pursuant to section 135.159 in developing such health
24 homes.

25 (2) Accountable care organization pilot programs,
26 if such programs are advantageous to the medical
27 assistance program.

28 b. Any health home or accountable care organization
29 pilot program implemented pursuant to this subsection
30 shall demonstrate value to the state with a
31 positive return on investment within two years of
32 implementation, and may utilize care coordination fees,
33 pay-for-performance fees, or shared saving strategies
34 if approved as part of the state plan amendment.

35 23. The department, in consultation with the
36 Iowa pharmacy association and other appropriate
37 entities, shall develop recommendations to replace the
38 reimbursement methodology of average wholesale price
39 minus 12 percent for covered brand-name prescription
40 drugs, generic drugs, and over-the-counter drugs. The
41 department shall report the recommendations to the
42 persons designated in this division of this Act for
43 submission of reports by December 15, 2011.

44 Sec. 11. MEDICAL CONTRACTS. There is appropriated
45 from the general fund of the state to the department of
46 human services for the fiscal year beginning July 1,
47 2011, and ending June 30, 2012, the following amount,
48 or so much thereof as is necessary, to be used for the
49 purpose designated:

50 For medical contracts:

1 \$ 5,823,844
2 1. The department of inspections and appeals
3 shall provide all state matching funds for survey and
4 certification activities performed by the department
5 of inspections and appeals. The department of human
6 services is solely responsible for distributing the
7 federal matching funds for such activities.
8 2. The department shall amend the state Medicaid
9 health information technology plan to include costs
10 related to the one-time development costs of the health
11 information network established by the department of
12 public health.
13 3. Of the amount appropriated in this section, up
14 to \$200,000 may be transferred to the appropriation for
15 general administration in this division of this Act to
16 be used for additional full-time equivalent positions
17 in the development of key health initiatives such as
18 cost containment, development and oversight of managed
19 care programs, and development of health strategies
20 targeted toward improved quality and reduced costs in
21 the Medicaid program.
22 4. Of the funds appropriated in this section,
23 \$50,000 shall be used for home and community-based
24 services waiver quality assurance programs, including
25 the review and streamlining of processes and policies
26 related to oversight and quality management to meet
27 state and federal requirements. The department shall
28 submit a report to the persons designated in this
29 division of this Act for submission of reports by
30 December 15, 2011, regarding the modifications to the
31 quality assurance programs.
32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.
33 1. There is appropriated from the general fund of
34 the state to the department of human services for the
35 fiscal year beginning July 1, 2011, and ending June 30,
36 2012, the following amount, or so much thereof as is
37 necessary, to be used for the purpose designated:
38 For the state supplementary assistance program:
39 \$ 16,850,747
40 2. The department shall increase the personal needs
41 allowance for residents of residential care facilities
42 by the same percentage and at the same time as federal
43 supplemental security income and federal social
44 security benefits are increased due to a recognized
45 increase in the cost of living. The department may
46 adopt emergency rules to implement this subsection.
47 3. If during the fiscal year beginning July 1,
48 2011, the department projects that state supplementary
49 assistance expenditures for a calendar year will not
50 meet the federal pass-through requirement specified

1 in Tit. XVI of the federal Social Security Act,
 2 section 1618, as codified in 42 U.S.C. § 1382g,
 3 the department may take actions including but not
 4 limited to increasing the personal needs allowance
 5 for residential care facility residents and making
 6 programmatic adjustments or upward adjustments of the
 7 residential care facility or in-home health-related
 8 care reimbursement rates prescribed in this division of
 9 this Act to ensure that federal requirements are met.
 10 In addition, the department may make other programmatic
 11 and rate adjustments necessary to remain within the
 12 amount appropriated in this section while ensuring the
 13 compliance with federal requirements. The department
 14 may adopt emergency rules to implement the provisions
 15 of this subsection.

16 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

17 There is appropriated from the general fund of the
 18 state to the department of human services for the
 19 fiscal year beginning July 1, 2011, and ending June 30,
 20 2012, the following amount, or so much thereof as is
 21 necessary, to be used for the purpose designated:

22 For maintenance of the healthy and well kids in Iowa
 23 (hawk-i) program pursuant to chapter 514I, including
 24 supplemental dental services, for receipt of federal
 25 financial participation under 'Tit. XXI of the federal
 26 Social Security Act, which creates the children's
 27 health insurance program:

28 \$ 32,677,152

29 Sec. 14. CHILD CARE ASSISTANCE. There is
 30 appropriated from the general fund of the state to
 31 the department of human services for the fiscal year
 32 beginning July 1, 2011, and ending June 30, 2012, the
 33 following amount, or so much thereof as is necessary,
 34 to be used for the purpose designated:

35 For child care programs:

36 \$ 55,237,662

37 1. Of the funds appropriated in this section,
 38 \$51,868,235 shall be used for state child care
 39 assistance in accordance with section 237A.13.

40 2. Nothing in this section shall be construed or
 41 is intended as or shall imply a grant of entitlement
 42 for services to persons who are eligible for assistance
 43 due to an income level consistent with the waiting
 44 list requirements of section 237A.13. Any state
 45 obligation to provide services pursuant to this section
 46 is limited to the extent of the funds appropriated in
 47 this section.

48 3. Of the funds appropriated in this section,
 49 \$432,453 is allocated for the statewide program for
 50 child care resource and referral services under section

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1 237A.26. A list of the registered and licensed child
2 care facilities operating in the area served by a
3 child care resource and referral service shall be made
4 available to the families receiving state child care
5 assistance in that area.

6 4. Of the funds appropriated in this section,
7 \$936,974 is allocated for child care quality
8 improvement initiatives including but not limited to
9 the voluntary quality rating system in accordance with
10 section 237.30.

11 5. The department may use any of the funds
12 appropriated in this section as a match to obtain
13 federal funds for use in expanding child care
14 assistance and related programs. For the purpose of
15 expenditures of state and federal child care funding,
16 funds shall be considered obligated at the time
17 expenditures are projected or are allocated to the
18 department's service areas. Projections shall be based
19 on current and projected caseload growth, current and
20 projected provider rates, staffing requirements for
21 eligibility determination and management of program
22 requirements including data systems management,
23 staffing requirements for administration of the
24 program, contractual and grant obligations and any
25 transfers to other state agencies, and obligations for
26 decategorization or innovation projects.

27 6. A portion of the state match for the federal
28 child care and development block grant shall be
29 provided as necessary to meet federal matching
30 funds requirements through the state general fund
31 appropriation made for child development grants and
32 other programs for at-risk children in section 279.51.

33 7. If a uniform reduction ordered by the governor
34 under section 8.31 or other operation of law,
35 transfer, or federal funding reduction reduces the
36 appropriation made in this section for the fiscal year,
37 the percentage reduction in the amount paid out to or
38 on behalf of the families participating in the state
39 child care assistance program shall be equal to or
40 less than the percentage reduction made for any other
41 purpose payable from the appropriation made in this
42 section and the federal funding relating to it. The
43 percentage reduction to the other allocations made in
44 this section shall be the same as the uniform reduction
45 ordered by the governor or the percentage change of the
46 federal funding reduction, as applicable. If there is
47 an unanticipated increase in federal funding provided
48 for state child care assistance, the entire amount
49 of the increase shall be used for state child care
50 assistance payments. If the appropriations made for

1 purposes of the state child care assistance program for
2 the fiscal year are determined to be insufficient, it
3 is the intent of the general assembly to appropriate
4 sufficient funding for the fiscal year in order to
5 avoid establishment of waiting list requirements.

6 8. Notwithstanding section 8.33, moneys
7 appropriated in this section or received from the
8 federal appropriations made for the purposes of this
9 section that remain unencumbered or unobligated at the
10 close of the fiscal year shall not revert to any fund
11 but shall remain available for expenditure for the
12 purposes designated until the close of the succeeding
13 fiscal year.

14 Sec. 15. JUVENILE INSTITUTIONS. There is
15 appropriated from the general fund of the state to
16 the department of human services for the fiscal year
17 beginning July 1, 2011, and ending June 30, 2012, the
18 following amounts, or so much thereof as is necessary,
19 to be used for the purposes designated:

20 1. For operation of the Iowa juvenile home at
21 Toledo and for salaries, support, maintenance, and
22 miscellaneous purposes, and for not more than the
23 following full-time equivalent positions:

24 \$ 8,258,251
25 FTEs 114.00

26 2. For operation of the state training school at
27 Eldora and for salaries, support, maintenance, and
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:

30 \$ 10,638,677
31 FTEs 164.30

32 Of the funds appropriated in this subsection,
33 \$91,150 shall be used for distribution to licensed
34 classroom teachers at this and other institutions under
35 the control of the department of human services based
36 upon the average student yearly enrollment at each
37 institution as determined by the department.

38 3. A portion of the moneys appropriated in this
39 section shall be used by the state training school and
40 by the Iowa juvenile home for grants for adolescent
41 pregnancy prevention activities at the institutions in
42 the fiscal year beginning July 1, 2011.

43 Sec. 16. CHILD AND FAMILY SERVICES.

44 1. There is appropriated from the general fund of
45 the state to the department of human services for the
46 fiscal year beginning July 1, 2011, and ending June 30,
47 2012, the following amount, or so much thereof as is
48 necessary, to be used for the purpose designated:

49 For child and family services:
50 \$ 82,330,967

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1 2. In order to address a reduction of \$5,200,000
2 from the amount allocated under the appropriation made
3 for the purposes of this section in prior years for
4 purposes of juvenile delinquent graduated sanction
5 services, up to \$5,200,000 of the amount of federal
6 temporary assistance for needy families block grant
7 funding appropriated in this division of this Act for
8 child and family services shall be made available for
9 purposes of juvenile delinquent graduated sanction
10 services.

11 3. The department may transfer funds appropriated
12 in this section as necessary to pay the nonfederal
13 costs of services reimbursed under the medical
14 assistance program, state child care assistance
15 program, or the family investment program which are
16 provided to children who would otherwise receive
17 services paid under the appropriation in this section.
18 The department may transfer funds appropriated in this
19 section to the appropriations made in this division
20 of this Act for general administration and for field
21 operations for resources necessary to implement and
22 operate the services funded in this section.

23 4. a. Of the funds appropriated in this section,
24 up to \$30,169,129 is allocated as the statewide
25 expenditure target under section 232.143 for group
26 foster care maintenance and services. If the
27 department projects that such expenditures for the
28 fiscal year will be less than the target amount
29 allocated in this lettered paragraph, the department
30 may reallocate the excess to provide additional
31 funding for shelter care or the child welfare emergency
32 services addressed with the allocation for shelter
33 care.

34 b. If at any time after September 30, 2011,
35 annualization of a service area's current expenditures
36 indicates a service area is at risk of exceeding its
37 group foster care expenditure target under section
38 232.143 by more than 5 percent, the department and
39 juvenile court services shall examine all group
40 foster care placements in that service area in order
41 to identify those which might be appropriate for
42 termination. In addition, any aftercare services
43 believed to be needed for the children whose
44 placements may be terminated shall be identified. The
45 department and juvenile court services shall initiate
46 action to set dispositional review hearings for the
47 placements identified. In such a dispositional review
48 hearing, the juvenile court shall determine whether
49 needed aftercare services are available and whether
50 termination of the placement is in the best interest of

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1 the child and the community.

2 5. In accordance with the provisions of section
3 232.188, the department shall continue the child
4 welfare and juvenile justice funding initiative during
5 fiscal year 2011-2012. Of the funds appropriated in
6 this section, \$1,717,753 is allocated specifically
7 for expenditure for fiscal year 2011-2012 through the
8 decategorization service funding pools and governance
9 boards established pursuant to section 232.188.
10 However, if this subsection is enacted on or after June
11 15, 2011, the determination shall be made not later
12 than 10 calendar days after the effective date.

13 6. A portion of the funds appropriated in this
14 section may be used for emergency family assistance
15 to provide other resources required for a family
16 participating in a family preservation or reunification
17 project or successor project to stay together or to be
18 reunified.

19 7. Notwithstanding section 234.35 or any other
20 provision of law to the contrary, state funding for
21 shelter care and the child welfare emergency services
22 contracting implemented to provide for or prevent the
23 need for shelter care shall be limited to \$7,170,116.
24 The department may execute contracts that result from
25 the department's request for proposal, bid number
26 ACFS-11-114, to provide the range of child welfare
27 emergency services described in the request for
28 proposals, and any subsequent amendments to the request
29 for proposals.

30 8. Federal funds received by the state during
31 the fiscal year beginning July 1, 2011, as the
32 result of the expenditure of state funds appropriated
33 during a previous state fiscal year for a service or
34 activity funded under this section are appropriated
35 to the department to be used as additional funding
36 for services and purposes provided for under this
37 section. Notwithstanding section 8.33, moneys
38 received in accordance with this subsection that remain
39 unencumbered or unobligated at the close of the fiscal
40 year shall not revert to any fund but shall remain
41 available for the purposes designated until the close
42 of the succeeding fiscal year.

43 9. Of the funds appropriated in this section, at
44 least \$3,696,285 shall be used for protective child
45 care assistance.

46 10. a. Of the funds appropriated in this section,
47 up to \$2,062,488 is allocated for the payment of
48 the expenses of court-ordered services provided to
49 juveniles who are under the supervision of juvenile
50 court services, which expenses are a charge upon the

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1 state pursuant to section 232.141, subsection 4. Of
2 the amount allocated in this lettered paragraph,
3 up to \$1,556,287 shall be made available to provide
4 school-based supervision of children adjudicated under
5 chapter 232, of which not more than \$15,000 may be used
6 for the purpose of training. A portion of the cost of
7 each school-based liaison officer shall be paid by the
8 school district or other funding source as approved by
9 the chief juvenile court officer.

10 b. Of the funds appropriated in this section, up to
11 \$748,985 is allocated for the payment of the expenses
12 of court-ordered services provided to children who are
13 under the supervision of the department, which expenses
14 are a charge upon the state pursuant to section
15 232.141, subsection 4.

16 c. Notwithstanding section 232.141 or any other
17 provision of law to the contrary, the amounts allocated
18 in this subsection shall be distributed to the
19 judicial districts as determined by the state court
20 administrator and to the department's service areas as
21 determined by the administrator of the department's
22 division of child and family services. The state court
23 administrator and the division administrator shall make
24 the determination of the distribution amounts on or
25 before June 15, 2011. However, if this subsection is
26 enacted on or after June 15, 2011, the determination
27 shall be made not later than 10 calendar days after the
28 effective date of this subsection.

29 d. Notwithstanding chapter 232 or any other
30 provision of law to the contrary, a district or
31 juvenile court shall not order any service which is
32 a charge upon the state pursuant to section 232.141
33 if there are insufficient court-ordered services
34 funds available in the district court or departmental
35 service area distribution amounts to pay for the
36 service. The chief juvenile court officer and the
37 departmental service area manager shall encourage use
38 of the funds allocated in this subsection such that
39 there are sufficient funds to pay for all court-related
40 services during the entire year. The chief juvenile
41 court officers and departmental service area managers
42 shall attempt to anticipate potential surpluses and
43 shortfalls in the distribution amounts and shall
44 cooperatively request the state court administrator
45 or division administrator to transfer funds between
46 the judicial districts' or departmental service areas'
47 distribution amounts as prudent.

48 e. Notwithstanding any provision of law to the
49 contrary, a district or juvenile court shall not order
50 a county to pay for any service provided to a juvenile

1 pursuant to an order entered under chapter 232 which
2 is a charge upon the state under section 232.141,
3 subsection 4.

4 f. Of the funds allocated in this subsection, not
5 more than \$83,000 may be used by the judicial branch
6 for administration of the requirements under this
7 subsection.

8 g. Of the funds allocated in this subsection,
9 \$17,000 shall be used by the department of human
10 services to support the interstate commission for
11 juveniles in accordance with the interstate compact for
12 juveniles as provided in section 232.173.

13 11. Of the funds appropriated in this section,
14 \$5,422,602 is allocated for juvenile delinquent
15 graduated sanctions services. Any state funds saved as
16 a result of efforts by juvenile court services to earn
17 federal Tit. IV-E match for juvenile court services
18 administration may be used for the juvenile delinquent
19 graduated sanctions services.

20 12. Of the funds appropriated in this section,
21 \$988,285 shall be transferred to the department of
22 public health to be used for the child protection
23 center grant program in accordance with section
24 135.118.

25 13. If the department receives federal approval
26 to implement a waiver under Tit. IV-E of the federal
27 Social Security Act to enable providers to serve
28 children who remain in the children's families and
29 communities, for purposes of eligibility under the
30 medical assistance program, children who participate in
31 the waiver shall be considered to be placed in foster
32 care.

33 14. Of the funds appropriated in this section,
34 \$3,069,832 is allocated for the preparation for adult
35 living program pursuant to section 234.46.

36 15. Of the funds appropriated in this section,
37 \$520,150 shall be used for juvenile drug courts.
38 The amount allocated in this subsection shall be
39 distributed as follows:

40 To the judicial branch for salaries to assist with
41 the operation of juvenile drug court programs operated
42 in the following jurisdictions:

43 a. Marshall county:

44 \$ 62,708

45 b. Woodbury county:

46 \$ 125,682

47 c. Polk county:

48 \$ 195,892

49 d. The third judicial district:

50 \$ 67,934

1 e. The eighth judicial district:
2 \$ 67,934
3 16. Of the funds appropriated in this section,
4 \$227,337 shall be used for the public purpose of
5 providing a grant to a nonprofit human services
6 organization providing services to individuals and
7 families in multiple locations in southwest Iowa and
8 Nebraska for support of a project providing immediate,
9 sensitive support and forensic interviews, medical
10 exams, needs assessments, and referrals for victims of
11 child abuse and their nonoffending family members.
12 17. Of the funds appropriated in this section,
13 \$125,590 is allocated for the elevate approach of
14 providing a support network to children placed in
15 foster care.
16 18. Of the funds appropriated in this section,
17 \$202,000 is allocated for use pursuant to section
18 235A.1 for continuation of the initiative to address
19 child sexual abuse implemented pursuant to 2007 Iowa
20 Acts, chapter 218, section 18, subsection 21.
21 19. Of the funds appropriated in this section,
22 \$630,240 is allocated for the community partnership for
23 child protection sites.
24 20. Of the funds appropriated in this section,
25 \$371,250 is allocated for the department's minority
26 youth and family projects under the redesign of the
27 child welfare system.
28 21. Of the funds appropriated in this section,
29 \$1,200,495 is allocated for funding of the state match
30 for the federal substance abuse and mental health
31 services administration (SAMHSA) system of care grant.
32 22. Of the funds appropriated in this section, at
33 least \$147,158 shall be used for the child welfare
34 training academy.
35 23. Of the funds appropriated in this section,
36 \$25,000 shall be used for the public purpose of
37 providing a grant to a child welfare services provider
38 headquartered in a county with a population between
39 205,000 and 215,000 in the latest certified federal
40 census that provides multiple services including but
41 not limited to a psychiatric medical institution for
42 children, shelter, residential treatment, after school
43 programs, school-based programming, and an Asperger's
44 syndrome program, to be used for support services
45 for children with autism spectrum disorder and their
46 families.
47 24. Of the funds appropriated in this section,
48 \$250,804 shall be used for the public purpose of
49 continuing the central Iowa system of care program
50 grant through June 30, 2012.

1 25. Of the funds appropriated in this section,
 2 \$160,000 shall be used for the public purpose of
 3 providing a system of care grant to be implemented
 4 in Mason City and Cedar Rapids by a nonprofit agency
 5 which has been in existence more than 37 years and is
 6 headquartered in a county with a population of more
 7 than 200,000 but less than 300,000, according to the
 8 2010 census issued by the United States bureau of the
 9 census, and is providing child welfare treatment and
 10 prevention services in at least 19 locations throughout
 11 the state of Iowa.

12 Sec. 17. ADOPTION SUBSIDY.

13 1. There is appropriated from the general fund of
 14 the state to the department of human services for the
 15 fiscal year beginning July 1, 2011, and ending June 30,
 16 2012, the following amount, or so much thereof as is
 17 necessary, to be used for the purpose designated:

18 For adoption subsidy payments and services:
 19 \$ 34,897,591

20 2. The department may transfer funds appropriated
 21 in this section to the appropriation made in this
 22 division of this Act for general administration for
 23 costs paid from the appropriation relating to adoption
 24 subsidy.

25 3. Federal funds received by the state during the
 26 fiscal year beginning July 1, 2011, as the result of
 27 the expenditure of state funds during a previous state
 28 fiscal year for a service or activity funded under
 29 this section are appropriated to the department to
 30 be used as additional funding for the services and
 31 activities funded under this section. Notwithstanding
 32 section 8.33, moneys received in accordance with this
 33 subsection that remain unencumbered or unobligated at
 34 the close of the fiscal year shall not revert to any
 35 fund but shall remain available for expenditure for the
 36 purposes designated until the close of the succeeding
 37 fiscal year.

38 Sec. 18. JUVENILE DETENTION HOME FUND.

39 1. Moneys deposited in the juvenile detention home
 40 fund created in section 232.142 during the fiscal year
 41 beginning July 1, 2011, and ending June 30, 2012, are
 42 appropriated to the department of human services for
 43 the fiscal year beginning July 1, 2011, and ending
 44 June 30, 2012, for distribution of an amount equal
 45 to a percentage of the costs of the establishment,
 46 improvement, operation, and maintenance of county or
 47 multicounty juvenile detention homes in the fiscal
 48 year beginning July 1, 2010. Moneys appropriated for
 49 distribution in accordance with this section shall be
 50 allocated among eligible detention homes, prorated on

1 the basis of an eligible detention home's proportion
 2 of the costs of all eligible detention homes in the
 3 fiscal year beginning July 1, 2010. The percentage
 4 figure shall be determined by the department based on
 5 the amount available for distribution for the fund.
 6 Notwithstanding section 232.142, subsection 3, the
 7 financial aid payable by the state under that provision
 8 for the fiscal year beginning July 1, 2011, shall be
 9 limited to the amount appropriated for the purposes of
 10 this section.

11 2. Representatives of chief juvenile court
 12 officers, the department of human rights, and the
 13 department of human services shall work with juvenile
 14 detention centers and other stakeholders to review the
 15 current methodology for distribution of moneys from
 16 the juvenile detention home fund, consider alternative
 17 distribution methodologies, and report findings and
 18 recommendations to the persons designated by this
 19 division of this Act for the submission of reports by
 20 December 15, 2011. It is the intent of the general
 21 assembly to shift responsibility for administering
 22 the fund from the department of human services to the
 23 division of criminal and juvenile justice planning of
 24 the department of human rights, effective with the
 25 fiscal year beginning July 1, 2012.

26 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

27 1. There is appropriated from the general fund of
 28 the state to the department of human services for the
 29 fiscal year beginning July 1, 2011, and ending June 30,
 30 2012, the following amount, or so much thereof as is
 31 necessary, to be used for the purpose designated:

32 For the family support subsidy program subject
 33 to the enrollment restrictions in section 225C.37,
 34 subsection 3:

35 \$ 1,167,998

36 2. The department shall use at least \$385,500 of
 37 the moneys appropriated in this section for the family
 38 support center component of the comprehensive family
 39 support program under section 225C.47. Not more than
 40 \$25,000 of the amount allocated in this subsection
 41 shall be used for administrative costs.

42 3. If at any time during the fiscal year, the
 43 amount of funding available for the family support
 44 subsidy program is reduced from the amount initially
 45 used to establish the figure for the number of family
 46 members for whom a subsidy is to be provided at any one
 47 time during the fiscal year, notwithstanding section
 48 225C.38, subsection 2, the department shall revise the
 49 figure as necessary to conform to the amount of funding
 50 available.

1 Sec. 20. CONNER DECREE. There is appropriated from
 2 the general fund of the state to the department of
 3 human services for the fiscal year beginning July 1,
 4 2011, and ending June 30, 2012, the following amount,
 5 or so much thereof as is necessary, to be used for the
 6 purpose designated:

7 For building community capacity through the
 8 coordination and provision of training opportunities
 9 in accordance with the consent decree of Conner v.
 10 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):
 11 \$ 33,622

12 Sec. 21. MENTAL HEALTH INSTITUTES.

13 There is appropriated from the general fund of
 14 the state to the department of human services for the
 15 fiscal year beginning July 1, 2011, and ending June 30,
 16 2012, the following amounts, or so much thereof as is
 17 necessary, to be used for the purposes designated:

18 1. For the state mental health institute at
 19 Cherokee for salaries, support, maintenance, and
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:

22 \$ 5,877,308
 23 FTEs 168.50

24 2. For the state mental health institute at
 25 Clarinda for salaries, support, maintenance, and
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:

28 \$ 6,411,734
 29 FTEs 86.10

30 3. For the state mental health institute at
 31 Independence for salaries, support, maintenance, and
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:

34 \$ 10,275,685
 35 FTEs 233.00

36 4. For the state mental health institute at Mount
 37 Pleasant for salaries, support, maintenance, and
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:

40 \$ 944,323
 41 FTEs 91.72

42 Sec. 22. STATE RESOURCE CENTERS.

43 1. There is appropriated from the general fund of
 44 the state to the department of human services for the
 45 fiscal year beginning July 1, 2011, and ending June 30,
 46 2012, the following amounts, or so much thereof as is
 47 necessary, to be used for the purposes designated:

48 a. For the state resource center at Glenwood for
 49 salaries, support, maintenance, and miscellaneous
 50 purposes:

1 \$ 18,607,801

2 b. For the state resource center at Woodward for
3 salaries, support, maintenance, and miscellaneous
4 purposes:

5 \$ 12,885,658

6 2. The department may continue to bill for state
7 resource center services utilizing a scope of services
8 approach used for private providers of ICFMR services,
9 in a manner which does not shift costs between the
10 medical assistance program, counties, or other sources
11 of funding for the state resource centers.

12 3. The state resource centers may expand the
13 time-limited assessment and respite services during the
14 fiscal year.

15 4. If the department's administration and the
16 department of management concur with a finding by a
17 state resource center's superintendent that projected
18 revenues can reasonably be expected to pay the salary
19 and support costs for a new employee position, or
20 that such costs for adding a particular number of new
21 positions for the fiscal year would be less than the
22 overtime costs if new positions would not be added, the
23 superintendent may add the new position or positions.
24 If the vacant positions available to a resource center
25 do not include the position classification desired to
26 be filled, the state resource center's superintendent
27 may reclassify any vacant position as necessary to
28 fill the desired position. The superintendents of the
29 state resource centers may, by mutual agreement, pool
30 vacant positions and position classifications during
31 the course of the fiscal year in order to assist one
32 another in filling necessary positions.

33 5. If existing capacity limitations are reached
34 in operating units, a waiting list is in effect
35 for a service or a special need for which a payment
36 source or other funding is available for the service
37 or to address the special need, and facilities for
38 the service or to address the special need can be
39 provided within the available payment source or other
40 funding, the superintendent of a state resource center
41 may authorize opening not more than two units or
42 other facilities and begin implementing the service
43 or addressing the special need during fiscal year
44 2011-2012.

45 Sec. 23. MI/MR/DD STATE CASES.

46 1. There is appropriated from the general fund of
47 the state to the department of human services for the
48 fiscal year beginning July 1, 2011, and ending June 30,
49 2012, the following amount, or so much thereof as is
50 necessary, to be used for the purpose designated:

1 For distribution to counties for state case services
2 for persons with mental illness, mental retardation,
3 and developmental disabilities in accordance with
4 section 331.440:
5 \$ 12,169,482
6 2. For the fiscal year beginning July 1, 2011,
7 and ending June 30, 2012, \$200,000 is allocated for
8 state case services from the amounts appropriated from
9 the fund created in section 8.41 to the department
10 of human services from the funds received from the
11 federal government under 42 U.S.C. ch. 6A, subch. XVII,
12 relating to the community mental health center block
13 grant, for the federal fiscal years beginning October
14 1, 2009, and ending September 30, 2010, beginning
15 October 1, 2010, and ending September 30, 2011, and
16 beginning October 1, 2011, and ending September 30,
17 2012. The allocation made in this subsection shall be
18 made prior to any other distribution allocation of the
19 appropriated federal funds.
20 3. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered
22 or unobligated at the close of the fiscal year shall
23 not revert but shall remain available for expenditure
24 for the purposes designated until the close of the
25 succeeding fiscal year.
26 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
27 DISABILITIES — COMMUNITY SERVICES FUND. There is
28 appropriated from the general fund of the state to the
29 mental health and developmental disabilities community
30 services fund created in section 225C.7 for the fiscal
31 year beginning July 1, 2011, and ending June 30,
32 2012, the following amount, or so much thereof as is
33 necessary, to be used for the purpose designated:
34 For mental health and developmental disabilities
35 community services in accordance with this division of
36 this Act:
37 \$ 14,211,100
38 1. Of the funds appropriated in this section,
39 \$14,187,556 shall be allocated to counties for funding
40 of community-based mental health and developmental
41 disabilities services. The moneys shall be allocated
42 to a county as follows:
43 a. Fifty percent based upon the county's proportion
44 of the state's population of persons with an annual
45 income which is equal to or less than the poverty
46 guideline established by the federal office of
47 management and budget.
48 b. Fifty percent based upon the county's proportion
49 of the state's general population.
50 2. a. A county shall utilize the funding the

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1 county receives pursuant to subsection 1 for services
2 provided to persons with a disability, as defined in
3 section 225C.2. However, no more than 50 percent of
4 the funding shall be used for services provided to any
5 one of the service populations.

6 b. A county shall use at least 50 percent of
7 the funding the county receives under subsection 1
8 for contemporary services provided to persons with
9 a disability, as described in rules adopted by the
10 department.

11 3. Of the funds appropriated in this section,
12 \$23,544 shall be used to support the Iowa compass
13 program providing computerized information and referral
14 services for Iowans with disabilities and their
15 families.

16 4. a. Funding appropriated for purposes of the
17 federal social services block grant is allocated for
18 distribution to counties for local purchase of services
19 for persons with mental illness or mental retardation
20 or other developmental disability.

21 b. The funds allocated in this subsection shall be
22 expended by counties in accordance with the county's
23 county management plan approved by the board of
24 supervisors. A county without an approved county
25 management plan shall not receive allocated funds until
26 the county's management plan is approved.

27 c. The funds provided by this subsection shall be
28 allocated to each county as follows:

29 (1) Fifty percent based upon the county's
30 proportion of the state's population of persons with
31 an annual income which is equal to or less than the
32 poverty guideline established by the federal office of
33 management and budget.

34 (2) Fifty percent based upon the amount provided
35 to the county for local purchase of services in the
36 preceding fiscal year.

37 5. A county is eligible for funds under this
38 section if the county qualifies for a state payment as
39 described in section 331.439.

40 6. The latest certified census issued by the United
41 States bureau of the census shall be applied for the
42 population factors utilized in this section.

43 Sec. 25. SEXUALLY VIOLENT PREDATORS.

44 1. There is appropriated from the general fund of
45 the state to the department of human services for the
46 fiscal year beginning July 1, 2011, and ending June 30,
47 2012, the following amount, or so much thereof as is
48 necessary, to be used for the purpose designated:

49 For costs associated with the commitment and
50 treatment of sexually violent predators in the unit

1 located at the state mental health institute at
2 Cherokee, including costs of legal services and
3 other associated costs, including salaries, support,
4 maintenance, and miscellaneous purposes, and for not
5 more than the following full-time equivalent positions:

6 \$ 7,550,727
7 FTEs 89.50

8 2. Unless specifically prohibited by law, if the
9 amount charged provides for recoupment of at least
10 the entire amount of direct and indirect costs, the
11 department of human services may contract with other
12 states to provide care and treatment of persons placed
13 by the other states at the unit for sexually violent
14 predators at Cherokee. The moneys received under such
15 a contract shall be considered to be repayment receipts
16 and used for the purposes of the appropriation made in
17 this section.

18 Sec. 26. FIELD OPERATIONS. There is appropriated
19 from the general fund of the state to the department of
20 human services for the fiscal year beginning July 1,
21 2011, and ending June 30, 2012, the following amount,
22 or so much thereof as is necessary, to be used for the
23 purposes designated:

24 For field operations, including salaries, support,
25 maintenance, and miscellaneous purposes, and for not
26 more than the following full-time equivalent positions:

27 \$ 55,339,921
28 FTEs 1,781.00

29 Priority in filling full-time equivalent positions
30 shall be given to those positions related to child
31 protection services and eligibility determination for
32 low-income families.

33 Sec. 27. GENERAL ADMINISTRATION. There is
34 appropriated from the general fund of the state to
35 the department of human services for the fiscal year
36 beginning July 1, 2011, and ending June 30, 2012, the
37 following amount, or so much thereof as is necessary,
38 to be used for the purpose designated:

39 For general administration, including salaries,
40 support, maintenance, and miscellaneous purposes, and
41 for not more than the following full-time equivalent
42 positions:

43 \$ 15,146,745
44 FTEs 290.00

45 1. Of the funds appropriated in this section,
46 \$38,543 allocated for the prevention of disabilities
47 policy council established in section 225B.3.

48 2. The department shall report at least monthly
49 to the legislative services agency concerning the
50 department's operational and program expenditures.

1 3. Of the funds appropriated in this section,
 2 \$132,300 shall be used to contract with a statewide
 3 association representing community providers of mental
 4 health, mental retardation and brain injury services
 5 programs to provide technical assistance, support, and
 6 consultation to providers of habilitation services and
 7 home and community-based waiver services for adults
 8 with disabilities under the medical assistance program.
 9 Notwithstanding section 8.47 or any other provision of
 10 law to the contrary, the department may utilize a sole
 11 source approach to contract with the association.

12 4. Of the funds appropriated in this section,
 13 \$176,400 shall be used to contract with an appropriate
 14 entity to expand the provision of nationally accredited
 15 and recognized internet-based training to include
 16 mental health and disability services providers.
 17 Notwithstanding section 8.47 or any other provision of
 18 law to the contrary, the department may utilize a sole
 19 site source approach to enter into such contract.

20 5. Of the funds appropriated in this section,
 21 \$500,000 shall be used for implementation of child
 22 protection system improvements addressed in 2011 Iowa
 23 Acts, House File 562, as enacted.

24 Sec. 28. VOLUNTEERS. There is appropriated from
 25 the general fund of the state to the department of
 26 human services for the fiscal year beginning July 1,
 27 2011, and ending June 30, 2012, the following amount,
 28 or so much thereof as is necessary, to be used for the
 29 purpose designated:

30 For development and coordination of volunteer
 31 services:

32 \$ 84,660

33 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
 35 UNDER THE DEPARTMENT OF HUMAN SERVICES.

36 1. a. (1) For the fiscal year beginning July 1,
 37 2011, the total state funding amount for the nursing
 38 facility budget shall not exceed \$225,502,551.

39 (2) For the fiscal year beginning July 1, 2011,
 40 the department shall rebase case-mix nursing facility
 41 rates effective July 1, 2011. However, total nursing
 42 facility budget expenditures, including both case-mix
 43 and noncase-mix shall not exceed the amount specified
 44 in subparagraph (1). When calculating case-mix per
 45 diem cost and the patient-day-weighted medians used in
 46 rate-setting for nursing facilities effective July 1,
 47 2011, the inflation factor applied from the midpoint
 48 of the cost report period to the first day of the
 49 state fiscal year rate period shall be adjusted to
 50 maintain state funding within the amount specified in

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1 subparagraph (1).

2 (3) The department, in cooperation with nursing
3 facility representatives, shall review projections for
4 state funding expenditures for reimbursement of nursing
5 facilities on a quarterly basis and the department
6 shall determine if an adjustment to the medical
7 assistance reimbursement rate is necessary in order to
8 provide reimbursement within the state funding amount
9 for the fiscal year. Notwithstanding 2001 Iowa Acts,
10 chapter 192, section 4, subsection 2, paragraph "c",
11 and subsection 3, paragraph "a", subparagraph (2), if
12 the state funding expenditures for the nursing facility
13 budget for the fiscal year is projected to exceed the
14 amount specified in subparagraph (1), the department
15 shall adjust the reimbursement for nursing facilities
16 reimbursed under the case-mix reimbursement system to
17 maintain expenditures of the nursing facility budget
18 within the specified amount for the fiscal year.

19 (4) For the fiscal year beginning July 1, 2011,
20 special population nursing facilities shall be
21 reimbursed in accordance with the methodology in effect
22 on June 30, 2011.

23 b. For the fiscal year beginning July 1, 2011, the
24 department shall reimburse pharmacy dispensing fees
25 using a single rate of \$4.34 per prescription or the
26 pharmacy's usual and customary fee, whichever is lower.
27 However, the department shall adjust the dispensing fee
28 specified in this paragraph to distribute an additional
29 \$3,000,000 in reimbursements for pharmacy dispensing
30 fees under this paragraph for the fiscal year.

31 c. (1) For the fiscal year beginning July 1, 2011,
32 reimbursement rates for outpatient hospital services
33 shall be rebased effective January 1, 2012.

34 (2) For the fiscal year beginning July 1, 2011,
35 reimbursement rates for inpatient hospital services
36 shall be rebased effective October 1, 2011.

37 (3) The total amount of increased funding available
38 for reimbursement attributable to rebasing under this
39 paragraph for the fiscal year beginning July 1, 2011,
40 shall not exceed \$4,500,000.

41 (4) For the fiscal year beginning July 1, 2011,
42 the graduate medical education and disproportionate
43 share hospital fund shall remain at the amount in
44 effect on June 30, 2011, except that the portion of
45 the fund attributable to graduate medical education
46 shall be reduced in an amount that reflects the
47 elimination of graduate medical education payments made
48 to out-of-state hospitals.

49 (5) In order to ensure the efficient use of limited
50 state funds in procuring health care services for

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1 low-income Iowans, funds appropriated in this division
2 of this Act for hospital services shall not be used for
3 activities which would be excluded from a determination
4 of reasonable costs under the federal Medicare program
5 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

6 d. For the fiscal year beginning July 1, 2011,
7 reimbursement rates for rural health clinics, hospices,
8 and acute mental hospitals shall be increased in
9 accordance with increases under the federal Medicare
10 program or as supported by their Medicare audited
11 costs.

12 e. For the fiscal year beginning July 1, 2011,
13 independent laboratories and rehabilitation agencies
14 shall be reimbursed using the same methodology in
15 effect on June 30, 2011.

16 f. For the fiscal year beginning July 1, 2011,
17 reimbursement rates for home health agencies shall
18 remain at the rates in effect on June 30, 2011, not to
19 exceed a home health agency's actual allowable cost.

20 g. For the fiscal year beginning July 1, 2011,
21 federally qualified health centers shall receive
22 cost-based reimbursement for 100 percent of the
23 reasonable costs for the provision of services to
24 recipients of medical assistance.

25 h. For the fiscal year beginning July 1, 2011, the
26 reimbursement rates for dental services shall remain at
27 the rates in effect on June 30, 2011.

28 i. (1) For the fiscal year beginning July 1,
29 2011, state-owned psychiatric medical institutions
30 for children shall receive cost-based reimbursement
31 for 100 percent of the actual and allowable costs for
32 the provision of services to recipients of medical
33 assistance.

34 (2) (a) For nonstate-owned psychiatric medical
35 institutions for children, reimbursement rates
36 shall remain at the rates in effect on June 30,
37 2011. However, the department shall adjust the
38 reimbursement rates in effect on June 30, 2011, to
39 distribute an additional \$350,000 in reimbursements for
40 nonstate-owned psychiatric medical institutions for
41 children under this subparagraph (2) for the fiscal
42 year. Of the additional \$350,000, the department shall
43 distribute \$50,000 in reimbursements to qualified
44 outpatient services providers. For the purposes of
45 this subparagraph division (a), "qualified outpatient
46 services provider" means a nonprofit agency holding
47 an Iowa psychiatric medical institution for children
48 license that has an outpatient clinic for children's
49 mental health services in operation on or before
50 January 1, 2011, and whose client base consists

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1 of at least 40 percent medical assistance program
2 enrollees. The additional \$50,000 shall be distributed
3 to qualified outpatient services providers based on
4 reimbursement at the federal maximum allowable rate for
5 mental health outpatient services for children.

6 (b) The department, in consultation with
7 representatives of the nonstate-owned psychiatric
8 medical institutions for children, shall develop a
9 reimbursement methodology to include all ancillary
10 medical services costs and any other changes required
11 for federal compliance, to be implemented on July
12 1, 2012. To the extent possible, the reimbursement
13 methodology shall be developed in a manner so as to be
14 budget neutral to the institutions and cost effective
15 for the state.

16 j. For the fiscal year beginning July 1, 2011,
17 unless otherwise specified in the health and human
18 services divisions of this Act, all noninstitutional
19 medical assistance provider reimbursement rates shall
20 remain at the rates in effect on June 30, 2011, except
21 for area education agencies, local education agencies,
22 infant and toddler services providers, and those
23 providers whose rates are required to be determined
24 pursuant to section 249A.20.

25 k. Notwithstanding any provision to the contrary,
26 for the fiscal year beginning July 1, 2011, the
27 reimbursement rate for anesthesiologists shall remain
28 at the rate in effect on June 30, 2011.

29 l. Notwithstanding section 249A.20, for the fiscal
30 year beginning July 1, 2011, the average reimbursement
31 rate for health care providers eligible for use of the
32 federal Medicare resource-based relative value scale
33 reimbursement methodology under that section shall
34 remain at the rate in effect on June 30, 2011; however,
35 this rate shall not exceed the maximum level authorized
36 by the federal government.

37 m. For the fiscal year beginning July 1, 2011, the
38 reimbursement rate for residential care facilities
39 shall not be less than the minimum payment level as
40 established by the federal government to meet the
41 federally mandated maintenance of effort requirement.
42 The flat reimbursement rate for facilities electing not
43 to file annual cost reports shall not be less than the
44 minimum payment level as established by the federal
45 government to meet the federally mandated maintenance
46 of effort requirement.

47 n. For the fiscal year beginning July 1, 2011,
48 inpatient mental health services provided at hospitals
49 shall be rebased effective October 1, 2011, subject to
50 Medicaid program upper payment limit rules; community

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1 mental health centers and providers of mental health
2 services to county residents pursuant to a waiver
3 approved under section 225C.7, subsection 3, shall be
4 reimbursed at 100 percent of the reasonable costs for
5 the provision of services to recipients of medical
6 assistance; and psychiatrists shall be reimbursed at
7 the medical assistance program fee for service rate.

8 o. For the fiscal year beginning July 1, 2011, the
9 reimbursement rate for consumer-directed attendant care
10 shall remain at the rates in effect on June 30, 2011.

11 p. For the fiscal year beginning July 1, 2011, the
12 reimbursement rate for providers of family planning
13 services that are eligible to receive a 90 percent
14 federal match shall remain at the rates in effect on
15 June 30, 2011.

16 q. For the fiscal year beginning July 1, 2011, the
17 department shall adjust the rates in effect on June
18 30, 2011, for providers of home and community-based
19 services waiver services to distribute an additional
20 \$1,500,000 in reimbursements to such providers for the
21 fiscal year.

22 2. For the fiscal year beginning July 1, 2011, the
23 reimbursement rate for providers reimbursed under the
24 in-home-related care program shall not be less than the
25 minimum payment level as established by the federal
26 government to meet the federally mandated maintenance
27 of effort requirement.

28 3. Unless otherwise directed in this section, when
29 the department's reimbursement methodology for any
30 provider reimbursed in accordance with this section
31 includes an inflation factor, this factor shall not
32 exceed the amount by which the consumer price index for
33 all urban consumers increased during the calendar year
34 ending December 31, 2002.

35 4. For the fiscal year beginning July 1, 2011,
36 notwithstanding section 234.38, the foster family basic
37 daily maintenance rate and the maximum adoption subsidy
38 rate for children ages 0 through 5 years shall be
39 \$15.74, the rate for children ages 6 through 11 years
40 shall be \$16.37, the rate for children ages 12 through
41 15 years shall be \$17.92, and the rate for children
42 and young adults ages 16 and older shall be \$18.16.
43 The maximum supervised apartment living foster care
44 reimbursement rate shall be \$25.00 per day. For youth
45 ages 18 to 21 who have exited foster care, the maximum
46 preparation for adult living program maintenance rate
47 shall be \$574.00 per month. The maximum payment for
48 adoption subsidy nonrecurring expenses shall be limited
49 to \$500 and the disallowance of additional amounts
50 for court costs and other related legal expenses

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1 implemented pursuant to 2010 Iowa Acts, chapter 1031,
2 section 408 shall be continued.

3 5. For the fiscal year beginning July 1, 2011,
4 the maximum reimbursement rates under the supervised
5 apartment living program and for social services
6 providers under contract shall remain at the rates
7 in effect on June 30, 2011, or the provider's actual
8 and allowable cost plus inflation for each service,
9 whichever is less. However, if a new service or
10 service provider is added after June 30, 2011, the
11 initial reimbursement rate for the service or provider
12 shall be based upon actual and allowable costs.
13 Providers may also be eligible for an additional
14 amount as specified under the department's request for
15 proposal, bid number ACFS-11-115.

16 6. For the fiscal year beginning July 1, 2011,
17 the reimbursement rates for family-centered service
18 providers, family foster care service providers, group
19 foster care service providers, and the resource family
20 recruitment and retention contractor shall remain at
21 the rates in effect on June 30, 2011.

22 7. The group foster care reimbursement rates
23 paid for placement of children out of state shall
24 be calculated according to the same rate-setting
25 principles as those used for in-state providers,
26 unless the director of human services or the director's
27 designee determines that appropriate care cannot be
28 provided within the state. The payment of the daily
29 rate shall be based on the number of days in the
30 calendar month in which service is provided.

31 8. a. For the fiscal year beginning July 1, 2011,
32 the reimbursement rate paid for shelter care and
33 the child welfare emergency services implemented to
34 provide or prevent the need for shelter care shall be
35 established in a contract based on the requirements
36 of the department's request for proposal, bid number
37 ACFS-11-114.

38 b. For the fiscal year beginning July 1, 2011,
39 the combined service and maintenance components of
40 the reimbursement rate paid for shelter care services
41 shall be based on the financial and statistical report
42 submitted to the department. The maximum reimbursement
43 rate shall be \$92.36 per day. The department shall
44 reimburse a shelter care provider at the provider's
45 actual and allowable unit cost, plus inflation, not to
46 exceed the maximum reimbursement rate.

47 c. Notwithstanding section 232.141, subsection 8,
48 for the fiscal year beginning July 1, 2011, the amount
49 of the statewide average of the actual and allowable
50 rates for reimbursement of juvenile shelter care homes

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1 that is utilized for the limitation on recovery of
2 unpaid costs shall remain at the amount in effect for
3 this purpose in the fiscal year beginning July 1, 2010.

4 9. For the fiscal year beginning July 1, 2011, the
5 department shall calculate reimbursement rates for
6 intermediate care facilities for persons with mental
7 retardation at the 80th percentile. Beginning July 1,
8 2011, the rate calculation methodology shall utilize
9 the consumer price index inflation factor applicable to
10 the fiscal year beginning July 1, 2011.

11 10. For the fiscal year beginning July 1, 2011,
12 for child care providers reimbursed under the state
13 child care assistance program, the department shall
14 set provider reimbursement rates based on the rate
15 reimbursement survey completed in December 2004.
16 Effective July 1, 2011, the child care provider
17 reimbursement rates shall remain at the rates in effect
18 on June 30, 2011. The department shall set rates in a
19 manner so as to provide incentives for a nonregistered
20 provider to become registered by applying the increase
21 only to registered and licensed providers.

22 11. The department may adopt emergency rules to
23 implement this section.

24 Sec. 30. EMERGENCY RULES.

25 1. If specifically authorized by a provision of
26 this division of this Act, the department of human
27 services or the mental health, and disability services
28 commission may adopt administrative rules under section
29 17A.4, subsection 3, and section 17A.5, subsection
30 2, paragraph "b", to implement the provisions and
31 the rules shall become effective immediately upon
32 filing or on a later effective date specified in the
33 rules, unless the effective date is delayed by the
34 administrative rules review committee. Any rules
35 adopted in accordance with this section shall not
36 take effect before the rules are reviewed by the
37 administrative rules review committee. The delay
38 authority provided to the administrative rules review
39 committee under section 17A.4, subsection 7, and
40 section 17A.8, subsection 9, shall be applicable to a
41 delay imposed under this section, notwithstanding a
42 provision in those sections making them inapplicable
43 to section 17A.5, subsection 2, paragraph "b". Any
44 rules adopted in accordance with the provisions of this
45 section shall also be published as notice of intended
46 action as provided in section 17A.4.

47 2. If during the fiscal year beginning July 1,
48 2011, the department of human services is adopting
49 rules in accordance with this section or as otherwise
50 directed or authorized by state law, and the rules will

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1 result in an expenditure increase beyond the amount
2 anticipated in the budget process or if the expenditure
3 was not addressed in the budget process for the
4 fiscal year, the department shall notify the persons
5 designated by this division of this Act for submission
6 of reports, the chairpersons and ranking members of
7 the committees on appropriations, and the department
8 of management concerning the rules and the expenditure
9 increase. The notification shall be provided at least
10 30 calendar days prior to the date notice of the rules
11 is submitted to the administrative rules coordinator
12 and the administrative code editor.

13 Sec. 31. CIVIL MONETARY PENALTIES — DIRECT CARE
14 WORKER INITIATIVES PROPOSAL. The department of human
15 services shall develop a proposal, in collaboration
16 with the department of public health, requesting
17 federal approval for the use of a portion of the
18 funds received by the department of human services as
19 civil monetary penalties from nursing facilities to
20 support direct care worker initiatives that enhance the
21 quality of care in nursing facilities. The proposal
22 shall request use of the funds for direct care worker
23 initiatives based on recommendations of the direct care
24 worker task force established pursuant to 2005 Iowa
25 Acts, chapter 88, as included in the report submitted
26 to the governor and the general assembly in December
27 2006. Upon completion of the proposal, the department
28 of human services shall submit the proposal to the
29 centers for Medicare and Medicaid services of the
30 United States department of health and human services
31 for approval. The department of human services shall
32 notify the persons designated in this division of this
33 Act for submission of reports upon receipt of approval
34 of the proposal.

35 Sec. 32. FEDERAL GRANTS REPORTING. During the
36 fiscal year beginning July 1, 2011, the departments
37 and agencies receiving an appropriation in the health
38 and human services divisions of this Act from the
39 general fund of the state shall report to the persons
40 designated by this division of this Act for submission
41 of reports and the department of management within 60
42 calendar days of applying for or renewing a federal
43 grant with a value over \$1,000. The report shall list
44 the federal funding source and address the potential
45 need for the commitment of state funding in order to
46 match or continue the funding provided by the federal
47 grant in the present or the future.

48 Sec. 33. REPORTS. Any reports or information
49 required to be compiled and submitted under the health
50 and human services divisions of this Act shall be

1 submitted to the chairpersons and ranking members of
2 the joint appropriations subcommittee on health and
3 human services, the legislative services agency, and
4 the legislative caucus staffs on or before the dates
5 specified for submission of the reports or information.

6 Sec. 34. EFFECTIVE DATE. The following provision
7 of this division of this Act, being deemed of immediate
8 importance, take effect upon enactment:

9 The provision under the appropriation for child and
10 family services, relating to requirements of section
11 232.143 for representatives of the department of human
12 services and juvenile court services to establish a
13 plan for continuing group foster care expenditures for
14 fiscal year 2011-2012.

15 DIVISION V

16 HEALTH AND HUMAN SERVICES

17 PHARMACEUTICAL SETTLEMENT ACCOUNT,
18 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
19 REIMBURSEMENT FUND, HEALTH CARE
20 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
21 QUALITY ASSURANCE TRUST FUND,
22 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND

23 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
24 is appropriated from the pharmaceutical settlement
25 account created in section 249A.33 to the department of
26 human services for the fiscal year beginning July 1,
27 2011, and ending June 30, 2012, the following amount,
28 or so much thereof as is necessary, to be used for the
29 purpose designated:

30 Notwithstanding any provision of law to the
31 contrary, to supplement the appropriations made in the
32 department of human services division of this Act for
33 medical contracts under the medical assistance program
34 for the same fiscal year:

35 \$ 5,433,613

36 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.

37 1. There is appropriated from the IowaCare account
38 created in section 249J.24 to the state board of
39 regents for distribution to the university of Iowa
40 hospitals and clinics for the fiscal year beginning
41 July 1, 2011, and ending June 30, 2012, the following
42 amount, or so much thereof as is necessary, to be used
43 for the purposes designated:

44 For salaries, support, maintenance, equipment, and
45 miscellaneous purposes, for the provision of medical
46 and surgical treatment of indigent patients, for
47 provision of services to members of the expansion
48 population pursuant to chapter 249J, and for medical
49 education:

50 \$ 27,284,584

1 a. Funds appropriated in this subsection shall
 2 not be used to perform abortions except medically
 3 necessary abortions, and shall not be used to operate
 4 the early termination of pregnancy clinic except for
 5 the performance of medically necessary abortions. For
 6 the purpose of this subsection, medically necessary
 7 abortions are those performed under any of the
 8 following conditions:

9 (1) The attending physician certifies that
 10 continuing the pregnancy would endanger the life of the
 11 pregnant woman.

12 (2) Any spontaneous abortion, commonly known as a
 13 miscarriage, if not all of the products of conception
 14 are expelled.

15 b. Notwithstanding any provision of law to the
 16 contrary, the amount appropriated in this subsection
 17 shall be distributed based on claims submitted,
 18 adjudicated, and paid by the Iowa Medicaid enterprise.

19 c. The university of Iowa hospitals and clinics
 20 shall certify public expenditures in an amount equal
 21 to provide the nonfederal share on total expenditures
 22 not to exceed \$20,000,000.

23 2. There is appropriated from the IowaCare account
 24 created in section 249J.24 to the state board of
 25 regents for distribution to the university of Iowa
 26 hospitals and clinics for the fiscal year beginning
 27 July 1, 2011, and ending June 30, 2012, the following
 28 amount, or so much thereof as is necessary, to be used
 29 for the purposes designated:

30 For salaries, support, maintenance, equipment, and
 31 miscellaneous purposes, for the provision of medical
 32 and surgical treatment of indigent patients, for
 33 provision of services to members of the expansion
 34 population pursuant to chapter 249J, and for medical
 35 education:

36 \$ 44,226,279

37 Notwithstanding any provision of law to the
 38 contrary, the amount appropriated in this subsection
 39 shall be distributed based on claims submitted,
 40 adjudicated, and paid by the Iowa Medicaid enterprise.

41 3. There is appropriated from the IowaCare account
 42 created in section 249J.24, to the state board
 43 of regents for distribution to university of Iowa
 44 physicians for the fiscal year beginning July 1, 2011,
 45 and ending June 30, 2012, the following amount, or
 46 so much thereof as is necessary to be used for the
 47 purposes designated:

48 For salaries, support, maintenance, equipment, and
 49 miscellaneous purposes for the provision of medical and
 50 surgical treatment of indigent patients, for provision

1 of services to members of the expansion population
 2 pursuant to chapter 249J, and for medical education:
 3 \$ 16,277,753

4 Notwithstanding any provision of law to the
 5 contrary, the amount appropriated in this subsection
 6 shall be distributed based on claims submitted,
 7 adjudicated, and paid by the Iowa Medicaid enterprise.
 8 Once the entire amount appropriated in this subsection
 9 has been distributed, claims shall continue to
 10 be submitted and adjudicated by the Iowa Medicaid
 11 enterprise; however, no payment shall be made based
 12 upon such claims.

13 4. There is appropriated from the IowaCare account
 14 created in section 249J.24 to the department of human
 15 services for the fiscal year beginning July 1, 2011,
 16 and ending June 30, 2012, the following amount, or
 17 so much thereof as is necessary, to be used for the
 18 purposes designated:

19 For distribution to a publicly owned acute care
 20 teaching hospital located in a county with a population
 21 over 350,000 for the provision of medical and surgical
 22 treatment of indigent patients, for provision of
 23 services to members of the expansion population
 24 pursuant to chapter 249J, and for medical education:
 25 \$ 65,000,000

26 a. Notwithstanding any provision of law to the
 27 contrary, the amount appropriated in this subsection
 28 shall be distributed based on claims submitted,
 29 adjudicated, and paid by the Iowa Medicaid enterprise
 30 plus a monthly disproportionate share hospital payment.
 31 Any amount appropriated in this subsection in excess
 32 of \$60,000,000 shall be distributed only if the sum of
 33 the expansion population claims adjudicated and paid
 34 by the Iowa Medicaid enterprise plus the estimated
 35 disproportionate share hospital payments exceeds
 36 \$60,000,000. The amount paid in excess of \$60,000,000
 37 shall not adjust the original monthly payment amount
 38 but shall be distributed monthly based on actual
 39 claims adjudicated and paid by the Iowa Medicaid
 40 enterprise plus the estimated disproportionate share
 41 hospital amount. Any amount appropriated in this
 42 subsection in excess of \$60,000,000 shall be allocated
 43 only if federal funds are available to match the
 44 amount allocated. Pursuant to paragraph "b", of the
 45 amount appropriated in this subsection, not more than
 46 \$4,000,000 shall be distributed for prescription drugs
 47 and podiatry services.

48 b. Notwithstanding any provision of law to the
 49 contrary, the hospital identified in this subsection,
 50 shall be reimbursed for outpatient prescription drugs

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1 and podiatry services provided to members of the
2 expansion population pursuant to all applicable medical
3 assistance program rules, in an amount not to exceed
4 \$4,000,000.

5 c. Notwithstanding the total amount of proceeds
6 distributed pursuant to section 249J.24, subsection 4,
7 paragraph "a", unnumbered paragraph 1, for the fiscal
8 year beginning July 1, 2011, and ending June 30, 2012,
9 the county treasurer of a county with a population
10 of over 350,000 in which a publicly owned acute care
11 teaching hospital is located shall distribute the
12 proceeds collected pursuant to section 347.7 in a
13 total amount of \$38,000,000, which would otherwise be
14 distributed to the county hospital, to the treasurer of
15 state for deposit in the IowaCare account.

16 d. (1) Notwithstanding the amount collected
17 and distributed for deposit in the IowaCare account
18 pursuant to section 249J.24, subsection 4, paragraph
19 "a", subparagraph (1), the first \$19,000,000 in
20 proceeds collected pursuant to section 347.7 between
21 July 1, 2011, and December 31, 2011, shall be
22 distributed to the treasurer of state for deposit in
23 the IowaCare account and collections during this time
24 period in excess of \$19,000,000 shall be distributed
25 to the acute care teaching hospital identified in
26 this subsection. Of the collections in excess of
27 the \$19,000,000 received by the acute care teaching
28 hospital under this subparagraph (1), \$2,000,000 shall
29 be distributed by the acute care teaching hospital to
30 the treasurer of state for deposit in the IowaCare
31 account in the month of January 2012, following the
32 July 1 through December 31, 2011, period.

33 (2) Notwithstanding the amount collected and
34 distributed for deposit in the IowaCare account
35 pursuant to section 249J.24, subsection 4, paragraph
36 "a", subparagraph (2), the first \$19,000,000 in
37 collections pursuant to section 347.7 between January
38 1, 2012, and June 30, 2012, shall be distributed to
39 the treasurer of state for deposit in the IowaCare
40 account and collections during this time period in
41 excess of \$19,000,000 shall be distributed to the acute
42 care teaching hospital identified in this subsection.
43 Of the collections in excess of the \$19,000,000
44 received by the acute care teaching hospital under this
45 subparagraph (2), \$2,000,000 shall be distributed by
46 the acute care teaching hospital to the treasurer of
47 state for deposit in the IowaCare account in the month
48 of July 2012, following the January 1 through June 30,
49 2012, period.

50 5. There is appropriated from the IowaCare account

1 created in section 249J.24 to the department of human
 2 services for the fiscal year beginning July 1, 2011,
 3 and ending June 30, 2012, the following amount, or so
 4 much thereof as is necessary to be used for the purpose
 5 designated:

6 For payment to the regional provider network
 7 specified by the department pursuant to section 249J.7
 8 for provision of covered services to members of the
 9 expansion population pursuant to chapter 249J:
 10 \$ 3,472,176

11 Notwithstanding any provision of law to the
 12 contrary, the amount appropriated in this subsection
 13 shall be distributed based on claims submitted,
 14 adjudicated, and paid by the Iowa Medicaid enterprise.
 15 Once the entire amount appropriated in this subsection
 16 has been distributed, claims shall continue to
 17 be submitted and adjudicated by the Iowa Medicaid
 18 enterprise; however, no payment shall be made based
 19 upon such claims.

20 6. There is appropriated from the IowaCare account
 21 created in section 249J.24 to the department of human
 22 services for the fiscal year beginning July 1, 2011,
 23 and ending June 30, 2012, the following amount, or
 24 so much thereof as is necessary to be used for the
 25 purposes designated:

26 For a care coordination pool to pay the expansion
 27 population providers consisting of the university of
 28 Iowa hospitals and clinics, the publicly owned acute
 29 care teaching hospital as specified in section 249J.7,
 30 and current medical assistance program providers that
 31 are not expansion population network providers pursuant
 32 to section 249J.7, for services covered by the full
 33 benefit medical assistance program but not under the
 34 IowaCare program pursuant to section 249J.6, that are
 35 provided to expansion population members:
 36 \$ 1,500,000

37 a. Notwithstanding sections 249J.6 and 249J.7,
 38 the amount appropriated in this subsection is
 39 intended to provide payment for medically necessary
 40 services provided to expansion population members for
 41 continuation of care provided by the university of
 42 Iowa hospitals and clinics or the publicly owned acute
 43 care teaching hospital as specified in section 249J.7.
 44 Payment may only be made for services that are not
 45 otherwise covered under section 249J.6, and which are
 46 follow-up services to covered services provided by the
 47 hospitals specified in this paragraph "a".

48 b. The funds appropriated in this subsection are
 49 intended to provide limited payment for continuity
 50 of care services for an expansion population member,

1 and are intended to cover the costs of services
2 to expansion population members, regardless of
3 the member's county of residence or medical home
4 assignment, if the care is related to specialty or
5 hospital services provided by the hospitals specified
6 in paragraph "a".

7 c. The funds appropriated in this subsection are
8 not intended to provide for expanded coverage under
9 the IowaCare program, and shall not be used to cover
10 emergency transportation services.

11 d. The department shall adopt administrative
12 rules pursuant to chapter 17A to establish a prior
13 authorization process and to identify covered services
14 for reimbursement under this subsection.

15 7. There is appropriated from the IowaCare account
16 created in section 249J.24 to the department of human
17 services for the fiscal year beginning July 1, 2011,
18 and ending June 30, 2012, the following amount or
19 so much thereof as is necessary to be used for the
20 purposes designated:

21 For a laboratory test and radiology pool for
22 services authorized by a federally qualified health
23 center designated by the department as part of the
24 IowaCare regional provider network that does not have
25 the capability to provide these services on site:
26 \$ 500,000

27 Notwithstanding sections 249J.6 and 249J.7, the
28 amount appropriated in this subsection is intended
29 to provide reimbursement for services provided to
30 expansion population members that have previously
31 been paid for through expenditure by designated
32 regional provider network providers of their own
33 funds, not to expand coverage under the IowaCare
34 program or to expand the expansion population
35 provider network. The department shall designate the
36 laboratory and radiology provider associated with
37 each designated regional provider network provider
38 that may receive reimbursement. The department shall
39 adopt administrative rules pursuant to chapter 17A
40 to establish a prior authorization process and to
41 identify covered services for reimbursement under this
42 subsection. All other medical assistance program
43 payment policies and rules for laboratory and radiology
44 services shall apply to services provided under this
45 subsection. If the entire amount appropriated under
46 this subsection is expended, laboratory tests and
47 radiology services ordered by a designated regional
48 provider network provider shall be the financial
49 responsibility of the regional provider network
50 provider.

1 Sec. 37. APPROPRIATIONS FROM NONPARTICIPATING
 2 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN
 3 SERVICES. Notwithstanding any provision to the
 4 contrary, and subject to the availability of funds,
 5 there is appropriated from the nonparticipating
 6 provider reimbursement fund created in section 249J.24A
 7 to the department of human services for the fiscal year
 8 beginning July 1, 2011, and ending June 30, 2012, the
 9 following amount or so much thereof as is necessary for
 10 the purposes designated:

11 To reimburse nonparticipating providers in
 12 accordance with section 249J.24A:
 13 \$ 2,000,000

14 Sec. 38. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
 15 CARE
 16 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

17 Notwithstanding any provision to the contrary, there
 18 is appropriated from the account for health care
 19 transformation created in section 249J.23 to the
 20 department of human services for the fiscal year
 21 beginning July 1, 2011, and ending June 30, 2012, the
 22 following amounts, or so much thereof as is necessary,
 23 to be used for the purposes designated:

24 1. For the provision of an IowaCare nurse helpline
 25 for the expansion population as provided in section
 26 249J.6:

27 \$ 100,000

28 2. For other health promotion partnership
 29 activities pursuant to section 249J.14:

30 \$ 600,000

31 3. For the costs related to audits, performance
 32 evaluations, and studies required pursuant to chapter
 33 249J:

34 \$ 125,000

35 4. For administrative costs associated with chapter
 36 249J:

37 \$ 1,132,412

38 5. For planning and development, in cooperation
 39 with the department of public health, of a phased-in
 40 program to provide a dental home for children in
 41 accordance with section 249J.14:

42 \$ 1,000,000

43 6. For continuation of the establishment of the
 44 tuition assistance for individuals serving individuals
 45 with disabilities pilot program, as enacted in 2008
 46 Iowa Acts, chapter 1187, section 130:

47 \$ 50,000

48 7. For medical contracts:

49 \$ 2,000,000

50 8. For payment to the publicly owned acute care

1 teaching hospital located in a county with a population
2 of over 350,000 that is a participating provider
3 pursuant to chapter 249J:

4 \$ 290,000

5 Disbursements under this subsection shall be made
6 monthly. The hospital shall submit a report following
7 the close of the fiscal year regarding use of the
8 funds appropriated in this subsection to the persons
9 specified in this Act to receive reports.

10 9. For transfer to the department of public
11 health to be used for the costs of medical home
12 system advisory council established pursuant to
13 section 135.159, including for the incorporation of
14 the work and duties of the prevention and chronic
15 care management advisory council pursuant to section
16 135.161, as amended by the FY 2011-2012 health and
17 human services divisions of this Act:

18 \$ 233,357

19 10. For implementation of a uniform cost report:

20 \$ 100,000

21 The uniform cost report shall be used in the
22 development of specified Medicaid reimbursement rates
23 over a multiyear timeframe. The department of human
24 services, in collaboration with affected providers,
25 shall finalize a uniform cost report that includes
26 provider type-specific cost schedules by December 15,
27 2011. The uniform cost report shall be applied to
28 providers of home and community-based services waiver
29 services, habilitation services, case management
30 services and community mental health centers,
31 residential care facilities, psychiatric medical
32 institutions for children, and intermediate care
33 facilities for the mentally retarded in the development
34 of Medicaid reimbursement rates. The department
35 shall collaborate with affected Medicaid providers to
36 test the effectiveness of the uniform cost report and
37 determine the fiscal impact of implementing the uniform
38 cost report during the fiscal year beginning July 1,
39 2012. A report of the findings and fiscal impact shall
40 be submitted to the governor and the general assembly
41 by December 31, 2013. The rates paid in the fiscal
42 year beginning July 1, 2014, shall be established
43 using uniform cost reports submitted in the fiscal
44 year beginning July 1, 2012. Implementation of the
45 uniform cost report shall be limited to the extent of
46 the funding available.

47 11. For implementation of an electronic medical
48 records system:

49 \$ 100,000

50 a. The implementation of an electronic medical

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1 records system shall include system purchase or
2 development for home and community-based services
3 providers and mental health services providers that
4 comply with the requirements of federal and state laws
5 and regulation by the fiscal year beginning July 1,
6 2013.

7 b. The department shall analyze the costs and
8 benefits of providing an electronic medical records and
9 billing system for home and community-based services
10 providers and mental health services providers that
11 comply with the requirements of federal and state laws
12 and regulation. The analysis shall include a review of
13 all of the following: including the capability for an
14 electronic medical records and billing system within
15 the procurement for the Medicaid management information
16 system, developing the system, and utilizing capacity
17 within the health information network established
18 by the department of public health. If the analysis
19 demonstrates that a program may be implemented in a
20 cost-effective manner and within available funds,
21 the department may take steps to implement such a
22 system. The department shall report the results of
23 the analysis, activities, and recommendations to the
24 persons designated in the department of human services
25 division of this Act for submission of reports by
26 December 15, 2011.

27 c. Notwithstanding section 8.33, funds allocated in
28 this subsection that remain unencumbered or unobligated
29 at the close of the fiscal year shall not revert but
30 shall remain available in succeeding fiscal years to be
31 used for the purposes designated.

32 Notwithstanding section 8.39, subsection 1, without
33 the prior written consent and approval of the governor
34 and the director of the department of management, the
35 director of human services may transfer funds among
36 the appropriations made in this section as necessary
37 to carry out the purposes of the account for health
38 care transformation. The department shall report
39 any transfers made pursuant to this section to the
40 legislative services agency.

41 Sec. 39. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
42 INSPECTIONS AND APPEALS. There is appropriated from
43 the Medicaid fraud account created in section 249A.7
44 to the department of inspections and appeals for the
45 fiscal year beginning July 1, 2011, and ending June 30,
46 2012, the following amount, or so much thereof as is
47 necessary, to be used for the purposes designated:

48 For the inspection and certification of assisted
49 living programs and adult day care services, including
50 program administration and costs associated with

1 implementation:

2 \$ 1,339,527

3 Sec. 40. MEDICAID FRAUD ACCOUNT — DEPARTMENT

4 OF HUMAN SERVICES. There is appropriated from the

5 Medicaid fraud account created in section 249A.7 to

6 the department of human services for the fiscal year

7 beginning July 1, 2011, and ending June 30, 2012, the

8 following amount, or so much thereof as is necessary,

9 to be used for the purposes designated:

10 To supplement the appropriation made in the

11 department of human services division of this Act

12 from the general fund of the state to the department

13 of human services for medical assistance for the same

14 fiscal year:

15 \$ 2,000,000

16 Sec. 41. QUALITY ASSURANCE TRUST FUND — DEPARTMENT

17 OF HUMAN SERVICES. Notwithstanding any provision to

18 the contrary and subject to the availability of funds,

19 there is appropriated from the quality assurance trust

20 fund created in section 249L.4 to the department of

21 human services for the fiscal year beginning July 1,

22 2011, and ending June 30, 2012, the following amounts,

23 or so much thereof as is necessary for the purposes

24 designated:

25 To supplement the appropriation made in the

26 department of human services division of this Act

27 from the general fund of the state to the department

28 of human services for medical assistance for the same

29 fiscal year:

30 \$ 29,000,000

31 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND

32 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding

33 any provision to the contrary and subject to the

34 availability of funds, there is appropriated from

35 the hospital health care access trust fund created in

36 section 249M.4 to the department of human services for

37 the fiscal year beginning July 1, 2011, and ending June

38 30, 2012, the following amounts, or so much thereof as

39 is necessary, for the purposes designated:

40 1. To supplement the appropriation made in the

41 department of human services division of this Act

42 from the general fund of the state to the department

43 of human services for medical assistance for the same

44 fiscal year:

45 \$ 39,223,800

46 2. For deposit in the nonparticipating provider

47 reimbursement fund created in section 249J.24A to be

48 used for the purposes of the fund:

49 \$ 776,200

50 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION

1 FOR FY 2011-2012. Notwithstanding section 8.33,
 2 if moneys appropriated for purposes of the medical
 3 assistance program for the fiscal year beginning July
 4 1, 2011, and ending June 30, 2012, in the health and
 5 human services divisions of this Act from the general
 6 fund of the state, the Medicaid fraud account, the
 7 quality assurance trust fund, and the hospital health
 8 care access trust fund, are in excess of actual
 9 expenditures for the medical assistance program and
 10 remain unencumbered or unobligated at the close of the
 11 fiscal year, the excess moneys shall not revert but
 12 shall remain available for expenditure for the purposes
 13 of the medical assistance program until the close of
 14 the succeeding fiscal year.

15 DIVISION VI

16 HEALTH AND HUMAN SERVICES

17 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
 18 YEAR 2011-2012

19 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
 20 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
 21 RELIEF. Notwithstanding the standing appropriation
 22 in section 426B.1, subsection 2, for the fiscal year
 23 beginning July 1, 2011, and ending June 30, 2012,
 24 the amount appropriated from the general fund of the
 25 state pursuant to that provision shall not exceed the
 26 following amount:

27 \$ 81,199,911

28 Sec. 45. SENATE FILE 209 APPROPRIATION — FY
 29 2010-2011.

30 1. Of the amount credited to the property tax
 31 relief fund from the appropriation made pursuant to
 32 2011 Iowa Acts, Senate File 209, section 21, subsection
 33 1, there is appropriated to the department of human
 34 services for the fiscal year beginning July 1, 2010,
 35 and ending June 30, 2011, the following amount, or
 36 so much thereof as is necessary, to be used for the
 37 purpose designated:

38 For distribution in accordance with this section:

39 \$ 10,000,000

40 2. a. For the purposes of this subsection, unless
 41 the context otherwise requires:

42 (1) "County management plan" means the county
 43 management plan for the county's mental health, mental
 44 retardation, and developmental disabilities services
 45 system in accordance with section 331.439.

46 (2) "Risk pool board" means the risk pool board
 47 created in section 426B.5.

48 (3) "Services fund" means the county mental health,
 49 mental retardation, and developmental disabilities
 50 services fund created in section 331.424A.

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1 b. The appropriation made in this section shall be
2 distributed to counties with persons on a waiting list
3 as of April 21, 2011, for adult mental health, mental
4 retardation, and developmental disabilities services in
5 accordance with the county management plan in effect as
6 of January 1, 2011. All of the following provisions
7 shall apply to such distribution:

8 (1) A county's application for the funding
9 distribution must be received by the department on or
10 before July 15, 2011, or within 10 calendar days of the
11 enactment date of this section, whichever is later.

12 (2) The county's application shall provide all of
13 the following information:

14 (a) A declaration that the county cannot provide
15 services in accordance with the county's management
16 plan and remain in compliance with the 99 percent
17 budgeting requirement in section 331.439, subsection 5,
18 resulting in the creation of a waiting list.

19 (b) An accounting of the individuals to be removed
20 from the county's waiting list as a result of the
21 funding applied for under this subsection, along with
22 the following information in a format specified by the
23 department:

24 (i) Each individual's unique client identifier
25 established pursuant to section 225C.6A, subsection 3.

26 (ii) The date the individual was originally placed
27 on the county waiting list.

28 (iii) The services needed by the individual.

29 (iv) The projected cost for the fiscal year for
30 each service needed for that individual.

31 (v) The total cost for all of the services for each
32 individual for the fiscal year.

33 (3) The application shall be accompanied by a
34 signed statement by the county's board of supervisors
35 certifying that the individuals for whom funding is
36 provided under this subsection will not subsequently
37 be placed by the county on a waiting list for services
38 through June 30, 2012.

39 (4) The risk pool board may accept or reject an
40 application for assistance in whole or in part and may
41 prorate distribution of funding as necessary to conform
42 to the amount available for distribution. The decision
43 of the risk pool board is final. The risk pool board
44 shall issue a funding decision within 15 working days
45 of the final receipt date for applications.

46 (5) The funding under this subsection shall be
47 distributed within 15 working days of the date the risk
48 pool board's funding decision is issued.

49 c. If there is a balance remaining following the
50 distribution of funding under paragraph "b", the

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1 balance shall be distributed in a second distribution
2 process for individuals placed on a waiting list
3 after April 21, 2011, in accordance with the county
4 management plan provisions for the services in effect
5 as of January 1, 2011. In addition, notwithstanding
6 2010 Iowa Acts, chapter 1192, section 48, subsection 4,
7 paragraph "c", any funding rebated by counties pursuant
8 to that provision and any moneys otherwise available in
9 the risk pool in the property tax relief fund for the
10 fiscal year beginning July 1, 2011, pursuant to section
11 426B.5, subsection 2, shall also be included in the
12 second distribution process. The distribution process
13 under this lettered paragraph shall be in lieu of any
14 risk pool distribution for the fiscal year beginning
15 July 1, 2011, under section 426B.5. All provisions
16 applicable under paragraph "b" shall apply except
17 that a county's application for the second funding
18 distribution process must be received by the department
19 on or before December 1, 2011.

20 d. If moneys from a distribution made under this
21 subsection are not expended by a county by November
22 1, 2012, for services provided prior to July 1, 2012,
23 the county shall reimburse the unexpended moneys to
24 the department by November 30, 2012, and the moneys
25 reimbursed shall be credited to the risk pool in the
26 property tax relief fund.

27 e. The risk pool board shall submit a report to the
28 governor and general assembly on or before December 31,
29 2012, regarding the expenditure of funds distributed
30 under this subsection.

31 Sec. 46. SENATE FILE 209 APPROPRIATION — FY
32 2011-2012. In addition to the appropriations made in
33 this division of this Act for distribution to counties
34 of the county mental health, mental retardation, and
35 developmental disabilities allowed growth factor
36 adjustment for FY 2011-2012, and for county waiting
37 lists beginning with the fiscal year beginning July 1,
38 2010, of the amount credited to the property tax relief
39 fund from the appropriation made pursuant to 2011 Iowa
40 Acts, Senate File 209, section 21, subsection 1, there
41 is appropriated to the department of human services for
42 the fiscal year beginning July 1, 2011, and ending June
43 30, 2012, the following amounts, or so much thereof as
44 is necessary, to be used for the purposes designated:

45 To be credited to the appropriation made in the
46 department of human services division of this Act from
47 the general fund of the state to the department of
48 human services for the medical assistance program for
49 the fiscal year beginning July 1, 2011, and used to
50 reduce home and community-based services waiver waiting

1 lists for children's mental health, intellectual
 2 disabilities, and brain injury:
 3 \$ 5,000,000
 4 Sec. 47. 2010 Iowa Acts, chapter 1193, section 1,
 5 is amended to read as follows:
 6 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
 7 FUNDING — FY 2011-2012.

8 1. Notwithstanding section 331.439, subsection
 9 3, the allowed growth factor adjustment for county
 10 mental health, mental retardation, and developmental
 11 disabilities service expenditures for the fiscal year
 12 beginning July 1, 2011, shall be established by statute
 13 which shall be enacted within thirty calendar days of
 14 the convening of the Eighty-fourth General Assembly,
 15 2011 Session, on January 10, 2011. The governor shall
 16 submit to the general assembly a recommendation for
 17 such allowed growth factor adjustment and the amounts
 18 of related appropriations to the general assembly on
 19 or before January 11, 2011.

20 2. The appropriation and allocations made in this
 21 section fulfill the requirements of the governor and
 22 general assembly under subsection 1.

23 3. a. There is appropriated from the general fund
 24 of the state to the department of human services for
 25 the fiscal year beginning July 1, 2011, and ending June
 26 30, 2012, the following amount, or so much thereof as
 27 is necessary, to be used for the purpose designated:

28 For distribution to counties of the county mental
 29 health, mental retardation, and developmental
 30 disabilities allowed growth factor adjustment for
 31 fiscal year 2011-2012 as provided in this section in
 32 lieu of the allowed growth factor provisions of section
 33 331.438, subsection 2, and section 331.439, subsection
 34 3, and chapter 426B:

35 \$ 68,697,893

36 b. Of the amount credited to the property tax
 37 relief fund from the appropriation made pursuant to
 38 2011 Iowa Acts, Senate File 209, section 21, subsection
 39 1, there is appropriated to the department of human
 40 services for the fiscal year beginning July 1, 2011,
 41 and ending June 30, 2012, the following amount, or
 42 so much thereof as is necessary, to be used for the
 43 purpose designated:

44 For distribution to counties as described in
 45 paragraph "a":

46 \$ 5,000,000

47 Sec. 48. 2010 Iowa Acts, chapter 1193, section 1,
 48 as amended by this division of this Act, is amended by
 49 adding the following new subsections:
 50 NEW SUBSECTION. 4. Of the amounts appropriated

1 in this section, \$12,000,000 shall be distributed as
2 provided in this subsection.

3 a. To be eligible to receive a distribution under
4 this subsection, a county must meet the following
5 requirements:

6 (1) The county is levying for the maximum amount
7 allowed for the county's mental health, mental
8 retardation, and developmental disabilities services
9 fund under section 331.424A for taxes due and payable
10 in the fiscal year beginning July 1, 2011, or the
11 county is levying for at least 90 percent of the
12 maximum amount allowed for the county's services fund
13 and that levy rate is more than \$2 per \$1,000 of the
14 assessed value of all taxable property in the county.

15 (2) In the fiscal year beginning July 1, 2009,
16 the county's mental health, mental retardation, and
17 developmental disabilities services fund ending balance
18 under generally accepted accounting principles was
19 equal to or less than 15 percent of the county's actual
20 gross expenditures for that fiscal year.

21 b. The amount of a county's distribution from
22 the allocation made in this subsection shall be
23 determined based upon the county's proportion of the
24 general population of the counties eligible to receive
25 a distribution under this subsection. The latest
26 certified federal census issued by the United States
27 bureau of the census shall be applied in determining
28 population for the purposes of this paragraph.

29 c. The distributions made pursuant to this
30 subsection are subject to the distribution provisions
31 and withholding requirements established in this
32 section for the county mental health, mental
33 retardation, and developmental disabilities allowed
34 growth factor adjustment for the fiscal year beginning
35 July 1, 2011.

36 NEW SUBSECTION. 5. The following amount of the
37 funding appropriated in this section for distribution
38 to counties is the allowed growth factor adjustment for
39 fiscal year 2011-2012, and shall be credited to the
40 allowed growth funding pool created in the property tax
41 relief fund and for distribution in accordance with
42 section 426B.5, subsection 1:

43 \$ 61,697,893

44 For the distribution made for the fiscal year
45 beginning July 1, 2011, a county that is levying
46 at least 92 percent of the maximum amount allowed
47 for the county's mental health, mental retardation,
48 and developmental disabilities services fund under
49 section 331.424A for the fiscal year and that had
50 a negative services fund balance for the fiscal

1 year beginning July 1, 2009, after disregarding the
 2 temporary funding increase provided to counties for
 3 the fiscal year beginning July 1, 2009, through the
 4 federal American Recovery and Reinvestment Act of
 5 2009, Pub. L. No. 111-5, shall be deemed to have met
 6 the allocation eligibility requirement under section
 7 426B.5, subsection 1, paragraph "d", subparagraph (1),
 8 subparagraph division (a).

9 NEW SUBSECTION. 6. The following formula amounts
 10 shall be utilized only to calculate preliminary
 11 distribution amounts for the allowed growth factor
 12 adjustment for fiscal year 2011-2012 under this
 13 section by applying the indicated formula provisions
 14 to the formula amounts and producing a preliminary
 15 distribution total for each county:

16 a. For calculation of a distribution amount for
 17 eligible counties from the allowed growth funding pool
 18 created in the property tax relief fund in accordance
 19 with the requirements in section 426B.5, subsection
 20 1, and including the allocation eligibility provision
 21 authorized in subsection 5 of this section:

22 \$ 74,773,346

23 b. For calculation of a distribution amount for
 24 counties from the mental health and developmental
 25 disabilities (MH/DD) community services fund
 26 in accordance with the formula provided in the
 27 appropriation made for the MH/DD community services
 28 fund for the fiscal year beginning July 1, 2011:

29 \$ 14,187,556

30 NEW SUBSECTION. 7. a. After applying the
 31 applicable statutory distribution formulas to the
 32 amounts indicated in subsection 6 for purposes of
 33 producing preliminary distribution totals, the
 34 department of human services shall apply a withholding
 35 factor to adjust an eligible individual county's
 36 preliminary distribution total. In order to be
 37 eligible for a distribution under this section, a
 38 county must be levying 90 percent or more of the
 39 maximum amount allowed for the county's mental health,
 40 mental retardation, and developmental disabilities
 41 services fund under section 331.424A for taxes due and
 42 payable in the fiscal year for which the distribution
 43 is payable.

44 b. An ending balance percentage for each county
 45 shall be determined by expressing the county's ending
 46 balance on a modified accrual basis under generally
 47 accepted accounting principles for the fiscal year
 48 beginning July 1, 2009, in the county's mental health,
 49 mental retardation, and developmental disabilities
 50 services fund created under section 331.424A, as a

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1 percentage of the county's gross expenditures from that
2 fund for that fiscal year. If a county borrowed moneys
3 for purposes of providing services from the county's
4 services fund on or before July 1, 2009, and the
5 county's services fund ending balance for that fiscal
6 year includes the loan proceeds or an amount designated
7 in the county budget to service the loan for the
8 borrowed moneys, those amounts shall not be considered
9 to be part of the county's ending balance for purposes
10 of calculating an ending balance percentage under this
11 subsection.

12 c. For purposes of calculating withholding
13 factors and for ending balance amounts used for other
14 purposes under law, the county ending balances shall
15 be adjusted, using forms developed for this purpose
16 by the county finance committee, to disregard the
17 temporary funding increase provided to the counties for
18 the fiscal year through the federal American Recovery
19 and Reinvestment Act of 2009, Pub. L. No. 111-5. In
20 addition, a county may adjust the ending balance amount
21 by rebating to the department all or a portion of
22 the allowed growth and MH/DD services fund moneys the
23 county received for the fiscal year beginning July 1,
24 2010, in accordance with 2009 Iowa Acts, chapter 179,
25 section 1, as amended by 2009 Iowa Acts, chapter 1192,
26 sections 47 and 48, or from any other services fund
27 moneys available to the county. The rebate must be
28 remitted to the department on or before June 1, 2011,
29 in order to be counted. However, if this division of
30 this Act is enacted after June 1, 2011, the rebate
31 must be remitted not later than 10 calendar days
32 after the date of the governor's approval of this Act.
33 The amount rebated by a county shall be subtracted
34 dollar-for-dollar from the county's ending balance
35 amount for the fiscal year beginning July 1, 2009, for
36 purposes of calculating the withholding factor and
37 for other ending balance purposes for the fiscal year
38 beginning July 1, 2011. The rebates received by the
39 department shall be credited to the property tax relief
40 fund and distributed as additional funding for the
41 fiscal year beginning July 1, 2011, in accordance with
42 the formula provisions in this section.

43 d. The withholding factor for a county shall be the
44 following applicable percent:

45 (1) For an ending balance percentage of less than
46 5 percent, a withholding factor of 0 percent. In
47 addition, a county that is subject to this lettered
48 paragraph shall receive an inflation adjustment equal
49 to 3 percent of the gross expenditures reported for the
50 county's services fund for the fiscal year.

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1 (2) For an ending balance percentage of 5 percent
2 or more but less than 10 percent, a withholding factor
3 of 0 percent. In addition, a county that is subject
4 to this lettered paragraph shall receive an inflation
5 adjustment equal to 2 percent of the gross expenditures
6 reported for the county's services fund for the fiscal
7 year.

8 (3) For an ending balance percentage of 10 percent
9 or more but less than 25 percent, a withholding factor
10 of 25 percent. However, for counties with an ending
11 balance percentage of 10 percent or more but less than
12 15 percent, the amount withheld shall be limited to
13 the amount by which the county's ending balance was in
14 excess of the ending balance percentage of 10 percent.

15 (4) For an ending balance percentage of 25 percent
16 or more, a withholding percentage of 100 percent.
17 NEW SUBSECTION. 8. The total withholding amounts
18 applied pursuant to subsection 7 shall be equal to
19 a withholding target amount of \$13,075,453. If the
20 department of human services determines that the
21 amount appropriated is insufficient or the amount to be
22 withheld in accordance with subsection 7 is not equal
23 to the target withholding amount, the department shall
24 adjust the withholding factors listed in subsection 7
25 as necessary to achieve the target withholding amount.
26 However, in making such adjustments to the withholding
27 factors, the department shall strive to minimize
28 changes to the withholding factors for those ending
29 balance percentage ranges that are lower than others
30 and shall only adjust the zero withholding factor
31 or the inflation adjustment percentages specified
32 in subsection 7, paragraph "d", when the amount
33 appropriated is insufficient.

34 Sec. 49. 2010 Iowa Acts, chapter 1193, section 99,
35 is amended to read as follows:

36 **SEC. 99. MH/MR/DD SERVICES FUND**

37 **TRANSFER.** Notwithstanding section 331.424A, subsection
38 5, and section 331.432, subsection 3, for the
39 fiscal year beginning July 1, 2010, and ending June
40 30, 2011, a county may transfer moneys from other
41 funds of the county to the county's mental health,
42 mental retardation, and developmental disabilities
43 services fund created in section 331.424A. A county
44 transferring moneys from other funds of the county
45 to the county's services fund pursuant to this
46 section shall submit a report detailing the transfers
47 made and funds affected. The county shall submit
48 the report along with the county expenditure and
49 information report submitted by December 1, ~~2010~~ 2011,
50 in accordance with section 331.439.

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1 Sec. 50. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
2 APPLICABILITY. The section of this division of this
3 Act amending 2010 Iowa Acts, chapter 1193, section 99,
4 being deemed of immediate importance, takes effect upon
5 enactment and is retroactively applicable to December
6 1, 2010.

7 Sec. 51. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
8 APPLICABILITY. The section of this division of
9 this Act making an appropriation for the fiscal year
10 beginning July 1, 2010, of moneys credited to the
11 property tax relief fund pursuant to 2011 Iowa Acts,
12 Senate File 209, being deemed of immediate importance,
13 takes effect upon enactment and applies retroactively
14 to April 21, 2011.

15 DIVISION VII

16 HEALTH AND HUMAN SERVICES

17 PRIOR APPROPRIATIONS AND RELATED CHANGES

18 VIETNAM CONFLICT VETERANS BONUS

19 Sec. 52. Section 35A.8A, subsection 2, paragraph d,
20 Code 2011, is amended to read as follows:

21 d. The person files an application for compensation
22 under this section, in a manner determined by the
23 department of veterans affairs, by ~~July 1, 2010~~ May 1,
24 2011.

25 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

26 Sec. 53. NEW SECTION. 16.185 Community housing and
27 services for persons with disabilities revolving loan
28 program fund.

29 1. A community housing and services for persons
30 with disabilities loan program fund is created
31 within the authority to further the availability of
32 affordable housing and supportive services for Medicaid
33 waiver-eligible individuals with behaviors that
34 provide significant barriers to accessing traditional
35 rental and supportive services opportunities. The
36 moneys in the fund are annually appropriated to the
37 authority to be used for the development and operation
38 of a revolving loan program to provide financing to
39 construct affordable permanent supportive housing or
40 develop infrastructure in which to provide supportive
41 services, including through new construction,
42 acquisition and rehabilitation of existing housing or
43 infrastructure, or conversion or adaptive reuse.

44 2. Moneys transferred by the authority for deposit
45 in the community housing and services for persons
46 with disabilities revolving loan program fund, moneys
47 appropriated to the community housing and services
48 for persons with disabilities revolving loan program,
49 and any other moneys available to and obtained or
50 accepted by the authority for placement in the fund

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1 shall be credited to the fund. Additionally, payment
2 of interest, recaptures of awards, and other repayments
3 to the community housing and services for persons with
4 disabilities loan program fund shall be credited to
5 the fund. Notwithstanding section 12C.7, subsection
6 2, interest or earnings on moneys in the fund shall be
7 credited to the fund. Notwithstanding section 8.33,
8 moneys credited to the fund from any other fund that
9 remain unencumbered or unobligated at the close of the
10 fiscal year shall not revert to the other fund.

11 3. a. The authority shall annually allocate moneys
12 available in the fund for the development of permanent
13 supportive housing for Medicaid waiver-eligible
14 individuals. The authority shall develop a joint
15 application process for the allocation of United
16 States housing and urban development HOME investment
17 partnerships program funding and the funds available
18 under this section. Moneys allocated to such projects
19 may be in the form of loans, forgivable loans, or a
20 combination of loans and forgivable loans.

21 b. The authority shall annually allocate moneys
22 available in the fund for the development of
23 infrastructure in which to provide supportive services
24 for Medicaid waiver-eligible individuals who meet the
25 psychiatric medical institution for children level of
26 care. Moneys allocated to such projects may be in the
27 form of loans, forgivable loans, or a combination of
28 loans and forgivable loans.

29 4. a. A project shall demonstrate written approval
30 of the project by the department of human services to
31 the authority prior to application for funding under
32 this section.

33 b. In order to be approved by the department
34 of human services for application for funding for
35 development of permanent supportive housing under this
36 section, a project shall include all of the following
37 components:

38 (1) Provision of services to any of the following
39 Medicaid waiver-eligible individuals:

40 (a) Individuals who are currently underserved
41 in community placements, including individuals who
42 are physically aggressive or have behaviors that
43 are difficult to manage or individuals who meet the
44 psychiatric medical institution for children level of
45 care.

46 (b) Individuals who are currently residing in
47 out-of-state facilities.

48 (c) Individuals who are currently receiving care in
49 a licensed health care facility.

50 (2) A plan to provide each individual with crisis

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1 stabilization services to ensure that the individual's
2 behavioral issues are appropriately addressed by the
3 provider.

4 (3) Policies and procedures that prohibit discharge
5 of the individual from the waiver services provided by
6 the project provider unless an alternative placement
7 that is acceptable to the client or the client's
8 guardian is identified.

9 c. In order to be approved by the department
10 of human services for application for funding for
11 development of infrastructure in which to provide
12 supportive services under this section, a project shall
13 include all of the following components:

14 (1) Provision of services to Medicaid
15 waiver-eligible individuals who meet the psychiatric
16 medical institution for children level of care.

17 (2) Policies and procedures that prohibit discharge
18 of the individual from the waiver services provided by
19 the project provider unless an alternative placement
20 that is acceptable to the client or the client's
21 guardian is identified.

22 d. Housing provided through a project under this
23 section is exempt from the requirements of chapter
24 135O.

25 5. The authority, in collaboration with the
26 department of human services, shall adopt rules
27 pursuant to chapter 17A to administer this section.

28 VIETNAM CONFLICT VETERANS
29 BONUS FUND

30 Sec. 54. 2008 Iowa Acts, chapter 1187, section 68,
31 as amended by 2009 Iowa Acts, chapter 182, section
32 82, and 2010 Iowa Acts, chapter 1192, section 55, is
33 amended to read as follows:

34 Notwithstanding section 8.33, moneys appropriated in
35 this section that remain unencumbered or unobligated
36 at the close of the fiscal year shall not revert but
37 shall remain available for expenditure for the purposes
38 designated until the close of the fiscal year beginning
39 July 1, 2010 repeal of section 35A.8A. Upon such
40 repeal, the remaining moneys shall be transferred to
41 the veterans trust fund and, notwithstanding section
42 35A.13, subsection 3, shall only be expended in
43 accordance with an appropriation for purposes of a
44 bonus enacted for veterans of the conflicts in Panama,
45 Grenada, Lebanon, or the Persian Gulf.

46 INJURED VETERANS GRANT PROGRAM

47 Sec. 55. 2008 Iowa Acts, chapter 1187, section 69,
48 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
49 chapter 182, section 83, and 2010 Iowa Acts, chapter
50 1192, section 56, is amended to read as follows:

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1 Notwithstanding section 8.33, moneys appropriated in
2 this subsection that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the fiscal year beginning
6 July 1, ~~2010~~ 2011.

7 BEHAVIORAL HEALTH SERVICES
8 ACCOUNT — MEDICAL ASSISTANCE

9 Sec. 56. 2009 Iowa Acts, chapter 182, section 9,
10 subsection 16, paragraph b, as amended by 2010 Iowa
11 Acts, chapter 1192, section 63, is amended to read as
12 follows:

13 b. The department shall continue to maintain a
14 separate account within the medical assistance budget
15 for the deposit of all funds remitted pursuant to a
16 contract with a third party to administer behavioral
17 health services under the medical assistance program
18 established pursuant to 2008 Iowa Acts, chapter
19 1187, section 9, subsection 20. Notwithstanding
20 section 8.33, other than funds remaining from the
21 appropriation allocations made for implementation of
22 the emergency mental health crisis services and system,
23 for implementation of the mental health services
24 system for children and youth, and for training of
25 child welfare services providers in 2008 Iowa Acts,
26 chapter 1187, section 9, subsection 20, paragraph
27 "c", subparagraphs (1), (2), and (6), as authorized
28 in 2009 Iowa Acts, chapter 182, section 72, shall
29 not revert but shall remain available in succeeding
30 fiscal years to be used for the purposes designated
31 until expended and any other funds remaining in the
32 account that remain unencumbered or unobligated at
33 the end of the fiscal year shall not revert but shall
34 remain available in succeeding fiscal years ~~and are~~
35 ~~appropriated to the department to be used for the~~
36 ~~medical assistance program to be used for purposes of~~
37 crisis stabilization and other mental and behavioral
38 health service improvements.

39 CHILD WELFARE DECATEGORIZATION
40 FY 2009-2010 NONREVERSION

41 Sec. 57. 2009 Iowa Acts, chapter 182, section 14,
42 subsection 5, is amended by adding the following new
43 unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH Notwithstanding section
45 232.188, subsection 5, moneys from the allocations
46 made in this subsection or made from any other
47 source for the decategorization of child welfare and
48 juvenile justice funding initiative under section
49 232.188 for the fiscal year beginning July 1, 2009,
50 that are designated as carryover funding that remain

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1 unencumbered or unobligated at the close of the fiscal
2 year beginning July 1, 2010, shall not revert but shall
3 be transferred to the community housing and services
4 for persons with disabilities revolving loan program
5 fund created in section 16.185, as enacted by this
6 division of this Act.

7 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 —
8 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY

9 Sec. 58. 2009 Iowa Acts, chapter 183, section 62,
10 subsection 3, is amended to read as follows:

11 3. For the purposes of this subsection, "federal
12 poverty level" means the poverty level defined by
13 the most recently revised poverty income guidelines
14 published by the United States department of health and
15 human services. The program shall provide financial
16 assistance to families with infants and toddlers less
17 than thirty-six months of age ~~two~~ that have a family
18 income of more than 145 percent but not more than 185
19 percent of the federal poverty level. However, the
20 department may adjust the qualifying criteria or the
21 financial assistance purpose provisions specified in
22 this subsection or make other changes as necessary for
23 implementation to conform with federal requirements
24 for the funding. Outcome reporting and other grant
25 requirements shall be developed by the department in
26 cooperation with the Iowa empowerment board.

27 Sec. 59. 2009 Iowa Acts, chapter 183, section 62,
28 subsection 4, is amended to read as follows:

29 4. The financial assistance shall be for any of the
30 following purposes:

31 a. For making temporary payments to qualifying
32 families whose members are recently unemployed and
33 seeking work to use in meeting immediate family needs.

34 b. For providing sliding scale subsidies for
35 qualifying families for child care provided to the
36 families' infants and toddlers by providers who
37 are accredited by the national association for the
38 education of young children or the national association
39 for family child care, or who have a rating at level ~~3~~
40 2 or higher under the child care quality rating system
41 implemented pursuant to section 237A.30.

42 c. For expanding training and other support for
43 infant care providers in the community and this state.

44 d. For ensuring child care environments are healthy
45 and safe.

46 e. For promoting positive relationships between
47 parents and providers in their mutual efforts to care
48 for very young children.

49 f. For ensuring that parents have the information
50 and resources needed to choose quality child care.

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1 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

2 Sec. 60. 2010 Iowa Acts, chapter 1192, section 1,
3 subsection 2, is amended to read as follows:

4 2. a. Of the funds appropriated in this section,
5 \$1,246,514 shall be transferred to the department of
6 human services in equal amounts on a quarterly basis
7 for reimbursement of case management services provided
8 under the medical assistance elderly waiver. The
9 department of human services shall adopt rules for
10 case management services provided under the medical
11 assistance elderly waiver in consultation with the
12 department on aging.

13 ~~b. The department of human services shall review
14 projections for state funding expenditures for
15 reimbursement of case management services under the
16 medical assistance elderly waiver on a quarterly basis
17 and shall determine if an adjustment to the medical
18 assistance reimbursement rates are necessary to provide
19 reimbursement within the state funding amounts budgeted
20 under the appropriations made for the fiscal year
21 for the medical assistance program. Any temporary
22 enhanced federal financial participation that may
23 become available for the medical assistance program
24 during the fiscal year shall not be used in projecting
25 the medical assistance elderly waiver case management
26 budget. The department of human services shall revise
27 such reimbursement rates as necessary to maintain
28 expenditures for medical assistance elderly waiver case
29 management services within the state funding amounts
30 budgeted under the appropriations made for the fiscal
31 year for the medical assistance program.~~

32 IOWA VETERANS HOME

33 Sec. 61. 2010 Iowa Acts, chapter 1192, section 3,
34 subsection 2, is amended by adding the following new
35 paragraph:

36 NEW PARAGRAPH. d. The funds appropriated in this
37 subsection to the Iowa veterans home that remain
38 available for expenditure for the succeeding fiscal
39 year pursuant to section 35D.18, subsection 5, shall
40 be distributed to be used in the succeeding fiscal
41 year in accordance with this lettered paragraph. The
42 first \$500,000 shall remain available to be used for
43 the purposes of the Iowa veterans home. On or before
44 October 15, 2011, the department of management shall
45 transfer the remaining balance to the appropriation
46 to the department of human services for medical
47 assistance.

48 MEDICAL ASSISTANCE PROGRAM

49 Sec. 62. 2010 Iowa Acts, chapter 1192, section 11,
50 is amended by adding the following new subsection:

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1 NEW SUBSECTION. 25. The department may increase
2 the amounts allocated for salaries, support,
3 maintenance, and miscellaneous purposes associated
4 with the medical assistance program as necessary
5 to implement cost containment efforts in order to
6 accomplish medical assistance program savings. These
7 amounts may be transferred to the appropriation made
8 in this division of this Act for the health insurance
9 premium payment program.

10 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

11 Sec. 63. 2010 Iowa Acts, chapter 1192, section 14,
12 is amended by adding the following new subsection:

13 NEW SUBSECTION. 4. Notwithstanding section
14 8.33, moneys appropriated in this section that remain
15 unencumbered or unobligated at the close of the fiscal
16 year shall remain available for expenditure for the
17 purposes designated until the close of the succeeding
18 fiscal year.

19 ADOPTION SUBSIDY TRANSFER

20 Sec. 64. 2010 Iowa Acts, chapter 1192, section 20,
21 is amended by adding the following new subsection:

22 NEW SUBSECTION. 4. Of the funds appropriated
23 in this section, \$60,000 shall be transferred to the
24 appropriation made in this division of this Act for the
25 state mental health institute at Cherokee to be used
26 for children's beds at the institute.

27 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

28 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
29 subsection 1, is amended to read as follows:

30 1. ~~a.~~ Of the funds appropriated in this section,
31 \$1,010,000 shall be transferred to the department of
32 human services in equal amounts on a quarterly basis
33 for reimbursement of case management services provided
34 under the medical assistance elderly waiver.
35 ~~b. The department of human services shall review~~
36 ~~projections for state funding expenditures for~~
37 ~~reimbursement of case management services under the~~
38 ~~medical assistance elderly waiver on a quarterly basis~~
39 ~~and shall determine if an adjustment to the medical~~
40 ~~assistance reimbursement rates are necessary to provide~~
41 ~~reimbursement within the state funding amounts budgeted~~
42 ~~under the appropriations made for the fiscal year~~
43 ~~for the medical assistance program. Any temporary~~
44 ~~enhanced federal financial participation that may~~
45 ~~become available for the medical assistance program~~
46 ~~during the fiscal year shall not be used in projecting~~
47 ~~the medical assistance elderly waiver case management~~
48 ~~budget. The department of human services shall revise~~
49 ~~such reimbursement rates as necessary to maintain~~
50 ~~expenditures for medical assistance elderly waiver case~~

1 ~~management services within the state funding amounts~~
2 ~~budgeted under the appropriations made for the fiscal~~
3 ~~year for the medical assistance program.~~

4 QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
5 SERVICES

6 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44,
7 is amended to read as follows:

8 SEC. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT
9 OF HUMAN SERVICES. Notwithstanding any provision to

10 the contrary and subject to the availability of funds,
11 there is appropriated from the quality assurance trust
12 fund created in section 249L.4 to the department of
13 human services for the fiscal year beginning July 1,
14 2010, and ending June 30, 2011, the following amounts,
15 or so much thereof as is necessary for the purposes
16 designated:

17 To supplement the appropriation made in this Act
18 from the general fund of the state to the department of
19 human services for medical assistance:

20 \$ ~~13,900,000~~
21 33,708,458

22 1. Of the funds appropriated in this section,
23 \$7,500,000 shall be used for nursing facility
24 reimbursement under the medical assistance program in
25 accordance with the nursing facility reimbursement
26 provisions of division IV of this Act, to continue
27 application of the administrative rules changes
28 relating to nursing facility reimbursement and payment
29 procedures made pursuant to 2010 Iowa Acts, Senate
30 File 2366, if enacted, for the fiscal year beginning
31 July 1, 2010, and ending June 30, 2011, and to restore
32 the 5 percent reduction made in nursing facility
33 reimbursement in accordance with executive order number
34 19 issued October 8, 2009.

35 2. The costs associated with the implementation of
36 this section shall be funded exclusively through moneys
37 appropriated from the quality assurance trust fund,
38 and shall result in budget neutrality to the general
39 fund of the state for the fiscal year beginning July 1,
40 2010, and ending June 30, 2011.

41 INJURED VETERANS TRUST FUND

42 Sec. 67. INJURED VETERANS TRUST FUND. There is
43 appropriated from the general fund of the state to the
44 department of veterans affairs for the fiscal year
45 beginning July 1, 2010, and ending June 30, 2011, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated:

48 To be credited to the injured veterans trust fund
49 created pursuant to section 35A.14 to be used for the
50 injured veterans grant program:

1 \$ 1,000,000
 2 The department shall review the rules and statutory
 3 provisions pertaining to the injured veterans grant
 4 program and propose amendments to improve the program.
 5 Notwithstanding section 8.33, moneys appropriated in
 6 this section that remain unencumbered or unobligated
 7 at the close of the fiscal year shall not revert but
 8 shall remain available for expenditure for the purposes
 9 designated until expended.

10 MERCHANT MARINE BONUS FUND TRANSFER

11 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT
12 MARINE BONUS FUND.

13 1. The appropriation made from the merchant marine
 14 bonus fund to the department of cultural affairs for
 15 the fiscal year beginning July 1, 2010, and ending June
 16 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82,
 17 shall be transferred on the effective date of this
 18 section to the department of veterans affairs to be
 19 used for departmental costs.

20 2. Moneys transferred pursuant to this section that
 21 remain unencumbered or unobligated at the close of the
 22 fiscal year shall be credited to the veterans trust
 23 fund created in section 35A.13.

24 STATE INSTITUTION — APPROPRIATION TRANSFERS

25 Sec. 69. DEPARTMENT OF HUMAN SERVICES. There
 26 is transferred between the following designated
 27 appropriations made to the department of human services
 28 for the fiscal year beginning July 1, 2010, and ending
 29 June 30, 2011, not more than the following amounts:

30 1. From the appropriation made for purposes of the
 31 state resource center at Glenwood in 2010 Iowa Acts,
 32 chapter 1192, section 25, subsection 1, paragraph "a",
 33 to the appropriation made for purposes of the Iowa
 34 juvenile home at Toledo in 2010 Iowa Acts, chapter
 35 1192, section 17, subsection 1:

36 \$ 400,000

37 2. From the appropriation made for purposes of the
 38 state resource center at Woodward in 2010 Iowa Acts,
 39 chapter 1192, section 25, subsection 1, paragraph "b",
 40 to the appropriation made for purposes of the state
 41 mental health institute at Independence in 2010 Iowa
 42 Acts, chapter 1192, section 24, subsection 1, paragraph
 43 "c":

44 \$ 400,000

45 Sec. 70. FAMILY PLANNING WAIVER AND MAINTENANCE OF
 46 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192,
 47 section 11, subsection 24, the department of human
 48 services shall not amend the medical assistance waiver
 49 for the Iowa family planning network in accordance
 50 with that provision, but shall instead continue the

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1 Iowa family planning waiver in effect prior to June
2 30, 2011, and shall only amend the waiver to increase
3 the income eligibility percentage above the percentage
4 provided in the waiver in effect if necessary and only
5 by the minimum percentage required to comply with
6 maintenance of effort requirements.

7 Sec. 71. DECATEGORIZATION PROJECT FUNDING. For
8 the period beginning June 1, 2010, and ending June
9 30, 2012, a child welfare and juvenile justice
10 funding decategorization initiative project that is
11 incorporated and owns real property may utilize project
12 funding to purchase liability insurance.

13 Sec. 72. ACCOUNTABLE CARE ORGANIZATION — PILOT.

14 1. a. If an entity applies for certification from
15 the secretary of the United States department of health
16 and human services prior to January 1, 2012, and is
17 subsequently certified to administer an accountable
18 care organization pilot project, pursuant to the
19 federal Patient Protection and Accountability Act, Pub.
20 L. No. 111-148, the department of human services shall
21 work with the entity to provide access to the complete
22 deidentified claims data of the medical assistance
23 recipients receiving health care services through the
24 pilot project for the purposes of identifying areas of
25 utilization, need, and potential cost savings to the
26 medical assistance program subject to all applicable
27 state and federal laws and regulations. The department
28 may also employ new payment models, information
29 technology, and data analytics provisions necessary to
30 the administration of the pilot project.

31 b. The department of human services shall work
32 with an entity to administer an accountable care
33 organization pilot project, only if the centers for
34 Medicare and Medicaid services of the United States
35 department of health and human services approves
36 participation of the medical assistance program in the
37 pilot project and the entity meets all of the following
38 requirements:

39 (1) At a minimum, includes the participation of a
40 prospective payment system hospital, ten primary care
41 physicians, a home health care practice, a palliative
42 care services, a hospice service, and a community
43 mental health center, all of which agree to be paid
44 under a partial or global payment for identified
45 services.

46 (2) Requires all participating providers to utilize
47 electronic health records.

48 (3) Includes delivery of mental health services to
49 recipients of medical assistance through collaboration
50 with the regional community mental health center, a

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1 federally qualified health center, and at least one
2 nursing facility as consistent with any other law
3 enacted by the Eighty-fourth general assembly, 2011
4 session, that redesigns the mental health delivery
5 system in the state.

6 c. The entity certified to implement the pilot
7 project shall report to the joint appropriations
8 subcommittee for health and human services during the
9 2012 legislative session detailing the progress and
10 expected outcomes of the pilot project.

11 Sec. 73. EMERGENCY RULES. For purposes of the
12 initial rules to implement the provisions of section
13 16.185, as enacted by this division of this Act,
14 the Iowa finance authority may adopt administrative
15 rules under section 17A.4, subsection 3, and section
16 17A.5, subsection 2, paragraph "b", to implement
17 the provisions and the rules shall become effective
18 immediately upon filing or on a later effective date
19 specified in the rules, unless the effective date is
20 delayed by the administrative rules review committee.
21 Any rules adopted in accordance with this section
22 shall not take effect before the rules are reviewed
23 by the administrative rules review committee. The
24 delay authority provided to the administrative rules
25 review committee under section 17A.4, subsection 7, and
26 section 17A.8, subsection 9, shall be applicable to a
27 delay imposed under this section, notwithstanding a
28 provision in those sections making them inapplicable
29 to section 17A.5, subsection 2, paragraph "b". Any
30 rules adopted in accordance with the provisions of this
31 section shall also be published as a notice of intended
32 action as provided in section 17A.4.

33 Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
34 APPLICABILITY. Except as otherwise provided by this
35 division of this Act, this division of this Act, being
36 deemed of immediate importance, takes effect upon
37 enactment and if approved by the governor after July 1,
38 2011, applies retroactively to June 30, 2011.

39 Sec. 75. RETROACTIVE APPLICABILITY. The section of
40 this division of this Act addressing child welfare and
41 juvenile justice funding decategorization initiative
42 project funding for the period beginning June 1, 2010,
43 and ending June 30, 2012, applies retroactively to June
44 1, 2010.

45 Sec. 76. RETROACTIVE APPLICABILITY. The section
46 of this division of this Act amending section 35A.8A,
47 applies retroactively to July 1, 2010.

48 Sec. 77. RETROACTIVE APPLICABILITY. The section
49 of this division of this Act making transfers between
50 appropriations made to the department of human services

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1 for state institutions in 2010 Iowa Acts, chapter 1192,
2 applies retroactively to January 1, 2011.

3 DIVISION VII

4 HEALTH AND HUMAN SERVICES

5 PREVENTION AND CHRONIC CARE MANAGEMENT

6 Sec. 78. Section 135.159, subsection 10, Code 2011,
7 is amended to read as follows:

8 10. The department shall integrate the
9 recommendations and policies developed by the
10 ~~prevention and chronic care management advisory~~
11 ~~council pursuant to section 135.161, Code 2011,~~ into
12 the medical home system and shall incorporate the
13 development and implementation of the state initiative
14 for prevention and chronic care management as developed
15 pursuant to section 135.161, Code 2011, into the duties
16 of the medical home system advisory council beginning
17 January 1, 2012.

18 Sec. 79. Section 135.162, subsections 1 and 3, Code
19 2011, are amended to read as follows:

20 1. The director shall convene a clinicians advisory
21 panel to advise and recommend to the department
22 clinically appropriate, evidence-based best practices
23 regarding the implementation of the medical home as
24 defined in section 135.157 ~~and the prevention and~~
25 ~~chronic care management initiative pursuant to section~~
26 ~~135.161.~~ The director shall act as chairperson of the
27 advisory panel.

28 3. The clinicians advisory panel shall meet on a
29 quarterly basis to receive updates from the director
30 regarding strategic planning and implementation
31 progress on the medical home ~~and the prevention and~~
32 ~~chronic care management initiative~~ and shall provide
33 clinical consultation to the department regarding the
34 medical home ~~and the initiative.~~

35 Sec. 80. Section 136.3, subsection 14, Code 2011,
36 is amended to read as follows:

37 14. Perform those duties authorized pursuant to
38 sections 135.156, and 135.159, ~~and 135.161,~~ and other
39 provisions of law.

40 Sec. 81. REPEAL. Section 135.161, Code 2011, is
41 repealed.

42 Sec. 82. EFFECTIVE DATE. This division of this Act
43 takes effect December 31, 2011.

44 DIVISION IX

45 HEALTH AND HUMAN SERVICES

46 MISCELLANEOUS

47 Sec. 83. Section 29C.20B, Code 2011, is amended to
48 read as follows:

49 29C.20B Disaster case management.

50 1. The ~~rebuild Iowa office~~ homeland security

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1 and emergency management division shall work with
2 the department of human services and nonprofit,
3 voluntary, and faith-based organizations active
4 in disaster recovery and response in coordination
5 with ~~the homeland security and emergency management~~
6 ~~division~~ the department of human services to establish
7 a statewide system of disaster case management to be
8 activated following the governor's proclamation of
9 a disaster emergency or the declaration of a major
10 disaster by the president of the United States for
11 individual assistance purposes. Under the system, the
12 ~~department of human services~~ homeland security and
13 emergency management division shall coordinate case
14 management services locally through local committees
15 as established in each local emergency management
16 commission's emergency plan. ~~Beginning July 1,~~
17 ~~2011, the department of human services shall assume~~
18 ~~the duties of the rebuild Iowa office under this~~
19 ~~subsection.~~

20 2. The ~~department of human services~~ homeland
21 security and emergency management division, in
22 conjunction with the ~~rebuild Iowa office, the homeland~~
23 ~~security and emergency management division~~ department
24 of human services, and an Iowa representative to
25 the national voluntary organizations active in
26 disaster, shall adopt rules pursuant to chapter 17A to
27 create coordination mechanisms and standards for the
28 establishment and implementation of a statewide system
29 of disaster case management which shall include at
30 least all of the following:

- 31 a. Disaster case management standards.
- 32 b. Disaster case management policies.
- 33 c. Reporting requirements.
- 34 d. Eligibility criteria.
- 35 e. Coordination mechanisms necessary to carry out
- 36 the services provided.
- 37 f. Develop formal working relationships with
- 38 agencies and create interagency agreements for
- 39 those considered to provide disaster case management
- 40 services.
- 41 g. Coordination of all available services for
- 42 individuals from multiple agencies.

43 Sec. 84. Section 135.106, Code 2011, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 4. It is the intent of the general
46 assembly that priority for home visitation funding be
47 given to approaches using evidence-based or promising
48 models for home visitation.

49 Sec. 85. Section 135C.4, Code 2011, is amended to
50 read as follows:

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1 135C.4 Residential care facilities.

2 1. Each facility licensed as a residential care
3 facility shall provide an organized continuous
4 twenty-four-hour program of care commensurate with
5 the needs of the residents of the home and under
6 the immediate direction of a person approved and
7 certified by the department whose combined training and
8 supervised experience is such as to ensure adequate and
9 competent care.

10 2. All admissions to residential care facilities
11 shall be based on an order written by a physician
12 certifying that the individual being admitted does
13 not require nursing services or that the individual's
14 need for nursing services can be avoided if home and
15 community-based services, other than nursing care, as
16 defined by this chapter and departmental rule, are
17 provided.

18 3. For the purposes of this section, the home
19 and community-based services to be provided shall
20 be limited to the type included under the medical
21 assistance program provided pursuant to chapter 249A,
22 shall be subject to cost limitations established by
23 the department of human services under the medical
24 assistance program, and except as otherwise provided
25 by the department of inspections and appeals with
26 the concurrence of the department of human services,
27 shall be limited in capacity to the number of licensed
28 residential care facilities and the number of licensed
29 residential care facility beds in the state as of
30 December 1, 2003.

31 4. A residential care facility is not required
32 to admit an individual through court order, referral,
33 or other means if the individual has been arrested,
34 charged, or convicted of assault, a forcible felony,
35 arson, or an offense that requires registration as a
36 sex offender under chapter 692A. The court order,
37 referral, or other documentation for admission of
38 an individual to a residential care facility shall
39 contain sufficient information relating to the criminal
40 history of the individual in order for the facility
41 to make an informed decision about the admittance of
42 the individual. The court order, referral, or other
43 documentation shall be provided to the facility prior
44 to the facility determining whether to admit the
45 individual.

46 Sec. 86. Section 147.136, Code 2011, is amended to
47 read as follows:

48 147.136 Scope of recovery.

49 1. ~~In~~ Except as otherwise provided in subsection 2,
50 in an action for damages for personal injury against

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1 a physician and surgeon, osteopathic physician and
2 surgeon, dentist, podiatric physician, optometrist,
3 pharmacist, chiropractor, or nurse licensed to
4 practice that profession in this state, or against a
5 hospital licensed for operation in this state, based
6 on the alleged negligence of the practitioner in the
7 practice of the profession or occupation, or upon the
8 alleged negligence of the hospital in patient care,
9 in which liability is admitted or established, the
10 damages awarded shall not include actual economic
11 losses incurred or to be incurred in the future
12 by the claimant by reason of the personal injury,
13 including but not limited to, the cost of reasonable
14 and necessary medical care, rehabilitation services,
15 and custodial care, and the loss of services and loss
16 of earned income, to the extent that those losses
17 are replaced or are indemnified by insurance, or by
18 governmental, employment, or service benefit programs
19 or from any other source ~~except the assets of the~~
20 ~~claimant or of the members of the claimant's immediate~~
21 ~~family.~~

22 2. This section shall not bar recovery of economic
23 losses replaced or indemnified by any of the following:

24 a. Benefits received under the medical assistance
25 program under chapter 249A.

26 b. The assets of the claimant or of the members of
27 the claimant's immediate family.

28 Sec. 87. Section 153.14, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. Students of dentistry who practice dentistry
31 upon patients at clinics in connection with their
32 regular course of instruction at ~~the state an~~
33 ~~accredited~~ dental college, students of dental
34 hygiene who practice upon patients at clinics in
35 connection with their regular course of instruction
36 at state-approved schools, and students of dental
37 assisting who practice upon patients at clinics
38 in connection with a regular course of instruction
39 determined by the board pursuant to section 153.39.

40 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical
41 collection and disposal program — annual allocation.
42 Of the fees collected pursuant to sections 124.301
43 and 147.80 and chapter 155A by the board of pharmacy,
44 and retained by the board pursuant to section 147.82,
45 not more than one hundred twenty-five thousand
46 dollars, may be allocated annually by the board for
47 administering the pharmaceutical collection and
48 disposal program originally established pursuant to
49 2009 Iowa Acts, chapter 175, section 9. The program
50 shall provide for the management and disposal of

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1 unused, excess, and expired pharmaceuticals. The
2 board of pharmacy may cooperate with the Iowa pharmacy
3 association and may consult with the department and
4 sanitary landfill operators in administering the
5 program.

6 Sec. 89. Section 225B.8, Code 2011, is amended to
7 read as follows:

8 225B.8 Repeal.

9 This chapter is repealed July 1, ~~2011~~ 2012.

10 Sec. 90. Section 232.188, subsection 5, paragraph
11 b, unnumbered paragraph 1, Code 2011, is amended to
12 read as follows:

13 Notwithstanding section 8.33, moneys designated for
14 a project's decategorization services funding pool that
15 remain unencumbered or unobligated at the close of the
16 fiscal year shall not revert but shall remain available
17 for expenditure as directed by the project's governance
18 board for child welfare and juvenile justice systems
19 enhancements and other purposes of the project ~~until~~
20 the close of the succeeding fiscal year and for the
21 next two succeeding fiscal years. Such moneys shall
22 be known as "carryover funding". Moneys may be made
23 available to a funding pool from one or more of the
24 following sources:

25 Sec. 91. Section 249A.4B, subsection 2, paragraph
26 a, subparagraph (18), Code 2011, is amended to read as
27 follows:

28 (18) ~~The Iowa/Nebraska~~ Iowa primary care
29 association.

30 Sec. 92. REPEAL. Section 135.27A, Code 2011, is
31 repealed December 31, 2011.

32 DIVISION X

33 HEALTH AND HUMAN SERVICES

34 MEDICAID PRESCRIPTION DRUGS

35 Sec. 93. Section 249A.20A, subsection 4, Code 2011,
36 is amended to read as follows:

37 4. With the exception of drugs prescribed for the
38 treatment of human immunodeficiency virus or acquired
39 immune deficiency syndrome, transplantation, or cancer
40 and drugs prescribed for mental illness with the
41 exception of drugs and drug compounds that do not
42 have a significant variation in a therapeutic profile
43 or side effect profile within a therapeutic class,
44 prescribing and dispensing of prescription drugs not
45 included on the preferred drug list shall be subject to
46 prior authorization.

47 Sec. 94. 2010 Iowa Acts, chapter 1031, section 348,
48 is amended to read as follows:

49 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
50 PRESCRIBING.

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1 ~~1.~~ The department shall adopt rules pursuant
2 to chapter 17A to restrict physicians and other
3 prescribers to prescribing not more than a 72-hour
4 or three-day supply of a prescription drug not
5 included on the medical assistance preferred drug list
6 while seeking approval to continue prescribing the
7 medication.

8 ~~2. Notwithstanding subsection 1, the department~~
9 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
10 ~~physician or other prescriber prescribing a chemically~~
11 ~~unique mental health prescription drug to prescribing~~
12 ~~not more than a seven-day supply of the prescription~~
13 ~~drug while requesting approval to continue to prescribe~~
14 ~~the medication. The rules shall provide that if~~
15 ~~an approval or disapproval is not received by the~~
16 ~~physician or other prescriber within 48 hours of the~~
17 ~~request, the request is deemed approved.~~

18 Sec. 95. REPEAL. 2010 Iowa Acts, chapter 1031,
19 section 349, is repealed.

20 Sec. 96. RESCINDING AND ADOPTION OF RULES. The
21 department of human services shall rescind the rules
22 adopted pursuant to 2010 Iowa Acts, chapter 1031,
23 section 347, chapter 1031, section 348, subsection
24 2, and chapter 1031, section 349, and shall instead
25 adopt emergency rules under section 17A.4, subsection
26 3, and section 17A.5, subsection 2, paragraph "b",
27 to implement section 249A.20A, as amended in this
28 division of this Act, and the rules shall be effective
29 immediately upon filing and retroactively applicable to
30 January 1, 2011, unless a later date is specified in
31 the rules. Any rules adopted in accordance with this
32 section shall also be published as a notice of intended
33 action as provided in section 17A.4.

34 Sec. 97. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
35 APPLICABILITY. This division of this Act, being deemed
36 of immediate importance, takes effect upon enactment
37 and applies retroactively to January 1, 2011.

38 DIVISION XI

39 HEALTH AND HUMAN SERVICES

40 IOWA FALSE CLAIMS ACT

41 Sec. 98. Section 685.1, subsection 11, Code 2011,
42 is amended to read as follows:

43 11. "Original source" means an individual who ~~has~~
44 ~~direct and independent prior to a public disclosure~~
45 ~~under section 685.3, subsection 5, paragraph "c", has~~
46 ~~voluntarily disclosed to the state the information on~~
47 ~~which the allegations or transactions in a claim are~~
48 ~~based; or who has knowledge of the information on which~~
49 ~~the allegations are based that is independent of and~~
50 ~~materially adds to the publicly disclosed allegations~~

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1 ~~or transactions~~, and has voluntarily provided the
2 information to the state before filing an action under
3 ~~section 685.3 which is based on the information this~~
4 ~~chapter.~~

5 Sec. 99. Section 685.1, Code 2011, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 15. "State" means the state of
8 Iowa.

9 Sec. 100. Section 685.2, subsection 1, unnumbered
10 paragraph 1, Code 2011, is amended to read as follows:

11 A person who commits any of the following acts is
12 liable to the state for a civil penalty of not less
13 than ~~five thousand dollars~~ and not more than ~~ten~~
14 ~~thousand dollars~~ the civil penalty allowed under the
15 federal False Claims Act, as codified in 31 U.S.C. §
16 3729 et seq., as may be adjusted in accordance with
17 the inflation adjustment procedures prescribed in the
18 federal Civil Penalties Inflation Adjustment Act of
19 1990, Pub. L. No. 101-410, for each false or fraudulent
20 claim, plus three times the amount of damages which the
21 state sustains because of the act of that person:

22 Sec. 101. Section 685.3, subsection 5, paragraph
23 c, Code 2011, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 c. A court shall dismiss an action or claim
26 under this section, unless opposed by the state, if
27 substantially the same allegations or transactions as
28 alleged in the action or claim were publicly disclosed
29 in a state criminal, civil, or administrative hearing
30 in which the state or an agent of the state is a
31 party; in a state legislative, state auditor, or other
32 state report, hearing, audit, or investigation; or
33 by the news media, unless the action is brought by
34 the attorney general or the qui tam plaintiff is an
35 original source of the information.

36 Sec. 102. Section 685.3, subsection 6, Code 2011,
37 is amended to read as follows:

38 6. a. Any employee, contractor, or agent ~~who~~
39 ~~shall be entitled to all relief necessary to make~~
40 ~~that employee, contractor, or agent whole, if that~~
41 ~~employee, contractor, or agent~~ is discharged, demoted,
42 suspended, threatened, harassed, or in any other manner
43 discriminated against in the terms and conditions of
44 employment because of lawful acts ~~performed done~~ by
45 the employee, contractor, or agent ~~on behalf of the~~
46 ~~employee, contractor, or agent~~ or associated others in
47 furtherance of an action under this section or other
48 efforts to stop a violation one or more violations of
49 this chapter, shall be entitled to all relief necessary
50 to make the employee, contractor, or agent whole. Such

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1 relief

2 b. Relief under paragraph "a" shall include
 3 reinstatement with the same seniority status such
 4 that employee, contractor, or agent would have had
 5 but for the discrimination, two times the amount of
 6 back pay, interest on the back pay, and compensation
 7 for any special damages sustained as a result of
 8 the discrimination, including litigation costs and
 9 reasonable attorney fees. An ~~employee, contractor, or~~
 10 ~~agent may bring an action under this subsection may be~~
 11 ~~brought~~ in the appropriate district court of the state
 12 for the relief provided in this subsection.

13 c. A civil action under this subsection shall not
 14 be brought more than three years after the date when
 15 the retaliation occurred.

16 DIVISION XII

17 HEALTH AND HUMAN SERVICES

18 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

19 Sec. 103. Section 135.24, subsection 2, paragraphs
 20 b and c, Code 2011, are amended to read as follows:

21 b. Procedures for registration of hospitals, free
 22 clinics, field dental clinics, and specialty health
 23 care provider offices.

24 c. Criteria for and identification of hospitals,
 25 clinics, free clinics, field dental clinics, specialty
 26 health care provider offices, or other health care
 27 facilities, health care referral programs, or
 28 charitable organizations, eligible to participate in
 29 the provision of free medical, dental, chiropractic,
 30 pharmaceutical, nursing, optometric, psychological,
 31 social work, behavioral science, podiatric, physical
 32 therapy, occupational therapy, respiratory therapy, or
 33 emergency medical care services through the volunteer
 34 health care provider program. A hospital, a clinic, a
 35 free clinic, a field dental clinic, a specialty health
 36 care provider office, a health care facility, a health
 37 care referral program, a charitable organization, or
 38 a health care provider participating in the program
 39 shall not bill or charge a patient for any health care
 40 provider service provided under the volunteer health
 41 care provider program.

42 Sec. 104. Section 135.24, Code 2011, is amended by
 43 adding the following new subsection:

44 NEW SUBSECTION. 6A. A hospital providing free care
 45 under this section shall be considered a state agency
 46 solely for the purposes of this section and chapter 669
 47 and shall be afforded protection under chapter 669 as a
 48 state agency for all claims arising from the provision
 49 of free care by a health care provider registered under
 50 subsection 3 who is providing services at the hospital

1 in accordance with this section, if the hospital has
2 registered with the department pursuant to subsection
3 1.

4 Sec. 105. Section 135.24, subsection 7, Code 2011,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. 0e. "Hospital" means hospital as
7 defined in section 135B.1.

8 DIVISION XIII

9 HEALTH AND HUMAN SERVICES

10 DEPARTMENT ON AGING — FY 2012-2013

11 Sec. 106. DEPARTMENT ON AGING. There is
12 appropriated from the general fund of the state to
13 the department on aging for the fiscal year beginning
14 July 1, 2012, and ending June 30, 2013, the following
15 amount, or so much thereof as is necessary, to be used
16 for the purposes designated:

17 For aging programs for the department on aging and
18 area agencies on aging to provide citizens of Iowa who
19 are 60 years of age and older with case management for
20 frail elders, Iowa's aging and disabilities resource
21 center, and other services which may include but are
22 not limited to adult day services, respite care, chore
23 services, information and assistance, and material aid,
24 for information and options counseling for persons with
25 disabilities who are 18 years of age or older, and
26 for salaries, support, administration, maintenance,
27 and miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 8,757,190
30 FTEs 35.00

31 1. Funds appropriated in this section may be used
32 to supplement federal funds under federal regulations.
33 To receive funds appropriated in this section, a local
34 area agency on aging shall match the funds with moneys
35 from other sources according to rules adopted by the
36 department. Funds appropriated in this section may be
37 used for elderly services not specifically enumerated
38 in this section only if approved by an area agency on
39 aging for provision of the service within the area.

40 2. The amount appropriated in this section includes
41 additional funding of \$382,500 for delivery of
42 long-term care services to older individuals with low
43 or moderate incomes.

44 3. Of the funds appropriated in this section,
45 \$152,954 shall be transferred to the department
46 of economic development for the Iowa commission on
47 volunteer services to be used for the retired and
48 senior volunteer program.

49 4. a. The department on aging shall establish and
50 enforce procedures relating to expenditure of state and

1 federal funds by area agencies on aging that require
2 compliance with both state and federal laws, rules, and
3 regulations, including but not limited to all of the
4 following:

5 (1) Requiring that expenditures are incurred only
6 for goods or services received or performed prior to
7 the end of the fiscal period designated for use of the
8 funds.

9 (2) Prohibiting prepayment for goods or services
10 not received or performed prior to the end of the
11 fiscal period designated for use of the funds.

12 (3) Prohibiting the prepayment for goods or
13 services not defined specifically by good or service,
14 time period, or recipient.

15 (4) Prohibiting the establishment of accounts from
16 which future goods or services which are not defined
17 specifically by good or service, time period, or
18 recipient, may be purchased.

19 b. The procedures shall provide that if any funds
20 are expended in a manner that is not in compliance with
21 the procedures and applicable federal and state laws,
22 rules, and regulations, and are subsequently subject
23 to repayment, the area agency on aging expending such
24 funds in contravention of such procedures, laws, rules
25 and regulations, not the state, shall be liable for
26 such repayment.

27 DIVISION XIV

28 HEALTH AND HUMAN SERVICES

29 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

30 Sec. 107. DEPARTMENT OF PUBLIC HEALTH. There is
31 appropriated from the general fund of the state to
32 the department of public health for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the
34 following amounts, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 1. ADDICTIVE DISORDERS

37 For reducing the prevalence of use of tobacco,
38 alcohol, and other drugs, and treating individuals
39 affected by addictive behaviors, including gambling,
40 and for not more than the following full-time
41 equivalent positions:

42 \$ 17,597,712

43 FTEs 13.00

44 a. (1) Of the funds appropriated in this
45 subsection, \$385,756 shall be transferred to the
46 alcoholic beverages division of the department of
47 commerce for enforcement of tobacco laws, regulations,
48 and ordinances in accordance with 2011 Iowa Acts, House
49 File 467, as enacted.

50 (2) Implementation of the tobacco use prevention

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1 and control initiative for the fiscal year beginning
2 July 1, 2011, including efforts at the state and local
3 levels, as provided in chapter 142A, shall be limited
4 to the extent of the funding available.

5 b. Of the funds appropriated in this subsection
6 1, \$17,211,956 shall be used for problem gambling and
7 substance abuse prevention, treatment, and recovery
8 services, including a 24-hour helpline, public
9 information resources, professional training, and
10 program evaluation.

11 (1) Of the funds allocated in this paragraph
12 "b", \$14,562,632 shall be used for substance abuse
13 prevention and treatment.

14 (a) Of the funds allocated in this subparagraph
15 (1), \$764,405 shall be used for the public purpose of
16 a grant program to provide substance abuse prevention
17 programming for children.

18 (i) Of the funds allocated in this subparagraph
19 division (a), \$363,408 shall be used for grant funding
20 for organizations that provide programming for
21 children by utilizing mentors. Programs approved for
22 such grants shall be certified or will be certified
23 within six months of receiving the grant award by the
24 Iowa commission on volunteer services as utilizing
25 the standards for effective practice for mentoring
26 programs.

27 (ii) Of the funds allocated in this subparagraph
28 division (a), \$362,813 shall be used for grant
29 funding for organizations that provide programming
30 that includes youth development and leadership. The
31 programs shall also be recognized as being programs
32 that are scientifically based with evidence of their
33 effectiveness in reducing substance abuse in children.

34 (iii) The department of public health shall utilize
35 a request for proposals process to implement the grant
36 program.

37 (iv) All grant recipients shall participate in a
38 program evaluation as a requirement for receiving grant
39 funds.

40 (v) Of the funds allocated in this subparagraph
41 division (a), up to \$38,184 may be used to administer
42 substance abuse prevention grants and for program
43 evaluations.

44 (b) Of the funds allocated in this subparagraph
45 (1), \$232,103 shall be used for culturally competent
46 substance abuse treatment pilot projects.

47 (i) The department shall utilize the amount
48 allocated in this subparagraph division (b) for at
49 least three pilot projects to provide culturally
50 competent substance abuse treatment in various areas

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1 of the state. Each pilot project shall target a
2 particular ethnic minority population. The populations
3 targeted shall include but are not limited to African
4 American, Asian, and Latino.

5 (ii) The pilot project requirements shall provide
6 for documentation or other means to ensure access
7 to the cultural competence approach used by a pilot
8 project so that such approach can be replicated and
9 improved upon in successor programs.

10 (2) Of the funds allocated in this paragraph "b",
11 up to \$2,649,324 may be used for problem gambling
12 prevention, treatment, and recovery services.

13 (a) Of the funds allocated in this subparagraph
14 (2), \$2,192,150 shall be used for problem gambling
15 prevention and treatment.

16 (b) Of the funds allocated in this subparagraph
17 (2), up to \$372,174 may be used for a 24-hour helpline,
18 public information resources, professional training,
19 and program evaluation.

20 (c) Of the funds allocated in this subparagraph
21 (2), up to \$85,000 may be used for the licensing of
22 problem gambling treatment programs.

23 (3) It is the intent of the general assembly that
24 from the moneys allocated in this paragraph "b",
25 persons with a dual diagnosis of substance abuse
26 and gambling addictions shall be given priority in
27 treatment services.

28 c. Notwithstanding any provision of law to the
29 contrary, to standardize the availability, delivery,
30 cost of delivery, and accountability of problem
31 gambling and substance abuse treatment services
32 statewide, the department shall continue implementation
33 of a process to create a system for delivery of
34 treatment services in accordance with the requirements
35 specified in 2008 Iowa Acts, chapter 1187, section
36 3, subsection 4. To ensure the system provides a
37 continuum of treatment services that best meets the
38 needs of Iowans, the problem gambling and substance
39 abuse treatment services in any area may be provided
40 either by a single agency or by separate agencies
41 submitting a joint proposal.

42 (1) The system for delivery of substance abuse
43 and problem gambling treatment shall include problem
44 gambling prevention by July 1, 2012. The department
45 shall submit a proposed legislative bill in accordance
46 with section 2.16, for consideration during the 2012
47 legislative session, addressing any statutory revisions
48 necessary for full implementation of the system.

49 (2) The system for delivery of substance abuse and
50 problem gambling treatment shall include substance

1 abuse prevention by July 1, 2014.

2 (3) Of the funds allocated in paragraph "b", the
3 department may use up to \$85,000 for administrative
4 costs to continue developing and implementing the
5 process in accordance with this paragraph "c".

6 d. The requirement of section 123.53, subsection
7 5, is met by the appropriations and allocations made
8 in the health and human services divisions of this Act
9 for purposes of substance abuse treatment and addictive
10 disorders for the fiscal year beginning July 1, 2012.

11 e. The department of public health shall work
12 with all other departments that fund substance
13 abuse prevention and treatment services and all
14 such departments shall, to the extent necessary,
15 collectively meet the state maintenance of effort
16 requirements for expenditures for substance abuse
17 services as required under the federal substance abuse
18 prevention and treatment block grant.

19 f. The department shall amend or otherwise
20 revise departmental policies and contract provisions
21 in order to eliminate free t-shirt distribution,
22 banner production, and other unnecessary promotional
23 expenditures.

24 2. HEALTHY CHILDREN AND FAMILIES

25 For promoting the optimum health status for
26 children, adolescents from birth through 21 years of
27 age, and families, and for not more than the following
28 full-time equivalent positions:

29 \$ 2,205,130
30 FTEs 10.00

31 a. Of the funds appropriated in this subsection,
32 not more than \$628,420 shall be used for the healthy
33 opportunities to experience success (HOPES)-healthy
34 families Iowa (HFI) program established pursuant to
35 section 135.106. The funding shall be distributed to
36 renew the grants that were provided to the grantees
37 that operated the program during the fiscal year ending
38 June 30, 2012.

39 b. Of the funds appropriated in this subsection,
40 \$280,402 shall be used to continue to address the
41 healthy mental development of children from birth
42 through five years of age through local evidence-based
43 strategies that engage both the public and private
44 sectors in promoting healthy development, prevention,
45 and treatment for children.

46 c. Of the funds appropriated in this subsection,
47 \$26,857 shall be distributed to a statewide dental
48 carrier to provide funds to continue the donated dental
49 services program patterned after the projects developed
50 by the lifeline network to provide dental services to

1 indigent elderly and disabled individuals.
 2 d. Of the funds appropriated in this subsection,
 3 \$95,775 shall be used for childhood obesity prevention.
 4 e. Of the funds appropriated in this subsection,
 5 \$139,196 shall be used to provide audiological services
 6 and hearing aids for children. The department may
 7 enter into a contract to administer this paragraph.

8 3. CHRONIC CONDITIONS

9 For serving individuals identified as having chronic
 10 conditions or special health care needs, and for not
 11 more than the following full-time equivalent positions:

12	\$ 2,922,802
13	FTEs 4.00

14 a. Of the funds appropriated in this subsection,
 15 \$136,495 shall be used for grants to individual
 16 patients who have phenylketonuria (PKU) to assist with
 17 the costs of necessary special foods.

18 b. Of the funds appropriated in this subsection,
 19 \$411,060 is allocated for continuation of the contracts
 20 for resource facilitator services in accordance with
 21 section 135.22B, subsection 9, and for brain injury
 22 training services and recruiting of service providers
 23 to increase the capacity within this state to address
 24 the needs of individuals with brain injuries and such
 25 individuals' families.

26 c. Of the funds appropriated in this subsection,
 27 \$398,543 shall be used as additional funding to
 28 leverage federal funding through the federal Ryan
 29 White Care Act, Tit. II, AIDS drug assistance program
 30 supplemental drug treatment grants.

31 d. Of the funds appropriated in this subsection,
 32 \$26,566 shall be used for the public purpose of
 33 providing a grant to an existing national-affiliated
 34 organization to provide education, client-centered
 35 programs, and client and family support for people
 36 living with epilepsy and their families.

37 e. Of the funds appropriated in this subsection,
 38 \$670,057 shall be used for child health specialty
 39 clinics.

40 f. Of the funds appropriated in this subsection,
 41 \$604,394 shall be used for the comprehensive cancer
 42 control program to reduce the burden of cancer in
 43 Iowa through prevention, early detection, effective
 44 treatment, and ensuring quality of life. Of the funds
 45 allocated in this lettered paragraph, \$309,389 shall
 46 be used to support a melanoma research symposium,
 47 a melanoma biorepository and registry, basic and
 48 translational melanoma research, and clinical trials.

49 g. Of the funds appropriated in this subsection,
 50 \$107,483 shall be used for cervical and colon cancer

1 screening.

2 h. Of the funds appropriated in this subsection,
3 \$358,515 shall be used for the center for congenital
4 and inherited disorders.

5 i. Of the funds appropriated in this subsection,
6 \$110,446 shall be used for the prescription drug
7 donation repository program created in chapter 135M.

8 4. COMMUNITY CAPACITY

9 For strengthening the health care delivery system at
10 the local level, and for not more than the following
11 full-time equivalent positions:

12 \$ 3,751,954

13 FTEs 14.00

14 a. Of the funds appropriated in this subsection,
15 \$85,000 is allocated for a child vision screening
16 program implemented through the university of Iowa
17 hospitals and clinics in collaboration with early
18 childhood Iowa areas.

19 b. Of the funds appropriated in this subsection,
20 \$94,612 is allocated for continuation of an initiative
21 implemented at the university of Iowa and \$85,419 is
22 allocated for continuation of an initiative at the
23 state mental health institute at Cherokee to expand
24 and improve the workforce engaged in mental health
25 treatment and services. The initiatives shall receive
26 input from the university of Iowa, the department of
27 human services, the department of public health, and
28 the mental health, mental retardation, developmental
29 disabilities, and brain injury commission to address
30 the focus of the initiatives.

31 c. Of the funds appropriated in this subsection,
32 \$995,767 shall be used for essential public health
33 services that promote healthy aging throughout the
34 lifespan, contracted through a formula for local boards
35 of health, to enhance health promotion and disease
36 prevention services.

37 d. Of the funds appropriated in this section,
38 \$103,544 shall be deposited in the governmental public
39 health system fund created in section 135A.8 to be used
40 for the purposes of the fund.

41 e. Of the funds appropriated in this subsection,
42 \$90,337 shall be used for the mental health
43 professional shortage area program implemented pursuant
44 to section 135.80.

45 f. Of the funds appropriated in this subsection,
46 \$32,524 shall be used for a grant to a statewide
47 association of psychologists that is affiliated
48 with the American psychological association to be
49 used for continuation of a program to rotate intern
50 psychologists in placements in urban and rural mental

1 health professional shortage areas, as defined in
2 section 135.80.

3 g. Of the funds appropriated in this subsection,
4 the following amounts shall be allocated to the Iowa
5 collaborative safety net provider network established
6 pursuant to section 135.153 to be used for the purposes
7 designated. The following amounts allocated under
8 this lettered paragraph shall be distributed to
9 the specified provider and shall not be reduced for
10 administrative or other costs prior to distribution:

11 (1) For distribution to the Iowa primary care
12 association for statewide coordination of the Iowa
13 collaborative safety net provider network:
14 \$ 99,107

15 (2) For distribution to the local boards of health
16 that provide direct services for pilot programs in
17 three counties to assist patients in determining an
18 appropriate medical home:
19 \$ 58,082

20 (3) For distribution to maternal and child health
21 centers for pilot programs in three counties to assist
22 patients in determining an appropriate medical home:
23 \$ 58,082

24 (4) For distribution to free clinics for necessary
25 infrastructure, statewide coordination, provider
26 recruitment, service delivery, and provision of
27 assistance to patients in determining an appropriate
28 medical home:
29 \$ 96,691

30 (5) For distribution to rural health clinics for
31 necessary infrastructure, statewide coordination,
32 provider recruitment, service delivery, and provision
33 of assistance to patients in determining an appropriate
34 medical home:
35 \$ 86,074

36 (6) For continuation of the safety net provider
37 patient access to specialty health care initiative as
38 described in 2007 Iowa Acts, chapter 218, section 109:
39 \$ 202,657

40 (7) For continuation of the pharmaceutical
41 infrastructure for safety net providers as described in
42 2007 Iowa Acts, chapter 218, section 108:
43 \$ 210,452

44 The Iowa collaborative safety net provider network
45 may continue to distribute funds allocated pursuant to
46 this lettered paragraph through existing contracts or
47 renewal of existing contracts.

48 h. Of the funds appropriated in this subsection,
49 \$85,000 shall be used for continued implementation of
50 the recommendations of the direct care worker task

1 force established pursuant to 2005 Iowa Acts, chapter
2 88, based upon the report submitted to the governor and
3 the general assembly in December 2006. The department
4 may use a portion of the funds allocated in this
5 lettered paragraph for an additional position to assist
6 in the continued implementation.

7 i. Of the funds appropriated in this subsection,
8 \$127,500 shall be used for allocation through a request
9 for proposals process to a statewide direct care worker
10 association for education, outreach, and mentoring
11 intended to enhance the recruitment and retention of
12 direct care workers in health care and long-term care
13 settings. Funding allocated under this paragraph shall
14 not be used by the recipient association for lobbying
15 activities as described in section 689B.36.

16 j. The department may utilize one of the full-time
17 equivalent positions authorized in this subsection for
18 administration of the activities related to the Iowa
19 collaborative safety net provider network.

20 k. Of the funds appropriated in this subsection,
21 the department may use up to \$51,000 for up to one
22 full-time equivalent position to administer the
23 volunteer health care provider program pursuant to
24 section 135.24.

25 l. Of the funds appropriated in this subsection,
26 \$42,500 shall be used for a matching dental education
27 loan repayment program to be allocated to a dental
28 nonprofit health service corporation to develop the
29 criteria and implement the loan repayment program.

30 m. Of the funds appropriated in this subsection,
31 \$309,389 shall be used as state matching funds for
32 the health information network as established by the
33 department of public health.

34 5. HEALTHY AGING

35 To provide public health services that reduce risks
36 and invest in promoting and protecting good health over
37 the course of a lifetime with a priority given to older
38 Iowans and vulnerable populations:

39 \$ 6,202,571

40 a. Of the funds appropriated in this subsection,
41 \$1,707,809 shall be used for local public health
42 nursing services.

43 b. Of the funds appropriated in this subsection,
44 \$4,494,762 shall be used for home care aide services.

45 6. ENVIRONMENTAL HAZARDS

46 For reducing the public's exposure to hazards in the
47 environment, primarily chemical hazards, and for not
48 more than the following full-time equivalent positions:

49 \$ 691,710

50 FTEs 4.00

1 Of the funds appropriated in this subsection,
2 \$462,720 shall be used for childhood lead poisoning
3 provisions.

4 7. INFECTIOUS DISEASES

5 For reducing the incidence and prevalence of
6 communicable diseases, and for not more than the
7 following full-time equivalent positions:

8 \$ 1,143,970
9 FTEs 4.00

10 8. PUBLIC PROTECTION

11 For protecting the health and safety of the
12 public through establishing standards and enforcing
13 regulations, and for not more than the following
14 full-time equivalent positions:

15 \$ 2,359,797
16 FTEs 125.00

17 a. Of the funds appropriated in this subsection,
18 not more than \$400,936 shall be credited to the
19 emergency medical services fund created in section
20 135.25. Moneys in the emergency medical services fund
21 are appropriated to the department to be used for the
22 purposes of the fund.

23 b. Of the funds appropriated in this subsection,
24 \$179,026 shall be used for sexual violence prevention
25 programming through a statewide organization
26 representing programs serving victims of sexual
27 violence through the department's sexual violence
28 prevention program. The amount allocated in this
29 lettered paragraph shall not be used to supplant
30 funding administered for other sexual violence
31 prevention or victims assistance programs.

32 c. Of the funds appropriated in this subsection,
33 not more than \$371,095 shall be used for the state
34 poison control center.

35 9. RESOURCE MANAGEMENT

36 For establishing and sustaining the overall
37 ability of the department to deliver services to the
38 public, and for not more than the following full-time
39 equivalent positions:

40 \$ 696,621
41 FTEs 7.00

42 The university of Iowa hospitals and clinics under
43 the control of the state board of regents shall not
44 receive indirect costs from the funds appropriated in
45 this section. The university of Iowa hospitals and
46 clinics billings to the department shall be on at least
47 a quarterly basis.

48 DIVISION XV

49 HEALTH AND HUMAN SERVICES

50 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

1 Sec. 108. DEPARTMENT OF VETERANS AFFAIRS. There
 2 is appropriated from the general fund of the state to
 3 the department of veterans affairs for the fiscal year
 4 beginning July 1, 2012, and ending June 30, 2013, the
 5 following amounts, or so much thereof as is necessary,
 6 to be used for the purposes designated:

7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

8 For salaries, support, maintenance, and
 9 miscellaneous purposes, including the war orphans
 10 educational assistance fund created in section
 11 35.8, and for not more than the following full-time
 12 equivalent positions:

13 \$ 849,007
 14 FTEs 16.34

15 2. IOWA VETERANS HOME

16 For salaries, support, maintenance, and
 17 miscellaneous purposes:

18 \$ 7,609,328

19 a. The Iowa veterans home billings involving the
 20 department of human services shall be submitted to the
 21 department on at least a monthly basis.

22 b. If there is a change in the employer of
 23 employees providing services at the Iowa veterans home
 24 under a collective bargaining agreement, such employees
 25 and the agreement shall be continued by the successor
 26 employer as though there had not been a change in
 27 employer.

28 c. Within available resources and in conformance
 29 with associated state and federal program eligibility
 30 requirements, the Iowa veterans home may implement
 31 measures to provide financial assistance to or on
 32 behalf of veterans or their spouses participating in
 33 the community reentry program.

34 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
 35 DECEASED VETERANS

36 For provision of educational assistance pursuant to
 37 section 35.9:

38 \$ 10,554

39 Sec. 109. LIMITATION OF COUNTY
 40 COMMISSION OF VETERANS AFFAIRS FUND STANDING
 41 APPROPRIATIONS. Notwithstanding the standing
 42 appropriation in the following designated section for
 43 the fiscal year beginning July 1, 2012, and ending June
 44 30, 2013, the amounts appropriated from the general
 45 fund of the state pursuant to that section for the
 46 following designated purposes shall not exceed the
 47 following amount:

48 For the county commissions of veterans affairs fund

49 under section 35A.16:

50 \$ 841,500

1 DIVISION XVI
 2 HEALTH AND HUMAN SERVICES
 3 DEPARTMENT OF HUMAN SERVICES — FY 2012-2013
 4 Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

5 BLOCK GRANT. There is appropriated from the fund
 6 created in section 8.41 to the department of human
 7 services for the fiscal year beginning July 1, 2012,
 8 and ending June 30, 2013, from moneys received under
 9 the federal temporary assistance for needy families
 10 (TANF) block grant pursuant to the federal Personal
 11 Responsibility and Work Opportunity Reconciliation
 12 Act of 1996, Pub. L. No. 104-193, and successor
 13 legislation, and from moneys received under the
 14 emergency contingency fund for temporary assistance
 15 for needy families state program established pursuant
 16 to the federal American Recovery and Reinvestment
 17 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
 18 legislation, the following amounts, or so much
 19 thereof as is necessary, to be used for the purposes
 20 designated:

- 21 1. To be credited to the family investment program
- 22 account and used for assistance under the family
- 23 investment program under chapter 239B:
- 24 \$ 18,275,627
- 25 2. To be credited to the family investment program
- 26 account and used for the job opportunities and
- 27 basic skills (JOBS) program and implementing family
- 28 investment agreements in accordance with chapter 239B:
- 29 \$ 10,549,799
- 30 3. To be used for the family development and
- 31 self-sufficiency grant program in accordance with
- 32 section 216A.107:
- 33 \$ 2,464,133
- 34 Notwithstanding section 8.33, moneys appropriated in
- 35 this subsection that remain unencumbered or unobligated
- 36 at the close of the fiscal year shall not revert but
- 37 shall remain available for expenditure for the purposes
- 38 designated until the close of the succeeding fiscal
- 39 year. However, unless such moneys are encumbered or
- 40 obligated on or before September 30, 2013, the moneys
- 41 shall revert.
- 42 4. For field operations:
- 43 \$ 26,601,797
- 44 5. For general administration:
- 45 \$ 3,182,400
- 46 6. For state child care assistance:
- 47 \$ 13,925,284

48 The funds appropriated in this subsection shall be
 49 transferred to the child care and development block
 50 grant appropriation made by the Eighty-fourth General

1 Assembly, 2012 Session, for the federal fiscal year
 2 beginning October 1, 2012, and ending September 30,
 3 2013. Of this amount, \$170,000 shall be used for
 4 provision of educational opportunities to registered
 5 child care home providers in order to improve services
 6 and programs offered by this category of providers and
 7 to increase the number of providers. The department
 8 may contract with institutions of higher education or
 9 child care resource and referral centers to provide the
 10 educational opportunities. Allowable administrative
 11 costs under the contracts shall not exceed 5 percent.
 12 The application for a grant shall not exceed two pages
 13 in length.

14 7. For mental health and developmental disabilities
 15 community services:

16 \$ 4,159,944

17 8. For child and family services:

18 \$ 27,271,766

19 9. For child abuse prevention grants:

20 \$ 106,250

21 10. For pregnancy prevention grants on the
 22 condition that family planning services are funded:

23 \$ 1,640,557

24 Pregnancy prevention grants shall be awarded
 25 to pregnancy prevention programs that are based
 26 on existing models that have demonstrated positive
 27 outcomes. Grants shall comply with the requirements
 28 provided in 1997 Iowa Acts, chapter 208, section 14,
 29 subsections 1 and 2, including the requirement that
 30 grant programs must emphasize sexual abstinence.
 31 Priority in the awarding of grants shall be given
 32 to programs that serve areas of the state which
 33 demonstrate the highest percentage of unplanned
 34 pregnancies of females of childbearing age within the
 35 geographic area to be served by the grant.

36 11. For technology needs and other resources
 37 necessary to meet federal welfare reform reporting,
 38 tracking, and case management requirements:

39 \$ 881,608

40 12. To be credited to the state child care
 41 assistance appropriation made in this section to be
 42 used for funding of community-based early childhood
 43 programs targeted to children from birth through five
 44 years of age developed by early childhood Iowa areas as
 45 provided in section 256I.11:

46 \$ 5,397,500

47 The department shall transfer TANF block grant
 48 funding appropriated and allocated in this subsection
 49 to the child care and development block grant
 50 appropriation in accordance with federal law as

1 necessary to comply with the provisions of this
2 subsection.

3 13. a. Notwithstanding any provision to the
4 contrary, including but not limited to requirements
5 in section 8.41 or provisions in 2011 or 2012 Iowa
6 Acts regarding the receipt and appropriation of
7 federal block grants, federal funds from the emergency
8 contingency fund for temporary assistance for needy
9 families state program established pursuant to the
10 federal American Recovery and Reinvestment Act of
11 2009, Pub. L. No. 111-5 § 2101, received by the state
12 during the fiscal year beginning July 1, 2011, and
13 ending June 30, 2012, not otherwise appropriated in
14 this section and remaining available as of July 1,
15 2012, and received by the state during the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, are
17 appropriated to the extent as may be necessary to be
18 used in the following priority order: the family
19 investment program for the fiscal year and for state
20 child care assistance program payments for individuals
21 enrolled in the family investment program who are
22 employed. The federal funds appropriated in this
23 paragraph "a" shall be expended only after all other
24 funds appropriated in subsection 1 for the assistance
25 under the family investment program under chapter 239B
26 have been expended.

27 b. The department shall, on a quarterly basis,
28 advise the legislative services agency and department
29 of management of the amount of funds appropriated in
30 this subsection that was expended in the prior quarter.

31 14. Of the amounts appropriated in this section,
32 \$11,017,707 for the fiscal year beginning July 1,
33 2012, shall be transferred to the appropriation of
34 the federal social services block grant made for that
35 fiscal year.

36 15. For continuation of the program allowing the
37 department to maintain categorical eligibility for the
38 food assistance program as required under the section
39 of this division of this Act relating to the family
40 investment account:
41 § 124,161

42 16. The department may transfer funds allocated
43 in this section to the appropriations made in this
44 division of this Act for general administration and
45 field operations for resources necessary to implement
46 and operate the services referred to in this section
47 and those funded in the appropriation made in this
48 division of this Act for the family investment program
49 from the general fund of the state.

50 Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

1 1. Moneys credited to the family investment program
2 (FIP) account for the fiscal year beginning July
3 1, 2012, and ending June 30, 2013, shall be used to
4 provide assistance in accordance with chapter 239B.

5 2. The department may use a portion of the moneys
6 credited to the FIP account under this section as
7 necessary for salaries, support, maintenance, and
8 miscellaneous purposes.

9 3. The department may transfer funds allocated in
10 this section to the appropriations in this division
11 of this Act for general administration and field
12 operations for resources necessary to implement and
13 operate the services referred to in this section and
14 those funded in the appropriation made in this division
15 of this Act for the family investment program from the
16 general fund of the state.

17 4. Moneys appropriated in this division of this Act
18 and credited to the FIP account for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, are
20 allocated as follows:

21 a. To be retained by the department of human
22 services to be used for coordinating with the
23 department of human rights to more effectively serve
24 participants in the FIP program and other shared
25 clients and to meet federal reporting requirements
26 under the federal temporary assistance for needy
27 families block grant:

28 \$ 17,000

29 b. To the department of human rights for staffing,
30 administration, and implementation of the family
31 development and self-sufficiency grant program in
32 accordance with section 216A.107:

33 \$ 4,541,409

34 (1) Of the funds allocated for the family
35 development and self-sufficiency grant program in this
36 lettered paragraph, not more than 5 percent of the
37 funds shall be used for the administration of the grant
38 program.

39 (2) The department of human rights may continue to
40 implement the family development and self-sufficiency
41 grant program statewide during fiscal year 2012-2013.

42 c. For the diversion subaccount of the FIP account:

43 \$ 1,443,640

44 A portion of the moneys allocated for the subaccount
45 may be used for field operations salaries, data
46 management system development, and implementation
47 costs and support deemed necessary by the director of
48 human services in order to administer the FIP diversion
49 program.

50 d. For the food stamp employment and training

1 program:

2 \$ 56,600

3 (1) The department shall amend the food stamp
4 employment and training state plan in order to maximize
5 to the fullest extent permitted by federal law the
6 use of the 50-50 match provisions for the claiming
7 of allowable federal matching funds from the United
8 States department of agriculture pursuant to the
9 federal food stamp employment and training program for
10 providing education, employment, and training services
11 for eligible food assistance program participants,
12 including but not limited to related dependent care and
13 transportation expenses.

14 (2) The department shall continue the categorical
15 federal food assistance program eligibility at 160
16 percent of the federal poverty level and continue to
17 eliminate the asset test from eligibility requirements,
18 consistent with federal food assistance program
19 requirements. The department shall include as many
20 food assistance households as is allowed by federal
21 law. The eligibility provisions shall conform to all
22 federal requirements including requirements addressing
23 individuals who are incarcerated or otherwise
24 ineligible.

25 e. For the JOBS program:

26 \$ 17,200,519

27 5. Of the child support collections assigned under
28 FIP, an amount equal to the federal share of support
29 collections shall be credited to the child support
30 recovery appropriation made in this division of this
31 Act. Of the remainder of the assigned child support
32 collections received by the child support recovery
33 unit, a portion shall be credited to the FIP account,
34 a portion may be used to increase recoveries, and a
35 portion may be used to sustain cash flow in the child
36 support payments account. If as a consequence of the
37 appropriations and allocations made in this section
38 the resulting amounts are insufficient to sustain
39 cash assistance payments and meet federal maintenance
40 of effort requirements, the department shall seek
41 supplemental funding. If child support collections
42 assigned under FIP are greater than estimated or are
43 otherwise determined not to be required for maintenance
44 of effort, the state share of either amount may be
45 transferred to or retained in the child support payment
46 account.

47 6. The department may adopt emergency rules for
48 the family investment, JOBS, food stamp, and medical
49 assistance programs if necessary to comply with federal
50 requirements.

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1 Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL

2 FUND. There is appropriated from the general fund of
3 the state to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 To be credited to the family investment program
8 (FIP) account and used for family investment program
9 assistance under chapter 239B:

10 \$ 42,645,373

11 1. Of the funds appropriated in this section,
12 \$6,650,720 is allocated for the JOBS program.

13 2. Of the funds appropriated in this section,
14 \$2,094,276 is allocated for the family development and
15 self-sufficiency grant program.

16 3. Notwithstanding section 8.39, for the fiscal
17 year beginning July 1, 2012, if necessary to meet
18 federal maintenance of effort requirements or to
19 transfer federal temporary assistance for needy
20 families block grant funding to be used for purposes
21 of the federal social services block grant or to meet
22 cash flow needs resulting from delays in receiving
23 federal funding or to implement, in accordance with
24 this division of this Act, activities currently funded
25 with juvenile court services, county, or community
26 moneys and state moneys used in combination with such
27 moneys, the department of human services may transfer
28 funds within or between any of the appropriations made
29 in this division of this Act and appropriations in law
30 for the federal social services block grant to the
31 department for the following purposes, provided that
32 the combined amount of state and federal temporary
33 assistance for needy families block grant funding for
34 each appropriation remains the same before and after
35 the transfer:

- 36 a. For the family investment program.
- 37 b. For child care assistance.
- 38 c. For child and family services.
- 39 d. For field operations.
- 40 e. For general administration.
- 41 f. MH/MR/DD/BI community services (local purchase).

42 This subsection shall not be construed to prohibit
43 the use of existing state transfer authority for other
44 purposes. The department shall report any transfers
45 made pursuant to this subsection to the legislative
46 services agency.

47 4. Of the funds appropriated in this section,
48 \$166,326 shall be used for continuation of a grant to
49 an Iowa-based nonprofit organization with a history
50 of providing tax preparation assistance to low-income

1 Iowans in order to expand the usage of the earned
2 income tax credit. The purpose of the grant is to
3 supply this assistance to underserved areas of the
4 state.

5 Sec. 113. CHILD SUPPORT RECOVERY. There is
6 appropriated from the general fund of the state to
7 the department of human services for the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:

11 For child support recovery, including salaries,
12 support, maintenance, and miscellaneous purposes, and
13 for not more than the following full-time equivalent
14 positions:

15	\$ 11,087,783
16	FTEs 475.00

17 1. The department shall expend up to \$20,680,
18 including federal financial participation, for the
19 fiscal year beginning July 1, 2012, for a child support
20 public awareness campaign. The department and the
21 office of the attorney general shall cooperate in
22 continuation of the campaign. The public awareness
23 campaign shall emphasize, through a variety of media
24 activities, the importance of maximum involvement of
25 both parents in the lives of their children as well as
26 the importance of payment of child support obligations.

27 2. Federal access and visitation grant moneys shall
28 be issued directly to private not-for-profit agencies
29 that provide services designed to increase compliance
30 with the child access provisions of court orders,
31 including but not limited to neutral visitation sites
32 and mediation services.

33 3. The appropriation made to the department for
34 child support recovery may be used throughout the
35 fiscal year in the manner necessary for purposes of
36 cash flow management, and for cash flow management
37 purposes the department may temporarily draw more
38 than the amount appropriated, provided the amount
39 appropriated is not exceeded at the close of the fiscal
40 year.

41 4. With the exception of the funding amount
42 specified, the requirements established under 2001
43 Iowa Acts, chapter 191, section 3, subsection 5,
44 paragraph "c", subparagraph (3), shall be applicable
45 to parental obligation pilot projects for the fiscal
46 year beginning July 1, 2012, and ending June 30,
47 2013. Notwithstanding 441 IAC 100.8, providing for
48 termination of rules relating to the pilot projects,
49 the rules shall remain in effect until June 30, 2013.

50 Sec. 114. HEALTH CARE TRUST FUND — MEDICAL

1 ASSISTANCE. Any funds remaining in the health
 2 care trust fund created in section 453A.35A for the
 3 fiscal year beginning July 1, 2012, and ending June
 4 30, 2013, are appropriated to the department of
 5 human services to supplement the medical assistance
 6 program appropriations made in the health and human
 7 services divisions of this Act, for medical assistance
 8 reimbursement and associated costs, including
 9 program administration and costs associated with
 10 implementation.

11 Sec. 115. MEDICAL ASSISTANCE. There is
 12 appropriated from the general fund of the state to
 13 the department of human services for the fiscal year
 14 beginning July 1, 2012, and ending June 30, 2013, the
 15 following amount, or so much thereof as is necessary,
 16 to be used for the purpose designated:

17 For medical assistance reimbursement and associated
 18 costs as specifically provided in the reimbursement
 19 methodologies in effect on June 30, 2012, except as
 20 otherwise expressly authorized by law, including
 21 reimbursement for abortion services which shall be
 22 available under the medical assistance program only for
 23 those abortions which are medically necessary:

24 \$907,162,189

25 1. Medically necessary abortions are those
 26 performed under any of the following conditions:
 27 a. The attending physician certifies that
 28 continuing the pregnancy would endanger the life of the
 29 pregnant woman.

30 b. Any spontaneous abortion, commonly known as a
 31 miscarriage, if not all of the products of conception
 32 are expelled.

33 2. The department shall utilize not more than
 34 \$60,000 of the funds appropriated in this section
 35 to continue the AIDS/HIV health insurance premium
 36 payment program as established in 1992 Iowa Acts,
 37 Second Extraordinary Session, chapter 1001, section
 38 409, subsection 6. Of the funds allocated in this
 39 subsection, not more than \$5,000 may be expended for
 40 administrative purposes.

41 3. Of the funds appropriated in the department of
 42 public health division of this Act to the department of
 43 public health for addictive disorders for FY 2012-2013,
 44 \$950,000 for the fiscal year beginning July 1, 2012,
 45 shall be transferred to the department of human
 46 services for an integrated substance abuse managed care
 47 system. The department shall not assume management
 48 of the substance abuse system in place of the managed
 49 care contractor unless such a change in approach is
 50 specifically authorized in law. The departments of

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1 human services and public health shall work together
2 to maintain the level of mental health and substance
3 abuse services provided by the managed care contractor
4 through the Iowa plan for behavioral health. Each
5 department shall take the steps necessary to continue
6 the federal waivers as necessary to maintain the level
7 of services.

8 4. a. The department shall aggressively pursue
9 options for providing medical assistance or other
10 assistance to individuals with special needs who become
11 ineligible to continue receiving services under the
12 early and periodic screening, diagnostic, and treatment
13 program under the medical assistance program due
14 to becoming 21 years of age who have been approved
15 for additional assistance through the department's
16 exception to policy provisions, but who have health
17 care needs in excess of the funding available through
18 the exception to policy provisions.

19 b. Of the funds appropriated in this section,
20 \$100,000 shall be used for participation in one or more
21 pilot projects operated by a private provider to allow
22 the individual or individuals to receive service in the
23 community in accordance with principles established in
24 *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose
25 of providing medical assistance or other assistance to
26 individuals with special needs who become ineligible
27 to continue receiving services under the early and
28 periodic screening, diagnosis, and treatment program
29 under the medical assistance program due to becoming
30 21 years of age who have been approved for additional
31 assistance through the department's exception to policy
32 provisions, but who have health care needs in excess
33 of the funding available through the exception to the
34 policy provisions.

35 5. Of the funds appropriated in this section, up to
36 \$3,050,082 may be transferred to the field operations
37 or general administration appropriations in this
38 division of this Act for operational costs associated
39 with Part D of the federal Medicare Prescription Drug
40 Improvement and Modernization Act of 2003, Pub. L. No.
41 108-173.

42 6. Of the funds appropriated in this section, up
43 to \$442,100 may be transferred to the appropriation
44 in this division of this Act for medical contracts
45 to be used for clinical assessment services and prior
46 authorization of services.

47 7. A portion of the funds appropriated in this
48 section may be transferred to the appropriations in
49 this division of this Act for general administration,
50 medical contracts, the children's health insurance

1 program, or field operations to be used for the
 2 state match cost to comply with the payment error
 3 rate measurement (PERM) program for both the medical
 4 assistance and children's health insurance programs
 5 as developed by the centers for Medicare and Medicaid
 6 services of the United States department of health and
 7 human services to comply with the federal Improper
 8 Payments Information Act of 2002, Pub. L. No. 107-300.

9 8. It is the intent of the general assembly
 10 that the department continue to implement the
 11 recommendations of the assuring better child health
 12 and development initiative II (ABCDII) clinical panel
 13 to the Iowa early and periodic screening, diagnostic,
 14 and treatment services healthy mental development
 15 collaborative board regarding changes to billing
 16 procedures, codes, and eligible service providers.

17 9. Of the funds appropriated in this section,
 18 a sufficient amount is allocated to supplement
 19 the incomes of residents of nursing facilities,
 20 intermediate care facilities for persons with mental
 21 illness, and intermediate care facilities for persons
 22 with mental retardation, with incomes of less than \$50
 23 in the amount necessary for the residents to receive a
 24 personal needs allowance of \$50 per month pursuant to
 25 section 249A.30A.

26 10. Of the funds appropriated in this section,
 27 the following amounts shall be transferred to the
 28 appropriations made in this division of this Act for
 29 the state mental health institutes:

- 30 a. Cherokee mental health institute
- 31 \$ 9,098,425
- 32 b. Clarinda mental health institute
- 33 \$ 1,977,305
- 34 c. Independence mental health institute
- 35 \$ 9,045,894
- 36 d. Mount Pleasant mental health institute
- 37 \$ 5,752,587

38 11. a. Of the funds appropriated in this section,
 39 \$7,425,684 is allocated for the state match for a
 40 disproportionate share hospital payment of \$19,133,430
 41 to hospitals that meet both of the conditions specified
 42 in subparagraphs (1) and (2). In addition, the
 43 hospitals that meet the conditions specified shall
 44 either certify public expenditures or transfer to
 45 the medical assistance program an amount equal to
 46 provide the nonfederal share for a disproportionate
 47 share hospital payment of \$7,500,000. The hospitals
 48 that meet the conditions specified shall receive and
 49 retain 100 percent of the total disproportionate share
 50 hospital payment of \$26,633,430.

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1 (1) The hospital qualifies for disproportionate
2 share and graduate medical education payments.
3 (2) The hospital is an Iowa state-owned hospital
4 with more than 500 beds and eight or more distinct
5 residency specialty or subspecialty programs recognized
6 by the American college of graduate medical education.
7 b. Distribution of the disproportionate share
8 payments shall be made on a monthly basis. The total
9 amount of disproportionate share payments including
10 graduate medical education, enhanced disproportionate
11 share, and Iowa state-owned teaching hospital payments
12 shall not exceed the amount of the state's allotment
13 under Pub. L. No. 102-234. In addition, the total
14 amount of all disproportionate share payments shall not
15 exceed the hospital-specific disproportionate share
16 limits under Pub. L. No. 103-66.
17 12. The university of Iowa hospitals and clinics
18 shall either certify public expenditures or transfer to
19 the medical assistance appropriation an amount equal
20 to provide the nonfederal share for increased medical
21 assistance payments for inpatient and outpatient
22 hospital services of \$9,900,000. The university of
23 Iowa hospitals and clinics shall receive and retain 100
24 percent of the total increase in medical assistance
25 payments.
26 13. Of the funds appropriated in this section,
27 up to \$4,480,304 may be transferred to the IowaCare
28 account created in section 249J.24.
29 14. Of the funds appropriated in this section,
30 \$200,000 shall be used for the Iowa chronic care
31 consortium pursuant to 2003 Iowa Acts, chapter 112,
32 section 12, as amended by 2003 Iowa Acts, chapter 179,
33 sections 166 and 167.
34 15. One hundred percent of the nonfederal share of
35 payments to area education agencies that are medical
36 assistance providers for medical assistance-covered
37 services provided to medical assistance-covered
38 children, shall be made from the appropriation made in
39 this section.
40 16. Any new or renewed contract entered into by the
41 department with a third party to administer behavioral
42 health services under the medical assistance program
43 shall provide that any interest earned on payments
44 from the state during the state fiscal year shall be
45 remitted to the department and treated as recoveries to
46 offset the costs of the medical assistance program.
47 17. The department shall continue to implement the
48 provisions in 2007 Iowa Acts, chapter 218, section
49 124 and section 126, as amended by 2008 Iowa Acts,
50 chapter 1188, section 55, relating to eligibility for

1 certain persons with disabilities under the medical
2 assistance program in accordance with the federal
3 family opportunity Act.

4 18. A portion of the funds appropriated in this
5 section may be transferred to the appropriation in this
6 division of this Act for medical contracts to be used
7 for administrative activities associated with the money
8 follows the person demonstration project.

9 19. Of the funds appropriated in this section,
10 \$349,011 shall be used for the administration of the
11 health insurance premium payment program, including
12 salaries, support, maintenance, and miscellaneous
13 purposes for the fiscal year beginning July 1, 2012.

14 20. Notwithstanding any provision of law to the
15 contrary, the department of human services shall
16 continue implementation of the amended section 1915(b)
17 waiver and Iowa plan contract for inclusion of remedial
18 services under the Iowa plan contract for the fiscal
19 year beginning July 1, 2012.

20 Sec. 116. MEDICAL CONTRACTS. There is appropriated
21 from the general fund of the state to the department of
22 human services for the fiscal year beginning July 1,
23 2012, and ending June 30, 2013, the following amount,
24 or so much thereof as is necessary, to be used for the
25 purpose designated:

26 For medical contracts:
27 \$ 4,950,267

28 The department of inspections and appeals shall
29 provide all state matching funds for survey and
30 certification activities performed by the department
31 of inspections and appeals. The department of human
32 services is solely responsible for distributing the
33 federal matching funds for such activities.

34 Sec. 117. STATE SUPPLEMENTARY ASSISTANCE.
35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2012, and ending June 30,
38 2013, the following amount, or so much thereof as is
39 necessary, to be used for the purpose designated:

40 For the state supplementary assistance program:
41 \$ 14,323,135

42 2. The department shall increase the personal needs
43 allowance for residents of residential care facilities
44 by the same percentage and at the same time as federal
45 supplemental security income and federal social
46 security benefits are increased due to a recognized
47 increase in the cost of living. The department may
48 adopt emergency rules to implement this subsection.

49 3. If during the fiscal year beginning July 1,
50 2012, the department projects that state supplementary

1 assistance expenditures for a calendar year will not
 2 meet the federal pass-through requirement specified
 3 in Tit. XVI of the federal Social Security Act,
 4 section 1618, as codified in 42 U.S.C. § 1382g,
 5 the department may take actions including but not
 6 limited to increasing the personal needs allowance
 7 for residential care facility residents and making
 8 programmatic adjustments or upward adjustments of the
 9 residential care facility or in-home health-related
 10 care reimbursement rates prescribed in this division of
 11 this Act to ensure that federal requirements are met.
 12 In addition, the department may make other programmatic
 13 and rate adjustments necessary to remain within the
 14 amount appropriated in this section while ensuring
 15 compliance with federal requirements. The department
 16 may adopt emergency rules to implement the provisions
 17 of this subsection.

18 Sec. 118. CHILDREN'S HEALTH INSURANCE
 19 PROGRAM. There is appropriated from the general
 20 fund of the state to the department of human services
 21 for the fiscal year beginning July 1, 2012, and ending
 22 June 30, 2013, the following amount, or so much thereof
 23 as is necessary, to be used for the purpose designated:
 24 For maintenance of the healthy and well kids in Iowa
 25 (hawk-i) program pursuant to chapter 514I, including
 26 supplemental dental services, for receipt of federal
 27 financial participation under Tit. XXI of the federal
 28 Social Security Act, which creates the children's
 29 health insurance program:

30 \$ 27,775,579

31 Sec. 119. CHILD CARE ASSISTANCE. There is
 32 appropriated from the general fund of the state to
 33 the department of human services for the fiscal year
 34 beginning July 1, 2012, and ending June 30, 2013, the
 35 following amount, or so much thereof as is necessary,
 36 to be used for the purpose designated:

37 For child care programs:
 38 \$ 46,952,013

- 39 1. Of the funds appropriated in this section,
- 40 \$44,088,000 shall be used for state child care
- 41 assistance in accordance with section 237A.13.
- 42 2. Nothing in this section shall be construed or
- 43 is intended as or shall imply a grant of entitlement
- 44 for services to persons who are eligible for assistance
- 45 due to an income level consistent with the waiting
- 46 list requirements of section 237A.13. Any state
- 47 obligation to provide services pursuant to this section
- 48 is limited to the extent of the funds appropriated in
- 49 this section.
- 50 3. Of the funds appropriated in this section,

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1 \$367,585 is allocated for the statewide program for
2 child care resource and referral services under section
3 237A.26. A list of the registered and licensed child
4 care facilities operating in the area served by a
5 child care resource and referral service shall be made
6 available to the families receiving state child care
7 assistance in that area.

8 4. Of the funds appropriated in this section,
9 \$796,428 is allocated for child care quality
10 improvement initiatives including but not limited to
11 the voluntary quality rating system in accordance with
12 section 237A.30.

13 5. The department may use any of the funds
14 appropriated in this section as a match to obtain
15 federal funds for use in expanding child care
16 assistance and related programs. For the purpose of
17 expenditures of state and federal child care funding,
18 funds shall be considered obligated at the time
19 expenditures are projected or are allocated to the
20 department's service areas. Projections shall be based
21 on current and projected caseload growth, current and
22 projected provider rates, staffing requirements for
23 eligibility determination and management of program
24 requirements including data systems management,
25 staffing requirements for administration of the
26 program, contractual and grant obligations and any
27 transfers to other state agencies, and obligations for
28 decategorization or innovation projects.

29 6. A portion of the state match for the federal
30 child care and development block grant shall be
31 provided as necessary to meet federal matching
32 funds requirements through the state general fund
33 appropriation made for child development grants and
34 other programs for at-risk children in section 279.51.

35 7. If a uniform reduction ordered by the governor
36 under section 8.31 or other operation of law,
37 transfer, or federal funding reduction reduces the
38 appropriation made in this section for the fiscal year,
39 the percentage reduction in the amount paid out to or
40 on behalf of the families participating in the state
41 child care assistance program shall be equal to or
42 less than the percentage reduction made for any other
43 purpose payable from the appropriation made in this
44 section and the federal funding relating to it. The
45 percentage reduction to the other allocations made in
46 this section shall be the same as the uniform reduction
47 ordered by the governor or the percentage change of the
48 federal funding reduction, as applicable. If there is
49 an unanticipated increase in federal funding provided
50 for state child care assistance, the entire amount

1 of the increase shall be used for state child care
 2 assistance payments. If the appropriations made for
 3 purposes of the state child care assistance program for
 4 the fiscal year are determined to be insufficient, it
 5 is the intent of the general assembly to appropriate
 6 sufficient funding for the fiscal year in order to
 7 avoid establishment of waiting list requirements.

8 8. Notwithstanding section 8.33, moneys
 9 appropriated in this section or received from the
 10 federal appropriations made for the purposes of this
 11 section that remain unencumbered or unobligated at the
 12 close of the fiscal year shall not revert to any fund
 13 but shall remain available for expenditure for the
 14 purposes designated until the close of the succeeding
 15 fiscal year.

16 Sec. 120. JUVENILE INSTITUTIONS. There is
 17 appropriated from the general fund of the state to
 18 the department of human services for the fiscal year
 19 beginning July 1, 2012, and ending June 30, 2013, the
 20 following amounts, or so much thereof as is necessary,
 21 to be used for the purposes designated:

22 1. For operation of the Iowa juvenile home at
 23 Toledo and for salaries, support, maintenance, and
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:

26 \$ 7,019,513
 27 FTEs 114.00

28 2. For operation of the state training school at
 29 Eldora and for salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32 \$ 9,042,875
 33 FTEs 164.30

34 Of the funds appropriated in this subsection,
 35 \$77,478 shall be used for distribution to licensed
 36 classroom teachers at this and other institutions under
 37 the control of the department of human services based
 38 upon the average student yearly enrollment at each
 39 institution as determined by the department.

40 3. A portion of the moneys appropriated in this
 41 section shall be used by the state training school and
 42 by the Iowa juvenile home for grants for adolescent
 43 pregnancy prevention activities at the institutions in
 44 the fiscal year beginning July 1, 2012.

45 Sec. 121. CHILD AND FAMILY SERVICES.

46 1. There is appropriated from the general fund of
 47 the state to the department of human services for the
 48 fiscal year beginning July 1, 2012, and ending June 30,
 49 2013, the following amount, or so much thereof as is
 50 necessary, to be used for the purpose designated:

1 For child and family services:
2 \$ 69,981,332
3 2. In order to address a reduction of \$5,200,000
4 from the amount allocated under the appropriation made
5 for the purposes of this section in prior years for
6 purposes of juvenile delinquent graduated sanction
7 services, up to \$4,420,000 of the amount of federal
8 temporary assistance for needy families block grant
9 funding appropriated in this division of this Act for
10 child and family services shall be made available for
11 purposes of juvenile delinquent graduated sanction
12 services.
13 3. The department may transfer funds appropriated
14 in this section as necessary to pay the nonfederal
15 costs of services reimbursed under the medical
16 assistance program, state child care assistance
17 program, or the family investment program which are
18 provided to children who would otherwise receive
19 services paid under the appropriation in this section.
20 The department may transfer funds appropriated in this
21 section to the appropriations made in this division
22 of this Act for general administration and for field
23 operations for resources necessary to implement and
24 operate the services funded in this section.
25 4. a. Of the funds appropriated in this section,
26 up to \$25,643,760 is allocated as the statewide
27 expenditure target under section 232.143 for group
28 foster care maintenance and services. If the
29 department projects that such expenditures for the
30 fiscal year will be less than the target amount
31 allocated in this lettered paragraph, the department
32 may reallocate the excess to provide additional
33 funding for shelter care or the child welfare emergency
34 services addressed with the allocation for shelter
35 care.
36 b. If at any time after September 30, 2012,
37 annualization of a service area's current expenditures
38 indicates a service area is at risk of exceeding its
39 group foster care expenditure target under section
40 232.143 by more than 5 percent, the department and
41 juvenile court services shall examine all group
42 foster care placements in that service area in order
43 to identify those which might be appropriate for
44 termination. In addition, any aftercare services
45 believed to be needed for the children whose
46 placements may be terminated shall be identified. The
47 department and juvenile court services shall initiate
48 action to set dispositional review hearings for the
49 placements identified. In such a dispositional review
50 hearing, the juvenile court shall determine whether

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1 needed aftercare services are available and whether
2 termination of the placement is in the best interest of
3 the child and the community.

4 5. In accordance with the provisions of section
5 232.188, the department shall continue the child
6 welfare and juvenile justice funding initiative during
7 fiscal year 2012-2013. Of the funds appropriated in
8 this section, \$1,460,090 is allocated specifically
9 for expenditure for fiscal year 2012-2013 through the
10 decategorization service funding pools and governance
11 boards established pursuant to section 232.188.

12 6. A portion of the funds appropriated in this
13 section may be used for emergency family assistance
14 to provide other resources required for a family
15 participating in a family preservation or reunification
16 project or successor project to stay together or to be
17 reunified.

18 7. Notwithstanding section 234.35 or any other
19 provision of law to the contrary, state funding for
20 shelter care and the child welfare emergency services
21 contracting implemented to provide for or prevent the
22 need for shelter care shall be limited to \$6,094,599.
23 The department may execute contracts that result from
24 the department's request for proposal, bid number
25 ACFS-11-114, to provide the range of child welfare
26 emergency services described in the request for
27 proposals, and any subsequent amendments to the request
28 for proposals.

29 8. Federal funds received by the state during
30 the fiscal year beginning July 1, 2012, as the
31 result of the expenditure of state funds appropriated
32 during a previous state fiscal year for a service or
33 activity funded under this section are appropriated
34 to the department to be used as additional funding
35 for services and purposes provided for under this
36 section. Notwithstanding section 8.33, moneys
37 received in accordance with this subsection that remain
38 unencumbered or unobligated at the close of the fiscal
39 year shall not revert to any fund but shall remain
40 available for the purposes designated until the close
41 of the succeeding fiscal year.

42 9. Of the funds appropriated in this section, at
43 least \$3,141,842 shall be used for protective child
44 care assistance.

45 10. a. Of the funds appropriated in this section,
46 up to \$1,753,115 is allocated for the payment of
47 the expenses of court-ordered services provided to
48 juveniles who are under the supervision of juvenile
49 court services, which expenses are a charge upon the
50 state pursuant to section 232.141, subsection 4. Of

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1 the amount allocated in this lettered paragraph,
2 up to \$1,322,844 shall be made available to provide
3 school-based supervision of children adjudicated under
4 chapter 232, of which not more than \$12,750 may be used
5 for the purpose of training. A portion of the cost of
6 each school-based liaison officer shall be paid by the
7 school district or other funding source as approved by
8 the chief juvenile court officer.

9 b. Of the funds appropriated in this section, up to
10 \$636,637 is allocated for the payment of the expenses
11 of court-ordered services provided to children who are
12 under the supervision of the department, which expenses
13 are a charge upon the state pursuant to section
14 232.141, subsection 4.

15 c. Notwithstanding section 232.141 or any other
16 provision of law to the contrary, the amounts allocated
17 in this subsection shall be distributed to the
18 judicial districts as determined by the state court
19 administrator and to the department's service areas as
20 determined by the administrator of the department's
21 division of child and family services. The state court
22 administrator and the division administrator shall make
23 the determination of the distribution amounts on or
24 before June 15, 2012.

25 d. Notwithstanding chapter 232 or any other
26 provision of law to the contrary, a district or
27 juvenile court shall not order any service which is
28 a charge upon the state pursuant to section 232.141
29 if there are insufficient court-ordered services
30 funds available in the district court or departmental
31 service area distribution amounts to pay for the
32 service. The chief juvenile court officer and the
33 departmental service area manager shall encourage use
34 of the funds allocated in this subsection such that
35 there are sufficient funds to pay for all court-related
36 services during the entire year. The chief juvenile
37 court officers and departmental service area managers
38 shall attempt to anticipate potential surpluses and
39 shortfalls in the distribution amounts and shall
40 cooperatively request the state court administrator
41 or division administrator to transfer funds between
42 the judicial districts' or departmental service areas'
43 distribution amounts as prudent.

44 e. Notwithstanding any provision of law to the
45 contrary, a district or juvenile court shall not order
46 a county to pay for any service provided to a juvenile
47 pursuant to an order entered under chapter 232 which
48 is a charge upon the state under section 232.141,
49 subsection 4.

50 f. Of the funds allocated in this subsection, not

1 more than \$70,550 may be used by the judicial branch
2 for administration of the requirements under this
3 subsection.

4 g. Of the funds allocated in this subsection,
5 \$14,450 shall be used by the department of human
6 services to support the interstate commission for
7 juveniles in accordance with the interstate compact for
8 juveniles as provided in section 232.173.

9 11. Of the funds appropriated in this section,
10 \$4,609,212 is allocated for juvenile delinquent
11 graduated sanctions services. Any state funds saved as
12 a result of efforts by juvenile court services to earn
13 federal Tit. IV-E match for juvenile court services
14 administration may be used for the juvenile delinquent
15 graduated sanctions services.

16 12. Of the funds appropriated in this section,
17 \$840,042 shall be transferred to the department of
18 public health to be used for the child protection
19 center grant program in accordance with section
20 135.118.

21 13. If the department receives federal approval
22 to implement a waiver under Tit. IV-E of the federal
23 Social Security Act to enable providers to serve
24 children who remain in the children's families and
25 communities, for purposes of eligibility under the
26 medical assistance program, children who participate in
27 the waiver shall be considered to be placed in foster
28 care.

29 14. Of the funds appropriated in this section,
30 \$2,609,357 is allocated for the preparation for adult
31 living program pursuant to section 234.46.

32 15. Of the funds appropriated in this section,
33 \$442,128 shall be used for juvenile drug courts.
34 The amount allocated in this subsection shall be
35 distributed as follows:

36 To the judicial branch for salaries to assist with
37 the operation of juvenile drug court programs operated
38 in the following jurisdictions:

- 39 a. Marshall county:
- 40 \$ 53,302
- 41 b. Woodbury county:
- 42 \$ 106,830
- 43 c. Polk county:
- 44 \$ 166,508
- 45 d. The third judicial district:
- 46 \$ 57,744
- 47 e. The eighth judicial district:
- 48 \$ 57,744

49 16. Of the funds appropriated in this section,
50 \$193,236 shall be used for the public purpose of

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1 providing a grant to a nonprofit human services
2 organization providing services to individuals and
3 families in multiple locations in southwest Iowa and
4 Nebraska for support of a project providing immediate,
5 sensitive support and forensic interviews, medical
6 exams, needs assessments, and referrals for victims of
7 child abuse and their nonoffending family members.

8 17. Of the funds appropriated in this section,
9 \$106,752 is allocated for the elevate approach of
10 providing a support network to children placed in
11 foster care.

12 18. Of the funds appropriated in this section,
13 \$171,700 is allocated for use pursuant to section
14 235A.1 for continuation of the initiative to address
15 child sexual abuse implemented pursuant to 2007 Iowa
16 Acts, chapter 218, section 18, subsection 21.

17 19. Of the funds appropriated in this section,
18 \$535,704 is allocated for the community partnership for
19 child protection sites.

20 20. Of the funds appropriated in this section,
21 \$315,563 is allocated for the department's minority
22 youth and family projects under the redesign of the
23 child welfare system.

24 21. Of the funds appropriated in this section,
25 \$1,020,421 is allocated for funding of the state match
26 for the federal substance abuse and mental health
27 services administration (SAMHSA) system of care grant.

28 22. Of the funds appropriated in this section, at
29 least \$125,084 shall be used for the child welfare
30 training academy.

31 23. Of the funds appropriated in this section,
32 \$21,250 shall be used for the public purpose of
33 providing a grant to a child welfare services provider
34 headquartered in a county with a population between
35 205,000 and 215,000 in the latest certified federal
36 census that provides multiple services including but
37 not limited to a psychiatric medical institution for
38 children, shelter, residential treatment, after school
39 programs, school-based programming, and an Asperger's
40 syndrome program, to be used for support services
41 for children with autism spectrum disorder and their
42 families.

43 24. Of the funds appropriated in this section,
44 \$213,183 shall be used for the public purpose of
45 continuing the central Iowa system of care program
46 grant through June 30, 2013.

47 25. Of the funds appropriated in this section,
48 \$136,000 shall be used for the public purpose of
49 continuing the system of care grant in Mason City and
50 Cedar Rapids through June 30, 2013.

1 Sec. 122. ADOPTION SUBSIDY.

2 1. There is appropriated from the general fund of
3 the state to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For adoption subsidy payments and services:
8 \$ 29,662,952

9 2. The department may transfer funds appropriated
10 in this section to the appropriation made in this
11 division of this Act for general administration for
12 costs paid from the appropriation relating to adoption
13 subsidy.

14 3. Federal funds received by the state during the
15 fiscal year beginning July 1, 2012, as the result of
16 the expenditure of state funds during a previous state
17 fiscal year for a service or activity funded under
18 this section are appropriated to the department to
19 be used as additional funding for the services and
20 activities funded under this section. Notwithstanding
21 section 8.33, moneys received in accordance with this
22 subsection that remain unencumbered or unobligated at
23 the close of the fiscal year shall not revert to any
24 fund but shall remain available for expenditure for the
25 purposes designated until the close of the succeeding
26 fiscal year.

27 Sec. 123. JUVENILE DETENTION HOME FUND. Moneys

28 deposited in the juvenile detention home fund
29 created in section 232.142 during the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, are
31 appropriated to the department of human services for
32 the fiscal year beginning July 1, 2012, and ending
33 June 30, 2013, for distribution of an amount equal
34 to a percentage of the costs of the establishment,
35 improvement, operation, and maintenance of county or
36 multicounty juvenile detention homes in the fiscal
37 year beginning July 1, 2011. Moneys appropriated for
38 distribution in accordance with this section shall be
39 allocated among eligible detention homes, prorated on
40 the basis of an eligible detention home's proportion
41 of the costs of all eligible detention homes in the
42 fiscal year beginning July 1, 2011. The percentage
43 figure shall be determined by the department based on
44 the amount available for distribution for the fund.
45 Notwithstanding section 232.142, subsection 3, the
46 financial aid payable by the state under that provision
47 for the fiscal year beginning July 1, 2012, shall be
48 limited to the amount appropriated for the purposes of
49 this section.

50 Sec. 124. FAMILY SUPPORT SUBSIDY PROGRAM.

1 1. There is appropriated from the general fund of
 2 the state to the department of human services for the
 3 fiscal year beginning July 1, 2012, and ending June 30,
 4 2013, the following amount, or so much thereof as is
 5 necessary, to be used for the purpose designated:

6 For the family support subsidy program subject
 7 to the enrollment restrictions in section 225C.37,
 8 subsection 3:

9 \$ 992,798

10 2. The department shall use at least \$327,675 of
 11 the moneys appropriated in this section for the family
 12 support center component of the comprehensive family
 13 support program under section 225C.47. Not more than
 14 \$21,250 of the amount allocated in this subsection
 15 shall be used for administrative costs.

16 3. If at any time during the fiscal year, the
 17 amount of funding available for the family support
 18 subsidy program is reduced from the amount initially
 19 used to establish the figure for the number of family
 20 members for whom a subsidy is to be provided at any one
 21 time during the fiscal year, notwithstanding section
 22 225C.38, subsection 2, the department shall revise the
 23 figure as necessary to conform to the amount of funding
 24 available.

25 Sec. 125. CONNER DECREE. There is appropriated
 26 from the general fund of the state to the department of
 27 human services for the fiscal year beginning July 1,
 28 2012, and ending June 30, 2013, the following amount,
 29 or so much thereof as is necessary, to be used for the
 30 purpose designated:

31 For building community capacity through the
 32 coordination and provision of training opportunities
 33 in accordance with the consent decree of Conner v.
 34 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

35 \$ 28,579

36 Sec. 126. MENTAL HEALTH INSTITUTES. There is
 37 appropriated from the general fund of the state to
 38 the department of human services for the fiscal year
 39 beginning July 1, 2012, and ending June 30, 2013, the
 40 following amounts, or so much thereof as is necessary,
 41 to be used for the purposes designated:

42 1. For the state mental health institute at
 43 Cherokee for salaries, support, maintenance, and
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:

46 \$ 4,995,712

47 FTEs 168.50

48 2. For the state mental health institute at
 49 Clarinda for salaries, support, maintenance, and
 50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:
 2 \$ 5,449,974
 3 FTEs 86.10
 4 3. For the state mental health institute at
 5 Independence for salaries, support, maintenance, and
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:
 8 \$ 8,734,332
 9 FTEs 233.00

10 4. For the state mental health institute at Mount
 11 Pleasant for salaries, support, maintenance, and
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions:
 14 \$ 802,675
 15 FTEs 91.72

16 Sec. 127. STATE RESOURCE CENTERS.

17 1. There is appropriated from the general fund of
 18 the state to the department of human services for the
 19 fiscal year beginning July 1, 2012, and ending June 30,
 20 2013, the following amounts, or so much thereof as is
 21 necessary, to be used for the purposes designated:

- 22 a. For the state resource center at Glenwood for
 23 salaries, support, maintenance, and miscellaneous
 24 purposes:
 25 \$ 15,816,631
- 26 b. For the state resource center at Woodward for
 27 salaries, support, maintenance, and miscellaneous
 28 purposes:
 29 \$ 10,952,809

30 2. The department may continue to bill for state
 31 resource center services utilizing a scope of services
 32 approach used for private providers of ICFMR services,
 33 in a manner which does not shift costs between the
 34 medical assistance program, counties, or other sources
 35 of funding for the state resource centers.

36 3. The state resource centers may expand the
 37 time-limited assessment and respite services during the
 38 fiscal year.

39 4. If the department's administration and the
 40 department of management concur with a finding by a
 41 state resource center's superintendent that projected
 42 revenues can reasonably be expected to pay the salary
 43 and support costs for a new employee position, or
 44 that such costs for adding a particular number of new
 45 positions for the fiscal year would be less than the
 46 overtime costs if new positions would not be added, the
 47 superintendent may add the new position or positions.
 48 If the vacant positions available to a resource center
 49 do not include the position classification desired to
 50 be filled, the state resource center's superintendent

1 may reclassify any vacant position as necessary to
2 fill the desired position. The superintendents of the
3 state resource centers may, by mutual agreement, pool
4 vacant positions and position classifications during
5 the course of the fiscal year in order to assist one
6 another in filling necessary positions.

7 5. If existing capacity limitations are reached
8 in operating units, a waiting list is in effect
9 for a service or a special need for which a payment
10 source or other funding is available for the service
11 or to address the special need, and facilities for
12 the service or to address the special need can be
13 provided within the available payment source or other
14 funding, the superintendent of a state resource center
15 may authorize opening not more than two units or
16 other facilities and begin implementing the service
17 or addressing the special need during fiscal year
18 2012-2013.

19 Sec. 128. MI/MR/DD STATE CASES.

20 1. There is appropriated from the general fund of
21 the state to the department of human services for the
22 fiscal year beginning July 1, 2012, and ending June 30,
23 2013, the following amount, or so much thereof as is
24 necessary, to be used for the purpose designated:

25 For distribution to counties for state case services
26 for persons with mental illness, mental retardation,
27 and developmental disabilities in accordance with
28 section 331.440:

29 \$ 10,344,060

30 2. For the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, \$170,000 is allocated for
32 state case services from the amounts appropriated from
33 the fund created in section 8.41 to the department
34 of human services from the funds received from the
35 federal government under 42 U.S.C. ch. 6A, subch. XVII,
36 relating to the community mental health center block
37 grant, for the federal fiscal years beginning October
38 1, 2010, and ending September 30, 2011, beginning
39 October 1, 2011, and ending September 30, 2012, and
40 beginning October 1, 2012, and ending September 30,
41 2013. The allocation made in this subsection shall be
42 made prior to any other distribution allocation of the
43 appropriated federal funds.

44 3. Notwithstanding section 8.33, moneys
45 appropriated in this section that remain unencumbered
46 or unobligated at the close of the fiscal year shall
47 not revert but shall remain available for expenditure
48 for the purposes designated until the close of the
49 succeeding fiscal year.

50 Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL

1 DISABILITIES — COMMUNITY SERVICES FUND. There is
 2 appropriated from the general fund of the state to the
 3 mental health and developmental disabilities community
 4 services fund created in section 225C.7 for the fiscal
 5 year beginning July 1, 2012, and ending June 30,
 6 2013, the following amount, or so much thereof as is
 7 necessary, to be used for the purpose designated:

8 For mental health and developmental disabilities
 9 community services in accordance with this division of
 10 this Act:

11 \$ 14,211,100

12 1. Of the funds appropriated in this section,
 13 \$14,187,556 shall be allocated to counties for funding
 14 of community-based mental health and developmental
 15 disabilities services. The moneys shall be allocated
 16 to a county as follows:

17 a. Fifty percent based upon the county's proportion
 18 of the state's population of persons with an annual
 19 income which is equal to or less than the poverty
 20 guideline established by the federal office of
 21 management and budget.

22 b. Fifty percent based upon the county's proportion
 23 of the state's general population.

24 2. a. A county shall utilize the funding the
 25 county receives pursuant to subsection 1 for services
 26 provided to persons with a disability, as defined in
 27 section 225C.2. However, no more than 50 percent of
 28 the funding shall be used for services provided to any
 29 one of the service populations.

30 b. A county shall use at least 50 percent of
 31 the funding the county receives under subsection 1
 32 for contemporary services provided to persons with
 33 a disability, as described in rules adopted by the
 34 department.

35 3. Of the funds appropriated in this section,
 36 \$20,012 shall be used to support the Iowa compass
 37 program providing computerized information and referral
 38 services for Iowans with disabilities and their
 39 families.

40 4. a. Funding appropriated for purposes of the
 41 federal social services block grant is allocated for
 42 distribution to counties for local purchase of services
 43 for persons with mental illness or mental retardation
 44 or other developmental disability.

45 b. The funds allocated in this subsection shall be
 46 expended by counties in accordance with the county's
 47 county management plan approved by the board of
 48 supervisors. A county without an approved county
 49 management plan shall not receive allocated funds until
 50 the county's management plan is approved.

1 c. The funds provided by this subsection shall be
2 allocated to each county as follows:

3 (1) Fifty percent based upon the county's
4 proportion of the state's population of persons with
5 an annual income which is equal to or less than the
6 poverty guideline established by the federal office of
7 management and budget.

8 (2) Fifty percent based upon the amount provided
9 to the county for local purchase of services in the
10 preceding fiscal year.

11 5. A county is eligible for funds under this
12 section if the county qualifies for a state payment as
13 described in section 331.439.

14 6. The most recent population estimates issued by
15 the United States bureau of the census shall be applied
16 for the population factors utilized in this section.

17 Sec. 130. SEXUALLY VIOLENT PREDATORS.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For costs associated with the commitment and	
24 treatment of sexually violent predators in the unit	
25 located at the state mental health institute at	
26 Cherokee, including costs of legal services and	
27 other associated costs, including salaries, support,	
28 maintenance, and miscellaneous purposes, and for not	
29 more than the following full-time equivalent positions:	
30	\$ 6,418,118
31	FTEs 89.50

32 2. Unless specifically prohibited by law, if the
33 amount charged provides for recoupment of at least
34 the entire amount of direct and indirect costs, the
35 department of human services may contract with other
36 states to provide care and treatment of persons placed
37 by the other states at the unit for sexually violent
38 predators at Cherokee. The moneys received under such
39 a contract shall be considered to be repayment receipts
40 and used for the purposes of the appropriation made in
41 this section.

42 Sec. 131. FIELD OPERATIONS. There is appropriated
43 from the general fund of the state to the department of
44 human services for the fiscal year beginning July 1,
45 2012, and ending June 30, 2013, the following amount,
46 or so much thereof as is necessary, to be used for the
47 purposes designated:

48 For field operations, including salaries, support,
49 maintenance, and miscellaneous purposes, and for not
50 more than the following full-time equivalent positions:

1 \$ 47,038,933

2 FTEs 1,781.00

3 Priority in filling full-time equivalent positions
4 shall be given to those positions related to child
5 protection services and eligibility determination for
6 low-income families.

7 Sec. 132. GENERAL ADMINISTRATION. There is
8 appropriated from the general fund of the state to
9 the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purpose designated:

13 For general administration, including salaries,
14 support, maintenance, and miscellaneous purposes, and
15 for not more than the following full-time equivalent
16 positions:

17 \$ 12,874,733

18 FTEs 290.00

19 1. Of the funds appropriated in this section,
20 \$32,762 allocated for the prevention of disabilities
21 policy council established in section 225B.3.

22 2. The department shall report at least monthly
23 to the legislative services agency concerning the
24 department's operational and program expenditures.

25 3. Of the funds appropriated in this section,
26 \$112,455 shall be used to continue to contract with
27 a statewide association representing community
28 providers of mental health, mental retardation and
29 brain injury services programs to provide technical
30 assistance, support, and consultation to providers of
31 habilitation services and home and community-based
32 waiver services for adults with disabilities under the
33 medical assistance program. Notwithstanding section
34 8.47 or any other provision of law to the contrary,
35 the department may utilize a sole source approach to
36 contract with the association.

37 4. Of the funds appropriated in this section,
38 \$149,940 shall be used to continue to contract with
39 an appropriate entity to expand the provision of
40 nationally accredited and recognized internet-based
41 training to include mental health and disability
42 services providers. Notwithstanding section 8.47
43 or any other provision of law to the contrary, the
44 department may utilize a sole site source approach to
45 enter into such contract.

46 5. Of the funds appropriated in this section,
47 \$425,000 shall be used for continued implementation of
48 child protection system improvements addressed in 2011
49 Iowa Acts, House File 562, as enacted.

50 Sec. 133. VOLUNTEERS. There is appropriated from

1 the general fund of the state to the department of
2 human services for the fiscal year beginning July 1,
3 2012, and ending June 30, 2013, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purpose designated:

6 For development and coordination of volunteer
7 services:

8 \$ 71,961

9 Sec. 134. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
10 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
11 UNDER THE DEPARTMENT OF HUMAN SERVICES.

12 1. a. (1) For the fiscal year beginning July 1,
13 2012, the total state funding amount for the nursing
14 facility budget shall not exceed \$225,502,551.

15 (2) The department, in cooperation with nursing
16 facility representatives, shall review projections for
17 state funding expenditures for reimbursement of nursing
18 facilities on a quarterly basis and the department
19 shall determine if an adjustment to the medical
20 assistance reimbursement rate is necessary in order to
21 provide reimbursement within the state funding amount
22 for the fiscal year. Notwithstanding 2001 Iowa Acts,
23 chapter 192, section 4, subsection 2, paragraph "c",
24 and subsection 3, paragraph "a", subparagraph (2), if
25 the state funding expenditures for the nursing facility
26 budget for the fiscal year is projected to exceed the
27 amount specified in subparagraph (1), the department
28 shall adjust the reimbursement for nursing facilities
29 reimbursed under the case-mix reimbursement system to
30 maintain expenditures of the nursing facility budget
31 within the specified amount for the fiscal year.

32 (3) For the fiscal year beginning July 1, 2012,
33 special population nursing facilities shall be
34 reimbursed in accordance with the methodology in effect
35 on June 30, 2012.

36 b. For the fiscal year beginning July 1, 2012, the
37 department shall reimburse pharmacy dispensing fees
38 using a single rate of \$4.34 per prescription or the
39 pharmacy's usual and customary fee, whichever is lower.
40 However, the department shall adjust the dispensing fee
41 specified in this paragraph to distribute an additional
42 \$3,000,000 in reimbursements for pharmacy dispensing
43 fees under this paragraph for the fiscal year.

44 c. (1) For the fiscal year beginning July 1, 2012,
45 reimbursement rates for outpatient hospital services
46 shall remain at the rates in effect on June 30, 2012.

47 (2) For the fiscal year beginning July 1, 2012,
48 reimbursement rates for inpatient hospital services
49 shall remain at the rates in effect on June 30, 2012.

50 (3) For the fiscal year beginning July 1, 2012,

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1 the graduate medical education and disproportionate
2 share hospital fund shall remain at the amount in
3 effect on June 30, 2012, except that the portion of
4 the fund attributable to graduate medical education
5 shall be reduced in an amount that reflects the
6 elimination of graduate medical education payments made
7 to out-of-state hospitals.

8 (4) In order to ensure the efficient use of limited
9 state funds in procuring health care services for
10 low-income lowans, funds appropriated in this division
11 of this Act for hospital services shall not be used for
12 activities which would be excluded from a determination
13 of reasonable costs under the federal Medicare program
14 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

15 d. For the fiscal year beginning July 1, 2012,
16 reimbursement rates for rural health clinics, hospices,
17 and acute mental hospitals shall be increased in
18 accordance with increases under the federal Medicare
19 program or as supported by their Medicare audited
20 costs.

21 e. For the fiscal year beginning July 1, 2012,
22 independent laboratories and rehabilitation agencies
23 shall be reimbursed using the same methodology in
24 effect on June 30, 2012.

25 f. For the fiscal year beginning July 1, 2012,
26 reimbursement rates for home health agencies shall
27 remain at the rates in effect on June 30, 2012, not to
28 exceed a home health agency's actual allowable cost.

29 g. For the fiscal year beginning July 1, 2012,
30 federally qualified health centers shall receive
31 cost-based reimbursement for 100 percent of the
32 reasonable costs for the provision of services to
33 recipients of medical assistance.

34 h. For the fiscal year beginning July 1, 2012, the
35 reimbursement rates for dental services shall remain at
36 the rates in effect on June 30, 2012.

37 i. (1) For the fiscal year beginning July 1,
38 2012, state-owned psychiatric medical institutions
39 for children shall receive cost-based reimbursement
40 for 100 percent of the actual and allowable costs for
41 the provision of services to recipients of medical
42 assistance.

43 (2) For the nonstate-owned psychiatric medical
44 institutions for children, reimbursement rates shall
45 be based on the reimbursement methodology developed by
46 the department in consultation with representatives of
47 the nonstate-owned psychiatric medical institutions
48 for children to include all ancillary medical services
49 costs and any other changes required for federal
50 compliance.

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1 j. For the fiscal year beginning July 1, 2012,
2 unless otherwise specified in the health and human
3 services divisions of this Act, all noninstitutional
4 medical assistance provider reimbursement rates shall
5 remain at the rates in effect on June 30, 2012, except
6 for area education agencies, local education agencies,
7 infant and toddler services providers, and those
8 providers whose rates are required to be determined
9 pursuant to section 249A.20.

10 k. Notwithstanding any provision to the contrary,
11 for the fiscal year beginning July 1, 2012, the
12 reimbursement rate for anesthesiologists shall remain
13 at the rate in effect on June 30, 2012.

14 l. Notwithstanding section 249A.20, for the fiscal
15 year beginning July 1, 2012, the average reimbursement
16 rate for health care providers eligible for use of the
17 federal Medicare resource-based relative value scale
18 reimbursement methodology under that section shall
19 remain at the rate in effect on June 30, 2012; however,
20 this rate shall not exceed the maximum level authorized
21 by the federal government.

22 m. For the fiscal year beginning July 1, 2012, the
23 reimbursement rate for residential care facilities
24 shall not be less than the minimum payment level as
25 established by the federal government to meet the
26 federally mandated maintenance of effort requirement.
27 The flat reimbursement rate for facilities electing not
28 to file annual cost reports shall not be less than the
29 minimum payment level as established by the federal
30 government to meet the federally mandated maintenance
31 of effort requirement.

32 n. For the fiscal year beginning July 1, 2012,
33 inpatient mental health services provided at hospitals
34 shall remain at the rates in effect on June 30, 2012,
35 subject to Medicaid program upper payment limit rules;
36 community mental health centers and providers of mental
37 health services to county residents pursuant to a
38 waiver approved under section 225C.7, subsection 3,
39 shall be reimbursed at 100 percent of the reasonable
40 costs for the provision of services to recipients
41 of medical assistance; and psychiatrists shall be
42 reimbursed at the medical assistance program fee for
43 service rate.

44 o. For the fiscal year beginning July 1, 2012, the
45 reimbursement rate for consumer-directed attendant care
46 shall remain at the rates in effect on June 30, 2012.

47 p. For the fiscal year beginning July 1, 2012, the
48 reimbursement rate for providers of family planning
49 services that are eligible to receive a 90 percent
50 federal match shall remain at the rates in effect on

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1 June 30, 2012.

2 q. For the fiscal year beginning July 1, 2012, the
3 department shall adjust the rates in effect on June
4 30, 2012, for providers of home and community-based
5 services waiver services to distribute an additional
6 \$1,500,000 in reimbursements to such providers for the
7 fiscal year.

8 2. For the fiscal year beginning July 1, 2012, the
9 reimbursement rate for providers reimbursed under the
10 in-home-related care program shall not be less than the
11 minimum payment level as established by the federal
12 government to meet the federally mandated maintenance
13 of effort requirement.

14 3. Unless otherwise directed in this section, when
15 the department's reimbursement methodology for any
16 provider reimbursed in accordance with this section
17 includes an inflation factor, this factor shall not
18 exceed the amount by which the consumer price index for
19 all urban consumers increased during the calendar year
20 ending December 31, 2002.

21 4. For the fiscal year beginning July 1, 2012,
22 notwithstanding section 234.38, the foster family basic
23 daily maintenance rate and the maximum adoption subsidy
24 rate for children ages 0 through 5 years shall be
25 \$15.74, the rate for children ages 6 through 11 years
26 shall be \$16.37, the rate for children ages 12 through
27 15 years shall be \$17.92, and the rate for children
28 and young adults ages 16 and older shall be \$18.16.
29 The maximum supervised apartment living foster care
30 reimbursement rate shall be \$25.00 per day. For youth
31 ages 18 to 21 who have exited foster care, the maximum
32 preparation for adult living program maintenance rate
33 shall be \$574.00 per month. The maximum payment for
34 adoption subsidy nonrecurring expenses shall be limited
35 to \$500 and the disallowance of additional amounts
36 for court costs and other related legal expenses
37 implemented pursuant to 2010 Iowa Acts, chapter 1031,
38 section 408 shall be continued.

39 5. For the fiscal year beginning July 1, 2012,
40 the maximum reimbursement rates under the supervised
41 apartment living program and for social services
42 providers under contract shall remain at the rates
43 in effect on June 30, 2012, or the provider's actual
44 and allowable cost plus inflation for each service,
45 whichever is less. However, if a new service or
46 service provider is added after June 30, 2012, the
47 initial reimbursement rate for the service or provider
48 shall be based upon actual and allowable costs.
49 Providers may also be eligible for an additional
50 amount as specified under the department's request for

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1 proposal, bid number ACFS-11-115.

2 6. For the fiscal year beginning July 1, 2012,
3 the reimbursement rates for family-centered service
4 providers, family foster care service providers, group
5 foster care service providers, and the resource family
6 recruitment and retention contractor shall remain at
7 the rates in effect on June 30, 2012.

8 7. The group foster care reimbursement rates
9 paid for placement of children out of state shall
10 be calculated according to the same rate-setting
11 principles as those used for in-state providers,
12 unless the director of human services or the director's
13 designee determines that appropriate care cannot be
14 provided within the state. The payment of the daily
15 rate shall be based on the number of days in the
16 calendar month in which service is provided.

17 8. a. For the fiscal year beginning July 1, 2012,
18 the reimbursement rate paid for shelter care and
19 the child welfare emergency services implemented to
20 provide or prevent the need for shelter care shall be
21 established in a contract based on the requirements
22 of the department's request for proposal, bid number
23 ACFS-11-114.

24 b. For the fiscal year beginning July 1, 2012,
25 the combined service and maintenance components of
26 the reimbursement rate paid for shelter care services
27 shall be based on the financial and statistical report
28 submitted to the department. The maximum reimbursement
29 rate shall be \$92.36 per day. The department shall
30 reimburse a shelter care provider at the provider's
31 actual and allowable unit cost, plus inflation, not to
32 exceed the maximum reimbursement rate.

33 c. Notwithstanding section 232.141, subsection 8,
34 for the fiscal year beginning July 1, 2012, the amount
35 of the statewide average of the actual and allowable
36 rates for reimbursement of juvenile shelter care homes
37 that is utilized for the limitation on recovery of
38 unpaid costs shall remain at the amount in effect for
39 this purpose in the fiscal year beginning July 1, 2011.

40 9. For the fiscal year beginning July 1, 2012, the
41 department shall calculate reimbursement rates for
42 intermediate care facilities for persons with mental
43 retardation at the 80th percentile. Beginning July 1,
44 2012, the rate calculation methodology shall utilize
45 the consumer price index inflation factor applicable to
46 the fiscal year beginning July 1, 2012.

47 10. For the fiscal year beginning July 1, 2012,
48 for child care providers reimbursed under the state
49 child care assistance program, the department shall
50 set provider reimbursement rates based on the rate

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1 reimbursement survey completed in December 2004.
2 Effective July 1, 2012, the child care provider
3 reimbursement rates shall remain at the rates in effect
4 on June 30, 2012. The department shall set rates in a
5 manner so as to provide incentives for a nonregistered
6 provider to become registered by applying the increase
7 only to registered and licensed providers.

8 11. The department may adopt emergency rules to
9 implement this section.

10 Sec. 135. EMERGENCY RULES.

11 1. If specifically authorized by a provision of
12 this division of this Act, the department of human
13 services or the mental health, and disability services
14 commission may adopt administrative rules under section
15 17A.4, subsection 3, and section 17A.5, subsection
16 2, paragraph "b", to implement the provisions and
17 the rules shall become effective immediately upon
18 filing or on a later effective date specified in the
19 rules, unless the effective date is delayed by the
20 administrative rules review committee. Any rules
21 adopted in accordance with this section shall not
22 take effect before the rules are reviewed by the
23 administrative rules review committee. The delay
24 authority provided to the administrative rules review
25 committee under section 17A.4, subsection 7, and
26 section 17A.8, subsection 9, shall be applicable to a
27 delay imposed under this section, notwithstanding a
28 provision in those sections making them inapplicable
29 to section 17A.5, subsection 2, paragraph "b". Any
30 rules adopted in accordance with the provisions of this
31 section shall also be published as notice of intended
32 action as provided in section 17A.4.

33 2. If during the fiscal year beginning July 1,
34 2012, the department of human services is adopting
35 rules in accordance with this section or as otherwise
36 directed or authorized by state law, and the rules will
37 result in an expenditure increase beyond the amount
38 anticipated in the budget process or if the expenditure
39 was not addressed in the budget process for the
40 fiscal year, the department shall notify the persons
41 designated by this division of this Act for submission
42 of reports, the chairpersons and ranking members of
43 the committees on appropriations, and the department
44 of management concerning the rules and the expenditure
45 increase. The notification shall be provided at least
46 30 calendar days prior to the date notice of the rules
47 is submitted to the administrative rules coordinator
48 and the administrative code editor.

49 Sec. 136. FEDERAL GRANTS REPORTING. During the
50 fiscal year beginning July 1, 2012, the departments

1 and agencies receiving an appropriation in the health
 2 and human services divisions of this Act from the
 3 general fund of the state shall report to the persons
 4 designated by this division of this Act for submission
 5 of reports and the department of management within 60
 6 calendar days of applying for or renewing a federal
 7 grant with a value over \$1,000. The report shall list
 8 the federal funding source and address the potential
 9 need for the commitment of state funding in order to
 10 match or continue the funding provided by the federal
 11 grant in the present or the future.

12 Sec. 137. REPORTS. Any reports or information
 13 required to be compiled and submitted under the health
 14 and human services divisions of this Act shall be
 15 submitted to the chairpersons and ranking members of
 16 the joint appropriations subcommittee on health and
 17 human services, the legislative services agency, and
 18 the legislative caucus staffs on or before the dates
 19 specified for submission of the reports or information.

20 Sec. 138. EFFECTIVE DATE. The following provision
 21 of this division of this Act, being deemed of immediate
 22 importance, take effect upon enactment:

23 The provision under the appropriation for child and
 24 family services, relating to requirements of section
 25 232.143 for representatives of the department of human
 26 services and juvenile court services to establish a
 27 plan for continuing group foster care expenditures for
 28 fiscal year 2012-2013.

29 DIVISION XVII

30 HEALTH AND HUMAN SERVICES

31 PHARMACEUTICAL SETTLEMENT ACCOUNT,

32 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER

33 REIMBURSEMENT FUND, HEALTH CARE

34 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,

35 QUALITY ASSURANCE TRUST FUND,

36 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY

37 2012-2013

38 Sec. 139. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
 39 is appropriated from the pharmaceutical settlement
 40 account created in section 249A.33 to the department of
 41 human services for the fiscal year beginning July 1,
 42 2012, and ending June 30, 2013, the following amount,
 43 or so much thereof as is necessary, to be used for the
 44 purpose designated:

45 Notwithstanding any provision of law to the
 46 contrary, to supplement the appropriations made in the
 47 department of human services division in this Act for
 48 medical contracts under the medical assistance program
 49 for the same fiscal year:

50 \$ 4,618,571

1 Sec. 140. APPROPRIATIONS FROM IOWACARE ACCOUNT.

2 1. There is appropriated from the IowaCare account
3 created in section 249J.24 to the state board of
4 regents for distribution to the university of Iowa
5 hospitals and clinics for the fiscal year beginning
6 July 1, 2012, and ending June 30, 2013, the following
7 amount, or so much thereof as is necessary, to be used
8 for the purposes designated:

9 For salaries, support, maintenance, equipment, and
10 miscellaneous purposes, for the provision of medical
11 and surgical treatment of indigent patients, for
12 provision of services to members of the expansion
13 population pursuant to chapter 249J, and for medical
14 education:

15 \$ 27,284,584

16 a. Funds appropriated in this subsection shall
17 not be used to perform abortions except medically
18 necessary abortions, and shall not be used to operate
19 the early termination of pregnancy clinic except for
20 the performance of medically necessary abortions. For
21 the purpose of this subsection, medically necessary
22 abortions are those performed under any of the
23 following conditions:

24 (1) The attending physician certifies that
25 continuing the pregnancy would endanger the life of the
26 pregnant woman.

27 (2) Any spontaneous abortion, commonly known as a
28 miscarriage, if not all of the products of conception
29 are expelled.

30 b. Notwithstanding any provision of law to the
31 contrary, the amount appropriated in this subsection
32 shall be distributed based on claims submitted,
33 adjudicated, and paid by the Iowa Medicaid enterprise.

34 c. The university of Iowa hospitals and clinics
35 shall certify public expenditures in an amount equal
36 to provide the nonfederal share on total expenditures
37 not to exceed \$20,000,000.

38 2. There is appropriated from the IowaCare account
39 created in section 249J.24 to the state board of
40 regents for distribution to the university of Iowa
41 hospitals and clinics for the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, the following
43 amount, or so much thereof as is necessary, to be used
44 for the purposes designated:

45 For salaries, support, maintenance, equipment, and
46 miscellaneous purposes, for the provision of medical
47 and surgical treatment of indigent patients, for
48 provision of services to members of the expansion
49 population pursuant to chapter 249J, and for medical
50 education:

1 \$ 44,226,279
 2 Notwithstanding any provision of law to the
 3 contrary, the amount appropriated in this subsection
 4 shall be distributed based on claims submitted,
 5 adjudicated, and paid by the Iowa Medicaid enterprise.

6 3. There is appropriated from the IowaCare account
 7 created in section 249J.24, to the state board
 8 of regents for distribution to university of Iowa
 9 physicians for the fiscal year beginning July 1, 2012,
 10 and ending June 30, 2013, the following amount, or
 11 so much thereof as is necessary to be used for the
 12 purposes designated:

13 For salaries, support, maintenance, equipment, and
 14 miscellaneous purposes for the provision of medical and
 15 surgical treatment of indigent patients, for provision
 16 of services to members of the expansion population
 17 pursuant to chapter 249J, and for medical education:
 18 \$ 16,277,753

19 Notwithstanding any provision of law to the
 20 contrary, the amount appropriated in this subsection
 21 shall be distributed based on claims submitted,
 22 adjudicated, and paid by the Iowa Medicaid enterprise.
 23 Once the entire amount appropriated in this subsection
 24 has been distributed, claims shall continue to
 25 be submitted and adjudicated by the Iowa Medicaid
 26 enterprise; however, no payment shall be made based
 27 upon such claims.

28 4. There is appropriated from the IowaCare account
 29 created in section 249J.24 to the department of human
 30 services for the fiscal year beginning July 1, 2012,
 31 and ending June 30, 2013, the following amount, or
 32 so much thereof as is necessary, to be used for the
 33 purposes designated:

34 For distribution to a publicly owned acute care
 35 teaching hospital located in a county with a population
 36 over 350,000 for the provision of medical and surgical
 37 treatment of indigent patients, for provision of
 38 services to members of the expansion population
 39 pursuant to chapter 249J, and for medical education:
 40 \$ 65,000,000

41 a. Notwithstanding any provision of law to the
 42 contrary, the amount appropriated in this subsection
 43 shall be distributed based on claims submitted,
 44 adjudicated, and paid by the Iowa Medicaid enterprise
 45 plus a monthly disproportionate share hospital payment.
 46 Any amount appropriated in this subsection in excess
 47 of \$60,000,000 shall be distributed only if the sum of
 48 the expansion population claims adjudicated and paid
 49 by the Iowa Medicaid enterprise plus the estimated
 50 disproportionate share hospital payments exceeds

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1 \$60,000,000. The amount paid in excess of \$60,000,000
2 shall not adjust the original monthly payment amount
3 but shall be distributed monthly based on actual
4 claims adjudicated and paid by the Iowa Medicaid
5 enterprise plus the estimated disproportionate share
6 hospital amount. Any amount appropriated in this
7 subsection in excess of \$60,000,000 shall be allocated
8 only if federal funds are available to match the
9 amount allocated. Pursuant to paragraph "b", of the
10 amount appropriated in this subsection, not more than
11 \$4,000,000 shall be distributed for prescription drugs
12 and podiatry services.

13 b. Notwithstanding any provision of law to the
14 contrary, the hospital identified in this subsection,
15 shall be reimbursed for outpatient prescription drugs
16 and podiatry services provided to members of the
17 expansion population pursuant to all applicable medical
18 assistance program rules, in an amount not to exceed
19 \$4,000,000.

20 c. Notwithstanding the total amount of proceeds
21 distributed pursuant to section 249J.24, subsection 4,
22 paragraph "a", unnumbered paragraph 1, for the fiscal
23 year beginning July 1, 2012, and ending June 30, 2013,
24 the county treasurer of a county with a population
25 of over 350,000 in which a publicly owned acute care
26 teaching hospital is located shall distribute the
27 proceeds collected pursuant to section 347.7 in a
28 total amount of \$38,000,000, which would otherwise be
29 distributed to the county hospital, to the treasurer of
30 state for deposit in the IowaCare account.

31 d. (1) Notwithstanding the amount collected
32 and distributed for deposit in the IowaCare account
33 pursuant to section 249J.24, subsection 4, paragraph
34 "a", subparagraph (1), the first \$19,000,000 in
35 proceeds collected pursuant to section 347.7 between
36 July 1, 2012, and December 31, 2012, shall be
37 distributed to the treasurer of state for deposit in
38 the IowaCare account and collections during this time
39 period in excess of \$19,000,000 shall be distributed
40 to the acute care teaching hospital identified in
41 this subsection. Of the collections in excess of
42 the \$19,000,000 received by the acute care teaching
43 hospital under this subparagraph (1), \$2,000,000 shall
44 be distributed by the acute care teaching hospital to
45 the treasurer of state for deposit in the IowaCare
46 account in the month of January 2013, following the
47 July 1 through December 31, 2012, period.

48 (2) Notwithstanding the amount collected and
49 distributed for deposit in the IowaCare account
50 pursuant to section 249J.24, subsection 4, paragraph

1 "a", subparagraph (2), the first \$19,000,000 in
 2 collections pursuant to section 347.7 between January
 3 1, 2013, and June 30, 2013, shall be distributed to
 4 the treasurer of state for deposit in the IowaCare
 5 account and collections during this time period in
 6 excess of \$19,000,000 shall be distributed to the acute
 7 care teaching hospital identified in this subsection.
 8 Of the collections in excess of the \$19,000,000
 9 received by the acute care teaching hospital under this
 10 subparagraph (2), \$2,000,000 shall be distributed by
 11 the acute care teaching hospital to the treasurer of
 12 state for deposit in the IowaCare account in the month
 13 of July 2013, following the January 1 through June 30,
 14 2013, period.

15 5. There is appropriated from the IowaCare account
 16 created in section 249J.24 to the department of human
 17 services for the fiscal year beginning July 1, 2012,
 18 and ending June 30, 2013, the following amount, or so
 19 much thereof as is necessary to be used for the purpose
 20 designated:

21 For payment to the regional provider network
 22 specified by the department pursuant to section 249J.7
 23 for provision of covered services to members of the
 24 expansion population pursuant to chapter 249J:

25 \$ 3,472,176

26 Notwithstanding any provision of law to the
 27 contrary, the amount appropriated in this subsection
 28 shall be distributed based on claims submitted,
 29 adjudicated, and paid by the Iowa Medicaid enterprise.
 30 Once the entire amount appropriated in this subsection
 31 has been distributed, claims shall continue to
 32 be submitted and adjudicated by the Iowa Medicaid
 33 enterprise; however, no payment shall be made based
 34 upon such claims.

35 6. There is appropriated from the IowaCare account
 36 created in section 249J.24 to the department of human
 37 services for the fiscal year beginning July 1, 2012,
 38 and ending June 30, 2013, the following amount, or
 39 so much thereof as is necessary to be used for the
 40 purposes designated:

41 For a care coordination pool to pay the expansion
 42 population providers consisting of the university of
 43 Iowa hospitals and clinics, the publicly owned acute
 44 care teaching hospital as specified in section 249J.7,
 45 and current medical assistance program providers that
 46 are not expansion population network providers pursuant
 47 to section 249J.7, for services covered by the full
 48 benefit medical assistance program but not under the
 49 IowaCare program pursuant to section 249J.6, that are
 50 provided to expansion population members:

1 \$ 1,500,000
2 a. Notwithstanding sections 249J.6 and 249J.7,
3 the amount appropriated in this subsection is
4 intended to provide payment for medically necessary
5 services provided to expansion population members for
6 continuation of care provided by the university of
7 Iowa hospitals and clinics or the publicly owned acute
8 care teaching hospital as specified in section 249J.7.
9 Payment may only be made for services that are not
10 otherwise covered under section 249J.6, and which are
11 follow-up services to covered services provided by the
12 hospitals specified in this paragraph "a".
13 b. The funds appropriated in this subsection are
14 intended to provide limited payment for continuity
15 of care services for an expansion population member,
16 and are intended to cover the costs of services
17 to expansion population members, regardless of
18 the member's county of residence or medical home
19 assignment, if the care is related to specialty or
20 hospital services provided by the hospitals specified
21 in paragraph "a".
22 c. The funds appropriated in this subsection are
23 not intended to provide for expanded coverage under
24 the IowaCare program, and shall not be used to cover
25 emergency transportation services.
26 d. The department shall adopt administrative
27 rules pursuant to chapter 17A to establish a prior
28 authorization process and to identify covered services
29 for reimbursement under this subsection.
30 7. There is appropriated from the IowaCare account
31 created in section 249J.24 to the department of human
32 services for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount or
34 so much thereof as is necessary to be used for the
35 purposes designated:
36 For a laboratory test and radiology pool for
37 services authorized by a federally qualified health
38 center designated by the department as part of the
39 IowaCare regional provider network that does not have
40 the capability to provide these services on site:
41 \$ 500,000
42 Notwithstanding sections 249J.6 and 249J.7, the
43 amount appropriated in this subsection is intended
44 to provide reimbursement for services provided to
45 expansion population members that have previously
46 been paid for through expenditure by designated
47 regional provider network providers of their own
48 funds, not to expand coverage under the IowaCare
49 program or to expand the expansion population
50 provider network. The department shall designate the

1 laboratory and radiology provider associated with
 2 each designated regional provider network provider
 3 that may receive reimbursement. The department shall
 4 adopt administrative rules pursuant to chapter 17A
 5 to establish a prior authorization process and to
 6 identify covered services for reimbursement under this
 7 subsection. All other medical assistance program
 8 payment policies and rules for laboratory and radiology
 9 services shall apply to services provided under this
 10 subsection. If the entire amount appropriated under
 11 this subsection is expended, laboratory tests and
 12 radiology services ordered by a designated regional
 13 provider network provider shall be the financial
 14 responsibility of the regional provider network
 15 provider.

16 Sec. 141. APPROPRIATIONS FROM NONPARTICIPATING
 17 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN
 18 SERVICES. Notwithstanding any provision to the
 19 contrary, and subject to the availability of funds,
 20 there is appropriated from the nonparticipating
 21 provider reimbursement fund created in section 249J.24A
 22 to the department of human services for the fiscal year
 23 beginning July 1, 2012, and ending June 30, 2013, the
 24 following amount or so much thereof as is necessary for
 25 the purposes designated:

26 To reimburse nonparticipating providers in
 27 accordance with section 249J.24A:
 28 \$ 2,000,000

29 Sec. 142. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
 30 CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.
 31 Notwithstanding any provision to the contrary, there
 32 is appropriated from the account for health care
 33 transformation created in section 249J.23 to the
 34 department of human services for the fiscal year
 35 beginning July 1, 2012, and ending June 30, 2013, the
 36 following amounts, or so much thereof as is necessary,
 37 to be used for the purposes designated:

- 38 1. For the provision of an IowaCare nurse helpline
 39 for the expansion population as provided in section
 40 249J.6:
 41 \$ 85,000
- 42 2. For other health promotion partnership
 43 activities pursuant to section 249J.14:
 44 \$ 510,000
- 45 3. For the costs related to audits, performance
 46 evaluations, and studies required pursuant to chapter
 47 249J:
 48 \$ 106,250
- 49 4. For administrative costs associated with chapter
 50 249J:

1 \$ 962,550
2 5. For planning and development, in cooperation
3 with the department of public health, of a phased-in
4 program to provide a dental home for children in
5 accordance with section 249J.14:
6 \$ 850,000
7 6. For continuation of the establishment of the
8 tuition assistance for individuals serving individuals
9 with disabilities pilot program, as enacted in 2008
10 Iowa Acts, chapter 1187, section 130:
11 \$ 42,500
12 7. For medical contracts:
13 \$ 1,700,000
14 8. For payment to the publicly owned acute care
15 teaching hospital located in a county with a population
16 of over 350,000 that is a participating provider
17 pursuant to chapter 249J:
18 \$ 246,500
19 Disbursements under this subsection shall be made
20 monthly. The hospital shall submit a report following
21 the close of the fiscal year regarding use of the
22 funds appropriated in this subsection to the persons
23 specified in this Act to receive reports.
24 9. For transfer to the department of public health
25 to be used for the costs of medical home system
26 advisory council established pursuant to section
27 135.159:
28 \$ 198,353
29 10. For continued implementation of a uniform cost
30 report:
31 \$ 85,000
32 11. For continued implementation of an electronic
33 medical records system:
34 \$ 85,000
35 Notwithstanding section 8.39, subsection 1, without
36 the prior written consent and approval of the governor
37 and the director of the department of management, the
38 director of human services may transfer funds among
39 the appropriations made in this section as necessary
40 to carry out the purposes of the account for health
41 care transformation. The department shall report
42 any transfers made pursuant to this section to the
43 legislative services agency.
44 Sec. 143. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
45 INSPECTIONS AND APPEALS. There is appropriated from
46 the Medicaid fraud account created in section 249A.7
47 to the department of inspections and appeals for the
48 fiscal year beginning July 1, 2012, and ending June 30,
49 2013, the following amount, or so much thereof as is
50 necessary, to be used for the purposes designated:

1 For the inspection and certification of assisted
2 living programs and adult day care services, including
3 program administration and costs associated with
4 implementation:

5 \$ 1,138,598

6 Sec. 144. MEDICAID FRAUD ACCOUNT — DEPARTMENT

7 OF HUMAN SERVICES. There is appropriated from the
8 Medicaid fraud account created in section 249A.7 to
9 the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 To supplement the appropriation made in the
14 department of human services division of this Act
15 from the general fund of the state to the department
16 of human services for medical assistance for the same
17 fiscal year:

18 \$ 2,000,000

19 Sec. 145. QUALITY ASSURANCE TRUST FUND —

20 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
21 any provision to the contrary and subject to the
22 availability of funds, there is appropriated from the
23 quality assurance trust fund created in section 249L.4
24 to the department of human services for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the
26 following amounts, or so much thereof as is necessary
27 for the purposes designated:

28 To supplement the appropriation made in the
29 department of human services division of this Act
30 from the general fund of the state to the department
31 of human services for medical assistance for the same
32 fiscal year:

33 \$ 29,000,000

34 Sec. 146. HOSPITAL HEALTH CARE ACCESS TRUST FUND

35 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding
36 any provision to the contrary and subject to the
37 availability of funds, there is appropriated from
38 the hospital health care access trust fund created in
39 section 249M.4 to the department of human services for
40 the fiscal year beginning July 1, 2012, and ending June
41 30, 2013, the following amounts, or so much thereof as
42 is necessary, for the purposes designated:

43 1. To supplement the appropriation made in the
44 health and human services division of this Act from the
45 general fund of the state to the department of human
46 services for medical assistance:

47 \$ 39,223,800

48 2. For deposit in the nonparticipating provider
49 reimbursement fund created in section 249J.24A to be
50 used for the purposes of the fund:

1 \$ 776,200
 2 Sec. 147. MEDICAL ASSISTANCE PROGRAM —
 3 NONREVERSION FOR FY 2012-2013. Notwithstanding
 4 section 8.33, if moneys appropriated for purposes of
 5 the medical assistance program for the fiscal year
 6 beginning July 1, 2012, and ending June 30, 2013, in
 7 the health and human services divisions of this Act
 8 from the general fund of the state, the Medicaid fraud
 9 account, the quality assurance trust fund, and the
 10 hospital health care access trust fund, are in excess
 11 of actual expenditures for the medical assistance
 12 program and remain unencumbered or unobligated at the
 13 close of the fiscal year, the excess moneys shall not
 14 revert but shall remain available for expenditure for
 15 the purposes of the medical assistance program until
 16 the close of the succeeding fiscal year.

17 DIVISION XVIII
 18 HEALTH AND HUMAN SERVICES

19 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
 20 YEAR 2012-2013

21 Sec. 148. MENTAL HEALTH, MENTAL RETARDATION, AND
 22 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
 23 RELIEF. Notwithstanding the standing appropriation
 24 in section 426B.1, subsection 2, for the fiscal year
 25 beginning July 1, 2012, and ending June 30, 2013,
 26 the amount appropriated from the general fund of the
 27 state pursuant to that provision shall not exceed the
 28 following amount:

29 \$ 81,199,911

30 Sec. 149. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
 31 FUNDING — FY 2012-2013.

32 1. There is appropriated from the general fund of
 33 the state to the department of human services for the
 34 fiscal year beginning July 1, 2012, and ending June 30,
 35 2013, the following amount, or so much thereof as is
 36 necessary, to be used for the purpose designated:

37 For distribution to counties of the county mental
 38 health, mental retardation, and developmental
 39 disabilities allowed growth factor adjustment for
 40 fiscal year 2012-2013 as provided in this section in
 41 lieu of the allowed growth factor provisions of section
 42 331.438, subsection 2, and section 331.439, subsection
 43 3, and chapter 426B and for transfer for the medical
 44 assistance program:

45 \$ 88,697,893

46 Of the amount appropriated in this subsection,
 47 \$5,000,000 shall be transferred to the appropriation
 48 made in the department of human services division of
 49 this Act from the general fund of the state to the
 50 department of human services for the medical assistance

1 program for the fiscal year beginning July 1, 2012, and
2 shall be used to continue the funding designated in the
3 previous fiscal year to reduce home and community-based
4 services waiver waiting lists for children's mental
5 health, intellectual disabilities, and brain injury.

6 2. Of the amount appropriated in this section,
7 \$12,000,000 shall be distributed as provided in this
8 subsection.

9 a. To be eligible to receive a distribution under
10 this subsection, a county must meet the following
11 requirements:

12 (1) The county is levying for the maximum amount
13 allowed for the county's mental health, mental
14 retardation, and developmental disabilities services
15 fund under section 331.424A for taxes due and payable
16 in the fiscal year beginning July 1, 2012, or the
17 county is levying for at least 90 percent of the
18 maximum amount allowed for the county's services fund
19 and that levy rate is more than \$2 per \$1,000 of the
20 assessed value of all taxable property in the county.

21 (2) In the fiscal year beginning July 1, 2010,
22 the county's mental health, mental retardation, and
23 developmental disabilities services fund ending balance
24 under generally accepted accounting principles was
25 equal to or less than 15 percent of the county's actual
26 gross expenditures for that fiscal year.

27 b. The amount of a county's distribution from the
28 allocation made in this subsection shall be determined
29 based upon the county's proportion of the general
30 population of the counties eligible to receive a
31 distribution under this subsection. The most recent
32 population estimates issued by the United States
33 bureau of the census shall be applied in determining
34 population for the purposes of this paragraph.

35 c. The distributions made pursuant to this
36 subsection are subject to the distribution provisions
37 and withholding requirements established in this
38 section for the county mental health, mental
39 retardation, and developmental disabilities allowed
40 growth factor adjustment for the fiscal year beginning
41 July 1, 2012.

42 3. The following amount of the funding appropriated
43 in this section is the allowed growth factor adjustment
44 for fiscal year 2012-2013, and shall be credited to the
45 allowed growth funding pool created in the property tax
46 relief fund and for distribution in accordance with
47 section 426B.5, subsection 1:

48 \$ 71,697,893

49 4. The following formula amounts shall be utilized
50 only to calculate preliminary distribution amounts for

1 the allowed growth factor adjustment for fiscal year
2 2012-2013 under this section by applying the indicated
3 formula provisions to the formula amounts and producing
4 a preliminary distribution total for each county:
5 a. For calculation of a distribution amount for
6 eligible counties from the allowed growth funding pool
7 created in the property tax relief fund in accordance
8 with the requirements in section 426B.5, subsection 1:
9 \$ 84,773,346
10 b. For calculation of a distribution amount for
11 counties from the mental health and developmental
12 disabilities (MH/DD) community services fund
13 in accordance with the formula provided in the
14 appropriation made for the MH/DD community services
15 fund for the fiscal year beginning July 1, 2012:
16 \$ 14,187,556
17 5. a. After applying the applicable statutory
18 distribution formulas to the amounts indicated in
19 subsection 4 for purposes of producing preliminary
20 distribution totals, the department of human services
21 shall apply a withholding factor to adjust an eligible
22 individual county's preliminary distribution total.
23 In order to be eligible for a distribution under
24 this section, a county must be levying 90 percent or
25 more of the maximum amount allowed for the county's
26 mental health, mental retardation, and developmental
27 disabilities services fund under section 331.424A for
28 taxes due and payable in the fiscal year for which the
29 distribution is payable.
30 b. An ending balance percentage for each county
31 shall be determined by expressing the county's ending
32 balance on a modified accrual basis under generally
33 accepted accounting principles for the fiscal year
34 beginning July 1, 2010, in the county's mental health,
35 mental retardation, and developmental disabilities
36 services fund created under section 331.424A, as a
37 percentage of the county's gross expenditures from that
38 fund for that fiscal year. If a county borrowed moneys
39 for purposes of providing services from the county's
40 services fund on or before July 1, 2010, and the
41 county's services fund ending balance for that fiscal
42 year includes the loan proceeds or an amount designated
43 in the county budget to service the loan for the
44 borrowed moneys, those amounts shall not be considered
45 to be part of the county's ending balance for purposes
46 of calculating an ending balance percentage under this
47 subsection.
48 c. For purposes of calculating withholding
49 factors and for ending balance amounts used for other
50 purposes under law, the county ending balances shall

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1 be adjusted, using forms developed for this purpose
2 by the county finance committee, to disregard the
3 temporary funding increase provided to the counties for
4 the fiscal year through the federal American Recovery
5 and Reinvestment Act of 2009, Pub. L. No. 111-5. In
6 addition, a county may adjust the ending balance amount
7 by rebating to the department all or a portion of
8 the allowed growth and MH/DD services fund moneys the
9 county received for the fiscal year beginning July 1,
10 2011, in accordance with this Act, or from any other
11 services fund moneys available to the county. The
12 rebate must be remitted to the department on or before
13 June 1, 2012, in order to be counted. However, if this
14 division of this Act is enacted after July 1, 2012, the
15 rebate must be remitted not later than 10 calendar days
16 after the date of the governor's approval of this Act.
17 The amount rebated by a county shall be subtracted
18 dollar-for-dollar from the county's ending balance
19 amount for the fiscal year beginning July 1, 2010, for
20 purposes of calculating the withholding factor and
21 for other ending balance purposes for the fiscal year
22 beginning July 1, 2012. The rebates received by the
23 department shall be credited to the property tax relief
24 fund and distributed as additional funding for the
25 fiscal year beginning July 1, 2012, in accordance with
26 the formula provisions in this section.

27 d. The withholding factor for a county shall be the
28 following applicable percent:

29 (1) For an ending balance percentage of less than
30 5 percent, a withholding factor of 0 percent. In
31 addition, a county that is subject to this lettered
32 paragraph shall receive an inflation adjustment equal
33 to 3 percent of the gross expenditures reported for the
34 county's services fund for the fiscal year.

35 (2) For an ending balance percentage of 5 percent
36 or more but less than 10 percent, a withholding factor
37 of 0 percent. In addition, a county that is subject
38 to this lettered paragraph shall receive an inflation
39 adjustment equal to 2 percent of the gross expenditures
40 reported for the county's services fund for the fiscal
41 year.

42 (3) For an ending balance percentage of 10 percent
43 or more but less than 25 percent, a withholding factor
44 of 25 percent. However, for counties with an ending
45 balance of 10 percent or more but less than 15 percent,
46 the amount withheld shall be limited to the amount by
47 which the county's ending balance was in excess of the
48 ending balance percentage of 10 percent.

49 (4) For an ending balance percentage of 25 percent
50 or more, a withholding percentage of 100 percent.

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1 6. The total withholding amounts applied pursuant
 2 to subsection 5 shall be equal to a withholding target
 3 amount of \$13,075,453. If the department of human
 4 services determines that the amount appropriated
 5 is insufficient or the amount to be withheld in
 6 accordance with subsection 5 is not equal to the target
 7 withholding amount, the department shall adjust the
 8 withholding factors listed in subsection 5 as necessary
 9 to achieve the target withholding amount. However, in
 10 making such adjustments to the withholding factors,
 11 the department shall strive to minimize changes to the
 12 withholding factors for those ending balance percentage
 13 ranges that are lower than others and shall only adjust
 14 the zero withholding factor or the inflation adjustment
 15 percentages specified in subsection 5, paragraph "d",
 16 when the amount appropriated is insufficient.

17 DIVISION XIX

18 CONDITIONAL RETROACTIVE APPLICABILITY

19 Sec. 150. EFFECTIVE DATE AND RETROACTIVE
 20 APPLICABILITY. Unless otherwise provided, this Act,
 21 if approved by the governor on or after July 1, 2011,
 22 takes effect upon enactment and applies retroactively
 23 to July 1, 2011.>

24 _____. Title page, line 3, after <appropriations,> by
 25 inserting <providing penalties,>

HEATON of Henry

H-1752

1 Amend the House amendment, S-3372, to Senate File
 2 533, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. By striking page 1, line 5, through page 52,
 5 line 48, and inserting:

6 <DIVISION I

7 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
 8 2011-2012

9 Section 1. BUDGET PROCESS FOR FISCAL YEAR
 10 2012-2013.

11 1. For the budget process applicable to the fiscal
 12 year beginning July 1, 2012, on or before October 1,
 13 2011, in lieu of the information specified in section
 14 8.23, subsection 1, unnumbered paragraph 1, and
 15 paragraph "a", all departments and establishments of
 16 the government shall transmit to the director of the
 17 department of management, on blanks to be furnished
 18 by the director, estimates of their expenditure
 19 requirements, including every proposed expenditure, for
 20 the ensuing fiscal year, together with supporting data

21 and explanations as called for by the director of the
22 department of management after consultation with the
23 legislative services agency.

24 2. The estimates of expenditure requirements
25 shall be in a form specified by the director of
26 the department of management, and the expenditure
27 requirements shall include all proposed expenditures
28 and shall be prioritized by program or the results to
29 be achieved. The estimates shall be accompanied by
30 performance measures for evaluating the effectiveness
31 of the programs or results.

32 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.

33 Notwithstanding the standing appropriations in the
34 following designated sections for the fiscal year
35 beginning July 1, 2011, and ending June 30, 2012, the
36 amounts appropriated from the general fund of the state
37 pursuant to these sections for the following designated
38 purposes shall not exceed the following amounts:

39 1. For operational support grants and community
40 cultural grants under section 99F.11, subsection 3,
41 paragraph "d", subparagraph (1):

42 \$ 416,702

43 2. For regional tourism marketing under section
44 99F.11, subsection 3, paragraph "d", subparagraph (2):

45 \$ 810,306

46 3. For the center for congenital and inherited
47 disorders central registry under section 144.13A,
48 subsection 4, paragraph "a":

49 \$ 171,121

50 4. For primary and secondary child abuse prevention

Page 2

1 programs under section 144.13A, subsection 4, paragraph
2 "a":

3 \$ 217,772

4 5. For programs for at-risk children under section
5 279.51:

6 \$ 10,728,891

7 The amount of any reduction in this subsection shall
8 be prorated among the programs specified in section
9 279.51, subsection 1, paragraphs "a", "b", and "c".

10 6. For payment for nonpublic school transportation
11 under section 285.2:

12 \$ 7,060,931

13 If total approved claims for reimbursement for
14 nonpublic school pupil transportation exceed the amount
15 appropriated in accordance with this subsection, the
16 department of education shall prorate the amount of
17 each approved claim.

18 7. For reimbursement for the homestead property tax
19 credit under section 425.1:

20 \$ 86,188,387
 21 8. For reimbursement for the family farm and
 22 agricultural land tax credits under sections 425A.1 and
 23 426.1:
 24 \$ 32,395,131
 25 9. For the enforcement of chapter 453D relating to
 26 tobacco product manufacturers under section 453D.8:
 27 \$ 18,416
 28 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY
 29 2011-2012. In lieu of the appropriation provided in
 30 section 257.20, subsection 2, the appropriation for the
 31 fiscal year beginning July 1, 2011, and ending June 30,
 32 2012, for paying instructional support state aid under
 33 section 257.20 for fiscal year 2011-2012 is zero.
 34 Sec. 4. Section 256.30, unnumbered paragraph
 35 1, Code 2011, is amended by striking the unnumbered
 36 paragraph and inserting in lieu thereof the following:
 37 For the fiscal year beginning July 1, 2011, and
 38 ending June 30, 2012, and for each succeeding fiscal
 39 year, there is appropriated from the general fund of
 40 the state to the department the sum of one hundred
 41 thousand dollars. The department shall distribute the
 42 appropriation to the tribal council of the Sac and Fox
 43 Indian settlement for expenses of educating American
 44 Indian children residing in the Sac and Fox Indian
 45 settlement on land held in trust by the secretary of
 46 the interior of the United States in excess of federal
 47 moneys paid to the tribal council for educating the
 48 American Indian children when moneys are appropriated
 49 for that purpose. The tribal council shall administer
 50 the moneys distributed pursuant to this section and

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1 shall submit an annual report and other reports as
 2 required by the department to the department on the
 3 expenditure of the moneys.
 4 Sec. 5. Section 257.35, Code 2011, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
 7 and in addition to the reduction applicable pursuant
 8 to subsection 2, the state aid for area education
 9 agencies and the portion of the combined district cost
 10 calculated for these agencies for the fiscal year
 11 beginning July 1, 2011, and ending June 30, 2012, shall
 12 be reduced by the department of management by twenty
 13 million dollars. The reduction for each area education
 14 agency shall be prorated based on the reduction that
 15 the agency received in the fiscal year beginning July
 16 1, 2003.

DIVISION II

18 SALARIES, COMPENSATION, AND RELATED MATTERS — FY

19 2011-2012
20 Sec. 6. APPOINTED STATE OFFICERS.
21 1. The governor shall establish a salary for
22 appointed nonelected persons in the executive branch
23 of state government holding a position enumerated in
24 and within the salary ranges provided in 2008 Iowa
25 Acts, chapter 1191, section 14, by considering, among
26 other items, the experience of the individual in
27 the position, changes in the duties of the position,
28 the incumbent's performance of assigned duties, and
29 subordinates' salaries. However, the attorney general
30 shall establish the salary for the consumer advocate,
31 the chief justice of the supreme court shall establish
32 the salary for the state court administrator, the
33 ethics and campaign disclosure board shall establish
34 the salary of the executive director, and the Iowa
35 public broadcasting board shall establish the salary of
36 the administrator of the public broadcasting division
37 of the department of education, each within the salary
38 range provided in 2008 Iowa Acts, chapter 1191, section
39 14.
40 2. The governor, in establishing salaries as
41 provided in this section, shall take into consideration
42 other employee benefits which may be provided for an
43 individual including but not limited to housing.
44 3. A person whose salary is established pursuant
45 to this section and who is a full-time, year-round
46 employee of the state shall not receive any other
47 remuneration from the state or from any other source
48 for the performance of that person's duties unless
49 the additional remuneration is first approved by the
50 governor or authorized by law. However, this provision

Page 4

1 does not exclude the reimbursement for necessary travel
2 and expenses incurred in the performance of duties or
3 fringe benefits normally provided to employees of the
4 state.
5 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS
6 FUNDED. The various state departments, boards,
7 commissions, councils, and agencies, including the
8 state board of regents, for the fiscal year beginning
9 July 1, 2011, and ending June 30, 2012, shall provide
10 from available sources pay adjustments, expense
11 reimbursements, and related benefits to fully fund the
12 following:
13 1. The collective bargaining agreement negotiated
14 pursuant to chapter 20 for employees in the blue collar
15 bargaining unit.
16 2. The collective bargaining agreement negotiated
17 pursuant to chapter 20 for employees in the public

18 safety bargaining unit.
19 3. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the security
21 bargaining unit.
22 4. The collective bargaining agreement negotiated
23 pursuant to chapter 20 for employees in the technical
24 bargaining unit.
25 5. The collective bargaining agreement negotiated
26 pursuant to chapter 20 for employees in the
27 professional fiscal and staff bargaining unit.
28 6. The collective bargaining agreement negotiated
29 pursuant to chapter 20 for employees in the clerical
30 bargaining unit.
31 7. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the
33 professional social services bargaining unit.
34 8. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the
36 community-based corrections bargaining unit.
37 9. The collective bargaining agreements negotiated
38 pursuant to chapter 20 for employees in the judicial
39 branch of government bargaining units.
40 10. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the patient
42 care bargaining unit.
43 11. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the science
45 bargaining unit.
46 12. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the university
48 of northern Iowa faculty bargaining unit.
49 13. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the state

Page 5

1 university of Iowa graduate student bargaining unit.
2 14. The collective bargaining agreement negotiated
3 pursuant to chapter 20 for employees in the state
4 university of Iowa hospital and clinics tertiary health
5 care bargaining unit.
6 15. The annual pay adjustments, related benefits,
7 and expense reimbursements referred to in the sections
8 of this division of this Act addressing state board of
9 regents employees who are not covered by a collective
10 bargaining agreement.
11 Sec. 8. STATE EMPLOYEES — STATE BOARD OF
12 REGENTS. For the fiscal year beginning July 1, 2011,
13 and ending June 30, 2012, funds shall be provided from
14 available sources of the state board of regents for
15 funding of collective bargaining agreements for state
16 board of regents employees covered by such agreements

17 and for the following state board of regents employees
18 not covered by a collective bargaining agreement:

19 1. Regents merit system employees and merit
20 supervisory employees.

21 2. Faculty members and professional and scientific
22 employees.

23 Sec. 9. BONUS PAY. For the fiscal year beginning
24 July 1, 2011, and ending June 30, 2012, employees of
25 the executive branch, judicial branch, and legislative
26 branch shall not receive bonus pay unless otherwise
27 authorized by law, required pursuant to a contract
28 of employment entered into before July 1, 2011,
29 or required pursuant to a collective bargaining
30 agreement. This section does not apply to employees
31 of the state board of regents. For purposes of this
32 section, "bonus pay" means any additional remuneration
33 provided an employee in the form of a bonus, including
34 but not limited to a retention bonus, recruitment
35 bonus, exceptional job performance pay, extraordinary
36 job performance pay, exceptional performance pay,
37 extraordinary duty pay, or extraordinary or special
38 duty pay, and any extra benefit not otherwise provided
39 to other similarly situated employees.

40 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the
41 fiscal year beginning July 1, 2011, the sworn peace
42 officers in the department of public safety who are not
43 covered by a collective bargaining agreement negotiated
44 pursuant to chapter 20 shall receive the same per
45 diem meal allowance as the sworn peace officers in
46 the department of public safety who are covered by a
47 collective bargaining agreement negotiated pursuant to
48 chapter 20.

49 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary
50 model administrator shall work in conjunction with

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1 the legislative services agency to maintain the
2 state's salary model used for analyzing, comparing,
3 and projecting state employee salary and benefit
4 information, including information relating to
5 employees of the state board of regents. The
6 department of revenue, the department of administrative
7 services, the five institutions under the jurisdiction
8 of the state board of regents, the judicial district
9 departments of correctional services, and the state
10 department of transportation shall provide salary data
11 to the department of management and the legislative
12 services agency to operate the state's salary
13 model. The format and frequency of provision of the
14 salary data shall be determined by the department of
15 management and the legislative services agency. The

16 information shall be used in collective bargaining
 17 processes under chapter 20 and in calculating the
 18 funding needs contained within the annual salary
 19 adjustment legislation. A state employee organization
 20 as defined in section 20.3, subsection 4, may request
 21 information produced by the model, but the information
 22 provided shall not contain information attributable to
 23 individual employees.

24 DIVISION III

25 PERFORMANCE OF DUTY

26 Sec. 12. Section 7D.10, Code 2011, is amended to
 27 read as follows:

28 7D.10 Court costs.

29 If sufficient funds for court costs have not been
 30 appropriated to a state department, or if sufficient
 31 funds are not otherwise available for such purposes
 32 within the budget of a state department, upon
 33 authorization by the executive council ~~may pay, out of~~
 34 any money in the state treasury there is appropriated
 35 from moneys in the general fund of the state not
 36 otherwise appropriated, an amount sufficient to pay
 37 expenses incurred, or costs taxed to the state, in
 38 any proceeding brought by or against any of the state
 39 departments or in which the state is a party or is
 40 interested. This section shall not be construed to
 41 authorize the payment of travel or other personal
 42 expenses of state officers or employees.

43 Sec. 13. Section 7D.10A, as amended by 2011 Iowa
 44 Acts, Senate File 478, section 11, as enacted, is
 45 amended to read as follows:

46 7D.10A Allocation Payment to livestock remediation
 47 fund.

48 If moneys are not sufficient to support the
 49 livestock remediation fund as provided in chapter 459,
 50 subchapter V, the executive council may ~~allocate from~~

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1 ~~moneys in the general fund of the state, which are~~
 2 ~~not otherwise obligated or encumbered, authorize as~~
 3 an expense paid from the appropriations addressed in
 4 section 7D.29 the payment of an amount to the livestock
 5 remediation fund as provided under section 459.501,
 6 subsection 5. However, not more than a total of
 7 one million dollars shall be allocated shall be paid
 8 pursuant to this section to the livestock remediation
 9 fund at any time.

10 Sec. 14. Section 7D.29, Code 2011, is amended to
 11 read as follows:

12 7D.29 Performance of duty — expense.

13 1. The executive council shall not employ others,
 14 or ~~incur~~ authorize any expense, for the purpose of

15 performing any duty imposed upon the council when
 16 the duty may, without neglect of their usual duties,
 17 be performed by the members, or by their regular
 18 employees, but, subject to this limitation, the council
 19 may ~~incur~~ authorize the necessary expense to perform
 20 or cause to be performed any legal duty imposed on
 21 the council, ~~and pay the same out of any money in the~~
 22 ~~state treasury not otherwise appropriated. The expenses~~
 23 authorized by the executive council in accordance
 24 with this section and the expenses authorized by the
 25 executive council in accordance with other statutory
 26 provisions referencing the appropriations addressed in
 27 this section shall be paid as follows:
 28 a. From the appropriation made from the Iowa
 29 economic emergency fund in section 8.55 for purposes of
 30 paying such expenses.
 31 b. To the extent the appropriation from the
 32 Iowa economic emergency fund described in paragraph
 33 "a" is insufficient to pay such expenses, there is
 34 appropriated from moneys in the general fund of the
 35 state not otherwise appropriated the amount necessary
 36 to fund that deficiency.>
 37 2. At least two weeks prior to the executive
 38 council's approval of a payment authorization under
 39 this section, the secretary of the executive council
 40 shall notify the legislative services agency that
 41 the authorization request will be considered by
 42 the executive council and shall provide background
 43 information justifying the request.
 44 3. The executive council shall receive requests
 45 from the Iowa department of public health relative to
 46 the purchase, storing, and distribution of vaccines and
 47 medication for prevention, prophylaxis, or treatment.
 48 Upon review and after compliance with subsection 2,
 49 the executive council may approve the request and may
 50 ~~incur~~ authorize payment of the necessary expense and

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1 ~~pay the same out of any money in the state treasury not~~
 2 ~~otherwise appropriated. The expense authorized by the~~
 3 ~~executive council under this subsection shall be paid~~
 4 ~~from the appropriations referred to in subsection 1.~~
 5 Sec. 15. Section 7D.30, Code 2011, is amended to
 6 read as follows:
 7 7D.30 Necessary record.
 8 Before ~~incurring~~ authorizing any expense ~~authorized~~
 9 ~~by in accordance with~~ section 7D.29, the ~~executive~~
 10 council shall, in each case, by resolution, entered
 11 upon its records, set forth the necessity for ~~incurring~~
 12 authorizing such expense, the special fitness of the
 13 one employed to perform such work, the definite rate of

14 compensation or salary allowed, and the total amount of
 15 money that may be expended. Compensation or salary for
 16 personal services in such cases must be determined by
 17 unanimous vote of all members of the council.

18 Sec. 16. Section 8.55, subsection 3, paragraph a,
 19 Code 2011, is amended to read as follows:

20 a. Except as provided in paragraphs "b", ~~and~~ "c", and
 21 "0d", the moneys in the Iowa economic emergency fund
 22 shall only be used pursuant to an appropriation made
 23 by the general assembly. An appropriation shall only
 24 be made for the fiscal year in which the appropriation
 25 is made. The moneys shall only be appropriated by the
 26 general assembly for emergency expenditures.

27 Sec. 17. Section 8.55, subsection 3, Code 2011, is
 28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. 0d. There is appropriated from the
 30 Iowa economic emergency fund to the executive council
 31 an amount sufficient to pay the expenses authorized by
 32 the executive council, as addressed in section 7D.29.

33 Sec. 18. Section 8A.321, subsection 4, Code 2011,
 34 is amended to read as follows:

35 4. Contract, with the approval of the executive
 36 council, for the repair, remodeling, or, if the
 37 condition warrants, demolition of all buildings and
 38 grounds of the state at the seat of government, at
 39 the state laboratories facility in Ankeny, and the
 40 institutions of the department of human services and
 41 the department of corrections for which no specific
 42 appropriation has been made, if the cost of repair,
 43 remodeling, or demolition will not exceed one hundred
 44 thousand dollars when completed. The cost of repair
 45 projects for which no specific appropriation has
 46 been made shall be paid ~~from the fund~~ as an expense
 47 authorized by the executive council as provided in
 48 section 7D.29.

49 Sec. 19. Section 8A.321, subsection 6, paragraphs a
 50 and b, Code 2011, are amended to read as follows:

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1 a. Lease all buildings and office space necessary
 2 to carry out the provisions of this subchapter or
 3 necessary for the proper functioning of any state
 4 agency at the seat of government. For state agencies
 5 at the seat of government, the director may lease
 6 buildings and office space in Polk county or in a
 7 county contiguous to Polk county. If no specific
 8 appropriation has been made, the proposed lease shall
 9 be submitted to the executive council for ~~approval~~
 10 authorization and if authorized lease expense shall
 11 be paid from the appropriations addressed in section
 12 7D.29. The cost of any lease for which no specific

13 appropriation has been made shall be paid from the fund
14 provided in section 7D.29.

15 b. When the general assembly is not in session, the
16 director may request ~~moneys~~ an expense authorization
17 from the executive council for moving state agencies
18 located at the seat of government from one location
19 to another. The request may include moving costs,
20 telecommunications costs, repair costs, or any other
21 costs relating to the move. The executive council may
22 ~~approve and shall pay the costs from funds~~ authorize
23 the expenses provided and may authorize the expenses to
24 be paid from the appropriations addressed in section
25 7D.29 if it determines the agency or department has
26 ~~no available~~ does not have funds available for these
27 expenses.

28 Sec. 20. Section 11.32, as amended by 2011 Iowa
29 Acts, House File 536, section 26, as enacted, is
30 amended to read as follows:

31 11.32 Certified accountants employed.
32 Nothing in this chapter shall prohibit the auditor
33 of state, with the prior written permission of the
34 state executive council, from employing certified
35 public accountants for specific assignments. The
36 auditor of state may employ such accountants for any
37 assignment ~~now~~ expressly reserved to the auditor of
38 state. Payments, after approval by the executive
39 council, ~~will~~ shall be made to the accountants so
40 employed from funds from which the auditor of state
41 would have been paid had the auditor of state performed
42 the assignment, or if ~~no~~ such specific funds are
43 ~~indicated not available~~, then ~~payment will be made~~
44 ~~from the funds of authorization of the expense by the~~
45 ~~executive council~~ shall be requested, and if authorized
46 shall be paid from the appropriations addressed in
47 section 7D.29.

48 Sec. 21. Section 13.3, Code 2011, is amended to
49 read as follows:

50 13.3 Disqualification — substitute.

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1 1. If, for any reason, the attorney general ~~be~~
2 is disqualified from appearing in any action or
3 proceeding, the executive council shall ~~appoint some~~
4 authorize the appointment of a suitable person for that
5 purpose and defray the. There is appropriated from
6 moneys in the general fund not otherwise appropriated
7 an amount necessary to pay the reasonable expense
8 thereof from any unappropriated funds in the state
9 treasury for the person appointed. The department
10 involved in the action or proceeding shall be requested
11 to recommend a suitable person to represent the

12 department and when the executive council concurs in
13 the recommendation, the person recommended shall be
14 appointed.

15 2. If the governor or a department is represented
16 by an attorney other than the attorney general in a
17 court proceeding as provided in this section, at the
18 conclusion of the court proceedings, the court shall
19 review the fees charged to the state to determine
20 if the fees are fair and reasonable. The executive
21 council shall not ~~reimburse~~ authorize reimbursement
22 of attorney fees in excess of those determined by the
23 court to be fair and reasonable.

24 Sec. 22. Section 13.7, Code 2011, is amended to
25 read as follows:

26 13.7 Special counsel.

27 Compensation shall not be allowed to any person for
28 services as an attorney or counselor to an executive
29 department of the state government, or the head ~~thereof~~
30 of an executive department of state government, or to
31 a state board or commission. However, the executive
32 council may ~~employ~~ authorize employment of legal
33 assistance, at a reasonable compensation, in a pending
34 action or proceeding to protect the interests of the
35 state, but only upon a sufficient showing, in writing,
36 made by the attorney general, that the department of
37 justice cannot for reasons stated by the attorney
38 general perform the service, ~~which.~~ The reasons
39 and action of the council shall be entered upon its
40 records. ~~When~~ If the attorney general determines that
41 the department of justice cannot perform legal service
42 in an action or proceeding, the executive council
43 shall request the department involved in the action or
44 proceeding to recommend legal counsel to represent the
45 department. If the attorney general concurs with the
46 department that the person recommended is qualified
47 and suitable to represent the department, the person
48 recommended shall be employed. If the attorney general
49 does not concur in the recommendation, the department
50 shall submit a new recommendation. This section does

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1 not affect the general counsel for the utilities board
2 of the department of commerce, the legal counsel of the
3 department of workforce development, or the general
4 counsel for the property assessment appeal board.

5 Sec. 23. Section 29A.27, unnumbered paragraph 8,
6 Code 2011, is amended to read as follows:

7 All payments ~~herein~~ provided for under this section
8 shall be paid on the approval of the adjutant general
9 from the contingent fund of the executive council
10 created in section 29C.20.

11 Sec. 24. Section 29C.8, subsection 3, paragraph
 12 f, subparagraph (3), Code 2011, is amended to read as
 13 follows:

14 (3) Upon notification of a compensable loss to a
 15 member of a homeland security and emergency management
 16 response team, the department of administrative
 17 services shall process the claim and seek ~~funding~~
 18 authorization from the executive council ~~for to pay~~
 19 as an expense paid from the appropriations addressed
 20 in section 7D.29 those costs associated with covered
 21 benefits.

22 Sec. 25. Section 29C.20, subsection 1, paragraph a,
 23 unnumbered paragraph 1, Code 2011, is amended to read
 24 as follows:

25 A contingent fund is created in the state treasury
 26 for the use of the executive council ~~which. Funding~~
 27 for the contingent fund, if authorized by the executive
 28 council, shall be paid from the appropriations
 29 addressed in section 7D.29. Moneys in the contingent
 30 fund may be expended for the following purposes:

31 Sec. 26. Section 96.13, subsection 3, paragraph c,
 32 Code 2011, is amended to read as follows:

33 c. The department may appear before the executive
 34 council and request ~~funds~~ authorization of moneys to
 35 meet unanticipated emergencies as an expense from the
 36 appropriations addressed in section 7D.29.

37 Sec. 27. Section 135.143, subsection 5, Code 2011,
 38 is amended to read as follows:

39 5. Upon notification of a compensable loss, the
 40 department of administrative services shall seek
 41 ~~funding authorization~~ authorization from the executive council ~~for~~
 42 to pay as an expense from the appropriations addressed
 43 in section 7D.29 those costs associated with covered
 44 workers' compensation benefits.

45 Sec. 28. Section 135.144, subsection 11, Code 2011,
 46 is amended to read as follows:

47 11. If a public health disaster or other public
 48 health emergency situation exists which poses an
 49 imminent threat to the public health, safety, and
 50 welfare, the department, in conjunction with the

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1 governor, may provide financial assistance, from funds
 2 appropriated to the department that are not otherwise
 3 encumbered, to political subdivisions as needed to
 4 alleviate the disaster or the emergency. If the
 5 department does not have sufficient unencumbered funds,
 6 the governor may request ~~that~~ the executive council,
 7 ~~pursuant to the authority of section 7D.29, commit~~
 8 ~~sufficient funds, to authorize the payment of up to one~~
 9 million dollars, ~~that are not otherwise encumbered from~~

10 ~~the general fund, as needed and available, for as an~~
11 ~~expense from the appropriations addressed in section~~
12 ~~7D.29 to alleviate~~ the disaster or the emergency. If
13 additional financial assistance is required in excess
14 of one million dollars, approval by the legislative
15 council is also required.

16 Sec. 29. Section 163.3A, subsection 4, paragraph b,
17 Code 2011, is amended to read as follows:

18 b. The department shall provide and update a list
19 of the registered members of each emergency response
20 team, including the members' names and identifying
21 information, to the department of administrative
22 services. Upon notification of a compensable loss
23 suffered by a registered member, the department
24 of administrative services shall seek ~~funding~~
25 authorization from the executive council ~~for to pay as~~
26 an expense from the appropriations addressed in section
27 7D.29 those costs associated with covered benefits.

28 Sec. 30. Section 163.10, Code 2011, is amended to
29 read as follows:

30 163.10 Quarantining or destroying animals.

31 The department may quarantine or destroy any
32 animal exposed to or afflicted with an infectious or
33 contagious disease. However, cattle exposed to or
34 infected with tuberculosis shall not be destroyed
35 without the owner's consent, unless there are
36 sufficient moneys to reimburse the owner for the
37 cattle, which may be paid ~~from the appropriation as~~
38 an expense authorized as provided in section 163.15,
39 from moneys in the brucellosis and tuberculosis
40 eradication fund created in section 165.18, or from
41 moneys made available by the United States department
42 of agriculture.

43 Sec. 31. Section 163.15, subsection 2, paragraph
44 a, subparagraph (3), Code 2011, is amended to read as
45 follows:

46 (3) A claim for an indemnity by the owner and a
47 claim for compensation and expenses by the appraisers
48 shall be filed with the department and submitted by the
49 secretary of agriculture to the executive council for
50 ~~its approval or disapproval~~ authorization of payment

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1 of the claim as an expense from the appropriations
2 addressed in section 7D.29.

3 Sec. 32. Section 163.15, subsection 2, paragraph
4 a, subparagraph (4), Code 2011, is amended by striking
5 the subparagraph.

6 Sec. 33. Section 163.15, subsection 2, paragraph b,
7 unnumbered paragraph 1, Code 2011, is amended to read
8 as follows:

9 A formula established by rule adopted by the
 10 department that is effective as determined by
 11 the department in accordance with chapter 17A and
 12 applicable upon approval of the ~~plan~~ program of
 13 eradication ~~approved~~ by the executive council. The
 14 formula shall be applicable to indemnify owners if the
 15 executive council, upon recommendation by the secretary
 16 of agriculture, determines that an animal population
 17 in this state is threatened with infection from an
 18 exceptionally contagious disease.

19 Sec. 34. Section 163.15, subsection 2, paragraph
 20 b, subparagraph (4), Code 2011, is amended to read as
 21 follows:

22 ~~Upon approval by the~~ The executive council;
 23 ~~there is appropriated to the department from any~~
 24 ~~moneys in the general fund of the state not otherwise~~
 25 ~~appropriated moneys sufficient to carry out the~~
 26 may authorize payment under the provisions of this
 27 paragraph "b" as an expense from the appropriations
 28 addressed in section 7D.29.

29 Sec. 35. Section 307.45, subsection 3, Code 2011,
 30 is amended to read as follows:

31 3. Assessments against property owned by the state
 32 and not under the jurisdiction and control of the
 33 department's administrator of highways shall be made in
 34 the same manner as those made against private property
 35 and payment shall be ~~made~~ subject to authorization by
 36 the executive council ~~from any funds of the state not~~
 37 ~~otherwise appropriated.~~ There is appropriated from
 38 moneys in the general fund not otherwise appropriated
 39 an amount necessary to pay the expense authorized by
 40 the executive council.

41 Sec. 36. Section 384.56, subsection 1, Code 2011,
 42 is amended to read as follows:

43 1. Cities may assess the cost of a public
 44 improvement which extends through, abuts upon, or is
 45 adjacent to lands owned by the state, and ~~the executive~~
 46 ~~council shall pay~~ payment for the assessable portion
 47 of the cost of the improvement through or along the
 48 lands as provided shall be subject to authorization by
 49 the executive council. ~~The executive council shall~~
 50 ~~pay assessments as~~ and payable in the manner provided

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1 in section 307.45 for property owned by the state and
 2 not under the jurisdiction and control of the state
 3 department of transportation.

4 Sec. 37. Section 459.501, subsection 5, as amended
 5 by 2011 Iowa Acts, Senate File 478, section 1, as
 6 enacted, is amended to read as follows:

7 5. The following shall apply to moneys in the fund:

8 a. (1) The executive council may ~~allocate moneys~~
9 ~~from the general fund of the state as authorize payment~~
10 ~~of moneys as an expense paid from the appropriations~~
11 ~~addressed in section 7D.29 and in the manner provided~~
12 in section 7D.10A in an amount necessary to support the
13 fund, including the following:

14 (a) The payment of claims as provided in section
15 459.505.

16 (b) The allocation of moneys to the department
17 of agriculture and land stewardship for the payment
18 of expenses incurred by the department of agriculture
19 and land stewardship associated with providing for the
20 sustenance and disposition of livestock pursuant to
21 chapter 717.

22 (2) Notwithstanding subparagraph (1), the
23 ~~allocation of moneys from the general fund of the state~~
24 ~~executive council's authorization for payment shall be~~
25 ~~made provided~~ only if the amount of moneys in the fund,
26 which are not obligated or encumbered, and not counting
27 the department's estimate of the cost to the fund for
28 pending or unsettled claims, the amount to be allocated
29 to the department of agriculture and land stewardship,
30 and any amount required to be credited to the general
31 fund of the state under this subsection, is less than
32 one million dollars.

33 b. The department of natural resources shall
34 credit an amount to the ~~general fund of the state~~
35 ~~from which the expense authorized by the executive~~
36 ~~council as provided in paragraph "a" was appropriated~~
37 which is equal to an amount allocated to ~~support~~ the
38 ~~livestock remediation~~ fund by the executive council
39 under paragraph "a". ~~The However, the~~ department shall
40 ~~only be required to~~ credit the moneys to ~~the general~~
41 ~~such fund of the state~~ if the moneys in the ~~livestock~~
42 ~~remediation~~ fund which are not obligated or encumbered,
43 and not counting the department's estimate of the
44 cost to the ~~livestock remediation~~ fund for pending or
45 unsettled claims, the amount to be allocated to the
46 department of agriculture and land stewardship, and
47 any amount required to be transferred to the ~~general~~
48 ~~fund under from which appropriated as described in this~~
49 paragraph, are in excess of two million five hundred
50 thousand dollars. The department is not required to

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1 credit the total amount to the ~~general fund of the~~
2 ~~state from which appropriated as described in this~~
3 ~~paragraph~~ during any one fiscal year.

4 Sec. 38. Section 468.43, unnumbered paragraph 4,
5 Code 2011, is amended to read as follows:

6 The assessments against lands under the jurisdiction

7 of the department of natural resources shall be paid as
8 an expense from the appropriations addressed in section
9 7D.29, if authorized by the executive council upon
10 certification of the amount by the county treasurer.
11 ~~There is appropriated from any funds in the general~~
12 ~~fund of the state not otherwise appropriated amounts~~
13 ~~sufficient to pay the certified assessments.~~

14 Sec. 39. Section 568.16, Code 2011, is amended to
15 read as follows:

16 568.16 Purchase money refunded.

17 If the grantee of the state, or the grantee's
18 successors, administrators, or assigns, shall be
19 deprived of the land conveyed by the state under this
20 chapter by the final decree of a court of record for
21 the reason that the conveyance by the state ~~passed~~
22 ~~no title whatever to the land therein~~ did not pass
23 title to the land described, because title thereto to
24 the land had previously for any reason been vested
25 in others, then the money ~~so~~ paid by the state for
26 the ~~said~~ land shall be refunded by the state to the
27 person or persons entitled ~~thereto to the refund,~~
28 provided the ~~said~~ grantee, or the grantee's successors,
29 administrators, or assigns, shall file a certified
30 copy of the transcript of the ~~said~~ final decree with
31 the executive council within one year from the date
32 of the issuance of such decree, and shall also file
33 satisfactory proof with the executive council that the
34 action over the title to the land was commenced within
35 ten years from the date of the issuance of patent or
36 deed by the state. The amount of money to be refunded
37 under the provisions of this section shall be ~~certified~~
38 authorized and paid by the executive council ~~to the~~
39 ~~director of the department of administrative services,~~
40 ~~who shall draw a warrant therefor, and the same shall~~
41 ~~be paid out of the general fund as an expense from the~~
42 appropriations addressed in section 7D.29.

43 Sec. 40. Section 602.10133, Code 2011, is amended
44 to read as follows:

45 602.10133 Costs and expenses.

46 The court costs incident to such proceedings,
47 and the reasonable expense of ~~said the~~ judges in
48 attending ~~said the~~ hearing after being approved by
49 the supreme court shall be paid as ~~court costs~~ an
50 expense authorized by the executive council from the

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1 appropriations addressed in section 7D.29.

2 Sec. 41. Section 663.44, Code 2011, is amended to
3 read as follows:

4 663.44 Costs.

5 1. If the plaintiff is discharged, the costs shall

6 be assessed to the defendant, unless the defendant
 7 is an officer holding the plaintiff in custody under
 8 a commitment, or under other legal process, in which
 9 case the costs shall be assessed to the county. If the
 10 plaintiff's application is refused, the costs shall be
 11 assessed against the plaintiff, and, in the discretion
 12 of the court, against the person who filed the petition
 13 in the plaintiff's behalf.

14 2. However, where Notwithstanding subsection 1, if'
 15 the plaintiff is confined in any state institution, and
 16 is discharged in habeas corpus proceedings, or where if
 17 the habeas corpus proceedings fail, and costs and fees
 18 cannot be collected from the person liable to pay the
 19 same costs and fees, such the costs and fees shall be
 20 paid by the county in which such state institution is
 21 located. The facts of such payment and the proceedings
 22 on which it is based, with a statement of the amount
 23 of fees or costs incurred, with approval in writing
 24 by the presiding judge appended to such the statement
 25 or endorsed thereon on the statement, shall then be
 26 certified by the clerk of the district court under the
 27 seal of office to the state executive council. The
 28 executive council shall then review the proceedings and
 29 authorize reimbursement for all such fees and costs
 30 or such part thereof of the fees and costs as the
 31 executive council shall find finds justified, and shall
 32 notify the director of the department of administrative
 33 services to draw a warrant to such county treasurer
 34 on the state general fund for the amount authorized.
 35 There is appropriated from moneys in the general fund
 36 not otherwise appropriated an amount necessary to pay
 37 the reimbursement authorized by the executive council.
 38 The costs and fees referred to above shall include
 39 any award of fees made to a court appointed attorney
 40 representing an indigent party bringing the habeas
 41 corpus action.

42 DIVISION IV

43 STANDING APPROPRIATIONS AND RELATED MATTERS — FY

44 2012-2013

45 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.

46 1. For the budget process applicable to the fiscal
 47 year beginning July 1, 2013, on or before October 1,
 48 2012, in lieu of the information specified in section
 49 8.23, subsection 1, unnumbered paragraph 1, and
 50 paragraph "a", all departments and establishments of

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1 the government shall transmit to the director of the
 2 department of management, on blanks to be furnished
 3 by the director, estimates of their expenditure
 4 requirements, including every proposed expenditure, for

5 the ensuing fiscal year, together with supporting data
6 and explanations as called for by the director of the
7 department of management after consultation with the
8 legislative services agency.

9 2. The estimates of expenditure requirements
10 shall be in a form specified by the director of
11 the department of management, and the expenditure
12 requirements shall include all proposed expenditures
13 and shall be prioritized by program or the results to
14 be achieved. The estimates shall be accompanied by
15 performance measures for evaluating the effectiveness
16 of the programs or results.

17 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.

18 Notwithstanding the standing appropriations in the
19 following designated sections for the fiscal year
20 beginning July 1, 2012, and ending June 30, 2013, the
21 amounts appropriated from the general fund of the state
22 pursuant to these sections for the following designated
23 purposes shall not exceed the following amounts:

- 24 1. For operational support grants and community
25 cultural grants under section 99F.11, subsection 3,
26 paragraph "d", subparagraph (1):
27 \$ 208,351
- 28 2. For regional tourism marketing under section
29 99F.11, subsection 3, paragraph "d", subparagraph (2):
30 \$ 405,153
- 31 3. For the center for congenital and inherited
32 disorders central registry under section 144.13A,
33 subsection 4, paragraph "a":
34 \$ 85,560
- 35 4. For primary and secondary child abuse prevention
36 programs under section 144.13A, subsection 4, paragraph
37 "a":
38 \$ 108,886
- 39 5. For programs for at-risk children under section
40 279.51:
41 \$ 10,728,891
- 42 The amount of any reduction in this subsection shall
43 be prorated among the programs specified in section
44 279.51, subsection 1, paragraphs "a", "b", and "c".
- 45 6. For payment for nonpublic school transportation
46 under section 285.2:
47 \$ 3,530,465
- 48 If total approved claims for reimbursement for
49 nonpublic school pupil transportation exceed the amount
50 appropriated in accordance with this subsection, the

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- 1 department of education shall prorate the amount of
- 2 each approved claim.
- 3 7. For reimbursement for the homestead property tax

4 credit under section 425.1:
 5 \$ 86,188,387
 6 8. For reimbursement for the family farm and
 7 agricultural land tax credits under sections 425A.1 and
 8 426.1:

9 \$ 32,395,131
 10 9. For the enforcement of chapter 453D relating to
 11 tobacco product manufacturers under section 453D.8:
 12 \$ 9,208

13 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID — FY
 14 2012-2013. In lieu of the appropriation provided in
 15 section 257.20, subsection 2, the appropriation for the
 16 fiscal year beginning July 1, 2012, and ending June 30,
 17 2013, for paying instructional support state aid under
 18 section 257.20 for fiscal year 2012-2013 is zero.

19 DIVISION V

20 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
 21 2012-2013

22 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS
 23 FUNDED. The various state departments, boards,
 24 commissions, councils, and agencies, including the
 25 state board of regents, for the fiscal year beginning
 26 July 1, 2012, and ending June 30, 2013, shall provide
 27 from available sources pay adjustments, expense
 28 reimbursements, and related benefits to fully fund the
 29 following:

- 30 1. The collective bargaining agreement negotiated
 31 pursuant to chapter 20 for employees in the blue collar
 32 bargaining unit.
- 33 2. The collective bargaining agreement negotiated
 34 pursuant to chapter 20 for employees in the public
 35 safety bargaining unit.
- 36 3. The collective bargaining agreement negotiated
 37 pursuant to chapter 20 for employees in the security
 38 bargaining unit.
- 39 4. The collective bargaining agreement negotiated
 40 pursuant to chapter 20 for employees in the technical
 41 bargaining unit.
- 42 5. The collective bargaining agreement negotiated
 43 pursuant to chapter 20 for employees in the
 44 professional fiscal and staff bargaining unit.
- 45 6. The collective bargaining agreement negotiated
 46 pursuant to chapter 20 for employees in the clerical
 47 bargaining unit.
- 48 7. The collective bargaining agreement negotiated
 49 pursuant to chapter 20 for employees in the
 50 professional social services bargaining unit.

1 8. The collective bargaining agreement negotiated
 2 pursuant to chapter 20 for employees in the

3 community-based corrections bargaining unit.
4 9. The collective bargaining agreements negotiated
5 pursuant to chapter 20 for employees in the judicial
6 branch of government bargaining units.
7 10. The collective bargaining agreement negotiated
8 pursuant to chapter 20 for employees in the patient
9 care bargaining unit.
10 11. The collective bargaining agreement negotiated
11 pursuant to chapter 20 for employees in the science
12 bargaining unit.
13 12. The collective bargaining agreement negotiated
14 pursuant to chapter 20 for employees in the university
15 of northern Iowa faculty bargaining unit.
16 13. The collective bargaining agreement negotiated
17 pursuant to chapter 20 for employees in the state
18 university of Iowa graduate student bargaining unit.
19 14. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the state
21 university of Iowa hospital and clinics tertiary health
22 care bargaining unit.
23 15. The annual pay adjustments, related benefits,
24 and expense reimbursements referred to in the sections
25 of this division of this Act addressing state board of
26 regents employees who are not covered by a collective
27 bargaining agreement.
28 Sec. 46. STATE EMPLOYEES — STATE BOARD OF
29 REGENTS. For the fiscal year beginning July 1, 2012,
30 and ending June 30, 2013, funds shall be provided from
31 available sources of the state board of regents for
32 funding of collective bargaining agreements for state
33 board of regents employees covered by such agreements
34 and for the following state board of regents employees
35 not covered by a collective bargaining agreement:
36 1. Regents merit system employees and merit
37 supervisory employees.
38 2. Faculty members and professional and scientific
39 employees.
40 Sec. 47. BONUS PAY. For the fiscal year beginning
41 July 1, 2012, and ending June 30, 2013, employees of
42 the executive branch, judicial branch, and legislative
43 branch shall not receive bonus pay unless otherwise
44 authorized by law, required pursuant to a contract
45 of employment entered into before July 1, 2012,
46 or required pursuant to a collective bargaining
47 agreement. This section does not apply to employees
48 of the state board of regents. For purposes of this
49 section, "bonus pay" means any additional remuneration
50 provided an employee in the form of a bonus, including

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1 but not limited to a retention bonus, recruitment
2 bonus, exceptional job performance pay, extraordinary
3 job performance pay, exceptional performance pay,
4 extraordinary duty pay, or extraordinary or special
5 duty pay, and any extra benefit not otherwise provided
6 to other similarly situated employees.

7 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the
8 fiscal year beginning July 1, 2012, the sworn peace
9 officers in the department of public safety who are not
10 covered by a collective bargaining agreement negotiated
11 pursuant to chapter 20 shall receive the same per
12 diem meal allowance as the sworn peace officers in
13 the department of public safety who are covered by a
14 collective bargaining agreement negotiated pursuant to
15 chapter 20.

16 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary
17 model administrator shall work in conjunction with
18 the legislative services agency to maintain the
19 state's salary model used for analyzing, comparing,
20 and projecting state employee salary and benefit
21 information, including information relating to
22 employees of the state board of regents. The
23 department of revenue, the department of administrative
24 services, the five institutions under the jurisdiction
25 of the state board of regents, the judicial district
26 departments of correctional services, and the state
27 department of transportation shall provide salary data
28 to the department of management and the legislative
29 services agency to operate the state's salary
30 model. The format and frequency of provision of the
31 salary data shall be determined by the department of
32 management and the legislative services agency. The
33 information shall be used in collective bargaining
34 processes under chapter 20 and in calculating the
35 funding needs contained within the annual salary
36 adjustment legislation. A state employee organization
37 as defined in section 20.3, subsection 4, may request
38 information produced by the model, but the information
39 provided shall not contain information attributable to
40 individual employees.

41 DIVISION VI

42 CORRECTIVE PROVISIONS

43 Sec. 50. Section 8.6, subsection 9A, as enacted by
44 2011 Iowa Acts, House File 45, section 39, is amended
45 to read as follows:

46 9A. Budget and tax rate databases. To develop
47 and make available to the public a searchable budget
48 database and internet site as required under chapter
49 8G, ~~division subchapter~~ I, and to develop and make
50 available to the public a searchable tax rate database

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1 and internet site as required under chapter 8G,
2 ~~division subchapter II.~~

3 Sec. 51. Section 8.57E, subsection 3, paragraph a,
4 as enacted by 2011 Iowa Acts, Senate File 209, section
5 30, is amended to read as follows:

6 a. Moneys in the ~~taxpayer's taxpayers~~ trust fund
7 may be used for cash flow purposes during a fiscal year
8 provided that any moneys so allocated are returned to
9 the fund by the end of that fiscal year.

10 Sec. 52. Section 8G.13, as enacted by 2011 Iowa
11 Acts, House File 45, section 50, is amended to read as
12 follows:

13 8G.13 Updating database.

14 To facilitate the department of management's efforts
15 in creating and maintaining a searchable database of
16 the taxes identified in section 8G.12, subsection ~~3~~ 1,
17 for all taxing jurisdictions in the state, each taxing
18 jurisdiction may annually be required to report its tax
19 rates to the department of management or the department
20 of revenue and shall report any changes to its tax
21 rates within thirty days of the change.

22 Sec. 53. Section 16.193, subsection 3, paragraph a,
23 Code 2011, as amended by 2011 Iowa Acts, Senate File
24 475, section 11, is amended to read as follows:

25 a. During the term of the Iowa jobs program and
26 Iowa jobs II program, the Iowa finance authority shall
27 collect data on all of the projects approved for the
28 ~~program programs~~. The department of management and
29 the state agencies associated with the projects shall
30 assist the authority with the data collection and in
31 developing the report required by this subsection. The
32 authority shall report quarterly to the governor and
33 the general assembly concerning the data.

34 Sec. 54. Section 68A.401, subsection 4, Code 2011,
35 as amended by 2011 Iowa Acts, Senate File 475, section
36 17, is amended to read as follows:

37 4. Political committees expressly advocating the
38 nomination, election, or defeat of candidates for
39 both federal office and any elected office created
40 by law or the Constitution of the State of Iowa
41 shall file statements and reports with the board in
42 addition to any federal reports required to be filed
43 with the board. However, a political committee that
44 is registered and filing full disclosure reports of
45 all financial activities with the federal election
46 commission may file verified statements as provided in
47 section ~~68B.201A~~ 68A.201A.

48 Sec. 55. Section 139A.19, subsection 3, as enacted
49 by 2011 Iowa Acts, House File 467, section 20, is
50 amended to read as follows:

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1 3. This section does not preclude a hospital,
2 clinic, other health facility, or a health care
3 provider from providing notification to a care
4 provider under circumstances in which the hospital's,
5 clinic's, other health facility's, or health care
6 provider's policy provides for notification of the
7 hospital's, ~~clinics~~ clinic's, other health facility's,
8 or health care provider's own employees of exposure
9 to a contagious or infectious disease that is not
10 life-threatening if the notice does not reveal a
11 patient's name, unless the patient consents.

12 Sec. 56. Section 175.3, subsection 1, paragraph a,
13 Code 2011, as amended by 2011 Iowa Acts, Senate File
14 429, section 1, is amended to read as follows:

15 a. The agricultural development authority is
16 established within the department of agriculture and
17 land stewardship. The ~~agency~~ authority is constituted
18 as a public instrumentality and agency of the state
19 exercising public and essential governmental functions.

20 Sec. 57. Section 207.22, subsection 3, paragraph b,
21 Code 2011, as amended by 2011 Iowa Acts, Senate File
22 475, section 47, is amended to read as follows:

23 b. Acquisition of coal refuse disposal sites and
24 all coal refuse thereon will serve the purposes of
25 ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30
26 U.S.C. ch. 25, subch. IV, or that public ownership
27 is desirable to meet emergency situations and prevent
28 recurrences of the adverse effect of past coal mining
29 practices.

30 Sec. 58. Section 232.71D, subsection 3, paragraph
31 a, unnumbered paragraph 1, as enacted by 2011 Iowa
32 Acts, House File 562, section 3, is amended to read as
33 follows:

34 Unless any of the circumstances listed in paragraph
35 "b" are applicable, cases to which any of the following
36 circumstances apply shall not be placed ~~on~~ in the
37 central registry:

38 Sec. 59. Section 256.7, subsection 26, paragraph a,
39 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
40 File 453, section 1, is amended to read as follows:

41 (1) The rules establishing high school graduation
42 requirements shall authorize a school district
43 or accredited nonpublic school to consider that
44 any student who satisfactorily completes a high
45 school-level unit of English or language arts,
46 mathematics, science, or social studies has
47 satisfactorily completed a unit of the high school
48 graduation requirements for that area as specified in
49 this lettered paragraph, and ~~to~~ shall authorize the
50 school district or accredited nonpublic school to issue

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1 high school credit for the unit to the student.
2 Sec. 60. Section 321.34, subsection 20C, paragraph
3 a, if enacted by 2011 Iowa Acts, House File 651,
4 section 2, is amended to read as follows:
5 a. The department, in consultation with the
6 adjutant general, shall design combat infantryman
7 badge, combat action badge, combat action ribbon, air
8 force combat action medal, and combat medical badge
9 distinguishing processed emblems. Upon receipt of two
10 hundred fifty orders for ~~special~~ combat infantryman
11 badge, combat action badge, combat action ribbon, air
12 force combat action medal, or combat medical badge
13 special registration plates, accompanied by a start-up
14 fee of twenty dollars per order, the department
15 shall begin issuing special registration plates with
16 the applicable distinguishing processed emblem as
17 provided in paragraphs "b" and "c". The minimum
18 order requirement shall apply separately to each of
19 the special registration plates created under this
20 subsection.
21 Sec. 61. Section 321.34, subsection 25, paragraph
22 a, if enacted by 2011 Iowa Acts, House File 651,
23 section 2, is amended to read as follows:
24 a. The department, in consultation with
25 the adjutant general, shall design a civil war
26 sesquicentennial distinguishing processed emblem. Upon
27 receipt of two hundred fifty orders for ~~special~~ civil
28 war sesquicentennial special registration plates,
29 accompanied by a start-up fee of twenty dollars per
30 order, the department shall begin issuing special
31 registration plates with a civil war sesquicentennial
32 processed emblem as provided in paragraph "b".
33 Sec. 62. Section 327B.5, Code 2011, is amended to
34 read as follows:
35 327B.5 Penalty.
36 Any person violating the provisions of this chapter
37 shall, upon conviction, be subject to a scheduled
38 fine as provided in section 805.8A, subsection 13,
39 ~~paragraphs paragraph "f" and "g".~~
40 Sec. 63. Section 422.110, subsection 5, paragraph
41 a, subparagraph (2), if enacted by 2011 Iowa Acts,
42 Senate File 531, section 17, is amended to read as
43 follows:
44 (2) The E-15 plus gasoline promotion tax credit
45 pursuant to section 422.11Y.
46 Sec. 64. Section 422.11Y, subsection 1, paragraph
47 d, if enacted by 2011 Iowa Acts, Senate File 531,
48 section 35, is amended to read as follows:
49 d. "Tax credit" means the E-15 plus gasoline
50 promotion tax credit as provided in this section.

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1 Sec. 65. Section 422.11Y, subsection 3, unnumbered
2 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
3 531, section 35, is amended to read as follows:

4 The taxes imposed under this division, less the
5 credits allowed under section 422.12, shall be reduced
6 by the amount of the E-15 plus gasoline promotion tax
7 credit for each tax year that the taxpayer is eligible
8 to claim a tax credit under this subsection.

9 Sec. 66. Section 422.11Y, subsection 6, paragraph
10 b, subparagraph (2), if enacted by 2011 Iowa Acts,
11 Senate File 531, section 35, is amended to read as
12 follows:

13 (2) The retail dealer may claim the ethanol
14 promotion tax credit as provided in paragraph "a" for
15 the same ethanol gallonage used to calculate and claim
16 the E-15 plus gasoline promotion tax credit.

17 Sec. 67. Section 423.4, subsection 9, unnumbered
18 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
19 531, section 59, is amended to read as follows:

20 A person who qualifies as a biodiesel producer as
21 provided in this subsection may apply to the director
22 for a refund of the amount of the sales or use tax
23 imposed and paid upon purchases made by the person.

24 Sec. 68. Section 483A.24A, Code 2011, as amended by
25 2011 Iowa Acts, Senate File 194, section 10, is amended
26 to read as follows:

27 483A.24A License refunds — military service.

28 Notwithstanding any provision of this chapter to
29 the contrary, a service member deployed for military
30 service, ~~both~~ as defined in section 29A.1, subsection
31 3, shall receive a refund of that portion of any
32 license fee paid by the service member representing the
33 service member's period of military service.

34 Sec. 69. Section 501.101, subsection 01, as enacted
35 by 2011 Iowa Acts, House File 348, section 7, is
36 amended to read as follows:

37 01. "Alternative voting method" means a method of
38 voting other than a written ballot, including voting
39 by electronic, telephonic, internet, or other means
40 that reasonably ~~allow~~ allows members the opportunity
41 to vote.

42 Sec. 70. Section 501A.703, subsection 5, paragraph
43 d, Code 2011, as amended by 2011 Iowa Acts, House File
44 348, section 19, is amended to read as follows:

45 d. If the ballot of the member is received by
46 the cooperative on or before the date of the regular
47 members' meeting or as otherwise prescribed for an
48 alternative~~;~~ voting method, the ballot or alternative
49 voting method shall be accepted and counted as the vote
50 of the absent member.

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1 Sec. 71. Section 511.8, subsection 22, paragraph i,
2 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
3 Senate File 406, section 25, is amended to read as
4 follows:

5 Securities held in the legal reserve of a life
6 insurance company or association pledged as collateral
7 for financial instruments used in highly effective
8 hedging transactions as defined in the national
9 association of insurance commissioners' ~~Statement~~
10 ~~statement of Statutory Accounting Principles No.~~
11 ~~statutory accounting principles no.~~ 86 shall continue
12 to be eligible for inclusion ~~on~~ in the legal reserve of
13 the life insurance company or association subject to
14 all of the following:

15 Sec. 72. Section 514J.109, subsection 3, paragraph
16 f, if enacted by 2011 Iowa Acts, House File 597,
17 section 9, is amended to read as follows:

18 f. The covered person or the covered person's
19 authorized representative has provided all the
20 information and forms required by the commissioner that
21 are necessary to process an external review request
22 pursuant to this section.

23 Sec. 73. Section 521F.4, subsection 1, paragraph b,
24 as enacted by 2011 Iowa Acts, Senate File 406, section
25 44, is amended to read as follows:

26 b. The filing of a risk-based capital report by
27 a health organization which indicates that the health
28 organization has total adjusted capital which is
29 greater than or equal to its company-action-level
30 risk-based capital but less than the product of its
31 authorized-control-level risk-based capital and three
32 and triggers the trend test determined in accordance
33 with the trend test ~~calculations~~ calculation included
34 in the health risk-based capital instructions.

35 Sec. 74. Section 524.310, subsection 5, paragraph b,
36 Code 2011, as amended by 2011 Iowa Acts, Senate File
37 475, section 120, is amended to read as follows:

38 b. A corporate or company name reserved,
39 registered, or protected as provided in section
40 ~~489.109, 490.402, 490.403, 490A.402, 504.402,~~ or 504.403.

41 Sec. 75. Section 717.3, subsection 5, paragraph b,
42 Code 2011, as enacted by 2011 Iowa Acts, Senate File
43 478, section 6, is amended to read as follows:

44 b. That the department shall assume supervision of
45 and provide for the sustenance of the livestock ~~and~~ as
46 provided in section 717.4.

47 Sec. 76. Section 717.4, subsection 2, as enacted by
48 2011 Iowa Acts, Senate File 478, section 7, is amended
49 to read as follows:

50 2. The court ordered lien shall be for the benefit

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1 of the department. The amount of the lien shall not
2 be ~~not~~ more than for expenses incurred in providing
3 sustenance to the livestock pursuant to section 717.3
4 and providing for the disposition of the livestock
5 pursuant to section 717.5.

6 Sec. 77. Section 717.4A, as enacted by 2011 Iowa
7 Acts, Senate File 478, section 8, is amended to read
8 as follows:

9 717.4A Livestock in immediate need of sustenance —
10 livestock remediation fund.

11 The department may utilize the moneys deposited
12 into the livestock remediation fund pursuant to
13 section 459.501 to pay for any expenses associated
14 with providing sustenance to or the disposition of the
15 livestock pursuant to a court order entered pursuant to
16 section 717.3 or 717.5. The department shall utilize
17 moneys from the fund only to the extent that the
18 department determines that expenses cannot be timely
19 paid by utilizing the available provisions of sections
20 717.4 and 717.5. The department shall deposit any
21 unexpended and unobligated moneys in the fund. The
22 department shall pay to the fund the proceeds from the
23 disposition of the livestock and associated products
24 less expenses incurred by the department in providing
25 for the sustenance and disposition of the livestock, as
26 provided in section 717.5.

27 Sec. 78. Section 903A.5, subsection 1, as enacted
28 by 2011 Iowa Acts, House File 271, section 3, is
29 amended to read as follows:

30 1. An inmate shall not be discharged from the
31 custody of the director of the Iowa department of
32 corrections until the inmate has served the full term
33 for which the inmate was sentenced, less earned time
34 and other credits earned and not forfeited, unless
35 the inmate is pardoned or otherwise legally released.
36 Earned time accrued and not forfeited shall apply
37 to reduce a mandatory minimum sentence being served
38 pursuant to section 124.406, 124.413, 902.7, 902.8,
39 902.8A, or 902.11. An inmate shall be deemed to be
40 serving the sentence from the day on which the inmate
41 is received into the institution. If an inmate was
42 confined to a county jail or other correctional or
43 mental facility at any time prior to sentencing, or
44 after sentencing but prior to the case having been
45 decided on appeal, because of failure to furnish
46 bail or because of being charged with a nonbailable
47 offense, the inmate shall be given credit for the
48 days already served upon the term of the sentence.
49 However, if a person commits any offense while confined
50 in a county jail or other correctional or mental

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1 health facility, the person shall not be granted
2 jail credit for that offense. Unless the inmate was
3 confined in a correctional facility, the sheriff of
4 the county in which the inmate was confined shall
5 certify to the clerk of the district court from which
6 the inmate was sentenced and to the department of
7 corrections' records administrator at the Iowa medical
8 and classification center the number of days so served.
9 The department of corrections' records administrator,
10 or the administrator's designee, shall apply jail
11 credit as ordered by the court of proper jurisdiction
12 or as authorized by this section and section 907.3,
13 subsection 3.

14 Sec. 79. EFFECTIVE DATES.

15 1. The section of this division of this Act
16 amending section 422.11O, subsection 5, paragraph a,
17 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
18 File 531, section 17, takes effect January 1, 2012.

19 2. Section 423.4, subsection 9, unnumbered
20 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
21 531, section 59, takes effect January 1, 2012.

22 Sec. 80. APPLICABILITY.

23 1. The section of this division of this Act
24 amending section 422.11O, subsection 5, paragraph a,
25 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
26 File 531, section 17, applies to tax years beginning on
27 and after January 1, 2012.

28 2. The section of this division of this Act
29 amending section 422.11Y, subsection 1, paragraph d, if
30 enacted by 2011 Iowa Acts, Senate File 531, section 35,
31 applies to tax years beginning on and after January 1,
32 2012, and to that part of a retail dealer's tax year or
33 tax years occurring during that portion of the calendar
34 year beginning on and after July 1, 2011, and ending
35 on December 31, 2011.

36 3. The section of this division of this Act
37 amending section 422.11Y, subsection 3, unnumbered
38 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
39 531, section 35, applies to tax years beginning on and
40 after January 1, 2012, and to that part of a retail
41 dealer's tax year or tax years occurring during that
42 portion of the calendar year beginning on and after
43 July 1, 2011, and ending on December 31, 2011.

44 4. The section of this division of this Act
45 amending section 422.11Y, subsection 6, paragraph b,
46 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
47 File 531, section 35, applies to tax years beginning on
48 and after January 1, 2012, and to that part of a retail
49 dealer's tax year or tax years occurring during that
50 portion of the calendar year beginning on and after

1 July 1, 2011, and ending on December 31, 2011.

2 DIVISION VII

3 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

4 Sec. 81. VISION SCREENING PROGRAM — DEPARTMENT

5 OF PUBLIC HEALTH. There is appropriated from the
6 general fund of the state to the department of public
7 health for the fiscal year beginning July 1, 2011, and
8 ending June 30, 2012, the following amount, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 For a grant to a national affiliated volunteer
12 eye organization that has an established program for
13 children and adults and that is solely dedicated to
14 preserving sight and preventing blindness through
15 education, nationally certified vision screening and
16 training, and community and patient service programs:
17

18 \$ 100,000

19 Sec. 82. APPROPRIATION — FARMERS WITH

20 DISABILITIES. There is appropriated from the general
21 fund of the state to the department of agriculture and
22 land stewardship for the fiscal year beginning July 1,
23 2011, and ending June 30, 2012, the following amount,
24 or so much thereof as is necessary, for a program for
25 farmers with disabilities:

26 \$ 97,000

27 The moneys appropriated in this section shall be
28 used for the public purpose of providing a grant to
29 a national nonprofit organization with over 80 years
30 of experience in assisting children and adults with
31 disabilities and special needs. The moneys shall
32 be used to support a nationally recognized program
33 that began in 1986 and has been replicated in at
34 least 30 other states, but which is not available
35 through any other entity in this state, and that
36 provides assistance to farmers with disabilities in
37 all 99 counties to allow the farmers to remain in
38 their own homes and be gainfully engaged in farming
39 through provision of agricultural worksite and home
40 modification consultations, peer support services,
41 services to families, information and referral, and
42 equipment loan services. Notwithstanding section
43 8.33, moneys appropriated in this section that remain
44 unencumbered or unobligated at the close of the fiscal
45 year shall not revert but shall remain available for
46 expenditure for the purposes designated until the close
47 of the succeeding fiscal year.

48 Sec. 83. APPROPRIATION — BATTLESHIP IOWA, BB-61.

49 1. There is appropriated from the general fund of
50 the state to the department of cultural affairs for the
fiscal year beginning July 1, 2010, and ending June 30,

1 2011, the following amount, or so much thereof as is
2 necessary, to be credited to the BB-61 fund created in
3 2010 Iowa Acts, chapter 1194:

4 \$ 3,000,000

5 2. If the department of the navy, pursuant to a
6 process outlined in a notice published in the federal
7 register on May 24, 2010, volume 75, number 99, awards
8 possession or conditionally awards possession of the
9 battleship Iowa, BB-61, to a nonprofit group that is
10 eligible to receive the battleship, the department of
11 cultural affairs shall award a grant to the nonprofit
12 group in an amount equal to \$3 million in addition to
13 any moneys awarded as a grant from the BB-61 fund.

14 3. Notwithstanding section 8.33, moneys
15 appropriated in this section that remain unencumbered
16 or unobligated at the close of the fiscal year shall
17 not revert but shall remain available for expenditure
18 for the purposes designated for succeeding fiscal
19 years.

20 Sec. 84. GROUP HOME GRANT. There is appropriated
21 from the general fund of the state to the Iowa finance
22 authority for the fiscal year beginning July 1, 2010,
23 and ending June 30, 2011, the following amount, or
24 so much thereof as is necessary, to be used for the
25 purposes designated:

26 For a grant to a nonprofit organization providing
27 residential services for persons with an intellectual
28 disability at the intermediate care facility level
29 and services under the medical assistance program
30 habilitation and brain injury home and community-based
31 services waivers, that is located in and providing such
32 services in a county with a population between 90,000
33 and 95,000, according to the latest certified federal
34 census:

35 \$ 100,000

36 The grant under this section shall be used for
37 purchase or remodeling costs to develop a group home
38 for not more than four individuals with intellectual
39 disabilities or brain injury. Notwithstanding section
40 8.33, moneys appropriated in this section that remain
41 unencumbered or unobligated at the close of the fiscal
42 year shall not revert but shall remain available for
43 expenditure for the purposes designated until the close
44 of the succeeding fiscal year.

45 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT
46 OF INSPECTIONS AND APPEALS — CONTINGENT FTE
47 AUTHORIZATION. If Senate File 313 or successor
48 legislation providing for debt setoff or other
49 recovery activities for nonpayment of premiums
50 pursuant to section 249A.3, subsection 2, paragraph

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1 "a", subparagraph (1), relating to a special income
2 eligibility group under the Medicaid program, or
3 pursuant to section 249J.8, subsection 1, relating
4 to the expansion population eligibility group under
5 the IowaCare program, is enacted by the Eighty-fourth
6 General Assembly, 2011 Session, in addition to
7 other full-time equivalent positions authorized for
8 the investigations division of the department of
9 inspections and appeals for the fiscal year beginning
10 July 1, 2011, not more than 2.00 FTEs are authorized,
11 to the extent funded through moneys available to the
12 department of human services, to be used to implement
13 such provisions of Senate File 313 or successor
14 legislation.

15 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL
16 PROGRAM. If a school district that is participating
17 on a contractual basis in a special education
18 instructional program operated by an area education
19 agency, in which the area education agency employed
20 teachers on behalf of the school district at the time
21 the department of management calculated the teacher
22 salary supplement cost per pupil under section 257.10,
23 subsection 9, the professional development supplement
24 cost per pupil under section 257.10, subsection 10,
25 the area education agency teacher salary supplement
26 cost per pupil under section 257.37A, subsection 1,
27 and the area education agency professional development
28 supplement cost per pupil under section 257.37A,
29 subsection 2, for the fiscal year beginning July 1,
30 2009, terminates the contract for participation in
31 the special education instructional program, the area
32 education agency operating the program shall notify the
33 department of management of the contract termination by
34 the following April 1. The department of management
35 shall recalculate the cost per pupil amounts for
36 the area education agency and the school district
37 for the fiscal year succeeding the notification date
38 for the teacher salary supplement cost per pupil
39 under section 257.10, subsection 9, the professional
40 development supplement cost per pupil under section
41 257.10, subsection 10, the area education agency
42 teacher salary supplement cost per pupil under section
43 257.37A, subsection 1, and the area education agency
44 professional development supplement cost per pupil
45 under section 257.37A, subsection 2, by estimating the
46 amount of the original allocations used in the cost
47 per pupil calculation that would have been allocated
48 to the school district rather than the area education
49 agency had the special education instructional program
50 not existed, and the department of management shall

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1 increase the annual supplement cost per pupil for
2 the school district and area education agency by the
3 appropriate allowable growth for the appropriate fiscal
4 years.
5 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL
6 ABUSE OF CHILDREN.
7 1. A task force on the prevention of sexual abuse
8 of children is established consisting of the following
9 members:
10 a. Four members of the general assembly serving as
11 ex officio, nonvoting members, with not more than one
12 member from each chamber being from the same political
13 party. The two senators shall be appointed, one
14 each, by the majority leader of the senate and by the
15 minority leader of the senate. The two representatives
16 shall be appointed, one each, by the speaker of the
17 house of representatives and by the minority leader of
18 the house of representatives.
19 b. The director of human services or the director's
20 designee.
21 c. The director of the department of education or
22 the director's designee.
23 d. The director of public health or the director's
24 designee.
25 e. The state court administrator or the state court
26 administrator's designee.
27 f. A representative of the Iowa county attorneys
28 association, appointed by the president of that
29 association.
30 g. A representative of the chief juvenile court
31 officers, appointed by the chief justice of the supreme
32 court.
33 h. A representative of the Iowa state education
34 association, appointed by the president of that
35 organization.
36 i. A representative of prevent child abuse Iowa,
37 appointed by the director of human services.
38 j. A representative of school administrators of
39 Iowa, appointed by the president of that organization.
40 k. A representative of the Iowa association of
41 school boards, appointed by the executive director of
42 that organization.
43 l. A representative of the Iowa psychological
44 association, appointed by the president of that
45 association.
46 m. A representative of the Iowa coalition against
47 sexual assault, appointed by the executive director of
48 that coalition.
49 n. A representative of prevent child abuse
50 Iowa, appointed by the executive director of that

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1 organization.
2 o. A child abuse expert employed by or under
3 contract with one of Iowa's nationally accredited child
4 protection centers, appointed by the director of the
5 regional child protection center located in Des Moines.
6 2. Members of the task force shall be individuals
7 who are actively involved in the fields of child abuse
8 prevention. To the extent possible, appointment of
9 members shall reflect the geographic diversity of the
10 state. The voting members of the task force shall
11 serve without compensation and shall not be reimbursed
12 for their expenses.
13 3. The director of prevent child abuse Iowa, or the
14 director's designee, shall convene the organizational
15 meeting of the task force. The task force shall
16 elect from among its members a chairperson. Meetings
17 shall be held at the call of the chairperson or at the
18 request of two or more task force members. Six members
19 shall constitute a quorum and the affirmative vote of
20 six members shall be necessary for any action taken by
21 the task force.
22 4. Prevent child abuse Iowa shall provide staff
23 support to the task force.
24 5. The task force shall consult with employees of
25 the department of human services, the Iowa coalition
26 against sexual assault, the department of public
27 safety, the state board of education, and any other
28 state agency or department as necessary to accomplish
29 the task force's responsibilities under this section.
30 6. The task force shall develop a model policy
31 addressing sexual abuse of children that may include
32 but is not limited to the following:
33 a. Age-appropriate curricula for students enrolled
34 in prekindergarten through grade five.
35 b. Training options for school personnel on child
36 sexual abuse.
37 c. Educational information for parents and
38 guardians that may be provided in a school handbook and
39 may include the warning signs of a child being abused,
40 along with any needed assistance, referral, or resource
41 information.
42 d. Counseling options and resources available
43 statewide for students affected by sexual abuse.
44 e. Emotional and educational support services
45 that may be available for a child subject to abuse to
46 continue to be successful in school.
47 f. Methods for increasing teacher, student, and
48 parent awareness of issues regarding sexual abuse of
49 children, including but not limited to knowledge of
50 likely warning signs indicating that a child may be a

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1 victim of sexual abuse.

2 g. Actions that a child who is a victim of
3 sexual abuse should take to obtain assistance and
4 intervention.

5 7. The task force shall make recommendations for
6 preventing the sexual abuse of children in Iowa. In
7 making those recommendations, the task force shall do
8 the following:

9 a. Gather information concerning child sexual abuse
10 throughout the state.

11 b. Receive reports and testimony from individuals,
12 state and local agencies, community-based
13 organizations, and other public and private
14 organizations.

15 c. Create goals for state policy that would prevent
16 child sexual abuse.

17 d. Submit a final report with its recommendations
18 to the governor and the general assembly on or before
19 January 16, 2012. The recommendations may include
20 proposals for specific statutory changes and methods
21 to foster cooperation among state agencies and between
22 the state, local school districts, and other local
23 governments.

24 Sec. 88. RAILROAD COMPANY — LIMITED LIABILITY. A
25 railroad company which alters facilities described in
26 section 327F.2 pursuant to a written agreement executed
27 on or before December 31, 2012, with a political
28 subdivision with a population of more than 67,800,
29 but less than 67,900, according to the 2010 certified
30 federal census, to construct a flood mitigation project
31 shall receive the limitation on liability contained
32 in section 670.4, subsection 8, for its facilities
33 described in section 327F.2 governed by the written
34 agreement for any damages caused by the alteration due
35 to a flood.

36 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
37 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
38 MARKETING — APPLICABILITY. The limitation on
39 expenditures made for office supplies, purchases
40 of equipment, office equipment, and equipment
41 noninventory, printing and binding, and marketing
42 implemented pursuant to 2011 Iowa Acts, House File 45,
43 section 2, does not apply to a department or agency
44 receiving a supplemental appropriation for the fiscal
45 year beginning July 1, 2010, pursuant to 2011 Iowa
46 Acts, Senate File 209, division III.

47 Sec. 90. ELECTIONS-RELATED SOFTWARE.
48 Any computer software developed by a county for
49 purposes of election activities is the property of
50 the county unless the county sells the rights to the

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1 software.

2 Sec. 91. EFFECTIVE DATE — 2011 IOWA ACTS, SENATE
3 FILE 205.

4 1. 2011 Iowa Acts, Senate File 205, section 3,
5 amending section 321.47, subsection 2, being deemed of
6 immediate importance, takes effect on the effective
7 date of this section of this division of this Act.

8 2. 2011 Iowa Acts, Senate File 205, section 4,
9 enacting section 321.113, subsection 5, being deemed
10 of immediate importance, takes effect on the effective
11 date of this section of this division of this Act.

12 3. 2011 Iowa Acts, Senate File 205, section 5,
13 amending section 321.121, subsection 1, paragraph "b",
14 being deemed of immediate importance, takes effect on
15 the effective date of this section of this division of
16 this Act.

17 4. 2011 Iowa Acts, Senate File 205, section 6,
18 enacting section 321.122, subsection 1, paragraph "b",
19 subparagraph (3), being deemed of immediate importance,
20 takes effect on the effective date of this section of
21 this division of this Act.

22 Sec. 92. Section 80B.6, subsection 1, as amended by
23 2011 Iowa Acts, Senate File 236, section 1, is amended
24 to read as follows:

25 1. An Iowa law enforcement academy council is
26 created consisting of the following ~~thirteen~~ fifteen
27 voting members appointed by the governor, subject to
28 confirmation by the senate, to terms of four years
29 commencing as provided in section 69.19:

30 a. Three residents of the state.

31 b. A sheriff of a county with a population of fifty
32 thousand persons or more who is a member of the Iowa
33 state sheriffs and deputies association.

34 c. A sheriff of a county with a population of less
35 than fifty thousand persons who is a member of the Iowa
36 state sheriffs and deputies association.

37 d. A deputy sheriff of a county who is a member of
38 the Iowa state sheriffs and deputies association.

39 e. A member of the Iowa peace officers association.

40 f. A member of the Iowa state police association.

41 g. A member of the Iowa police chiefs association.

42 h. A police officer who is a member of a police
43 department of a city with a population of fifty
44 thousand persons or more.

45 i. A police officer who is a member of a police
46 department of a city with a population of less than
47 fifty thousand persons.

48 j. A member of the department of public safety.

49 k. A member of the office of motor vehicle
50 enforcement of the department of transportation.

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1 l. An employee of a county conservation board who
2 is a certified peace officer.

3 m. A conservation peace officer employed under
4 section 456A.13.

5 Sec. 93. Section 256C.5, subsection 1, paragraph c,
6 Code 2011, is amended to read as follows:

7 c. "Preschool budget enrollment" means the figure
8 that is equal to ~~sixty~~ fifty percent of the actual
9 enrollment of eligible students in the preschool
10 programming provided by a school district approved
11 to participate in the preschool program on October 1
12 of the base year, or the first Monday in October if
13 October 1 falls on a Saturday or Sunday.

14 Sec. 94. Section 279.51, subsection 2, Code 2011,
15 is amended to read as follows:

16 2. a. Funds allocated under subsection 1,
17 paragraph "b", shall be used by the child development
18 coordinating council for the following:

19 ~~a.~~ (1) To continue funding for programs previously
20 funded by grants awarded under section 256A.3 and to
21 provide additional grants under section 256A.3. The
22 council shall seek to provide grants on the basis of
23 the location within the state of children meeting
24 at-risk definitions.

25 ~~b.~~ (2) At the discretion of the child development
26 coordinating council, award grants for the following:

27 ~~(1)~~ (a) To school districts to establish programs
28 for three-year-old, four-year-old, and five-year-old
29 at-risk children which are a combination of preschool
30 and full-day kindergarten.

31 ~~(2)~~ (b) To provide grants to provide educational
32 support services to parents of at-risk children age
33 birth through three years.

34 b. A grantee under this subsection may direct the
35 use of moneys received to serve any qualifying child
36 ranging in age from three years old to five years old,
37 regardless of the age of population indicated on the
38 grant request in its initial year of application. A
39 grantee is encouraged to consider the degree to which
40 the program complements existing programs and services
41 for three-year-old, four-year-old, and five-year-old
42 at-risk children available in the area, including other
43 child care and preschool services, services provided
44 through a school district, and services available
45 through an area education agency.

46 Sec. 95. Section 303.19A, subsection 1, as enacted
47 by 2011 Iowa Acts, House File 267, section 2, is
48 amended to read as follows:

49 1. The state historic preservation officer shall
50 only recommend that a rural electric cooperative or a

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1 municipal utility constructing electric distribution
2 and transmission facilities for which it is receiving
3 federal funding conduct an archeological site survey
4 of its proposed route when, based upon a review of
5 existing information on historic properties within the
6 area of potential effects of the construction, the
7 state historic preservation officer has determined
8 that a historic property, as defined by the federal
9 National Historic Preservation Act of 1966, as amended,
10 is likely to exist within the proposed route.

11 Sec. 96. Section 321J.2, subsection 4, paragraph b,
12 Code 2011, is amended to read as follows:

13 b. Assessment of a minimum fine of one thousand
14 eight hundred ~~forty~~ seventy-five dollars and a maximum
15 fine of six thousand two hundred fifty dollars.
16 Surcharges and fees shall be assessed pursuant to
17 chapter 911.

18 Sec. 97. Section 422.11S, subsection 7, paragraph
19 a, subparagraph (2), Code 2011, is amended to read as
20 follows:

21 (2) "Total approved tax credits" means for the
22 tax year beginning in the 2006 calendar year, two
23 million five hundred thousand dollars, for the tax
24 year beginning in the 2007 calendar year, five million
25 dollars, and for tax years beginning on or after
26 January 1, 2008, seven million five hundred thousand
27 dollars. However, for tax years beginning on or
28 after January 1, 2012, and only if legislation is
29 enacted by the eighty-fourth general assembly, 2011
30 session, amending section 257.8, subsections 1 and 2,
31 to establish both the state percent of growth and the
32 categorical state percent of growth for the budget
33 year beginning July 1, 2012, at three percent, "total
34 approved tax credits" means ten million dollars.

35 Sec. 98. Section 453A.35, subsection 1, Code 2011,
36 is amended to read as follows:

37 1. a. The ~~With the exception of revenues credited~~
38 ~~to the health care trust fund pursuant to paragraph~~
39 ~~"b", the~~ proceeds derived from the sale of stamps and
40 the payment of taxes, fees, and penalties provided for
41 under this chapter, and the permit fees received from
42 all permits issued by the department, shall be credited
43 to the general fund of the state. ~~However, of~~

44 b. ~~Of~~ the revenues generated from the tax on
45 cigarettes pursuant to section 453A.6, subsection
46 1, and from the tax on tobacco products as specified
47 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
48 ~~credited to the general fund of the state under this~~
49 ~~subsection, there is appropriated, annually, to the~~
50 ~~health care trust fund created in section 453A.35A, the~~

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1 first one hundred six million sixteen thousand four
2 hundred dollars shall be credited to the health care
3 trust fund created in section 453A.35A.

4 Sec. 99. Section 453A.35A, subsection 1, Code 2011,
5 is amended to read as follows:

6 1. A health care trust fund is created in the
7 office of the treasurer of state. The fund consists
8 of the revenues generated from the tax on cigarettes
9 pursuant to section 453A.6, subsection 1, and from
10 the tax on tobacco products as specified in section
11 453A.43, subsections 1, 2, 3, and 4, that are credited
12 to the ~~general fund of the state and appropriated to~~
13 ~~the health care trust fund, annually, pursuant to~~
14 section 453A.35. Moneys in the fund shall be separate
15 from the general fund of the state and shall not be
16 considered part of the general fund of the state.
17 However, the fund shall be considered a special account
18 for the purposes of section 8.53 relating to generally
19 accepted accounting principles. Moneys in the fund
20 shall be used only as specified in this section and
21 shall be appropriated only for the uses specified.
22 Moneys in the fund are not subject to section 8.33
23 and shall not be transferred, used, obligated,
24 appropriated, or otherwise encumbered, except as
25 provided in this section. Notwithstanding section
26 12C.7, subsection 2, interest or earnings on moneys
27 deposited in the fund shall be credited to the fund.

28 Sec. 100. Section 466B.31, subsection 2, paragraph
29 a, Code 2011, is amended by adding the following new
30 subparagraphs:

31 NEW SUBPARAGRAPH. (17) One member selected by the
32 agribusiness association of Iowa.

33 NEW SUBPARAGRAPH. (18) One member selected by the
34 Iowa floodplain and stormwater management association.

35 NEW SUBPARAGRAPH. (19) One member selected by Iowa
36 rivers revival.

37 Sec. 101. Section 523I.102, subsection 6, paragraph
38 c, Code 2011, is amended to read as follows:

39 c. A pioneer cemetery. However, a pioneer
40 cemetery is a cemetery for purposes of sections
41 523I.316, 523I.317, 523I.401, and 523I.402.

42 Sec. 102. Section 537A.5, subsection 1, as enacted
43 by 2011 Iowa Acts, Senate File 396, section 1, is
44 amended to read as follows:

45 1. As used in this section, "construction contract"
46 means an agreement relating to the construction,
47 alteration, improvement, development, demolition,
48 excavation, rehabilitation, maintenance, or repair
49 of buildings, ~~highways, roads, streets, bridges,~~
50 ~~tunnels, transportation facilities, airports, water or~~

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1 sewage treatment plants, power plants, or any other
2 improvements to real property in this state, including
3 shafts, wells, and structures, whether on ground, above
4 ground, or underground, and includes agreements for
5 architectural services, design services, engineering
6 services, construction services, construction
7 management services, development services, maintenance
8 services, material purchases, equipment rental, and
9 labor. "Construction contract" includes all public,
10 private, foreign, or domestic agreements as described
11 in this subsection other than such public agreements
12 relating to highways, roads, and streets.

13 Sec. 103. Section 654.4B, subsection 2, paragraph
14 b, Code 2011, is amended to read as follows:

15 b. This subsection is repealed July 1, ~~2011~~ 2012.

16 Sec. 104. APPLICABILITY. The section of this
17 division of this Act amending section 256C.5,
18 subsection 1, takes effect upon enactment, and applies
19 to budget years beginning on or after July 1, 2011.

20 Sec. 105. EFFECTIVE UPON ENACTMENT. The following
21 provision or provisions of this division of this Act,
22 being deemed of immediate importance, take effect upon
23 enactment:

24 1. The section of this division of this Act
25 amending section 303.19A.

26 2. The section of this division of this Act
27 amending section 654.4B.

28 3. The section of this division of this Act
29 appropriating moneys to the department of cultural
30 affairs for purposes of a grant for the battleship
31 Iowa, BB-61.

32 4. The section of this division of this Act
33 creating a task force on the prevention of sexual abuse
34 of children.

35 5. The section of this division of this Act
36 providing effective dates for certain provisions in
37 2011 Iowa Acts, Senate File 205.

38 6. The section in this division of this Act making
39 an appropriation to the Iowa finance authority for a
40 group home grant.

41 7. The section of this division of this Act
42 relating to a school district participating on a
43 contractual basis in a special education instructional
44 program operated by an area education agency.

45 Sec. 106. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
46 APPLICABILITY. The provision of this division of this
47 Act relating to a limitation on state agency office
48 supplies purchase, equipment purchases, printing and
49 binding, and marketing as enacted by 2011 Iowa Acts,
50 House File 45, being deemed of immediate importance,

1 takes effect upon enactment and applies retroactively
2 to March 7, 2011.

3 DIVISION VIII
4 APPROPRIATION TRANSFERS
5 REBUILD IOWA INFRASTRUCTURE FUND

6 Sec. 107. 2010 Iowa Acts, chapter 1184, section 26,
7 is amended to read as follows:

8 SEC. 26. There is appropriated from the rebuild
9 Iowa infrastructure fund to the department of economic
10 development for deposit in the grow Iowa values fund,
11 for the fiscal year beginning July 1, 2010, and ending
12 June 30, 2011, the following amount, notwithstanding
13 section 8.57, subsection 6, paragraph "c":

14 \$ 38,000,000

15 Of the moneys appropriated in this section, from
16 the amount allocated to the department of economic
17 development in accordance with 2010 Iowa Acts, chapter
18 1184, section 28, subsection 1, \$1,200,000 shall
19 be used for the department's Iowans helping Iowans
20 business assistance program. Notwithstanding section
21 8.33, moneys designated pursuant to this unnumbered
22 paragraph that remain unencumbered or unobligated at
23 the close of the fiscal year shall not revert but shall
24 remain available for expenditure for the purposes
25 designated until the close of the succeeding fiscal
26 year.

27 CASH RESERVE FUND

28 Sec. 108. 2010 Iowa Acts, chapter 1193, section 90,
29 subsection 1, is amended to read as follows:

30 1. DEPARTMENT OF HUMAN SERVICES

31 For the medical assistance program:

32 \$187,800,000

33 a. Of the moneys appropriated in this subsection,
34 the following amounts shall be transferred as follows:

35 (1) To the Iowa finance authority to be used for
36 the Iowans helping Iowans housing assistance program:

37 \$ 6,050,000

38 (2) To the department of human services to be
39 used for the unmet needs program administered by the
40 department:

41 \$ 3,056,603

42 b. Notwithstanding section 8.33, moneys transferred
43 pursuant to paragraph "a" that remain unencumbered
44 or unobligated at the close of the fiscal year shall
45 not revert but shall remain available for expenditure
46 for the purposes designated until the close of the
47 succeeding fiscal year.

48 Sec. 109. EFFECTIVE DATE — APPLICABILITY.

49 1. This division of this Act being deemed of
50 immediate importance takes effect upon enactment, and

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1 if approved by the governor on or after July 1, 2011,
2 are retroactively applicable to the date specified in
3 subsection 2.
4 2. The provisions of this division of this Act
5 providing for transfers are retroactively applicable
6 to August 27, 2010, and apply in lieu of the transfers
7 made for the same purposes by the executive branch,
8 as reported by the department of management in the
9 transfer notice to the governor and lieutenant governor
10 dated August 27, 2010.

11 DIVISION IX
12 REORGANIZATION

13 Sec. 110. NEW SECTION. 8.75 Contract services —
14 training.

15 1. Each department, as defined in section
16 8.2, shall separately track the budget and actual
17 expenditures for contract services and for employee
18 training for each appropriation line item.

19 2. The terms of the contracts for contracted
20 services entered into or revised during the fiscal year
21 shall incorporate quality assurance and cost control
22 measures.

23 3. The employee training tracking information
24 shall be further divided into training categories.
25 Each department's report on training tracking shall
26 specifically address the use of electronically based
27 training.

28 4. Each department shall report to the legislative
29 services agency on January 15 and July 15 of each year
30 concerning the budget, expenditure, quality assurance,
31 and cost control information addressed by this section
32 for the previous six calendar months.

33 Sec. 111. NEW SECTION. 8A.319 State government
34 purchasing efforts — department of administrative
35 services.

36 In order to facilitate efficient and cost-effective
37 purchasing, the department of administrative services
38 shall do the following:

39 1. Require state agencies to provide the department
40 with a report regarding planned purchases on an annual
41 basis and to report on an annual basis regarding
42 efforts to standardize products and services within
43 their own agencies and with other state agencies.

44 2. Require state employees who conduct bids for
45 services to receive training on an annual basis about
46 procurement rules and procedures and procurement best
47 practices.

48 3. Identify procurement compliance employees within
49 the department.

50 4. Review the process and basis for establishing

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1 departmental fees for purchasing.

2 5. Establish a work group to collaborate on best
3 practices to implement the best cost savings for the
4 state concerning purchasing.

5 6. Explore interstate and intergovernmental
6 purchasing opportunities and encourage the legislative
7 and judicial branches to participate in consolidated
8 purchasing and efficiencies wherever possible.

9 7. Expand the use of procurement cards throughout
10 state government to facilitate purchasing of items by
11 state agencies.

12 Sec. 112. DEPARTMENT OF ADMINISTRATIVE SERVICES
13 INFORMATION TECHNOLOGY — UTILIZATION BY LEGISLATIVE
14 AND JUDICIAL BRANCH. The department of administrative
15 services shall consult with and explore opportunities
16 with the legislative and judicial branches of
17 government relative to the providing of information
18 technology services to those branches of government.

19 Sec. 113. STATE AGENCY ELECTRONIC RENEWAL
20 NOTICES. State agencies, as defined in section 8A.101,
21 should, to the greatest extent possible, utilize
22 electronic mail or similar electronic means to notify
23 holders of licenses or permits issued by that state
24 agency that the license or permit needs to be renewed.
25 The chief information officer of the state shall assist
26 state agencies in implementing the directive in this
27 section.

28 Sec. 114. STATE AGENCY EFFICIENCY EFFORTS.

29 1. LEAN EFFORTS. State agencies shall budget for
30 and plan to conduct lean projects as described in
31 section 8.70. Each state agency shall coordinate its
32 activities with the office of lean enterprise created
33 in section 8.70 in developing plans to conduct lean
34 projects.

35 2. SHARED RESOURCES. State agencies are encouraged
36 to share resources and services, including staff,
37 training, and educational services, to the greatest
38 extent possible in order to best fulfill the duties of
39 each agency at the least cost.

40 Sec. 115. JOINT APPROPRIATIONS SUBCOMMITTEES —
41 REVIEW OF AGENCY FEES. Each joint appropriations
42 subcommittee of the general assembly shall examine and
43 review on an annual basis the fees charged by state
44 agencies under the purview of that joint appropriations
45 subcommittee.

46 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES —
47 STREAMLINED HIRING. The department of administrative
48 services shall, in consultation with the department of
49 management, examine the process by which state agencies
50 hire personnel with the goal of simplifying and

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1 reducing the steps needed for state agencies to hire
2 personnel. The department shall provide information
3 to the general assembly concerning steps taken to
4 implement a more streamlined hiring process and any
5 recommendations for legislative action.

6 Sec. 117. TOBACCO RETAIL COMPLIANCE CHECKS. For
7 the fiscal year beginning July 1, 2011, and ending June
8 30, 2012, the terms of a chapter 28D agreement, entered
9 into between the division of tobacco use prevention
10 and control of the department of public health and
11 the alcoholic beverages division of the department of
12 commerce, governing compliance checks conducted to
13 ensure licensed retail tobacco outlet conformity with
14 tobacco laws, regulations, and ordinances relating to
15 persons under eighteen years of age, shall restrict the
16 number of such checks to one check per retail outlet,
17 and one additional check for any retail outlet found to
18 be in violation during the first check.

19 Sec. 118. DEPARTMENT OF ADMINISTRATIVE SERVICES
20 — CENTRALIZED PAYROLL SYSTEM. The department of
21 administrative services shall examine the possibility
22 of merging all state payroll systems into the
23 centralized payroll system operated by the department.
24 The department shall consult with those entities
25 of state government not utilizing the centralized
26 payroll system, including but not limited to the state
27 department of transportation, about strategies for
28 encouraging utilization of the state's centralized
29 payroll system and by identifying those barriers
30 preventing merging of the payroll systems. The
31 department shall provide information to the joint
32 appropriations subcommittee on administration and
33 regulation concerning efforts by the department to
34 merge payroll systems and any recommendations for
35 legislative action to encourage, or eliminate barriers
36 to, the provision of payroll services by the department
37 to other state agencies.

38 DIVISION X

39 MEDICATION THERAPY MANAGEMENT

40 Sec. 119. 2010 Iowa Acts, chapter 1193, section
41 166, subsections 2 and 3, are amended to read as
42 follows:

43 2. a. Prior to July 1, 2010, the department of
44 administrative services shall utilize a request for
45 proposals process to contract for the provision of
46 medication therapy management services beginning
47 July 1, 2010, and prior to July 1, 2011, shall amend
48 the contract to continue the provision of medication
49 therapy management services beginning July 1, 2011,
50 for eligible employees who meet any of the following

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1 criteria:

2 (1) An individual who takes four or more
3 prescription drugs to treat or prevent two or more
4 chronic medical conditions.

5 (2) An individual with a prescription drug therapy
6 problem who is identified by the prescribing physician
7 or other appropriate prescriber, and referred to a
8 pharmacist for medication therapy management services.

9 (3) An individual who meets other criteria
10 established by the third-party payment provider
11 contract, policy, or plan.

12 ~~b. The department of administrative services shall~~
13 ~~utilize an advisory committee comprised of an equal~~
14 ~~number of physicians and pharmacists to provide advice~~
15 ~~and oversight regarding the request for proposals and~~
16 ~~evaluation processes. The department shall appoint the~~
17 ~~members of the advisory council based upon designees~~
18 ~~of the Iowa pharmacy association, the Iowa medical~~
19 ~~society, and the Iowa osteopathic medical association.~~

20 e. b. The contract shall require the company
21 to provide annual reports to the general assembly
22 detailing the costs, savings, estimated cost avoidance
23 and return on investment, and patient outcomes
24 related to the medication therapy management services
25 provided. The company shall guarantee demonstrated
26 annual savings, including any savings associated with
27 cost avoidance at least equal to the program's costs
28 with any shortfall amount refunded to the state. As
29 a proof of concept in the program for the period
30 beginning July 1, 2010, and ending June 30, 2011, the
31 company shall offer a dollar-for-dollar guarantee for
32 drug product costs savings alone. Prior to entering
33 into a contract with a company, the department and
34 the company shall agree on the terms, conditions,
35 and applicable measurement standards associated
36 with the demonstration of savings. The department
37 shall verify the demonstrated savings reported by
38 the company was performed in accordance with the
39 agreed upon measurement standards. The company shall
40 be prohibited from using the company's employees to
41 provide the medication therapy management services and
42 shall instead be required to contract with licensed
43 pharmacies, pharmacists, or physicians.

44 d. The fees for pharmacist-delivered medication
45 therapy management services shall be separate from
46 the reimbursement for prescription drug product or
47 dispensing services; shall be determined by each
48 third-party payment provider contract, policy, or plan;
49 and must be reasonable based on the resources and time
50 required to provide the service.

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1 e. A fee shall be established for physician
2 reimbursement for services delivered for medication
3 therapy management as determined by each third-party
4 payment provider contract, policy, or plan, and must be
5 reasonable based on the resources and time required to
6 provide the service.

7 f. If any part of the medication therapy management
8 plan developed by a pharmacist incorporates services
9 which are outside the pharmacist's independent scope
10 of practice including the initiation of therapy,
11 modification of dosages, therapeutic interchange, or
12 changes in drug therapy, the express authorization
13 of the individual's physician or other appropriate
14 prescriber is required.

15 g. For the contract period beginning July 1, 2011,
16 the department shall utilize the services of the
17 college of pharmacy at a state university to validate
18 reported drug cost savings.

19 h. The results of the pilot program for the period
20 beginning July 1, 2010, and ending December 31, 2011,
21 shall be submitted to the general assembly no later
22 than March 1, 2012.

23 3. This section is repealed December 31, ~~2011~~ 2012.

24 Sec. 120. TRANSFER — MEDICATION THERAPY MANAGEMENT
25 PROGRAM. There is transferred \$510,000 from the
26 fees collected by the board of pharmacy pursuant to
27 chapter 155A and retained by the board pursuant to the
28 authority granted in section 147.82 to the department
29 of administrative services for the fiscal year
30 beginning July 1, 2011, and ending June 30, 2012, to be
31 used to be used for the medication therapy management
32 program.

33 Sec. 121. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
34 APPLICABILITY. This division of this Act, being deemed
35 of immediate importance, takes effect upon enactment,
36 and is retroactively applicable to June 15, 2011.

DIVISION XI

EARNED INCOME TAX CREDIT

39 Sec. 122. Section 422.12B, subsection 1, Code 2011,
40 is amended to read as follows:

41 1. The taxes imposed under this division less the
42 credits allowed under section 422.12 shall be reduced
43 by an earned income credit equal to ~~seven~~ ten percent
44 of the federal earned income credit provided in section
45 32 of the Internal Revenue Code. Any credit in excess
46 of the tax liability is refundable.

47 Sec. 123. RETROACTIVE APPLICABILITY. This division
48 of this Act applies retroactively to January 1, 2011,
49 for tax years beginning on or after that date.

DIVISION XII

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1 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
2 OF GROWTH FOR EDUCATION — FY 2012-2013

3 Sec. 124. Section 257.8, subsection 1, Code 2011,
4 is amended to read as follows:

5 1. State percent of growth. ~~The state percent of~~
6 ~~growth for the budget year beginning July 1, 2009, is~~
7 ~~four percent.~~ The state percent of growth for the
8 budget year beginning July 1, 2010, is two percent.
9 The state percent of growth for the budget year
10 beginning July 1, 2012, is three percent. The state
11 percent of growth for each subsequent budget year shall
12 be established by statute which shall be enacted within
13 thirty days of the submission in the year preceding the
14 base year of the governor's budget under section 8.21.
15 The establishment of the state percent of growth for
16 a budget year shall be the only subject matter of the
17 bill which enacts the state percent of growth for a
18 budget year.

19 Sec. 125. Section 257.8, subsection 2, Code 2011,
20 is amended to read as follows:

21 2. Categorical state percent of growth. The
22 categorical state percent of growth for the budget
23 year beginning July 1, 2010, is two percent. The
24 categorical state percent of growth for the budget
25 year beginning July 1, 2012, is three percent. The
26 categorical state percent of growth for each budget
27 year shall be established by statute which shall
28 be enacted within thirty days of the submission in
29 the year preceding the base year of the governor's
30 budget under section 8.21. The establishment of the
31 categorical state percent of growth for a budget year
32 shall be the only subject matter of the bill which
33 enacts the categorical state percent of growth for a
34 budget year. The categorical state percent of growth
35 may include state percents of growth for the teacher
36 salary supplement, the professional development
37 supplement, and the early intervention supplement.

38 Sec. 126. CODE SECTION 257.8 — APPLICABILITY. The
39 requirements of section 257.8 regarding the time period
40 of enactment and the subject matter of the legislation
41 establishing the state percent of growth and the
42 categorical state percent of growth for a budget year
43 are not applicable to the division. The requirements
44 of section 257.8 regarding enactment of the regular
45 program state percent of growth and categorical state
46 percent of growth within thirty days of the submission
47 in the year preceding the base year of the governor's
48 budget and the requirements that the subject matter
49 of each bill establishing the state percent of growth
50 or the categorical state percent of growth be the

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1 only subject matter of the bill do not apply to this
2 division of this Act.

3 Sec. 127. APPLICABILITY. This division of this Act
4 is applicable for computing state aid under the state
5 school foundation program for the school budget year
6 beginning July 1, 2012.

7 DIVISION XIII

8 WITHHOLDING AGREEMENTS

9 Sec. 128. Section 403.19A, subsection 1, paragraphs
10 c and f, Code 2011, are amended to read as follows:

11 c. "Employer" means a business creating or
12 retaining targeted jobs in an urban renewal area of a
13 pilot project city pursuant to a withholding agreement.

14 f. "Targeted job" means a job in a business which
15 is or will be located in an urban renewal area of a
16 pilot project city that pays a wage at least equal to
17 the countywide average wage. "Targeted job" includes
18 new or retained jobs from Iowa business expansions
19 or retentions within the city limits of the pilot
20 project city and those jobs resulting from established
21 out-of-state businesses, as defined by the department
22 of economic development, moving to or expanding in
23 Iowa.

24 Sec. 129. Section 403.19A, subsection 3, paragraph
25 c, subparagraph (1), Code 2011, is amended to read as
26 follows:

27 (1) The pilot project city shall enter into a
28 withholding agreement with each employer concerning
29 the targeted jobs withholding credit. The withholding
30 agreement shall provide for the total amount of
31 withholding tax credits awarded. An agreement shall
32 not provide for an amount of withholding credits that
33 exceeds the amount of the qualifying investment made in
34 the project. An agreement shall not be entered into by
35 a pilot project city with a business currently located
36 in this state unless the business either creates or
37 retains ten new jobs or makes a qualifying investment
38 of at least five hundred thousand dollars within
39 the urban renewal area. The withholding agreement
40 may have a term of up to ten years. An employer
41 shall not be obligated to enter into a withholding
42 agreement. An agreement shall not be entered into with
43 an employer not already located in a pilot project
44 city when another Iowa community is competing for the
45 same project and both the pilot project city and the
46 other Iowa community are seeking assistance from the
47 department.

48 Sec. 130. Section 403.19A, subsection 3, paragraph
49 f, Code 2011, is amended to read as follows:

50 f. If the employer ceases to meet the requirements

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1 of the withholding agreement, the agreement shall be
2 terminated and any withholding tax credits for the
3 benefit of the employer shall cease. However, in
4 regard to the number of ~~new~~ jobs that are to be created
5 or retained, if the employer has met the number of
6 ~~new~~ jobs to be created or retained pursuant to the
7 withholding agreement and subsequently the number of
8 ~~new~~ jobs falls below the required level, the employer
9 shall not be considered as not meeting the ~~new~~ job
10 requirement until eighteen months after the date of the
11 decrease in the number of ~~new~~ jobs created or retained.

12 Sec. 131. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
13 APPLICABILITY. This division of this Act, being
14 deemed of immediate importance, takes effect upon
15 enactment and applies retroactively to July 1, 2006,
16 for agreements entered into on or after that date.

DIVISION XIV

SCHOOL EMPLOYEE MISCONDUCT

19 Sec. 132. Section 272.2, subsection 1, paragraph
20 b, Code 2011, is amended by striking the paragraph and
21 inserting in lieu thereof the following:

22 b. Provide annually to any person who holds a
23 license, certificate, authorization, or statement of
24 recognition issued by the board, training relating
25 to the knowledge and understanding of the board's
26 code of professional conduct and ethics. The board
27 shall develop a curriculum that addresses the code of
28 professional conduct and ethics and shall annually
29 provide regional training opportunities throughout the
30 state.

31 Sec. 133. Section 272.15, subsection 1, Code 2011,
32 is amended to read as follows:

33 1. a. The board of directors of a school district
34 or area education agency, the superintendent of a
35 school district or the chief administrator of an
36 area education agency, and the authorities in charge
37 of a nonpublic school shall report to the board the
38 nonrenewal or termination, for reasons of alleged or
39 actual misconduct, of a person's contract executed
40 under sections 279.12, 279.13, 279.15 through 279.21,
41 279.23, and 279.24, and the resignation of a person
42 who holds a license, certificate, or authorization
43 issued by the board as a result of or following an
44 incident or allegation of misconduct that, if proven,
45 would constitute a violation of the rules adopted by
46 the board to implement section 272.2, subsection 14,
47 paragraph "b", subparagraph (1), when the board or
48 reporting official has a good faith belief that the
49 incident occurred or the allegation is true. The
50 board may deny a license or revoke the license of an

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1 administrator if the board finds by a preponderance
2 of the evidence that the administrator failed to
3 report the termination or resignation of a school
4 employee holding a license, certificate, statement of
5 professional recognition, or coaching authorization,
6 for reasons of alleged or actual misconduct, as defined
7 by this section.

8 b. Information reported to the board in accordance
9 with this section is privileged and confidential, and
10 except as provided in section 272.13, is not subject to
11 discovery, subpoena, or other means of legal compulsion
12 for its release to a person other than the respondent
13 and the board and its employees and agents involved in
14 licensee discipline, and is not admissible in evidence
15 in a judicial or administrative proceeding other
16 than the proceeding involving licensee discipline.
17 The board shall review the information reported to
18 determine whether a complaint should be initiated. In
19 making that determination, the board shall consider the
20 factors enumerated in section 272.2, subsection 14,
21 paragraph "a".

22 c. For purposes of this section, unless the context
23 otherwise requires, "misconduct" means an action
24 disqualifying an applicant for a license or causing
25 the license of a person to be revoked or suspended
26 in accordance with the rules adopted by the board to
27 implement section 272.2, subsection 14, paragraph "b",
28 subparagraph (1).

29 Sec. 134. Section 280.17, Code 2011, is amended to
30 read as follows:

31 280.17 Procedures for handling child abuse reports.
32 1. The board of directors of a ~~public~~ school
33 ~~district~~ and the authorities in ~~control charge~~ of
34 a nonpublic school shall prescribe procedures, in
35 accordance with the guidelines contained in the model
36 policy developed by the department of education in
37 consultation with the department of human services,
38 and adopted by the department of education pursuant
39 to chapter 17A, for the handling of reports of child
40 abuse, as defined in section 232.68, subsection 2,
41 paragraph "a", "c", or "e", alleged to have been
42 committed by an employee or agent of the public or
43 nonpublic school.

44 2. a. The board of directors of a school district
45 and the authorities in charge of an accredited
46 nonpublic school shall place on administrative leave a
47 school employee who is the subject of an investigation
48 of an alleged incident of abuse of a student conducted
49 in accordance with 281 IAC 102.

50 b. If the results of an investigation of abuse of

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1 a student by a school employee who holds a license,
2 certificate, authorization, or statement of recognition
3 issued by the board of educational examiners finds
4 that the school employee's conduct constitutes a crime
5 under any other statute, the board or the authorities,
6 as appropriate, shall report the results of the
7 investigation to the board of educational examiners.

8 Sec. 135. Section 280.27, Code 2011, is amended to
9 read as follows:

10 280.27 Reporting violence — immunity.

11 An employee of a school district, an accredited
12 nonpublic school, or an area education agency who
13 participates in good faith and acts reasonably in
14 the making of a report to, or investigation by, an
15 appropriate person or agency regarding violence,
16 threats of violence, physical or sexual abuse of a
17 student, or other inappropriate activity against a
18 school employee or student in a school building, on
19 school grounds, or at a school-sponsored function shall
20 be immune from civil or criminal liability relating
21 to such action, as well as for participating in any
22 administrative or judicial proceeding resulting from or
23 relating to the report or investigation.

24 DIVISION XV

25 STATE FAIR AUTHORITY

26 Sec. 136. Section 173.1, subsection 4, Code 2011,
27 is amended to read as follows:

28 4. A treasurer to be elected by the board ~~who shall~~
29 ~~serve as a nonvoting member from the elected directors.~~

30 Sec. 137. REPEAL. Section 173.12, Code 2011, is
31 repealed.

32 DIVISION XVI

33 CONTROLLED SUBSTANCES

34 Sec. 138. CONTROLLED SUBSTANCE COLLECTION AND
35 DISPOSAL PROGRAM. A person in possession of or a
36 retailer selling a controlled substance designated
37 in section 124.204, subsection 4, paragraph "ai",
38 subparagraphs (1) through (4), if enacted, shall
39 be required to transfer such controlled substance
40 to the department of public safety for destruction.
41 The department of public safety shall establish a
42 controlled substance collection and disposal program
43 for a controlled substance designated in section
44 124.204, subsection 4, paragraph "ai", subparagraphs
45 (1) through (4). The department of public safety
46 may partner with a third party, including a local
47 enforcement agency, to implement and administer the
48 program. The program shall be dissolved thirty days
49 after the enactment date of section 124.204, subsection
50 4, paragraph "ai", subparagraphs (1) through (4).

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1 Sec. 139. APPLICABILITY — CRIMINAL
2 PENALTIES. Criminal penalties do not apply to
3 violations associated with the substances designated
4 controlled substances in section 124.204, subsection
5 4, paragraph "ai", subparagraphs (1) through (4), if
6 enacted, until thirty days after the enactment date
7 of section 124.204, subsection 4, paragraph "ai",
8 subparagraphs (1) through (4).

9 Sec. 140. 2011 Iowa Acts, Senate File 510, section
10 28, if enacted, is amended to read as follows:

11 SEC. 28. EFFECTIVE DATE. The following provision
12 of this division of this Act takes effect thirty days
13 after enactment, ~~notwithstanding section 3.7 of this~~
14 Act or thirty days after the enactment of 2011 Iowa
15 Acts, Senate File 538, if enacted, whichever is later:

16 The section of this division of this Act ~~amending~~
17 enacting section 124.204, subsection 4, paragraph "ai",
18 subparagraphs (1) through (4).

19 Sec. 141. 2011 Iowa Acts, Senate File 510, section
20 29, if enacted, is amended to read as follows:

21 SEC. 29. EFFECTIVE UPON ENACTMENT. The following
22 provision of this division of this Act, being deemed
23 of immediate importance, ~~and notwithstanding section~~
24 3.7 takes effect upon enactment of this Act or upon
25 enactment of 2011 Iowa Acts, Senate File 538, if
26 enacted, whichever is later:

27 The section of this Act ~~amending~~ enacting section
28 124.204, subsection 4, paragraph "ai", subparagraph
29 (5).

30 Sec. 142. EFFECTIVE UPON ENACTMENT. This division
31 of this Act, being deemed of immediate importance,
32 takes effect upon enactment of this Act or upon the
33 enactment of 2011 Iowa Acts, Senate File 510, if
34 enacted, whichever is later.

35 DIVISION XVII

36 RADIOS

37 Sec. 143. 2011 Iowa Acts, Senate File 509, section
38 22, subsections 2 and 3, if enacted, are amended to
39 read as follows:

40 ~~2. Of the amount appropriated in subsection 1,~~
41 ~~the department of natural resources may enter into~~
42 ~~a public-private partnership, through a competitive~~
43 ~~bidding process, for the provision of the statewide~~
44 ~~network and the purchase of compatible equipment. The~~
45 mobile radios purchased by the department pursuant
46 to subsection 1 shall be compatible with a statewide
47 public safety radio network created pursuant to
48 legislation enacted by the 2011 session of the general
49 assembly. The department shall purchase the mobile
50 radios after conducting a competitive bidding process.

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1 3. On or before January 13, 2012, the department of
2 natural resources in cooperation with the department of
3 public safety shall provide a report to the legislative
4 services agency and the department of management.
5 The report shall detail the status of the moneys
6 appropriated in subsection 1 and shall include the
7 estimated needs of the department of natural resources
8 to achieve interoperability and to meet the federal
9 narrowbanding mandate, and any changes in estimated
10 costs to meet those needs, ~~and the status of requests
11 for proposals to develop a public-private partnership.~~
12 Sec. 144. EFFECTIVE UPON ENACTMENT. This division
13 of this Act, being deemed of immediate importance,
14 takes effect upon enactment and, if approved by
15 the governor on or after July 1, 2011, shall apply
16 retroactively to June 30, 2011.

17 DIVISION XVIII

18 BUSINESS PROPERTY TAX CREDITS

19 Sec. 145. Section 331.512, Code 2011, is amended by
20 adding the following new subsection:
21 NEW SUBSECTION. 13A. Carry out duties relating to
22 the business property tax credit as provided in chapter
23 426C.

24 Sec. 146. Section 331.559, Code 2011, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 14A. Carry out duties relating to
27 the business property tax credit as provided in chapter
28 426C.

29 Sec. 147. NEW SECTION. 426C.1 Definitions.

30 1. For the purposes of this chapter, unless the
31 context otherwise requires:
32 a. "Contiguous parcels" means any of the following:
33 (1) Parcels that share one or more common
34 boundaries.
35 (2) Parcels within the same building or structure
36 regardless of whether the parcels share one or more
37 common boundaries.
38 (3) Improvements to the land that are situated on
39 one or more parcels of land that are assessed and taxed
40 separately from the improvements if the parcels of land
41 upon which the improvements are situated share one or
42 more common boundaries.
43 b. "Department" means the department of revenue.
44 c. "Fund" means the business property tax credit
45 fund created in section 426C.2.
46 d. "Parcel" means as defined in section 445.1.
47 e. "Property unit" means contiguous parcels all of
48 which are located within the same county, with the same
49 property tax classification, each of which contains
50 permanent improvements, are owned by the same person,

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1 and are operated by that person for a common use and
2 purpose.

3 2. For purposes of this chapter, two or more
4 parcels are considered to be owned by the same person
5 if the owners of the parcels are business entities that
6 share common ownership of each entity in an amount
7 equal to or in excess of fifty percent.

8 Sec. 148. NEW SECTION. 426C.2 Business property
9 tax credit fund — appropriation.

10 1. A business property tax credit fund is created
11 in the state treasury under the authority of the
12 department. For the fiscal year beginning July 1,
13 2012, there is appropriated from the general fund of
14 the state to the department to be credited to the
15 fund, the sum of fifty million dollars to be used
16 for business property tax credits authorized in this
17 chapter. For the fiscal year beginning July 1, 2013,
18 and each fiscal year thereafter, there is appropriated
19 from the general fund of the state to the department
20 to be credited to the fund an amount equal to the
21 total amount appropriated by the general assembly to
22 the fund in the previous fiscal year. In addition,
23 the sum of fifty million dollars shall be added to the
24 appropriation in each fiscal year beginning on or after
25 July 1, 2013, if the revenue estimating conference
26 certifies during its final meeting of the calendar year
27 ending prior to the beginning of the fiscal year that
28 the total amount of general fund revenues collected
29 during the fiscal year ending during such calendar year
30 was at least one hundred four percent of the total
31 amount of general fund revenues collected during the
32 previous fiscal year. However, the total appropriation
33 to the fund shall not exceed two hundred million
34 dollars for any one fiscal year.

35 2. Notwithstanding section 12C.7, subsection 2,
36 interest or earnings on moneys deposited in the fund
37 shall be credited to the fund. Moneys in the fund are
38 not subject to the provisions of section 8.33 and shall
39 not be transferred, used, obligated, appropriated,
40 or otherwise encumbered except as provided in this
41 chapter.

42 Sec. 149. NEW SECTION. 426C.3 Claims for credit.

43 1. Each person who wishes to claim the credit
44 allowed under this chapter shall obtain the appropriate
45 forms from the assessor and file the claim with the
46 assessor. The director of revenue shall prescribe
47 suitable forms and instructions for such claims, and
48 make such forms and instructions available to the
49 assessors.

50 2. a. Claims for the business property tax credit

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1 shall be filed not later than March 15 preceding the
2 fiscal year during which the taxes for which the credit
3 is claimed are due and payable.

4 b. A claim filed after the deadline for filing
5 claims shall be considered as a claim for the following
6 year.

7 3. Upon the filing of a claim and allowance of the
8 credit, the credit shall be allowed on the parcel or
9 property unit for successive years without further
10 filing as long as the parcel or property unit satisfies
11 the requirements for the credit. If the parcel or
12 property unit owner ceases to qualify for the credit
13 under this chapter, the owner shall provide written
14 notice to the assessor by the date for filing claims
15 specified in subsection 2 following the date on which
16 the parcel or property unit ceases to qualify for the
17 credit.

18 4. When all or a portion of a parcel or property
19 unit that is allowed a credit under this chapter is
20 sold, transferred, or ownership otherwise changes, the
21 buyer, transferee, or new owner who wishes to receive
22 the credit shall refile the claim for credit. When a
23 portion of a parcel or property unit that is allowed
24 a credit under this chapter is sold, transferred, or
25 ownership otherwise changes, the owner of the portion
26 of the parcel or property unit for which ownership did
27 not change shall refile the claim for credit.

28 5. The assessor shall remit the claims for
29 credit to the county auditor with the assessor's
30 recommendation for allowance or disallowance. If
31 the assessor recommends disallowance of a claim,
32 the assessor shall submit the reasons for the
33 recommendation, in writing, to the county auditor. The
34 county auditor shall forward the claims to the board
35 of supervisors. The board shall allow or disallow the
36 claims.

37 6. For each claim and allowance of a credit for
38 a property unit, the county auditor shall calculate
39 the average of all consolidated levy rates applicable
40 to the several parcels within the property unit. All
41 claims for credit which have been allowed by the board
42 of supervisors, the actual value of the improvements
43 to such parcels and property units applicable to
44 the fiscal year for which the credit is claimed
45 that are subject to assessment and taxation prior to
46 imposition of any applicable assessment limitation,
47 the consolidated levy rates for such parcels and the
48 average consolidated levy rates for such property units
49 applicable to the fiscal year for which the credit is
50 claimed, and the taxing districts in which the parcel

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1 or property unit is located, shall be certified on or
2 before June 15, in each year, by the county auditor to
3 the department.

4 7. The assessor shall maintain a permanent file of
5 current business property tax credits. The assessor
6 shall file a notice of transfer of property for which a
7 credit has been allowed when notice is received from
8 the office of the county recorder, from the person
9 who sold or transferred the property, or from the
10 personal representative of a deceased property owner.
11 The county recorder shall give notice to the assessor
12 of each transfer of title filed in the recorder's
13 office. The notice from the county recorder shall
14 describe the property transferred, the name of the
15 person transferring title to the property, and the name
16 of the person to whom title to the property has been
17 transferred.

18 Sec. 150. NEW SECTION. 426C.4 Eligibility and
19 amount of credit.

20 1. Each parcel classified and taxed as commercial
21 property, industrial property, or railway property
22 under chapter 434, and improved with permanent
23 construction, is eligible for a credit under this
24 chapter. A person may claim and receive one credit
25 under this chapter for each eligible parcel unless
26 the parcel is part of a property unit. A person
27 may only claim and receive one credit under this
28 chapter for each property unit. A credit approved
29 for a property unit shall be allocated to the several
30 parcels within the property unit in the proportion
31 that each parcel's total amount of property taxes due
32 and payable attributable to the improvements bears to
33 the total amount of property taxes due and payable
34 attributable to the improvements for the property unit.
35 Only property units comprised of commercial property,
36 comprised of industrial property, or comprised of
37 railway property under chapter 434 are eligible for a
38 credit under this chapter.

39 2. Using the actual value of the improvements and
40 the consolidated levy rate for each parcel or the
41 average consolidated levy rate for each property unit,
42 as certified by the county auditor to the department
43 under section 426C.3, subsection 6, the department
44 shall calculate, for each fiscal year, an initial
45 amount of actual value of improvements for use in
46 determining the amount of the credit for each such
47 parcel or property unit so as to provide the maximum
48 possible credit according to the credit formula and
49 limitations under subsection 3, and to provide a
50 total dollar amount of credits against the taxes due

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1 and payable in the fiscal year equal to ninety-eight
2 percent of the moneys in the fund following the deposit
3 of the total appropriation for the fiscal year.

4 3. a. The amount of the credit for each parcel or
5 property unit for which a claim for credit under this
6 chapter has been approved shall be calculated under
7 paragraph "b" using the lesser of the initial amount
8 of actual value of the improvements determined by the
9 department under subsection 2, and the actual value
10 of the improvements to the parcel or property unit as
11 certified by the county auditor under section 426C.3,
12 subsection 6.

13 b. The amount of the credit for each parcel or
14 property unit for which a claim for credit under
15 this chapter has been approved shall be equal to the
16 amount of actual value determined under paragraph "a"
17 multiplied by the difference, stated as a percentage,
18 between the assessment limitation applicable to
19 the parcel or property unit under section 441.21,
20 subsection 5, and the assessment limitation applicable
21 to residential property under section 441.21,
22 subsection 4, divided by one thousand dollars, and then
23 multiplied by the consolidated levy rate or average
24 consolidated levy rate per one thousand dollars of
25 taxable value applicable to the parcel or property unit
26 for the fiscal year for which the credit is claimed as
27 certified by the county auditor under section 426C.3,
28 subsection 6.

29 Sec. 151. NEW SECTION. 426C.5 Payment to counties.

30 1. Annually the department shall certify to the
31 county auditor of each county the amounts of the
32 business property tax credits allowed in the county.
33 Each county auditor shall then enter the credits
34 against the tax levied on each eligible parcel or
35 property unit in the county, designating on the tax
36 lists the credit as being from the fund. Each taxing
37 district shall receive its share of the business
38 property tax credit allowed on each eligible parcel
39 or property unit in such taxing district, in the
40 proportion that the levy made by such taxing district
41 upon the parcel or property unit bears to the total
42 levy upon the parcel or property unit by all taxing
43 districts imposing a property tax in such taxing
44 district. However, the several taxing districts
45 shall not draw the moneys so credited until after the
46 semiannual allocations have been received by the county
47 treasurer, as provided in this section. Each county
48 treasurer shall show on each tax receipt the amount of
49 credit received from the fund.

50 2. The director of the department of administrative

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1 services shall issue warrants on the fund payable to
2 the county treasurers of the several counties of the
3 state under this chapter.

4 3. The amount due each county shall be paid in two
5 payments on November 15 and March 15 of each fiscal
6 year, drawn upon warrants payable to the respective
7 county treasurers. The two payments shall be as nearly
8 equal as possible.

9 Sec. 152. NEW SECTION. 426C.6 Appeals.

10 1. If the board of supervisors disallows a claim
11 for credit under section 426C.3, subsection 5, the
12 board of supervisors shall send written notice, by
13 mail, to the claimant at the claimant's last known
14 address. The notice shall state the reasons for
15 disallowing the claim for the credit. The board of
16 supervisors is not required to send notice that a claim
17 for credit is disallowed if the claimant voluntarily
18 withdraws the claim. Any person whose claim is denied
19 under the provisions of this chapter may appeal from
20 the action of the board of supervisors to the district
21 court of the county in which the parcel or property
22 unit is located by giving written notice of such appeal
23 to the county auditor within twenty days from the date
24 of mailing of notice of such action by the board of
25 supervisors.

26 2. If any claim for credit has been denied by the
27 board of supervisors, and such action is subsequently
28 reversed on appeal, the credit shall be allowed on the
29 applicable parcel or property unit, and the director of
30 revenue, the county auditor, and the county treasurer
31 shall provide the credit and change their books and
32 records accordingly. In the event the appealing
33 taxpayer has paid one or both of the installments of
34 the tax payable in the year or years in question,
35 remittance shall be made to such taxpayer of the amount
36 of such credit. The amount of such credit awarded on
37 appeal shall be allocated and paid from the balance
38 remaining in the fund.

39 Sec. 153. NEW SECTION. 426C.7 Audit — denial.

40 1. If on the audit of a credit provided under this
41 chapter, the director of revenue determines the amount
42 of the credit to have been incorrectly calculated or
43 that the credit is not allowable, the director shall
44 recalculate the credit and notify the taxpayer and the
45 county auditor of the recalculation or denial and the
46 reasons for it. The director shall not adjust a credit
47 after three years from October 31 of the year in which
48 the claim for the credit was filed. If the credit has
49 been paid, the director shall give notification to the
50 taxpayer, the county treasurer, and the applicable

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1 assessor of the recalculation or denial of the credit
2 and the county treasurer shall proceed to collect the
3 tax owed in the same manner as other property taxes due
4 and payable are collected, if the parcel or property
5 unit for which the credit was allowed is still owned
6 by the taxpayer. If the parcel or property unit
7 for which the credit was allowed is not owned by the
8 taxpayer, the amount may be recovered from the taxpayer
9 by assessment in the same manner that income taxes are
10 assessed under sections 422.26 and 422.30. The amount
11 of such erroneous credit, when collected, shall be
12 deposited in the fund.

13 2. The taxpayer or board of supervisors may
14 appeal any decision of the director of revenue to the
15 state board of tax review pursuant to section 421.1,
16 subsection 5. The taxpayer, the board of supervisors,
17 or the director of revenue may seek judicial review
18 of the action of the state board of tax review in
19 accordance with chapter 17A.

20 Sec. 154. NEW SECTION. 426C.8 False claim —
21 penalty.

22 A person who makes a false claim for the purpose of
23 obtaining a credit provided for in this chapter or who
24 knowingly receives the credit without being legally
25 entitled to it is guilty of a fraudulent practice. The
26 claim for a credit of such a person shall be disallowed
27 and if the credit has been paid the amount shall be
28 recovered in the manner provided in section 426C.7. In
29 such cases, the director of revenue shall send a notice
30 of disallowance of the credit.

31 Sec. 155. NEW SECTION. 426C.9 Rules.

32 The director of revenue shall prescribe forms,
33 instructions, and rules pursuant to chapter 17A, as
34 necessary, to carry out the purposes of this chapter.

35 Sec. 156. IMPLEMENTATION. Notwithstanding the
36 deadline for filing claims established in section
37 426C.3, for a credit against property taxes due and
38 payable during the fiscal year beginning July 1, 2012,
39 the claim for the credit shall be filed not later than
40 January 15, 2012.

41 Sec. 157. APPLICABILITY. This division of this Act
42 applies to property taxes due and payable in fiscal
43 years beginning on or after July 1, 2012.

44 DIVISION XIX

45 COUNTY AND CITY BUDGET LIMITATION

46 Sec. 158. Section 28M.5, subsection 2, Code 2011,
47 is amended to read as follows:

48 2. If a regional transit district budget allocates
49 revenue responsibilities to the board of supervisors
50 of a participating county, the amount of the regional

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1 transit district levy that is the responsibility of the
2 participating county shall be deducted from the maximum
3 ~~rates amount~~ of taxes authorized to be levied by the
4 county pursuant to section 331.423, ~~subsections 1 and~~
5 ~~2 subsection 3, paragraphs "b" and "c"~~, as applicable,
6 unless the county meets its revenue responsibilities as
7 allocated in the budget from other available revenue
8 sources. However, for a regional transit district
9 that includes a county with a population of less than
10 three hundred thousand, the amount of the regional
11 transit district levy that is the responsibility of
12 such participating county shall be deducted from the
13 maximum ~~rate amount~~ of taxes authorized to be levied
14 by the county pursuant to section 331.423, subsection
15 ~~1 3, paragraph "b"~~.

16 Sec. 159. Section 331.263, subsection 2, Code 2011,
17 is amended to read as follows:

18 2. The governing body of the community commonwealth
19 shall have the authority to levy county taxes and shall
20 have the authority to levy city taxes to the extent the
21 city tax levy authority is transferred by the charter
22 to the community commonwealth. A city participating
23 in the community commonwealth shall transfer a portion
24 of the city's tax levy authorized under section 384.1
25 or 384.12, whichever is applicable, to the governing
26 body of the community commonwealth. The maximum
27 ~~rates amount~~ of taxes authorized to be levied under
28 ~~sections section 384.1 and the maximum amount of taxes~~
29 ~~authorized to be levied under section 384.12~~ by a city
30 participating in the community commonwealth shall be
31 reduced by an amount equal to the rates of the same or
32 similar taxes levied in the city by the governing body
33 of the community commonwealth.

34 Sec. 160. Section 331.421, Code 2011, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 7A. "Item" means a budgeted
37 expenditure, appropriation, or cash reserve from a
38 fund for a service area, program, program element, or
39 purpose.

40 Sec. 161. Section 331.423, Code 2011, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 331.423 Property tax dollars — basic levy maximums.

44 1. Annually, the board shall determine separate
45 property tax levy limits to pay for general county
46 services and rural county services in accordance with
47 this section. The basic levies separately certified
48 for general county services and rural county services
49 under section 331.434 shall not raise property tax
50 dollars that exceed the amount determined under this

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1 section.

2 2. For purposes of this section and section
3 331.423B, unless the context otherwise requires:
4 a. "Annual growth factor" means an index, expressed
5 as a percentage, determined by the department of
6 management by November 1 of the calendar year preceding
7 the calendar year in which the budget year begins. In
8 determining the annual growth factor, the department
9 shall calculate the average of the preceding three-year
10 percentage change, which shall be computed on an annual
11 basis, in the midwest consumer price index, ending
12 with the percentage change for the month of September.
13 The department shall then add that average percentage
14 change to one hundred percent.

15 b. "Boundary adjustment" means annexation,
16 severance, incorporation, or discontinuance as those
17 terms are defined in section 368.1.

18 c. "Budget year" is the fiscal year beginning
19 during the calendar year in which a budget is
20 certified.

21 d. "Current fiscal year" is the fiscal year
22 ending during the calendar year in which a budget is
23 certified.

24 e. "Net new valuation taxes" means the amount
25 of property tax dollars equal to the current fiscal
26 year's basic levy rate in the county for general county
27 services or for rural county services, as applicable,
28 multiplied by the increase from the current fiscal year
29 to the budget year in taxable valuation due to the
30 following:

31 (1) Net new construction, including all incremental
32 valuation that is released in any one year from a
33 division of revenue under section 260E.4 or an urban
34 renewal area for which taxes were being divided under
35 section 403.19, regardless of whether the property
36 for the valuation being released remains subject
37 to the division of revenue under section 260E.4 or
38 remains part of the urban renewal area that is subject
39 to a division of revenue under section 403.19. The
40 amount of property tax dollars attributable to such
41 incremental valuation being released from a division
42 of revenue shall be subtracted from the maximum amount
43 of property tax dollars which may be certified for
44 the next following fiscal year if such incremental
45 valuation is not released for the next following fiscal
46 year.

47 (2) Additions or improvements to existing
48 structures.

49 (3) Remodeling of existing structures for which a
50 building permit is required.

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1 (4) Net boundary adjustment.

2 (5) A municipality no longer dividing tax revenues
3 in an urban renewal area as provided in section 403.19
4 or a community college no longer dividing revenues as
5 provided in section 260E.4.

6 (6) That portion of taxable property located in an
7 urban revitalization area on which an exemption was
8 allowed and such exemption has expired.

9 f. "Unfunded federal and state mandate cost growth"
10 means an amount of increased expenditures for a
11 county from the previous fiscal year, to the extent
12 such expenditures are not funded by the county's
13 supplemental levy under section 331.424, resulting from
14 any of the following:

15 (1) A federal statutory requirement or
16 appropriation that requires the county to establish,
17 expand, or modify its activities in a manner which
18 necessitates additional annual expenditures and for
19 which insufficient funding is provided to the county to
20 satisfy such requirements.

21 (2) A state mandate as defined in section 25B.3,
22 and for which insufficient funding is provided to
23 the county to satisfy the requirements of the state
24 mandate.

25 3. a. For the fiscal year beginning July 1, 2013,
26 and subsequent fiscal years, the maximum amount of
27 property tax dollars which may be certified for levy by
28 a county for general county services and rural county
29 services shall be the maximum property tax dollars
30 calculated under paragraphs "b" and "c", respectively.

31 b. The maximum property tax dollars that may be
32 levied for general county services is an amount equal
33 to the sum of the following:

34 (1) The annual growth factor times the current
35 fiscal year's maximum property tax dollars for general
36 county services.

37 (2) The amount of net new valuation taxes in the
38 county.

39 (3) The unfunded federal and state mandate cost
40 growth minus the amount specified in paragraph "c",
41 subparagraph (3).

42 c. The maximum property tax dollars that may be
43 levied for rural county services is an amount equal to
44 the sum of the following:

45 (1) The annual growth factor times the current
46 fiscal year's maximum property tax dollars for rural
47 county services.

48 (2) The amount of net new valuation taxes in the
49 unincorporated area of the county.

50 (3) The unfunded federal and state mandate cost

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1 growth attributable to the costs incurred by the county
2 for rural county services.

3 4. a. For purposes of calculating maximum property
4 tax dollars for general county services for the fiscal
5 year beginning July 1, 2013, only, the term "current
6 fiscal year's maximum property tax dollars" shall mean
7 the total amount of property tax dollars certified by
8 the county for general county services for the fiscal
9 year beginning July 1, 2012, excluding those property
10 tax dollars that resulted from a supplemental levy
11 under section 331.424, subsection 1.

12 b. For purposes of calculating maximum property tax
13 dollars for rural county services for the fiscal year
14 beginning July 1, 2013, only, the term "current fiscal
15 year's maximum property tax dollars" shall mean the
16 total amount of property tax dollars certified by the
17 county for rural county services for the fiscal year
18 beginning July 1, 2012, excluding those property tax
19 dollars that resulted from a supplemental levy under
20 section 331.424, subsection 2.

21 5. Property taxes certified under section
22 331.424, property taxes certified for deposit in the
23 mental health, mental retardation, and developmental
24 disabilities services fund in section 331.424A, for the
25 emergency services fund in section 331.424C, for the
26 debt service fund in section 331.430, for any capital
27 projects fund established by the county for deposit of
28 bond, loan, or note proceeds, and for any temporary
29 increase approved pursuant to section 331.423C, are
30 not included in the maximum amount of property tax
31 dollars that may be certified for a budget year under
32 subsection 3.

33 6. The department of management, in consultation
34 with the county finance committee, shall adopt rules
35 to administer this section. The department shall
36 prescribe forms to be used by counties when making
37 calculations required by this section.

38 Sec. 162. NEW SECTION. 331.423B Ending fund
39 balance.

40 1. a. Budgeted ending fund balances for a budget
41 year in excess of twenty-five percent of budgeted
42 expenditures in either the general fund or rural
43 services fund for that budget year shall be explicitly
44 committed or assigned for a specific purpose.

45 b. A county is encouraged, but not required, to
46 reduce budgeted, uncommitted, or unassigned ending
47 fund balances for the budget year to an amount equal
48 to approximately twenty-five percent of budgeted
49 expenditures and transfers from the general fund
50 and rural services fund for that budget year unless

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1 a decision is certified by the state appeal board
2 ordering a reduction in the ending fund balance of any
3 of those funds.

4 c. In a protest to the county budget under section
5 331.436, the county shall have the burden of proving
6 that the budgeted balances in excess of twenty-five
7 percent are reasonably likely to be appropriated for
8 the explicitly committed or assigned specific purpose.
9 The excess budgeted balance for the specific purpose
10 shall be considered an increase in an item in the
11 budget for purposes of section 24.28.

12 2. a. For a county that has, as of June 30, 2012,
13 reduced its actual ending fund balance to less than
14 twenty-five percent of actual expenditures, additional
15 property taxes may be computed and levied as provided
16 in this subsection. The additional property tax levy
17 amount is an amount not to exceed twenty-five percent
18 of actual expenditures from the general fund and rural
19 services fund for the fiscal year beginning July 1,
20 2011, minus the combined ending fund balances for those
21 funds for that year.

22 b. The amount of the additional property taxes
23 shall be apportioned between the general fund and the
24 rural services fund. However, the amount apportioned
25 for general county services and for rural county
26 services shall not exceed for each fund twenty-five
27 percent of actual expenditures for the fiscal year
28 beginning July 1, 2011.

29 c. All or a portion of additional property tax
30 dollars may be levied for the purpose of increasing
31 cash reserves for general county services and rural
32 county services in the budget year. The additional
33 property tax dollars authorized under this subsection
34 but not levied may be carried forward as unused ending
35 fund balance taxing authority until and for the fiscal
36 year beginning July 1, 2018. The amount carried
37 forward shall not exceed twenty-five percent of the
38 maximum amount of property tax dollars available in
39 the current fiscal year. Additionally, property taxes
40 that are levied as unused ending fund balance taxing
41 authority under this subsection may be the subject of
42 a protest under section 331.436, and the amount will
43 be considered an increase in an item in the budget for
44 purposes of section 24.28. The amount of additional
45 property taxes levied under this subsection shall not
46 be included in the computation of the maximum amount of
47 property tax dollars which may be certified and levied
48 under section 331.423.

49 Sec. 163. NEW SECTION. 331.423C Authority to levy
50 beyond maximum property tax dollars.

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1 1. The board may certify additions to the maximum
2 amount of property tax dollars to be levied for a
3 budget year if the county conducts a second public
4 hearing prior to certification of the budget to the
5 county auditor, in addition to the hearing held as
6 required under section 331.434. The second public
7 hearing shall be conducted in the same manner as
8 the public hearing on the budget required in section
9 331.434.

10 2. The amount of additional property tax dollars
11 certified under this section shall not be included in
12 the computation of the maximum amount of property tax
13 dollars which may be certified and levied under section
14 331.423 for future budget years.

15 Sec. 164. Section 331.424, unnumbered paragraph 1,
16 Code 2011, is amended to read as follows:

17 To the extent that the basic levies authorized under
18 section 331.423 are insufficient to meet the county's
19 needs for the following services, the board may certify
20 supplemental levies as follows:

21 Sec. 165. Section 331.424A, subsection 4, Code
22 2011, is amended to read as follows:

23 4. For the fiscal year beginning July 1, 1996,
24 and for each subsequent fiscal year, the county shall
25 certify a levy for payment of services. For each
26 fiscal year, county revenues from taxes imposed by the
27 county credited to the services fund shall not exceed
28 an amount equal to the amount of base year expenditures
29 for services as defined in section 331.438, less the
30 amount of property tax relief to be received pursuant
31 to section 426B.2, in the fiscal year for which the
32 budget is certified. The county auditor and the
33 board of supervisors shall reduce the amount of the
34 levy certified for the services fund by the amount of
35 property tax relief to be received. A levy certified
36 under this section is not subject to ~~the appeal~~
37 ~~provisions of section 331.426 or to~~ any other provision
38 in law authorizing a county to exceed, increase, or
39 appeal a property tax levy limit.

40 Sec. 166. Section 331.434, subsection 1, Code 2011,
41 is amended to read as follows:

42 1. The budget shall show the amount required for
43 each class of proposed expenditures, a comparison of
44 the amounts proposed to be expended with the amounts
45 expended for like purposes for the two preceding years,
46 the revenues from sources other than property taxation,
47 and the amount to be raised by property taxation, in
48 the detail and form prescribed by the director of the
49 department of management. For each county that has
50 established an urban renewal area, the budget shall

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1 include estimated and actual tax increment financing
2 revenues and all estimated and actual expenditures of
3 the revenues, proceeds from debt and all estimated
4 and actual expenditures of the debt proceeds, and
5 identification of any entity receiving a direct payment
6 of taxes funded by tax increment financing revenues
7 and shall include the total amount of loans, advances,
8 indebtedness, or bonds outstanding at the close of
9 the most recently ended fiscal year, which qualify
10 for payment from the special fund created in section
11 403.19, including interest negotiated on such loans,
12 advances, indebtedness, or bonds. For purposes of this
13 subsection, "indebtedness" includes written agreements
14 whereby the county agrees to suspend, abate, exempt,
15 rebate, refund, or reimburse property taxes, provide a
16 grant for property taxes paid, or make a direct payment
17 of taxes, with moneys in the special fund. The amount
18 of loans, advances, indebtedness, or bonds shall be
19 listed in the aggregate for each county reporting. The
20 ~~county finance committee, in consultation with the~~
21 ~~department of management and the legislative services~~
22 ~~agency, shall determine reporting criteria and shall~~
23 ~~prepare a form for reports filed with the department~~
24 ~~pursuant to this section. The department shall make~~
25 ~~the information available by electronic means.~~

26 Sec. 167. Section 373.10, Code 2011, is amended to
27 read as follows:

28 373.10 Taxing authority.

29 The metropolitan council shall have the authority
30 to levy city taxes to the extent the city tax levy
31 authority is transferred by the charter to the
32 metropolitan council. A member city shall transfer
33 a portion of the city's tax levy authorized under
34 section 384.1 or 384.12, whichever is applicable, to
35 the metropolitan council. The maximum ~~rates~~ amount of
36 taxes authorized to be levied under ~~sections~~ section
37 384.1 and the taxes authorized to be levied under
38 section384.12 by a member city shall be reduced by an
39 amount equal to the rates of the same or similar taxes
40 levied in the city by the metropolitan council.

41 Sec. 168. Section 384.1, Code 2011, is amended by
42 striking the section and inserting in lieu thereof the
43 following:

44 384.1 Property tax dollars — maximums.

45 1. A city shall certify taxes to be levied by the
46 city on all taxable property within the city limits,
47 for all city government purposes. Annually, the city
48 council may certify basic levies for city government
49 purposes, subject to the limitation on property tax
50 dollars provided in this section.

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1 2. For purposes of this section and section 384.1B,
2 unless the context otherwise requires:
3 a. "Annual growth factor" means an index, expressed
4 as a percentage, determined by the department of
5 management by November 1 of the calendar year preceding
6 the calendar year in which the budget year begins. In
7 determining the annual growth factor, the department
8 shall calculate the average of the preceding three-year
9 percentage change, which shall be computed on an annual
10 basis, in the midwest consumer price index, ending
11 with the percentage change for the month of September.
12 The department shall then add that average percentage
13 change to one hundred percent.
14 b. "Boundary adjustment" means annexation,
15 severance, incorporation, or discontinuance as those
16 terms are defined in section 368.1.
17 c. "Budget year" is the fiscal year beginning
18 during the calendar year in which a budget is
19 certified.
20 d. "Current fiscal year" is the fiscal year
21 ending during the calendar year in which a budget is
22 certified.
23 e. "Net new valuation taxes" means the amount of
24 property tax dollars equal to the current fiscal year's
25 levy rate in the city for the general fund multiplied
26 by the increase from the current fiscal year to the
27 budget year in taxable valuation due to the following:
28 (1) Net new construction, including all incremental
29 valuation that is released in any one year from a
30 division of revenue under section 260E.4 or an urban
31 renewal area for which taxes were being divided under
32 section 403.19, regardless of whether the property
33 for the valuation being released remains subject
34 to the division of revenue under section 260E.4 or
35 remains part of the urban renewal area that is subject
36 to a division of revenue under section 403.19. The
37 amount of property tax dollars attributable to such
38 incremental valuation being released from a division
39 of revenue shall be subtracted from the maximum amount
40 of property tax dollars which may be certified for
41 the next following fiscal year if such incremental
42 valuation is not released for the next following fiscal
43 year.
44 (2) Additions or improvements to existing
45 structures.
46 (3) Remodeling of existing structures for which a
47 building permit is required.
48 (4) Net boundary adjustment.
49 (5) A municipality no longer dividing tax revenues
50 in an urban renewal area as provided in section 403.19

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1 or a community college no longer dividing revenues as
2 provided in section 260E.4.

3 (6) That portion of taxable property located in an
4 urban revitalization area on which an exemption was
5 allowed and such exemption has expired.

6 f. "Unfunded federal and state mandate cost growth"
7 means an amount of increased expenditures for a city
8 from the previous fiscal year resulting from any of the
9 following:

10 (1) A federal statutory requirement or
11 appropriation that requires the city to establish,
12 expand, or modify its activities in a manner which
13 necessitates additional annual expenditures and for
14 which insufficient funding is provided to the city to
15 satisfy such requirements.

16 (2) A state mandate as defined in section 25B.3,
17 and for which insufficient funding is provided to the
18 city to satisfy the requirements of the state mandate.

19 3. a. For the fiscal year beginning July 1, 2013,
20 and subsequent fiscal years, the maximum amount of
21 property tax dollars which may be certified for levy
22 by a city for the general fund shall be the maximum
23 property tax dollars calculated under paragraph "b".

24 b. The maximum property tax dollars that may be
25 levied for deposit in the general fund is an amount
26 equal to the sum of the following:

27 (1) The annual growth factor times the current
28 fiscal year's maximum property tax dollars for the
29 general fund.

30 (2) The amount of net new valuation taxes in the
31 city.

32 (3) The unfunded federal and state mandate cost
33 growth.

34 4. For purposes of calculating maximum property tax
35 dollars for the city general fund for the fiscal year
36 beginning July 1, 2013, only, the term "current fiscal
37 year's maximum property tax dollars" shall mean the
38 total amount of property tax dollars certified by the
39 city for the city's general fund for the fiscal year
40 beginning July 1, 2012.

41 5. Property taxes certified for deposit in the
42 debt service fund in section 384.4, trust and agency
43 funds in section 384.6, capital improvements reserve
44 fund in section 384.7, the emergency fund in section
45 384.8, any capital projects fund established by the
46 city for deposit of bond, loan, or note proceeds,
47 any temporary increase approved pursuant to section
48 384.12A, property taxes collected from a voted levy
49 in section 384.12, and property taxes levied under
50 section 384.12, subsection 18, are not counted against

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1 the maximum amount of property tax dollars that may be
2 certified for a fiscal year under subsection 3.

3 6. Notwithstanding the maximum amount of taxes
4 a city may certify for levy, the tax levied by a
5 city on tracts of land and improvements on the
6 tracts of land used and assessed for agricultural or
7 horticultural purposes shall not exceed three dollars
8 and three-eighths cents per thousand dollars of
9 assessed value in any year. Improvements located on
10 such tracts of land and not used for agricultural or
11 horticultural purposes and all residential dwellings
12 are subject to the same rate of tax levied by the city
13 on all other taxable property within the city.

14 7. The department of management, in consultation
15 with the city finance committee, shall adopt rules
16 to administer this section. The department shall
17 prescribe forms to be used by cities when making
18 calculations required by this section.

19 Sec. 169. NEW SECTION. 384.1B Ending fund balance.

20 1. a. Budgeted general fund ending fund balances
21 for a budget year in excess of twenty-five percent of
22 budgeted expenditures from the general fund for that
23 budget year shall be explicitly committed or assigned
24 for a specific purpose.

25 b. A city is encouraged, but not required, to
26 reduce budgeted, uncommitted, or unassigned ending
27 fund balances for the budget year to an amount equal
28 to approximately twenty-five percent of budgeted
29 expenditures and transfers from the general fund for
30 that budget year unless a decision is certified by the
31 state appeal board ordering a reduction in the ending
32 fund balance of the fund.

33 c. In a protest to the city budget under section
34 384.19, the city shall have the burden of proving that
35 the budgeted balances in excess of twenty-five percent
36 are reasonably likely to be appropriated for the
37 explicitly committed or assigned specific purpose. The
38 excess budgeted balance for the specific purpose shall
39 be considered an increase in an item in the budget for
40 purposes of section 24.28.

41 2. a. For a city that has, as of June 30,
42 2012, reduced its ending fund balance to less than
43 twenty-five percent of actual expenditures, additional
44 property taxes may be computed and levied as provided
45 in this subsection. The additional property tax levy
46 amount is an amount not to exceed the difference
47 between twenty-five percent of actual expenditures for
48 city government purposes for the fiscal year beginning
49 July 1, 2011, minus the ending fund balance for that
50 year.

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1 b. All or a portion of additional property tax
2 dollars may be levied for the purpose of increasing
3 cash reserves for city government purposes in the
4 budget year. The additional property tax dollars
5 authorized under this subsection but not levied may be
6 carried forward as unused ending fund balance taxing
7 authority until and for the fiscal year beginning
8 July 1, 2018. The amount carried forward shall not
9 exceed twenty-five percent of the maximum amount of
10 property tax dollars available in the current fiscal
11 year. Additionally, property taxes that are levied
12 as unused ending fund balance taxing authority under
13 this subsection may be the subject of a protest under
14 section 384.19, and the amount will be considered an
15 increase in an item in the budget for purposes of
16 section 24.28. The amount of additional property tax
17 dollars levied under this subsection shall not be
18 included in the computation of the maximum amount of
19 property tax dollars which may be certified and levied
20 under section 384.1.

21 Sec. 170. Section 384.12, unnumbered paragraph
22 1, Code 2011, is amended by striking the unnumbered
23 paragraph and inserting in lieu thereof the following:

24 A city may certify taxes for deposit in the general
25 fund, subject to the limit provided in section 384.1
26 if applicable, which are in addition to any other
27 moneys the city may wish to spend for such purposes,
28 as follows:

29 Sec. 171. Section 384.12, subsection 20, Code 2011,
30 is amended by striking the subsection.

31 Sec. 172. NEW SECTION. 384.12A Authority to levy
32 beyond maximum property tax dollars.

33 1. The city council may certify additions to the
34 maximum amount of property tax dollars to be levied
35 for a budget year if the city conducts a second public
36 hearing prior to certification of the budget to the
37 county auditor, in addition to the hearing held as
38 required under section 384.16. The second public
39 hearing shall be conducted in the same manner as
40 the public hearing on the budget required in section
41 384.16.

42 2. The amount of additional property tax dollars
43 certified under this section shall not be included in
44 the computation of the maximum amount of property tax
45 dollars which may be certified and levied under section
46 384.1 for future budget years.

47 Sec. 173. Section 384.16, subsection 1, paragraph
48 b, Code 2011, is amended to read as follows:

49 b. A budget must show comparisons between the
50 estimated expenditures in each program in the following

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1 year, the latest estimated expenditures in each program
2 in the current year, and the actual expenditures in
3 each program from the annual report as provided in
4 section 384.22, or as corrected by a subsequent audit
5 report. Wherever practicable, as provided in rules
6 of the committee, a budget must show comparisons
7 between the levels of service provided by each program
8 as estimated for the following year, and actual
9 levels of service provided by each program during
10 the two preceding years. For each city that has
11 established an urban renewal area, the budget shall
12 include estimated and actual tax increment financing
13 revenues and all estimated and actual expenditures of
14 the revenues, proceeds from debt and all estimated
15 and actual expenditures of the debt proceeds, and
16 identification of any entity receiving a direct payment
17 of taxes funded by tax increment financing revenues
18 and shall include the total amount of loans, advances,
19 indebtedness, or bonds outstanding at the close of
20 the most recently ended fiscal year, which qualify
21 for payment from the special fund created in section
22 403.19, including interest negotiated on such loans,
23 advances, indebtedness, or bonds. The amount of loans,
24 advances, indebtedness, or bonds shall be listed in the
25 aggregate for each city reporting. ~~The city finance
26 committee, in consultation with the department of
27 management and the legislative services agency, shall
28 determine reporting criteria and shall prepare a form
29 for reports filed with the department pursuant to this
30 section. The department shall make the information
31 available by electronic means.~~

32 Sec. 174. Section 384.19, Code 2011, is amended by
33 adding the following new unnumbered paragraph:
34 NEW UNNUMBERED PARAGRAPH For purposes of a tax
35 protest filed under this section, "item" means a
36 budgeted expenditure, appropriation, or cash reserve
37 from a fund for a service area, program, program
38 element, or purpose.

39 Sec. 175. Section 386.8, Code 2011, is amended to
40 read as follows:

41 386.8 Operation tax.

42 A city may establish a self-supported improvement
43 district operation fund, and may certify taxes not
44 to exceed the rate limitation as established in the
45 ordinance creating the district, or any amendment
46 thereto, each year to be levied for the fund against
47 all of the property in the district, for the purpose
48 of paying the administrative expenses of the district,
49 which may include but are not limited to administrative
50 personnel salaries, a separate administrative office,

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1 planning costs including consultation fees, engineering
2 fees, architectural fees, and legal fees and all other
3 expenses reasonably associated with the administration
4 of the district and the fulfilling of the purposes of
5 the district. The taxes levied for this fund may also
6 be used for the purpose of paying maintenance expenses
7 of improvements or self-liquidating improvements for a
8 specified length of time with one or more options to
9 renew if such is clearly stated in the petition which
10 requests the council to authorize construction of the
11 improvement or self-liquidating improvement, whether
12 or not such petition is combined with the petition
13 requesting creation of a district. Parcels of property
14 which are assessed as residential property for property
15 tax purposes are exempt from the tax levied under this
16 section except residential properties within a duly
17 designated historic district. A tax levied under
18 this section is not subject to the levy limitation in
19 section 384.1.

20 Sec. 176. Section 386.9, Code 2011, is amended to
21 read as follows:

22 386.9 Capital improvement tax.

23 A city may establish a capital improvement fund
24 for a district and may certify taxes, not to exceed
25 the rate established by the ordinance creating the
26 district, or any subsequent amendment thereto,
27 each year to be levied for the fund against all of
28 the property in the district, for the purpose of
29 accumulating moneys for the financing or payment
30 of a part or all of the costs of any improvement or
31 self-liquidating improvement. However, parcels of
32 property which are assessed as residential property
33 for property tax purposes are exempt from the tax
34 levied under this section except residential properties
35 within a duly designated historic district. A tax
36 levied under this section is not subject to the levy
37 limitations in section 384.1 or 384.7.

38 Sec. 177. REPEAL. Sections 331.425 and 331.426,
39 Code 2011, are repealed.

40 Sec. 178. EFFECTIVE DATE AND APPLICABILITY. This
41 division of this Act takes effect July 1, 2012, and
42 applies to fiscal years beginning on or after July 1,
43 2013.

44 DIVISION XX

45 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION

46 Sec. 179. Section 441.21, subsection 4, Code 2011,
47 is amended to read as follows:

48 4. For valuations established as of January
49 1, 1979, the percentage of actual value at which
50 agricultural and residential property shall be assessed

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1 shall be the quotient of the dividend and divisor as
2 defined in this section. The dividend for each class
3 of property shall be the dividend as determined for
4 each class of property for valuations established as
5 of January 1, 1978, adjusted by the product obtained
6 by multiplying the percentage determined for that year
7 by the amount of any additions or deletions to actual
8 value, excluding those resulting from the revaluation
9 of existing properties, as reported by the assessors
10 on the abstracts of assessment for 1978, plus six
11 percent of the amount so determined. However, if the
12 difference between the dividend so determined for
13 either class of property and the dividend for that
14 class of property for valuations established as of
15 January 1, 1978, adjusted by the product obtained by
16 multiplying the percentage determined for that year
17 by the amount of any additions or deletions to actual
18 value, excluding those resulting from the revaluation
19 of existing properties, as reported by the assessors
20 on the abstracts of assessment for 1978, is less than
21 six percent, the 1979 dividend for the other class of
22 property shall be the dividend as determined for that
23 class of property for valuations established as of
24 January 1, 1978, adjusted by the product obtained by
25 multiplying the percentage determined for that year
26 by the amount of any additions or deletions to actual
27 value, excluding those resulting from the revaluation
28 of existing properties, as reported by the assessors on
29 the abstracts of assessment for 1978, plus a percentage
30 of the amount so determined which is equal to the
31 percentage by which the dividend as determined for the
32 other class of property for valuations established as
33 of January 1, 1978, adjusted by the product obtained
34 by multiplying the percentage determined for that year
35 by the amount of any additions or deletions to actual
36 value, excluding those resulting from the revaluation
37 of existing properties, as reported by the assessors
38 on the abstracts of assessment for 1978, is increased
39 in arriving at the 1979 dividend for the other class
40 of property. The divisor for each class of property
41 shall be the total actual value of all such property
42 in the state in the preceding year, as reported by the
43 assessors on the abstracts of assessment submitted
44 for 1978, plus the amount of value added to said
45 total actual value by the revaluation of existing
46 properties in 1979 as equalized by the director of
47 revenue pursuant to section 441.49. The director shall
48 utilize information reported on abstracts of assessment
49 submitted pursuant to section 441.45 in determining
50 such percentage. For valuations established as

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1 of January 1, 1980, and each year thereafter, the
 2 percentage of actual value as equalized by the director
 3 of revenue as provided in section 441.49 at which
 4 agricultural and residential property shall be assessed
 5 shall be calculated in accordance with the methods
 6 provided herein including the limitation of increases
 7 in agricultural and residential assessed values to the
 8 percentage increase of the other class of property if
 9 the other class increases less than the allowable limit
 10 adjusted to include the applicable and current values
 11 as equalized by the director of revenue, except that
 12 any references to six percent in this subsection shall
 13 be four percent. For valuations established as of
 14 January 1, 2012, and each assessment year thereafter,
 15 the percentage of actual value as equalized by the
 16 director of revenue as provided in section 441.49 at
 17 which residential property shall be assessed shall be
 18 calculated in accordance with the methods provided
 19 herein including the limitation of increases in
 20 agricultural and residential assessed values to the
 21 percentage increase of the other class of property if
 22 the other class increases less than the allowable limit
 23 adjusted to include the applicable and current values
 24 as equalized by the director of revenue, except that
 25 in no assessment year shall the percentage of actual
 26 value at which residential property is assessed be less
 27 than fifty percent.

DIVISION XXI

CONDITIONAL EFFECTIVE DATE AND RETROACTIVE

APPLICABILITY

31 Sec. 180. EFFECTIVE DATE AND RETROACTIVE
 32 APPLICABILITY. Unless otherwise provided, this Act,
 33 if approved by the governor on or after July 1, 2011,
 34 takes effect upon enactment and applies retroactively
 35 to July 1, 2011.>

36 2. By renumbering as necessary.

SENATE AMENDMENT

H-1753

1 Amend the Senate amendment, H-1731, to House File
 2 645, as amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 1, line 5, through page 41,
 5 line 16, and inserting:

<DIVISION I

FY 2011-2012

DEPARTMENT FOR THE BLIND

9 Section 1. ADMINISTRATION. There is appropriated

10 from the general fund of the state to the department
11 for the blind for the fiscal year beginning July 1,
12 2011, and ending June 30, 2012, the following amount,
13 or so much thereof as is necessary, to be used for the
14 purposes designated:

15 1. For salaries, support, maintenance,
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18 \$ 1,691,815
19 FTEs 88.00

20 2. For costs associated with universal access to
21 audio information over the phone on demand for blind
22 and print handicapped Iowans:

23 \$ 50,000

24 COLLEGE STUDENT AID COMMISSION

25 Sec. 2. There is appropriated from the general fund
26 of the state to the college student aid commission for
27 the fiscal year beginning July 1, 2011, and ending June
28 30, 2012, the following amounts, or so much thereof as
29 is necessary, to be used for the purposes designated:

30 1. GENERAL ADMINISTRATION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 232,943
35 FTEs 3.95

36 2. STUDENT AID PROGRAMS

37 For payments to students for the Iowa grant program
38 established in section 261.93:

39 \$ 791,177

40 3. DES MOINES UNIVERSITY — HEALTH CARE
41 PROFESSIONAL RECRUITMENT PROGRAM

42 For forgivable loans to Iowa students attending Des
43 Moines university — osteopathic medical center under
44 the forgivable loan program pursuant to section 261.19:

45 \$ 325,973

46 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

47 For purposes of providing national guard educational
48 assistance under the program established in section
49 261.86:

50 \$ 3,186,233

Page 2

1 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM For
2 the teacher shortage loan forgiveness program
3 established in section 261.112:

4 \$ 392,452

5 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

6 For purposes of the all Iowa opportunity foster care
7 grant program established pursuant to section 261.6:

8 \$ 554,057

9 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

10 a. For purposes of the all Iowa opportunity
11 scholarship program established pursuant to section
12 261.87:

13 \$ 2,240,854

14 b. If the moneys appropriated by the general
15 assembly to the college student aid commission for
16 fiscal year 2011-2012 for purposes of the all Iowa
17 opportunity scholarship program exceed \$500,000,
18 "eligible institution" as defined in section 261.87,
19 shall, during fiscal year 2011-2012, include accredited
20 private institutions as defined in section 261.9,
21 subsection 1.

22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
23 FORGIVENESS PROGRAM

24 a. For purposes of the registered nurse and nurse
25 educator loan forgiveness program established pursuant
26 to section 261.23:

27 \$ 80,852

28 b. It is the intent of the general assembly that
29 the commission continue to consider moneys allocated
30 pursuant to this subsection as moneys that meet the
31 state matching funds requirements of the federal
32 leveraging educational assistance program and the
33 federal supplemental leveraging educational assistance
34 program established under the Higher Education Act of
35 1965, as amended.

36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
37 GRANT PROGRAM

38 For purposes of the barber and cosmetology arts and
39 sciences tuition grant program established pursuant to
40 section 261.18:

41 \$ 36,938

42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding
43 section 261.72, the moneys deposited in the
44 chiropractic loan revolving fund created pursuant
45 to section 261.72 may be used for purposes of the
46 chiropractic loan forgiveness program established in
47 section 261.73.

48 Sec. 4. WORK-STUDY APPROPRIATION FOR FY
49 2011-2012. Notwithstanding section 261.85, for the
50 fiscal year beginning July 1, 2011, and ending June 30,

Page 3

1 2012, the amount appropriated from the general fund of
2 the state to the college student aid commission for the
3 work-study program under section 261.85 shall be zero.

4 DEPARTMENT OF EDUCATION

5 Sec. 5. There is appropriated from the general fund
6 of the state to the department of education for the
7 fiscal year beginning July 1, 2011, and ending June 30,

8 2012, the following amounts, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 1. GENERAL ADMINISTRATION

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

14 \$ 5,913,812
15 FTEs 81.67

16 2. VOCATIONAL EDUCATION ADMINISTRATION

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:

20 \$ 449,276
21 FTEs 11.50

22 3. VOCATIONAL REHABILITATION SERVICES DIVISION

23 a. For salaries, support, maintenance,
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26 \$ 4,963,168
27 FTEs 255.00

28 b. For matching funds for programs to enable
29 persons with severe physical or mental disabilities to
30 function more independently, including salaries and
31 support, and for not more than the following full-time
32 equivalent position:

33 \$ 39,128
34 FTEs 1.00

35 c. For the entrepreneurs with disabilities program
36 established pursuant to section 259.4, subsection 9:

37 \$ 145,535

38 d. For costs associated with centers for
39 independent living:

40 \$ 40,294

41 4. STATE LIBRARY

42 a. For salaries, support, maintenance,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:

45 \$ 1,209,619
46 FTEs 17.00

47 b. For the enrich Iowa program established under
48 section 256.57:

49 \$ 1,674,227

50 5. LIBRARY SERVICE AREA SYSTEM

Page 4

1 For state aid:

2 \$ 1,005,444

3 6. PUBLIC BROADCASTING DIVISION

4 For salaries, support, maintenance, capital
5 expenditures, miscellaneous purposes, and for not more
6 than the following full-time equivalent positions:

7 \$ 6,654,021
8 FTEs 82.00
9 7. REGIONAL TELECOMMUNICATIONS COUNCILS
10 For state aid:
11 \$ 992,913
12 The regional telecommunications councils established
13 in section 8D.5 shall use the moneys appropriated in
14 this subsection to provide technical assistance for
15 network classrooms, planning and troubleshooting for
16 local area networks, scheduling of video sites, and
17 other related support activities.
18 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
19 For reimbursement for vocational education
20 expenditures made by secondary schools:
21 \$ 2,630,134
22 Moneys appropriated in this subsection shall be used
23 to reimburse school districts for vocational education
24 expenditures made by secondary schools to meet the
25 standards set in sections 256.11, 258.4, and 260C.14.
26 9. SCHOOL FOOD SERVICE
27 For use as state matching funds for federal
28 programs that shall be disbursed according to federal
29 regulations, including salaries, support, maintenance,
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:
32 \$ 2,176,797
33 FTEs 20.58
34 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID
35 For deposit in the school ready children grants
36 account of the early childhood Iowa fund created in
37 section 256I.11:
38 \$ 5,386,113
39 a. From the moneys deposited in the school ready
40 children grants account for the fiscal year beginning
41 July 1, 2011, and ending June 30, 2012, not more than
42 \$265,950 is allocated for the early childhood Iowa
43 office and other technical assistance activities. The
44 early childhood Iowa state board shall direct staff to
45 work with the early childhood stakeholders alliance
46 created in section 256I.12 to inventory technical
47 assistance needs. Moneys allocated under this lettered
48 paragraph may be used by the early childhood Iowa state
49 board for the purpose of skills development and support
50 for ongoing training of staff. However, except as

Page 5

1 otherwise provided in this subsection, moneys shall not
2 be used for additional staff or for the reimbursement
3 of staff.
4 b. As a condition of receiving moneys appropriated
5 in this subsection, each early childhood Iowa area

6 board shall report to the early childhood Iowa state
7 board progress on each of the local indicators approved
8 by the area board. Each early childhood Iowa area
9 board must also submit an annual budget for the area's
10 comprehensive school ready children grant developed for
11 providing services for children from birth through five
12 years of age, and provide other information specified
13 by the early childhood Iowa state board, including
14 budget amendments as needed. The early childhood Iowa
15 state board shall establish a submission deadline for
16 the annual budget and any budget amendments that allow
17 a reasonable period of time for preparation by the
18 early childhood Iowa area boards and for review and
19 approval or request for modification of the materials
20 by the early childhood Iowa state board. In addition,
21 each early childhood Iowa area board must continue to
22 comply with reporting provisions and other requirements
23 adopted by the early childhood Iowa state board in
24 implementing section 256I.9.

25 c. Of the amount appropriated in this subsection
26 for deposit in the school ready children grants account
27 of the early childhood Iowa fund, \$2,318,018 shall
28 be used for efforts to improve the quality of early
29 care, health, and education programs. Moneys allocated
30 pursuant to this paragraph may be used for additional
31 staff and for the reimbursement of staff. The early
32 childhood Iowa state board may reserve a portion of the
33 allocation, not to exceed \$88,650, for the technical
34 assistance expenses of the early childhood Iowa state
35 office, including the reimbursement of staff, and
36 shall distribute the remainder to early childhood Iowa
37 areas for local quality improvement efforts through
38 a methodology identified by the early childhood Iowa
39 state board to make the most productive use of the
40 funding, which may include use of the distribution
41 formula, grants, or other means.

42 d. Of the amount appropriated in this subsection
43 for deposit in the school ready children grants account
44 of the early childhood Iowa fund, \$825,030 shall
45 be used for support of professional development and
46 training activities for persons working in early care,
47 health, and education by the early childhood Iowa
48 state board in collaboration with the professional
49 development component group of the early childhood
50 Iowa stakeholders alliance maintained pursuant to

Page 6

1 section 256I.12, subsection 7, paragraph "b", and the
2 early childhood Iowa area boards. Expenditures shall
3 be limited to professional development and training
4 activities agreed upon by the parties participating in

5 the collaboration.

6 11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION
7 ASSISTANCE

8 a. For deposit in the school ready children grants
9 account of the early childhood Iowa fund created in
10 section 256L.11:

11 \$ 5,428,877

12 b. The amount appropriated in this subsection shall
13 be used for early care, health, and education programs
14 to assist low-income parents with tuition for preschool
15 and other supportive services for children ages three,
16 four, and five who are not attending kindergarten in
17 order to increase the basic family income eligibility
18 requirement to not more than 200 percent of the federal
19 poverty level. In addition, if sufficient funding is
20 available after addressing the needs of those who meet
21 the basic income eligibility requirement, an early
22 childhood Iowa area board may provide for eligibility
23 for those with a family income in excess of the basic
24 income eligibility requirement through use of a sliding
25 scale or other copayment provisions.

26 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
27 PARENT EDUCATION

28 a. For deposit in the school ready children grants
29 account of the early childhood Iowa fund created in
30 section 256L.11:

31 \$ 12,364,434

32 b. The amount appropriated in this subsection
33 shall be used for family support services and parent
34 education programs targeted to families expecting a
35 child or with newborn and infant children through age
36 five and shall be distributed using the distribution
37 formula approved by the early childhood Iowa state
38 board and shall be used by an early childhood Iowa
39 area board only for family support services and parent
40 education programs targeted to families expecting a
41 child or with newborn and infant children through age
42 five.

43 13. BIRTH TO AGE THREE SERVICES

44 For expansion of the federal Individuals with
45 Disabilities Education Improvement Act of 2004, Pub.
46 L. No. 108-446, as amended to January 1, 2011, birth
47 through age three services due to increased numbers of
48 children qualifying for those services:

49 \$ 1,721,400

50 From the moneys appropriated in this subsection,

Page 7

1 \$383,769 shall be allocated to the child health
2 specialty clinic at the state university of Iowa to
3 provide additional support for infants and toddlers

4 who are born prematurely, drug-exposed, or medically
5 fragile.

6 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

7 To provide moneys for costs of providing textbooks
8 to each resident pupil who attends a nonpublic school
9 as authorized by section 301.1:

10 \$ 560,214

11 Funding under this subsection is limited to \$20 per
12 pupil and shall not exceed the comparable services
13 offered to resident public school pupils.

14 15. CORE CURRICULUM AND CAREER INFORMATION AND
15 DECISION-MAKING SYSTEM

16 For purposes of implementing the statewide core
17 curriculum for school districts and accredited
18 nonpublic schools and a state-designated career
19 information and decision-making system:

20 \$ 1,000,000

21 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

22 For purposes of the student achievement and teacher
23 quality program established pursuant to chapter
24 284, and for not more than the following full-time
25 equivalent positions:

26 \$ 4,785,000

27 FTEs 2.00

28 17. JOBS FOR AMERICA'S GRADUATES

29 For school districts to provide direct services to
30 the most at-risk senior high school students enrolled
31 in school districts through direct intervention by a
32 jobs for America's graduates specialist:

33 \$ 40,000

34 18. COMMUNITY COLLEGES

35 a. For general state financial aid to merged
36 areas as defined in section 260C.2 in accordance with
37 chapters 258 and 260C:

38 \$163,774,647

39 Notwithstanding the allocation formula in section
40 260C.18C, the funds appropriated in this subsection
41 shall be allocated as follows:

42 (1) Merged Area I \$ 8,164,628

43 (2) Merged Area II \$ 8,653,675

44 (3) Merged Area III \$ 7,965,666

45 (4) Merged Area IV \$ 3,913,107

46 (5) Merged Area V \$ 9,010,347

47 (6) Merged Area VI \$ 7,621,843

48 (7) Merged Area VII \$ 11,387,434

49 (8) Merged Area IX \$ 14,181,538

50 (9) Merged Area X \$ 25,053,587

Page 8

1 (10) Merged Area XI \$ 25,338,428

2 (11) Merged Area XII \$ 9,291,308

- 3 (12) Merged Area XIII \$ 9,595,296
- 4 (13) Merged Area XIV \$ 3,975,456
- 5 (14) Merged Area XV \$ 12,456,924
- 6 (15) Merged Area XVI \$ 7,165,410

7 b. For distribution to community colleges to
 8 supplement faculty salaries:

9 \$ 500,000

10 c. For deposit in the workforce training and
 11 economic development funds created pursuant to section
 12 260C.18A:

13 \$ 5,000,000

14 Sec. 6. DEPARTMENT OF EDUCATION TRANSFERS. There
 15 is transferred between the following designated
 16 appropriations made to the department of education for
 17 the fiscal year beginning July 1, 2010, and ending June
 18 30, 2011, not more than the following amounts:

19 From the appropriation made for purposes of the
 20 student achievement and teacher quality program in 2010
 21 Iowa Acts, chapter 1183, section 6, subsection 18, as
 22 follows:

23 1. To the appropriation made for purposes of
 24 vocational education administration in 2010 Iowa Acts,
 25 chapter 1183, section 6, subsection 2:

26 \$ 110,521

27 2. To the appropriation made for purposes of
 28 vocational education to secondary schools in 2010 Iowa
 29 Acts, chapter 1183, section 6, subsection 8:

30 \$ 39,458

31 3. To the appropriation made for purposes of school
 32 food service in 2010 Iowa Acts, chapter 1183, section
 33 6, subsection 9:

34 \$ 55,739

35 Notwithstanding section 8.33, moneys transferred
 36 pursuant to this section by the department of education
 37 that remain unencumbered or unobligated at the close of
 38 the fiscal year beginning July 1, 2010, and ending June
 39 30, 2011, shall not revert but shall remain available
 40 for expenditure for the purposes designated until the
 41 close of the succeeding fiscal year.

42 STATE BOARD OF REGENTS

43 Sec. 7. There is appropriated from the general fund
 44 of the state to the state board of regents for the
 45 fiscal year beginning July 1, 2011, and ending June 30,
 46 2012, the following amounts, or so much thereof as is
 47 necessary, to be used for the purposes designated:

48 1. OFFICE OF STATE BOARD OF REGENTS

49 a. For salaries, support, maintenance,
 50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:
2 \$ 1,065,005
3 FTEs 15.00
4 The state board of regents shall submit a monthly
5 financial report in a format agreed upon by the state
6 board of regents office and the legislative services
7 agency.
8 b. For moneys to be allocated to the southwest Iowa
9 graduate studies center:
10 \$ 87,471
11 c. For moneys to be allocated to the siouxland
12 interstate metropolitan planning council for the
13 tristate graduate center under section 262.9,
14 subsection 22:
15 \$ 66,601
16 d. For moneys to be allocated to the quad-cities
17 graduate studies center:
18 \$ 129,776
19 e. For moneys to be distributed to Iowa public
20 radio for public radio operations:
21 \$ 391,568
22 2. STATE UNIVERSITY OF IOWA
23 a. General university, including lakeside
24 laboratory
25 For salaries, support, maintenance, equipment,
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:
28 \$209,737,311
29 FTEs 5,058.55
30 b. Oakdale campus
31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:
34 \$ 2,186,558
35 FTEs 38.25
36 c. State hygienic laboratory
37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-time
39 equivalent positions:
40 \$ 3,536,716
41 FTEs 102.50
42 d. Family practice program
43 For allocation by the dean of the college of
44 medicine, with approval of the advisory board, to
45 qualified participants to carry out the provisions
46 of chapter 148D for the family practice program,
47 including salaries and support, and for not more than
48 the following full-time equivalent positions:
49 \$ 1,788,265
50 FTEs 190.40

1 e. Child health care services
 2 For specialized child health care services,
 3 including childhood cancer diagnostic and treatment
 4 network programs, rural comprehensive care for
 5 hemophilia patients, and the Iowa high-risk infant
 6 follow-up program, including salaries and support, and
 7 for not more than the following full-time equivalent
 8 positions:

9 \$ 659,456
 10 FTEs 57.97

11 f. Statewide cancer registry
 12 For the statewide cancer registry, and for not more
 13 than the following full-time equivalent positions:

14 \$ 149,051
 15 FTEs 2.10

16 g. Substance abuse consortium
 17 For moneys to be allocated to the Iowa consortium
 18 for substance abuse research and evaluation, and
 19 for not more than the following full-time equivalent
 20 position:

21 \$ 55,529
 22 FTEs 1.00

23 h. Center for biocatalysis
 24 For the center for biocatalysis, and for not more
 25 than the following full-time equivalent positions:

26 \$ 723,727
 27 FTEs 6.28

28 i. Primary health care initiative
 29 For the primary health care initiative in the
 30 college of medicine, and for not more than the
 31 following full-time equivalent positions:

32 \$ 648,930
 33 FTEs 5.89

34 From the moneys appropriated in this lettered
 35 paragraph, \$254,889 shall be allocated to the
 36 department of family practice at the state university
 37 of Iowa college of medicine for family practice faculty
 38 and support staff.

39 j. Birth defects registry
 40 For the birth defects registry, and for not more
 41 than the following full-time equivalent position:

42 \$ 38,288
 43 FTEs 1.00

44 k. Larned A. Waterman Iowa nonprofit resource
 45 center

46 For the Larned A. Waterman Iowa nonprofit resource
 47 center, and for not more than the following full-time
 48 equivalent positions:

49 \$ 162,539
 50 FTEs 2.75

1 1. Iowa online advanced placement academy science,
2 technology, engineering, and mathematics initiative
3 For the establishment of the Iowa online advanced
4 placement academy science, technology, engineering, and
5 mathematics initiative:
6 \$ 481,849

7 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
8 a. General university
9 For salaries, support, maintenance, equipment,
10 miscellaneous purposes, and for not more than the
11 following full-time equivalent positions:
12 \$164,345,198
13 FTEs 3,647.42

14 b. Agricultural experiment station
15 For the agricultural experiment station salaries,
16 support, maintenance, miscellaneous purposes, and
17 for not more than the following full-time equivalent
18 positions:
19 \$ 28,111,877
20 FTEs 546.98

21 c. Cooperative extension service in agriculture and
22 home economics
23 For the cooperative extension service in agriculture
24 and home economics salaries, support, maintenance,
25 miscellaneous purposes, and for not more than the
26 following full-time equivalent positions:
27 \$ 17,936,722
28 FTEs 383.34

29 d. Leopold center
30 For agricultural research grants at Iowa state
31 university of science and technology under section
32 266.39B, and for not more than the following full-time
33 equivalent positions:
34 \$ 397,417
35 FTEs 11.25

36 e. Livestock disease research
37 For deposit in and the use of the livestock disease
38 research fund under section 267.8:
39 \$ 172,845

40 4. UNIVERSITY OF NORTHERN IOWA
41 a. General university
42 For salaries, support, maintenance, equipment,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:
45 \$ 74,734,586
46 FTEs 1,447.50

47 b. Recycling and reuse center
48 For purposes of the recycling and reuse center, and
49 for not more than the following full-time equivalent
50 positions:

Page 12

1 \$ 175,256

2 FTEs 3.00

3 c. Science, technology, engineering, and
4 mathematics (STEM) collaborative initiative

5 For purposes of establishing a science, technology,
6 engineering, and mathematics (STEM) collaborative
7 initiative, and for not more than the following
8 full-time equivalent positions:

9 \$ 1,734,656

10 FTEs 6.20

11 (1) From the moneys appropriated in this lettered
12 paragraph, up to \$282,000 shall be allocated for
13 salaries, staffing, and institutional support. The
14 remainder of the moneys appropriated in this lettered
15 paragraph shall be expended only to support activities
16 directly related to recruitment of kindergarten
17 through grade 12 mathematics and science teachers and
18 for ongoing mathematics and science programming for
19 students enrolled in kindergarten through grade 12.

20 (2) The university of northern Iowa shall work with
21 the community colleges to develop STEM professional
22 development programs for community college instructors
23 and STEM curriculum development.

24 d. Real estate education program

25 For purposes of the real estate education program,
26 and for not more than the following full-time
27 equivalent position:

28 \$ 125,302

29 FTEs 1.00

30 5. STATE SCHOOL FOR THE DEAF

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 8,679,964

35 FTEs 126.60

36 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-time
39 equivalent positions:

40 \$ 3,618,931

41 FTEs 62.87

42 7. TUITION AND TRANSPORTATION COSTS

43 For payment to local school boards for the tuition
44 and transportation costs of students residing in the
45 Iowa braille and sight saving school and the state
46 school for the deaf pursuant to section 262.43 and
47 for payment of certain clothing, prescription, and
48 transportation costs for students at these schools
49 pursuant to section 270.5:

50 \$ 11,763

1 8. LICENSED CLASSROOM TEACHERS

2 For distribution at the Iowa braille and sight
3 saving school and the Iowa school for the deaf based
4 upon the average yearly enrollment at each school as
5 determined by the state board of regents:

6 \$ 82,049

7 Sec. 8. ENERGY COST-SAVINGS PROJECTS —
8 FINANCING. For the fiscal year beginning July 1,
9 2011, and ending June 30, 2012, the state board of
10 regents may use notes, bonds, or other evidences of
11 indebtedness issued under section 262.48 to finance
12 projects that will result in energy cost savings in an
13 amount that will cause the state board to recover the
14 cost of the projects within an average of six years.

15 Sec. 9. PRESCRIPTION DRUG COSTS. Notwithstanding
16 section 270.7, the department of administrative
17 services shall pay the state school for the deaf and
18 the Iowa braille and sight saving school the moneys
19 collected from the counties during the fiscal year
20 beginning July 1, 2011, for expenses relating to
21 prescription drug costs for students attending the
22 state school for the deaf and the Iowa braille and
23 sight saving school.

24 Sec. 10. Section 256I.9, subsection 2, Code 2011,
25 is amended to read as follows:

26 2. The state board shall provide maximum
27 flexibility to grantees for the use of the grant
28 moneys included in a school ready children grant,
29 including but not limited to authorizing an area board
30 to use grant moneys to pay for regular audits required
31 pursuant to section 256I.5, subsection 1, if moneys
32 distributed to an area board for administrative costs
33 are insufficient to pay for the required audits.

34 Sec. 11. Section 256I.9, subsection 3, paragraph b,
35 Code 2011, is amended to read as follows:

36 b. Family support services and parent education
37 programs promoted to parents of children from zero
38 through age five. Family support services shall
39 include but are not limited to home visitation. Of
40 the state funding from all sources that an area board
41 designates for family support programs, at least sixty
42 percent shall be committed to programs with a home
43 visitation component.

44 It is the intent of the general assembly that
45 priority for home visitation program funding be given
46 to programs using evidence-based or promising models
47 for home visitation.

48 Sec. 12. Section 261.19, Code 2011, is amended to
49 read as follows:

50 261.19 Osteopathic physician Health care

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1 professional recruitment program.

2 1. A physician health care professional recruitment
3 program is established, to be administered by the
4 college student aid commission, for Des Moines
5 university — ~~osteopathic medical center~~. The
6 program shall consist of a ~~forgivable loan program~~
7 and a ~~tuition scholarship program for students and~~
8 a loan repayment program for physicians health care
9 professionals. The commission shall regularly adjust
10 the ~~physician~~ service requirement under each aspect
11 of the program to provide, to the extent possible,
12 an equal financial benefit for each period of service
13 required.

14 2. a. ~~Notwithstanding the administration~~
15 ~~provisions of subsection 1, the forgivable loan~~
16 ~~program established pursuant to subsection 1 shall be~~
17 ~~administered by the commission in conjunction with Des~~
18 ~~Moines university — osteopathic medical center. Des~~
19 ~~Moines university — osteopathic medical center shall~~
20 ~~match on an equal basis state aid appropriated for~~
21 ~~purposes of the forgivable loan program.~~

22 b. ~~Des Moines university — osteopathic medical~~
23 ~~center shall provide recommendations to the commission~~
24 ~~for students who meet the eligibility requirements of~~
25 ~~the forgivable loan program. A forgivable loan may~~
26 ~~be awarded to a resident of Iowa who is enrolled at~~
27 ~~Des Moines university — osteopathic medical center~~
28 ~~if the student agrees to practice in this state for~~
29 ~~a period of time to be determined by the commission~~
30 ~~at the time the loan is awarded. Forgivable loans to~~
31 ~~eligible students shall not become due until after the~~
32 ~~student completes a residency program. Interest on~~
33 ~~the loans shall begin to accrue the day following the~~
34 ~~student's graduation date. If the student completes~~
35 ~~the period of practice established by the commission~~
36 ~~and agreed to by the student, the loan amount shall~~
37 ~~be forgiven. The loan amount shall not be forgiven~~
38 ~~if the osteopathic physician fails to complete the~~
39 ~~required time period of practice in this state or fails~~
40 ~~to satisfactorily continue in the university's program~~
41 ~~of medical education.~~

42 3. A student enrolled at Des Moines university
43 — ~~osteopathic medical center~~ shall be eligible for
44 a ~~tuition scholarship for the student's study at the~~
45 ~~university. The scholarship shall be for an amount~~
46 ~~not to exceed the annual tuition at the university. A~~
47 ~~student who receives a tuition scholarship shall not~~
48 ~~be eligible for the loan repayment program provided~~
49 ~~for by this section. A student who receives a tuition~~
50 ~~scholarship shall agree to practice in an eligible~~

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1 rural community in this state for a period of time
2 to be determined by the commission at the time the
3 scholarship is awarded. The student shall repay the
4 scholarship to the commission if the student fails to
5 practice in a medically underserved rural community in
6 this state for the required period of time.

7 4. A physician health care professional shall be
8 eligible for the physician loan repayment program
9 if the physician health care professional agrees
10 to practice in an eligible rural community in this
11 state. Des Moines university —osteopathic medical
12 center shall recruit and place physicians health
13 care professionals in rural communities which have
14 agreed to provide additional funds for the physician's
15 recipient's loan repayment. The contract for the
16 loan repayment shall stipulate the time period the
17 physician recipient shall practice in an eligible rural
18 community in this state. In addition, the contract
19 shall stipulate that the physician recipient repay any
20 funds paid on the physician's recipient's loan by the
21 commission if the physician recipient fails to practice
22 in an eligible rural community in this state for the
23 required period of time.

24 3. A health care professional recruitment revolving
25 fund is created in the state treasury as a separate
26 fund under the control of the commission. The
27 commission shall deposit payments made by health care
28 professional recruitment program recipients and the
29 proceeds from the sale of osteopathic loans awarded
30 pursuant to section 261.19, subsection 2, paragraph
31 "b", Code 2011, into the health care professional
32 recruitment revolving fund. Moneys credited to the
33 fund shall be used to supplement moneys appropriated
34 for the health care professional recruitment program,
35 for loan repayment in accordance with this section,
36 and to pay for loan or interest repayment defaults by
37 program recipients. Notwithstanding section 8.33, any
38 balance in the fund on June 30 of any fiscal year shall
39 not revert to the general fund of the state.

40 4. For purposes of this subsection, "eligible
41 section:

42 a. "Eligible rural community" means a medically
43 underserved rural community which agrees to match
44 state funds provided on at least a dollar-for-dollar
45 basis for the loan repayment of a physician health care
46 professional who practices in the community.

47 b. "Health care professional" means a physician,
48 physician assistant, podiatrist, or physical therapist.

49 5. The commission shall adopt rules pursuant to
50 chapter 17A to administer this section.

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1 Sec. 13. Section 261.25, subsections 1, 2, and 3,
2 Code 2011, are amended to read as follows:

3 1. There is appropriated from the general fund of
4 the state to the commission for each fiscal year the
5 sum of ~~forty-four~~ forty-three million five hundred
6 thirteen thousand four hundred forty-eight dollars for
7 tuition grants.

8 2. There is appropriated from the general fund
9 of the state to the commission for each fiscal year
10 the sum of four million ~~six hundred fifty thousand~~
11 ~~four hundred eighty-seven~~ dollars for tuition grants
12 for students attending for-profit accredited private
13 institutions located in Iowa. A for-profit institution
14 which, effective March 9, 2005, or effective January
15 8, 2010, purchased an accredited private institution
16 that was exempt from taxation under section 501(c)
17 of the Internal Revenue Code, shall be an eligible
18 institution under the tuition grant program. For
19 purposes of the tuition grant program, "for-profit
20 accredited private institution" means an accredited
21 private institution which is not exempt from taxation
22 under section 501(c)(3) of the Internal Revenue Code
23 but which otherwise meets the requirements of section
24 261.9, subsection 1, paragraph "b", and whose students
25 were eligible to receive tuition grants in the fiscal
26 year beginning July 1, 2003.

27 3. There is appropriated from the general fund of
28 the state to the commission for each fiscal year the
29 sum of two million ~~four two hundred thirteen~~ two hundred
30 ~~thousand nine one hundred fifty-nine~~ thirty-five
31 thousand dollars for vocational-technical tuition grants.

32 Sec. 14. Section 261E.3, subsection 1, paragraph e,
33 Code 2011, is amended to read as follows:

34 e. The student shall have demonstrated proficiency
35 in reading, mathematics, and science as evidenced by
36 achievement scores on the latest administration of
37 the state assessment for which scores are available
38 and as defined by the department. However, a student
39 receiving competent private instruction under chapter
40 299A may demonstrate proficiency by submitting the
41 written recommendation of the licensed practitioner
42 providing supervision to the student in accordance
43 with section 299A.2; may demonstrate proficiency
44 as evidenced by achievement scores on the annual
45 achievement evaluation required under section 299A.4;
46 or may demonstrate proficiency as evidenced by a
47 selection index, which is the sum of the critical
48 reading, mathematics, and writing skills assessments,
49 of at least one hundred forty-one on the preliminary
50 scholastic aptitude test administered by the college

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1 board; a composite score of at least twenty-one on
2 the college readiness assessment administered by ACT,
3 inc.; or a sum of the critical reading and mathematics
4 scores of at least nine hundred ninety on the college
5 readiness assessment administered by the college board.

6 If a student is not proficient in one or more of the
7 content areas listed in this paragraph, has not taken
8 the college readiness assessments identified in this
9 paragraph, or has not achieved the scores specified
10 in this paragraph, the school board may establish
11 alternative but equivalent qualifying performance
12 measures including but not limited to additional
13 administrations of the state assessment, portfolios
14 of student work, student performance rubric, or
15 end-of-course assessments.

16 Sec. 15. Section 261E.9, subsections 1 through 3,
17 Code 2011, are amended to read as follows:

18 1. a. A regional academy is a program established
19 by a school district to which multiple school districts
20 send students in grades ~~nine~~ seven through twelve,
21 and which may include internet-based coursework
22 and courses delivered via the Iowa communications
23 network. A regional academy shall include in its
24 curriculum advanced level courses and may include
25 in its curriculum career and technical courses. A
26 school district establishing a regional academy may
27 collaborate and partner with, enter into an agreement
28 pursuant to chapter 28E with, or enter into a contract
29 with, one or more school districts, area education
30 agencies, community colleges, accredited public
31 and private postsecondary institutions, accredited
32 nonpublic schools, businesses, and private agencies
33 located within or outside of the state.

34 b. The purpose of a regional academy established
35 pursuant to this section shall be to build a culture
36 of innovation for students and community, to diversify
37 educational and economic opportunities by engaging in
38 learning experiences that involve students in complex,
39 real-world projects, and to develop regional or global
40 innovation networks.

41 c. If a school district establishing a regional
42 academy in accordance with this section submits a plan
43 to the department for approval that demonstrates how
44 the regional academy will increase and assess student
45 achievement or increase and assess competency-based
46 learning opportunities for students, the department may
47 waive or modify any statutory or regulatory provision
48 applicable to school districts except the department
49 shall not waive or modify any statutory or regulatory
50 provision relating to requirements applicable to school

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1 districts under chapters 11, 21, 22, 216, 216A, 256B,
2 279, 284, and 285; or relating to contracts with and
3 discharge of teachers and administrators under chapters
4 20 and 279; or relating to audit requirements under
5 section 256.9, subsection 20, and section 279.29.

6 2. a. A regional academy course shall not qualify
7 as a concurrent enrollment course include in its
8 curriculum advanced level courses.

9 b. A regional academy may include in its curriculum
10 virtual or internet-based coursework and courses
11 delivered via the Iowa communications network, career
12 and technical courses, core curriculum coursework,
13 courses required pursuant to section 256.7, subsection
14 26, or section 256.11, subsections 4 and 5, and
15 asynchronous learning networks.

16 3. School districts participating in regional
17 academies are eligible for supplementary weighting as
18 provided in section 257.11, subsection 2. The school
19 districts participating in the regional academy shall
20 enter into an agreement on how the funding generated
21 by the supplementary weighting received shall be used
22 and shall submit the agreement to the department for
23 approval.

24 Sec. 16. Section 262.13, Code 2011, is amended to
25 read as follows:

26 262.13 'security' Peace officers at institutions as
27 ~~peace officers.~~

28 The board may authorize any institution under its
29 control to commission one or more of its employees
30 as ~~special security peace~~ officers. ~~Special security~~
31 ~~officers~~ Such officers shall have the same powers,
32 duties, privileges, and immunities of as conferred on
33 regular peace officers when acting in the interests
34 of the institution by which they are employed. The
35 board shall provide as rapidly as practicable for the
36 adequate training and certification of such special
37 security peace officers at the Iowa law enforcement
38 academy or in an equivalent at a law enforcement
39 training program school approved by the academy, unless
40 they have the peace officers are already received such
41 training certified by the Iowa law enforcement academy
42 or by an approved law enforcement training school.

43 Sec. 17. Section 263.8A, Code 2011, is amended to
44 read as follows:

45 263.8A International center for talented and gifted
46 education — Iowa online advanced placement academy
47 science, technology, engineering, and mathematics
48 initiative.

49 1. a. The state board of regents shall establish
50 and maintain at Iowa City as an integral part of the

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1 state university of Iowa the international center for
2 talented and gifted education. The international
3 center shall provide programs to assist classroom
4 teachers to teach gifted and talented students in
5 regular classrooms, provide programs to enhance the
6 learning experiences of gifted and talented students,
7 serve as a center for national and international
8 symposiums and policy forums for enhancing the teaching
9 of gifted and talented students, and undertake other
10 appropriate activities to enhance the programs of the
11 center, including, but not limited to, coordinating and
12 working with the world council for gifted and talented
13 children, incorporated.

14 b. An international center endowment fund is
15 established at the state university of Iowa and gifts
16 and grants to the international center and investment
17 earnings and returns on the endowment fund shall be
18 deposited in the fund and may be expended by the state
19 university of Iowa for the purposes for which the
20 international center was established.

21 2. The Iowa online advanced placement academy
22 science, technology, engineering, and mathematics
23 initiative is established within the international
24 center for talented and gifted education at the state
25 university of Iowa to deliver, with an emphasis on
26 science, technology, engineering, and mathematics
27 coursework, preadvanced placement and advanced
28 placement courses to high school students throughout
29 the state, provide training opportunities for teachers
30 to learn how to teach advanced placement courses in
31 Iowa's high schools, and provide preparation for middle
32 school students to ensure success in high school.

33 Sec. 18. Section 279.51, subsection 2, Code 2011,
34 is amended to read as follows:

35 2. a. Funds allocated under subsection 1,
36 paragraph "b", shall be used by the child development
37 coordinating council for the following:

38 a. (1) To continue funding for programs previously
39 funded by grants awarded under section 256A.3 and to
40 provide additional grants under section 256A.3. The
41 council shall seek to provide grants on the basis of
42 the location within the state of children meeting
43 at-risk definitions.

44 b. (2) At the discretion of the child development
45 coordinating council, award grants for the following:

46 ~~(1)~~ (a) To school districts to establish programs
47 for three-year-old, four-year-old, and five-year-old
48 at-risk children which are a combination of preschool
49 and full-day kindergarten.

50 ~~(2)~~ (b) To provide grants to provide educational

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1 support services to parents of at-risk children age
2 birth through three years.
3 b. A grantee under this subsection may direct the
4 use of moneys received to serve any qualifying child
5 ranging in age from three years old to five years old,
6 regardless of the age of population indicated on the
7 grant request in its initial year of application. A
8 grantee is encouraged to consider the degree to which
9 the program complements existing programs and services
10 for three-year-old, four-year-old, and five-year-old
11 at-risk children available in the area, including other
12 child care and preschool services, services provided
13 through a school district, and services available
14 through an area education agency.

15 Sec. 19. Section 284.13, subsection 1, paragraphs a
16 through d, Code 2011, are amended to read as follows:

17 a. For the fiscal year beginning July 1, ~~2010~~ 2011,
18 and ending June 30, ~~2011~~ 2012, to the department of
19 education, the amount of ~~nine six hundred sixty-four~~
20 ~~eighty-five~~ thousand dollars for the issuance of
21 national board certification awards in accordance
22 with section 256.44. Of the amount allocated under
23 this paragraph, not less than ~~seventy-six~~ eighty-five
24 thousand ~~five hundred~~ dollars shall be used to
25 administer the ambassador to education position in
26 accordance with section 256.45.

27 b. For the fiscal year beginning July 1, ~~2010~~ 2011,
28 and ~~succeeding fiscal years~~ ending June 30, 2012, an
29 amount up to ~~four two million one three hundred seven~~
30 ~~ninety-five~~ thousand ~~two hundred forty one hundred~~
31 ~~fifty-seven~~ dollars for first-year and second-year
32 beginning teachers, to the department of education for
33 distribution to school districts and area education
34 agencies for purposes of the beginning teacher
35 mentoring and induction programs. A school district or
36 area education agency shall receive one thousand three
37 hundred dollars per beginning teacher participating in
38 the program. If the funds appropriated for the program
39 are insufficient to pay mentors, school districts, and
40 area education agencies as provided in this paragraph,
41 the department shall prorate the amount distributed
42 to school districts and area education agencies based
43 upon the amount appropriated. Moneys received by a
44 school district or area education agency pursuant to
45 this paragraph shall be expended to provide each mentor
46 with an award of five hundred dollars per semester, at
47 a minimum, for participation in the school district's
48 or area education agency's beginning teacher mentoring
49 and induction program; to implement the plan; and to
50 pay any applicable costs of the employer's share of

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1 contributions to federal social security and the Iowa
2 public employees' retirement system or a pension and
3 annuity retirement system established under chapter
4 294, for such amounts paid by the district or area
5 education agency.

6 c. For the fiscal year beginning July 1, ~~2010~~
7 2011, and ending June 30, ~~2011~~ 2012, up to six hundred
8 ~~thirteen thousand eight hundred seventy-eight~~ dollars
9 to the department for purposes of implementing the
10 professional development program requirements of
11 section 284.6, assistance in developing model evidence
12 for teacher quality committees established pursuant
13 to section 284.4, subsection 1, paragraph "c", and
14 the evaluator training program in section 284.10.
15 A portion of the funds allocated to the department
16 for purposes of this paragraph may be used by the
17 department for administrative purposes and for not more
18 than four full-time equivalent positions.

19 d. For ~~each the~~ fiscal year ~~in which funds are~~
20 ~~appropriated for purposes of this chapter beginning~~
21 July 1, 2011, and ending June 30, 2012, an amount up to
22 one million ~~six one~~ hundred ~~twenty-nine~~ four thousand
23 ~~six eight~~ hundred ~~forty-seven~~ forty-three dollars
24 to the department for the establishment of teacher
25 development academies in accordance with section 284.6,
26 subsection 10. A portion of the funds allocated to the
27 department for purposes of this paragraph may be used
28 for administrative purposes.

29 Sec. 20. Section 298.3, subsection 1, paragraph c,
30 Code 2011, is amended to read as follows:

31 c. The purchase, lease, or lease-purchase of a
32 ~~single unit of~~ equipment or technology exceeding five
33 hundred dollars in value per ~~unit~~ purchase, lease,
34 or lease-purchase transaction. Each transaction may
35 include multiple equipment or technology units.

36 Sec. 21. Section 299A.2, Code 2011, is amended to
37 read as follows:

38 299A.2 Competent private instruction by licensed
39 practitioner.

40 If a licensed practitioner provides competent
41 instruction to a ~~school-age~~ child of ~~compulsory~~
42 ~~attendance~~ age, the practitioner shall possess a
43 valid license or certificate which has been issued
44 by the state board of educational examiners under
45 chapter 272 and which is appropriate to the ages and
46 grade levels of the children to be taught. Competent
47 private instruction may include, but is not limited
48 to; a home school assistance program which provides
49 instruction or instructional supervision offered
50 through an accredited nonpublic school or public

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1 school district by a teacher, who is employed by the
2 accredited nonpublic school or public school district,
3 who assists and supervises a parent, guardian, or legal
4 custodian in providing instruction to a child. If
5 competent private instruction is provided through a
6 public school district, the child shall be enrolled and
7 included in the basic enrollment of the school district
8 as provided in section 257.6. Sections 299A.3 through
9 299A.7 do not apply to competent private instruction
10 provided by a licensed practitioner under this section.
11 However, the reporting requirement contained in section
12 299A.3, subsection 1, shall apply to competent private
13 instruction provided by licensed practitioners that is
14 not part of a home school assistance program offered
15 through an accredited nonpublic school or public school
16 district.

17 Sec. 22. Section 299A.8, Code 2011, is amended to
18 read as follows:

19 299A.8 Dual enrollment.

20 If a parent, guardian, or legal custodian of a
21 ~~school-age~~ child who is receiving competent private
22 instruction under this chapter ~~or a child over~~
23 ~~compulsory age who is receiving private instruction~~
24 submits a request, the child shall also be registered
25 in a public school for dual enrollment purposes. If
26 the child is enrolled in a public school district for
27 dual enrollment purposes, the child shall be permitted
28 to participate in any academic activities in the
29 district and shall also be permitted to participate
30 on the same basis as public school children in any
31 extracurricular activities available to children in
32 the child's grade or group, and the parent, guardian,
33 or legal custodian shall not be required to pay the
34 costs of any annual evaluation under this chapter. If
35 the child is enrolled for dual enrollment purposes,
36 the child shall be included in the public school's
37 basic enrollment under section 257.6. A pupil who is
38 participating only in extracurricular activities shall
39 be counted under section 257.6, subsection 1, paragraph
40 "a", subparagraph (6). A pupil enrolled in grades nine
41 through twelve under this section shall be counted in
42 the same manner as a shared-time pupil under section
43 257.6, subsection 1, paragraph "a", subparagraph (3).

44 Sec. 23. Section 299A.12, subsection 1, Code 2011,
45 is amended to read as follows:

46 1. The board of directors of a school district ~~may~~
47 shall expend moneys received pursuant to section 257.6,
48 subsection 1, paragraph "a", subparagraph (5), for
49 purposes of providing a home school assistance program.

50 Sec. 24. Section 299A.12, subsection 2, paragraphs

Page 23

1 a and b, Code 2011, are amended to read as follows:
2 a. ~~Assisting Instruction~~ Instruction for students and assisting
3 parents with instruction.
4 b. ~~Student Support services for students and~~
5 ~~teaching parent support services~~ teaching parents and
6 staff support services.
7 Sec. 25. Section 299A.12, subsection 2, paragraph
8 g, unnumbered paragraph 1, Code 2011, is amended to
9 read as follows:
10 Resources, materials, computer software and
11 hardware, ~~and~~ supplies, and purchased services that
12 meet the following criteria:
13 Sec. 26. Section 299A.12, subsection 3, paragraphs
14 b, c, e, and f, Code 2011, are amended to read as
15 follows:
16 b. Operational or maintenance costs ~~in addition~~
17 ~~to the cost of maintaining school district facilities~~
18 other than those necessary to operate and maintain the
19 program.
20 c. Capital expenditures other than equipment or
21 facility acquisition, including the lease or rental of
22 space to supplement existing schoolhouse facilities.
23 e. Administrative costs other than the costs
24 necessary to administer the program.
25 f. Concurrent and dual enrollment ~~program~~ costs and
26 postsecondary enrollment options program costs.
27 Sec. 27. REPEAL. Section 261.19B, Code 2011, is
28 repealed.
29 Sec. 28. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
30 APPLICABILITY. The section of this Act transferring
31 moneys appropriated pursuant to 2010 Iowa Acts,
32 chapter 1183, section 6, subsection 18, being deemed of
33 immediate importance, takes effect upon enactment, and
34 if approved by the governor on or after July 1, 2011,
35 shall apply retroactively to June 30, 2011.
36 Sec. 29. EFFECTIVE DATE AND APPLICABILITY. The
37 section of this division of this Act amending section
38 261E.9, subsections 1 through 3, takes effect July 1,
39 2012, and is applicable to school years beginning on or
40 after July 1, 2012.
41 Sec. 30. APPLICABILITY. The section of this
42 division of this Act that amends section 298.3 applies
43 to school budget years beginning on or after July 1,
44 2011.
45 Sec. 31. RETROACTIVE APPLICABILITY. The sections
46 of this Act amending sections 299A.2 and 299A.8 apply
47 retroactively to the base year beginning July 1, 2009.
48 DIVISION II
49 MIDWESTERN HIGHER EDUCATION COMPACT
50 FY 2010-2011, FY 2011-2012, AND FY 2012-2013

1 Sec. 32. There is appropriated from the general
 2 fund of the state to the department of education for
 3 the following fiscal years, the following amounts, or
 4 so much thereof as is necessary, to be used for the
 5 purposes designated:
 6 To be distributed to the midwestern higher education
 7 compact to pay Iowa's member state annual obligation:
 8 FY 2010-2011..... \$ 39,000
 9 FY 2011-2012..... \$ 100,000
 10 FY 2012-2013..... \$ 50,000
 11 Notwithstanding section 8.33, moneys appropriated
 12 in this section, to the department of education
 13 for purposes of paying Iowa's member state annual
 14 obligation under the midwestern higher education
 15 compact, that remain unencumbered or unobligated at the
 16 close of the fiscal year beginning July 1, 2010, and
 17 ending June 30, 2011, shall not revert but shall remain
 18 available for expenditure for the purpose designated
 19 until the close of the succeeding fiscal year.

20 Sec. 33. REPEAL. Section 261D.4, Code 2011, is
 21 repealed.

22 Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 23 APPLICABILITY. This division of this Act, being deemed
 24 of immediate importance, takes effect upon enactment,
 25 and if approved by the governor on or after July 1,
 26 2011, shall apply retroactively to June 30, 2011.

27 DIVISION III
 28 LIBRARY PROVISIONS

29 Sec. 35. Section 8A.454, subsection 2, Code 2011,
 30 is amended to read as follows:

31 2. A monthly per contract administrative charge
 32 shall be assessed by the department on all health
 33 insurance plans administered by the department in which
 34 the contract holder has a state employer to pay the
 35 charge. The amount of the administrative charge shall
 36 be established by the general assembly. The department
 37 shall collect the administrative charge from each
 38 department utilizing the centralized payroll system and
 39 shall deposit the proceeds in the fund. In addition,
 40 the state board of regents, ~~all library service~~
 41 ~~areas~~, the state fair board, the state department of
 42 transportation, and each judicial district department
 43 of correctional services shall remit the administrative
 44 charge on a monthly basis to the department and shall
 45 submit a report to the department containing the number
 46 and type of health insurance contracts held by each of
 47 its employees whose health insurance is administered by
 48 the department.

49 Sec. 36. Section 8D.2, subsection 5, paragraph a,
 50 Code 2011, is amended to read as follows:

Page 25

1 a. "Public agency" means a state agency, an
2 institution under the control of the board of regents,
3 the judicial branch as provided in section 8D.13,
4 subsection 16, a school corporation, a city library,
5 ~~a library service area as provided in chapter 256,~~
6 a county library as provided in chapter 336, or a
7 judicial district department of correctional services
8 established in section 905.2, to the extent provided in
9 section 8D.13, subsection 14, an agency of the federal
10 government, or a United States post office which
11 receives a federal grant for pilot and demonstration
12 projects.

13 Sec. 37. Section 8D.9, subsection 1, Code 2011, is
14 amended to read as follows:

15 1. A private or public agency, other than a state
16 agency, local school district or nonpublic school, city
17 library, ~~library service area,~~ county library, judicial
18 branch, judicial district department of correctional
19 services, agency of the federal government, a hospital
20 or physician clinic, or a post office authorized to be
21 offered access pursuant to this chapter as of May 18,
22 1994, shall certify to the commission no later than
23 July 1, 1994, that the agency is a part of or intends
24 to become a part of the network. Upon receiving such
25 certification from an agency not a part of the network
26 on May 18, 1994, the commission shall provide for the
27 connection of such agency as soon as practical. An
28 agency which does not certify to the commission that
29 the agency is a part of or intends to become a part of
30 the network as required by this subsection shall be
31 prohibited from using the network.

32 Sec. 38. Section 8D.11, subsection 4, Code 2011, is
33 amended to read as follows:

34 4. A political subdivision receiving communications
35 services from the state as of April 1, 1986, may
36 continue to do so but communications services shall
37 not be provided or resold to additional political
38 subdivisions other than a school corporation, a city
39 library, ~~a library service area as provided in chapter~~
40 ~~256,~~ and a county library as provided in chapter 336.
41 The rates charged to the political subdivision shall be
42 the same as the rates charged to state agencies.

43 Sec. 39. Section 12C.1, subsection 1, Code 2011, is
44 amended to read as follows:

45 1. All funds held by the following officers
46 or institutions shall be deposited in one or more
47 depositories first approved by the appropriate
48 governing body as indicated: for the treasurer of
49 state, by the executive council; for judicial officers
50 and court employees, by the supreme court; for the

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1 county treasurer, recorder, auditor, and sheriff, by
2 the board of supervisors; for the city treasurer or
3 other designated financial officer of a city, by the
4 city council; for the county public hospital or merged
5 area hospital, by the board of hospital trustees;
6 for a memorial hospital, by the memorial hospital
7 commission; for a school corporation, by the board
8 of school directors; for a city utility or combined
9 utility system established under chapter 388, by the
10 utility board; ~~for a library service area established~~
11 ~~under chapter 256, by the library service area board of~~
12 ~~trustees~~; and for an electric power agency as defined
13 in section 28F.2 or 390.9, by the governing body of the
14 electric power agency. However, the treasurer of state
15 and the treasurer of each political subdivision or the
16 designated financial officer of a city shall invest
17 all funds not needed for current operating expenses in
18 time certificates of deposit in approved depositories
19 pursuant to this chapter or in investments permitted by
20 section 12B.10. The list of public depositories and
21 the amounts severally deposited in the depositories
22 are matters of public record. This subsection does
23 not limit the definition of "public funds" contained
24 in subsection 2. Notwithstanding provisions of this
25 section to the contrary, public funds of a state
26 government deferred compensation plan established
27 by the executive council may also be invested in the
28 investment products authorized under section 509A.12.

29 Sec. 40. Section 218.22, Code 2011, is amended to
30 read as follows:

31 218.22 Record privileged.

32 Except with the consent of the administrator in
33 charge of an institution, or on an order of a court of
34 record, the record provided in section 218.21 shall be
35 accessible only to the administrator of the division
36 of the department of human services in control of
37 such institution, the director of the department of
38 human services and to assistants and proper clerks
39 authorized by such administrator or the administrator's
40 director. The administrator of the division of such
41 institution is authorized to permit the division of
42 ~~libraries and information~~ library services of the
43 department of education and the historical division of
44 the department of cultural affairs to copy or reproduce
45 by any photographic, photostatic, microfilm, microcard
46 or other process which accurately reproduces a durable
47 medium for reproducing the original and to destroy in
48 the manner described by law such records of residents
49 designated in section 218.21.

50 Sec. 41. Section 256.7, unnumbered paragraph 1,

Page 27

1 Code 2011, is amended to read as follows:

2 Except for the college student aid commission,
3 the commission of libraries and division of library
4 services, and the public broadcasting board and
5 division, the state board shall:

6 Sec. 42. Section 256.7, subsection 17, Code 2011,
7 is amended to read as follows:

8 17. Receive and review the budget and unified plan
9 of service submitted by the division of ~~libraries and~~
10 information library services.

11 Sec. 43. Section 256.9, unnumbered paragraph 1,
12 Code 2011, is amended to read as follows:

13 Except for the college student aid commission,
14 the commission of libraries and division of library
15 services, and the public broadcasting board and
16 division, the director shall:

17 Sec. 44. Section 256.50, subsection 2, Code 2011,
18 is amended to read as follows:

19 2. "Division" means the division of ~~libraries and~~
20 information library services of the department of
21 education.

22 Sec. 45. Section 256.51, subsection 1, unnumbered
23 paragraph 1, Code 2011, is amended to read as follows:

24 The division of ~~libraries and information library~~
25 services is established within attached to the
26 department of education for administrative purposes.
27 The state librarian shall be responsible for the
28 division's budgeting and related management functions
29 in accordance with section 256.52, subsection 3. The
30 division shall do all of the following:

31 Sec. 46. Section 256.51, subsection 1, Code 2011,
32 is amended by adding the following new paragraphs:

33 NEW PARAGRAPH. 0a. Provide support services to
34 libraries, including but not limited to consulting,
35 continuing education, interlibrary loan services, and
36 references services to assure consistency of service
37 statewide and to encourage local financial support for
38 library services.

39 NEW PARAGRAPH. 1. Allow a public library that
40 receives state assistance under section 256.57, or
41 financial support from a city or county pursuant
42 to section 256.69, to dispose of, through sale,
43 conveyance, or exchange, any library materials that may
44 be obsolete or worn out or that may no longer be needed
45 or appropriate to the mission of the public library.
46 These materials may be sold by the public library
47 directly or the governing body of the public library
48 may sell the materials by consignment to a public
49 agency or to a private agency organized to raise funds
50 solely for support of the public library. Proceeds

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1 from the sale of the library materials may be remitted
2 to the public library and may be used by the public
3 library for the purchase of books and other library
4 materials or equipment, or for the provision of library
5 services.

6 Sec. 47. Section 256.51, subsection 1, paragraph d,
7 Code 2011, is amended to read as follows:

8 d. Develop, in consultation with the ~~library~~
9 ~~service areas and the area education agency media~~
10 ~~centers, a biennial unified plan of service and service~~
11 ~~delivery for the division of libraries and information~~
12 library services.

13 Sec. 48. Section 256.51, subsection 1, paragraph j,
14 Code 2011, is amended to read as follows:

15 j. Establish and administer standards for state
16 agency libraries, ~~the library service areas,~~ and public
17 libraries.

18 Sec. 49. Section 256.51, subsection 1, paragraph k,
19 Code 2011, is amended by striking the paragraph.

20 Sec. 50. Section 256.51, subsection 2, paragraph c,
21 Code 2011, is amended to read as follows:

22 c. Accept gifts, contributions, bequests,
23 endowments, or other moneys, including but not limited
24 to the Westgate endowment fund, for any or all purposes
25 of the division. Interest earned on moneys accepted
26 under this paragraph shall be credited to the fund
27 or funds to which the gifts, contributions, bequests,
28 endowments, or other moneys have been deposited, and
29 is available for any or all purposes of the division.
30 The division shall report annually to the ~~director~~
31 commission and the general assembly regarding the
32 gifts, contributions, bequests, endowments, or other
33 moneys accepted pursuant to this paragraph and the
34 interest earned on them.

35 Sec. 51. Section 256.52, subsection 1, Code 2011,
36 is amended to read as follows:

37 1. a. The state commission of libraries consists
38 of one member appointed by the supreme court, the
39 director of the department of education, or the
40 director's designee, and ~~six~~ the following seven
41 members who shall be appointed by the governor to serve
42 four-year terms beginning and ending as provided in
43 section 69.19. ~~The governor's appointees shall~~

44 (1) Two members shall be employed in the state as
45 public librarians.

46 (2) One member shall be a public library trustee.

47 (3) One member shall be employed in this state as
48 an academic librarian.

49 (4) One member shall be employed as a librarian by
50 a school district or area education agency.

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1 ~~(5) Two members shall~~ be selected at large.
2 ~~b.~~ The members shall be reimbursed for their actual
3 expenditures necessitated by their official duties.
4 Members may also be eligible for compensation as
5 provided in section 7E.6.

6 Sec. 52. Section 256.52, subsection 3, paragraph
7 b, subparagraphs (1) and (4), Code 2011, are amended
8 to read as follows:

9 (1) ~~Direct and organize the activities of~~ Organize,
10 ~~staff, and administer the division so as to render the~~
11 greatest benefit to libraries in the state.

12 (4) Appoint and approve the technical,
13 professional, ~~excepting the law librarian,~~ secretarial,
14 and clerical staff necessary to accomplish the purposes
15 of the division subject to chapter 8A, subchapter IV.

16 Sec. 53. Section 256.52, subsection 3, paragraph
17 b, Code 2011, is amended by adding the following new
18 subparagraph:

19 NEW SUBPARAGRAPH. (4A) (a) Assume all of the
20 outstanding obligations of the library service
21 areas and be liable for and recognize, assume, and
22 carry out all valid contracts and obligations of the
23 library service areas that are consolidated under the
24 commission and administered by the division effective
25 beginning July 1, 2011. Each library service area
26 shall transfer, prior to July 1, 2011, its state-funded
27 assets and title to any state-funded real estate owned
28 by the library service area to the state librarian. In
29 the event that the remaining assets and liabilities
30 cannot be transferred to the state librarian, the board
31 of directors of a library service area shall liquidate
32 all assets, settle existing liabilities, and transfer
33 remaining moneys to the general fund of the state. In
34 addition, all fund balances from appropriations of
35 state funds allocated to the library service areas
36 remaining unobligated and unencumbered on the date of
37 the transfer shall be transferred to the general fund
38 of the state.

39 (b) This subparagraph is repealed July 1, 2015.

40 Sec. 54. Section 256.52, subsection 5, Code 2011,
41 is amended to read as follows:

42 5. The commission shall receive and approve the
43 budget and unified plan of service submitted by the
44 division of ~~libraries and information services.~~

45 Sec. 55. Section 256.54, subsection 1, Code 2011,
46 is amended to read as follows:

47 1. The state library includes but is not limited
48 to ~~a law library~~ the library support network, the
49 specialized library services unit, and the state data
50 center. The law library shall be under the direction

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1 of the specialized library services unit.

2 Sec. 56. Section 256.54, subsection 2, unnumbered
3 paragraph 1, Code 2011, is amended to read as follows:

4 The law library shall be administered by a law
5 librarian appointed by the ~~director~~ state librarian
6 subject to chapter 8A, subchapter IV, who shall do all
7 of the following:

8 Sec. 57. Section 256.55, unnumbered paragraph 1,
9 Code 2011, is amended to read as follows:

10 A state data center is established in the ~~department~~
11 of education division. The state data center shall be
12 administered by the state data center coordinator, who
13 shall do all of the following:

14 Sec. 58. NEW SECTION. 256.58 Library support
15 network.

16 1. A library support network is established in the
17 division to offer services and programs for libraries,
18 including but not limited to individualized, locally
19 delivered consulting and training, and to facilitate
20 resource sharing and innovation through the use of
21 technology, administer enrich Iowa programs, advocate
22 for libraries, promote excellence and innovation in
23 library services, encourage governmental subdivisions
24 to provide local financial support for local libraries,
25 and ensure the consistent availability of quality
26 service to all libraries throughout the state,
27 regardless of location or size.

28 2. The organizational structure to deliver library
29 support network services shall include district
30 offices. The district offices shall serve as a basis
31 for providing field services to local libraries in the
32 counties comprising the district. The division shall
33 determine which counties are served by each district
34 office. The number of district offices established to
35 provide services pursuant to this section shall be six.

36 Sec. 59. NEW SECTION. 256.59 Specialized library
37 services.

38 The specialized library services unit is established
39 in the division to provide information services to the
40 three branches of state government and to offer focused
41 information services to the general public in the areas
42 of Iowa law, Iowa state documents, and Iowa history and
43 culture.

44 Sec. 60. NEW SECTION. 256.62 Library services
45 advisory panel.

46 1. The state librarian shall convene a library
47 services advisory panel to advise and recommend to
48 the commission and the division evidence-based best
49 practices, to assist the commission and division to
50 determine service priorities and launch programs,

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1 articulate the needs and interests of Iowa librarians,
2 and share research and professional development
3 information.

4 2. The library services advisory panel shall
5 consist of no fewer than eleven members representing
6 libraries of all sizes and types, and various
7 population levels and geographic regions of the
8 state. A simple majority of the members appointed
9 shall be appointed by the executive board of the Iowa
10 library association and the remaining members shall be
11 appointed by the state librarian. Terms of members
12 shall begin and end as provided in section 69.19. Any
13 vacancy shall be filled in the same manner as regular
14 appointments are made for the unexpired portion of the
15 regular term. Members shall serve four-year terms
16 which are staggered at the discretion of the state
17 librarian. A member is eligible for reappointment for
18 three successive terms. The members shall elect a
19 chairperson annually.

20 3. The library services advisory panel shall
21 meet at least twice annually and shall submit its
22 recommendations in a report to the commission and the
23 state librarian at least once annually. The report
24 shall be timely submitted to allow for consideration
25 of the recommendations prior to program planning and
26 budgeting for the following fiscal year.

27 4. Members of the library services advisory panel
28 shall receive actual and necessary expenses incurred
29 in the performance of their duties. Expenses shall
30 be paid from funds appropriated to the department for
31 purposes of the division.

32 Sec. 61. Section 256.70, unnumbered paragraph 1,
33 Code 2011, is amended to read as follows:

34 The division of ~~libraries and information~~ library
35 services of the department of education is hereby
36 authorized to enter into interstate library compacts on
37 behalf of the state of Iowa with any state bordering on
38 Iowa which legally joins therein in substantially the
39 following form and the contracting states agree that:

40 Sec. 62. Section 256.71, Code 2011, is amended to
41 read as follows:

42 256.71 Administrator.

43 The administrator of the division of ~~libraries and~~
44 ~~information~~ library services shall be the compact
45 administrator. The compact administrator shall
46 receive copies of all agreements entered into by the
47 state or its political subdivisions and other states
48 or political subdivisions; consult with, advise and
49 aid such governmental units in the formulation of
50 such agreements; make such recommendations to the

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1 governor, legislature, governmental agencies and units
2 as the administrator deems desirable to effectuate the
3 purposes of this compact and consult and ~~co-operate~~
4 cooperate with the compact administrators of other
5 party states.

6 Sec. 63. Section 273.2, subsection 4, Code 2011, is
7 amended to read as follows:

8 4. The area education agency board shall provide
9 for special education services and media services
10 for the local school districts in the area and shall
11 encourage and assist school districts in the area to
12 establish programs for gifted and talented children.
13 The board shall assist in facilitating interlibrary
14 loans of materials between school districts and other
15 libraries. ~~Each area education agency shall include
16 as a member of its media center advisory committee a
17 library service area trustee or library service area
18 staff member, who is appointed to the committee by the
19 commission of libraries.~~

20 Sec. 64. Section 669.2, subsection 5, Code 2011, is
21 amended to read as follows:

22 5. "State agency" includes all executive
23 departments, agencies, boards, bureaus, and commissions
24 of the state of Iowa, and corporations whose
25 primary function is to act as, and while acting as,
26 instrumentalities or agencies of the state of Iowa,
27 whether or not authorized to sue and be sued in
28 their own names. This definition does not include a
29 contractor with the state of Iowa. Soil and water
30 conservation districts as defined in section 161A.3,
31 subsection 6, and judicial district departments
32 of correctional services as established in section
33 905.2, ~~and library service area boards of trustees
34 as established in chapter 256~~ are state agencies for
35 purposes of this chapter.

36 Sec. 65. Section 904.601, unnumbered paragraph 1,
37 Code 2011, is amended to read as follows:

38 The director shall keep the following record of
39 every person committed to any of the department's
40 institutions: Name, residence, sex, age, place of
41 birth, occupation, civil condition, date of entrance
42 or commitment, date of discharge, whether a discharge
43 is final, condition of the person when discharged,
44 the name of the institutions from which and to which
45 the person has been transferred, and if the person
46 is dead, the date and cause of death. The director
47 may permit the division of ~~libraries and information~~
48 library services of the department of education and
49 the historical division of the department of cultural
50 affairs to copy or reproduce by any photographic,

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1 photostatic, microfilm, microcard, or other process
2 which accurately reproduces in a durable medium and to
3 destroy in the manner described by law the records of
4 inmates required by this paragraph.

5 Sec. 66. REPEAL. Sections 256.60, 256.61, 256.66
6 through 256.68, Code 2011, are repealed.

7 Sec. 67. TRANSITION PROVISION. A governor's
8 appointee serving on the state commission of libraries
9 on the effective date of this Act shall continue
10 to serve as a member of the commission until the
11 appointee's term expires.

12 Sec. 68. LIBRARY SERVICE AREA EMPLOYEES — LENGTH
13 OF SERVICE — TRANSFER OF PERSONNEL RECORDS.

14 1. The length of service of a permanent employee
15 of a library service area who is employed by a library
16 service area on June 30, 2011, and who is hired by the
17 division of library services on or after July 1, 2011,
18 shall be prorated and credited as state employment
19 service for purposes of vacation and sick leave
20 accrual.

21 2. The area administrator of each library service
22 area shall submit to the division of library services
23 the personnel records of each permanent full-time
24 employee of the library service area by July 1, 2011.

25 Sec. 69. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
26 APPLICABILITY. The section of this division of this
27 Act enacting section 256.52, subsection 3, paragraph
28 "b", subparagraph (4A), being deemed of immediate
29 importance, takes effect upon enactment, and if
30 approved by the governor on or after July 1, 2011,
31 shall apply retroactively to June 30, 2011.

32 DIVISION IV

33 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

34 Sec. 70. Section 260C.18A, subsection 2, Code 2011,
35 is amended by adding the following new paragraphs:

36 NEW PARAGRAPH. g. Development and implementation
37 of pathways for academic career and employment programs
38 under chapter 260H.

39 NEW PARAGRAPH. h. Development and implementation
40 of programs for the gap tuition assistance program
41 under chapter 260I.

42 NEW PARAGRAPH. i. Entrepreneurial education, small
43 business assistance, and business incubators.

44 Sec. 71. NEW SECTION. 260H.1 Title.

45 This chapter shall be known and may be cited as the
46 "Pathways for Academic Career and Employment Act".

47 Sec. 72. NEW SECTION. 260H.2 Pathways for academic
48 career and employment program.

49 A pathways for academic career and employment
50 program is established to provide funding to

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1 community colleges for the development of projects
2 in coordination with the department of economic
3 development, the department of education, Iowa
4 workforce development, regional advisory boards
5 established pursuant to section 84A.4, and community
6 partners to implement a simplified, streamlined, and
7 comprehensive process, along with customized support
8 services, to enable eligible participants to acquire
9 effective academic and employment training to secure
10 gainful, quality, in-state employment.

11 Sec. 73. NEW SECTION. 260H.3 Eligibility criteria.

12 1. Projects eligible for funding for the pathways
13 for academic career and employment program shall be
14 projects that further the ability of members of target
15 populations to secure gainful, quality employment.
16 For the purposes of this chapter, "target population"
17 includes:

- 18 a. Persons deemed low skilled for the purposes of
19 attaining gainful, quality, in-state employment.
- 20 b. Persons earning incomes at or below two hundred
21 percent of the federal poverty level as defined by
22 the most recently revised poverty income guidelines
23 published by the United States department of health and
24 human services.
- 25 c. Unemployed persons.
- 26 d. Underemployed persons.
- 27 e. Dislocated workers, including workers eligible
28 for services and benefits under the federal Trade
29 Adjustment Act of 2002, Pub. L. No. 107-210, as
30 determined by the department of workforce development
31 and the federal internal revenue service.

32 2. Projects eligible for funding for the pathways
33 for academic career and employment program shall
34 be projects that further partnerships that link
35 the community colleges to industry and nonprofit
36 organizations and projects that further program
37 outcomes as provided in section 260H.4.

38 Sec. 74. NEW SECTION. 260H.4 Program outcomes.

39 Projects eligible for funding for the pathways
40 for academic career and employment program shall be
41 programs which further the following program outcomes:

- 42 1. Enabling the target populations to:
 - 43 a. Acquire and demonstrate competency in basic
44 skills.
 - 45 b. Acquire and demonstrate competency in a
46 specified technical field.
 - 47 c. Complete a specified level of postsecondary
48 education.
 - 49 d. Earn a national career readiness certificate.
 - 50 e. Obtain employer-validated credentials.

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1 f. Secure gainful employment in high-quality, local
2 jobs.

3 2. Satisfaction of economic and employment goals
4 including but not limited to:

5 a. Economic and workforce development requirements
6 in each region served by the community colleges
7 as defined by regional advisory boards established
8 pursuant to section 84A.4.

9 b. Needs of industry partners in areas including
10 but not limited to:

11 (1) Information technology.

12 (2) Health care.

13 (3) Advanced manufacturing.

14 (4) Transportation and logistics.

15 c. Any other industry designated as in-demand by a
16 regional advisory board established pursuant to section
17 84A.4.

18 Sec. 75. NEW SECTION. 260H.5 Program component
19 requirements.

20 Program components of a pathways for academic career
21 and employment project implemented at a community
22 college shall:

23 1. Include measurable and effective recruitment,
24 assessment, and referral activities designed for the
25 target populations.

26 2. Integrate basics skills and work-readiness
27 training with occupational skills training.

28 3. Combine customized supportive and case
29 management services with training services to help
30 participants overcome barriers to employment.

31 4. Provide training services at times, locations,
32 and through multiple, flexible modalities that are
33 easily understood and readily accessible to the
34 target populations. Such modalities shall support
35 timeless entry, individualized learning, and flexible
36 scheduling, and may include online remediation,
37 learning lab and cohort learning communities, tutoring,
38 and modularization.

39 Sec. 76. NEW SECTION. 260H.6 Pipeline program.

40 Each community college receiving funding for the
41 pathways for academic career and employment program
42 shall develop a pipeline program in order to better
43 serve the academic, training, and employment needs of
44 the target populations. A pipeline program shall have
45 the following goals:

46 1. To strengthen partnerships with community-based
47 organizations and industry representatives.

48 2. To improve and simplify the identification,
49 recruitment, and assessment of qualified participants.

50 3. To conduct and manage an outreach, recruitment,

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1 and intake process, along with accompanying support
2 services, reflecting sensitivity to the time and
3 financial constraints and remediation needs of the
4 target populations.

5 4. To conduct orientations for qualified
6 participants to describe regional labor market
7 opportunities, employer partners, and program
8 requirements and expectations.

9 5. To describe the concepts of the project
10 implemented with funds from the pathways for academic
11 career and employment program and the embedded
12 educational and support resources available through
13 such project.

14 6. To outline the basic skills participants will
15 learn and describe the credentials participants will
16 earn.

17 7. To describe success milestones and ways in which
18 temporal and instructional barriers have been minimized
19 or eliminated.

20 8. To review how individualized and customized
21 service strategies for participants will be developed
22 and provided.

23 Sec. 77. NEW SECTION. 260H.7 Career pathways and
24 bridge curriculum development program.

25 Each community college receiving funding for the
26 pathways for academic career and employment program
27 shall develop a career pathways and bridge curriculum
28 development program in order to better serve the
29 academic, training, and employment needs of the target
30 populations. A career pathways and bridge curriculum
31 development program shall have the following goals:

32 1. The articulation of courses and modules, the
33 mapping of programs within career pathways, and
34 establishment of bridges between credit and noncredit
35 programs.

36 2. The integration and contextualization of
37 basic skills education and skills training. This
38 process shall provide for seamless progressions
39 between adult basic education and general education
40 development programs and continuing education and
41 credit certificate, diploma, and degree programs.

42 3. The development of career pathways that support
43 the attainment of industry-recognized credentials,
44 diplomas, and degrees through stackable, modularized
45 program delivery.

46 Sec. 78. NEW SECTION. 260H.8 Rules.

47 The department of education, in consultation with
48 the community colleges, the department of economic
49 development, and Iowa workforce development, shall
50 adopt rules pursuant to chapter 17A and this chapter

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1 to implement the provisions of this chapter. Regional
2 advisory boards established pursuant to section
3 84A.4 shall be consulted in the development and
4 implementation of rules to be adopted pursuant to this
5 chapter.

6 Sec. 79. NEW SECTION. 260I.1 Title.

7 This chapter shall be known and may be cited as the
8 "Gap Tuition Assistance Act".

9 Sec. 80. NEW SECTION. 260I.2 Gap tuition
10 assistance program.

11 A gap tuition assistance program is established to
12 provide funding to community colleges for need-based
13 tuition assistance to applicants to enable completion
14 of continuing education certificate training programs
15 for in-demand occupations.

16 Sec. 81. NEW SECTION. 260I.3 Applicants for
17 tuition assistance — eligibility criteria.

18 1. The department of education, in consultation
19 with the department of economic development, shall
20 adopt rules pursuant to this chapter defining
21 eligibility criteria for persons applying to receive
22 tuition assistance under this chapter.

23 2. Eligibility for tuition assistance under this
24 chapter shall be based on financial need. Criteria to
25 be assessed in determining financial need shall include
26 but is not limited to:

27 a. The applicant's family income for the twelve
28 months prior to the date of application.

29 b. The applicant's family size.

30 c. The applicant's county of residence.

31 3. a. An applicant for tuition assistance under
32 this chapter must have a demonstrated capacity to
33 achieve the following outcomes:

34 (1) The ability to complete an eligible certificate
35 program.

36 (2) The ability to enter a postsecondary
37 certificate, diploma, or degree program for credit.

38 (3) The ability to gain full-time employment.

39 (4) The ability to maintain full-time employment
40 over time.

41 b. The community college receiving the application
42 shall only approve an applicant for tuition assistance
43 under this chapter if the community college determines
44 the applicant has a strong likelihood of achieving the
45 outcomes described in paragraph "a" after considering
46 factors including but not limited to:

47 (1) Barriers that may prevent an applicant from
48 completing the certificate program.

49 (2) Barriers that may prevent an applicant from
50 gaining employment in an in-demand occupation.

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1 4. Applicants may be found eligible for partial or
2 total tuition assistance.

3 5. Tuition assistance shall not be approved when
4 the community college receiving the application
5 determines that funding for an applicant's
6 participation in an eligible certificate program is
7 available from any other public or private funding
8 source.

9 Sec. 82. NEW SECTION. 260I.4 Applicants for
10 tuition assistance — additional provisions.

11 1. An applicant for tuition assistance under
12 this chapter shall provide to the community college
13 receiving the application documentation of all sources
14 of income.

15 2. Only an applicant eligible to work in the United
16 States shall be approved for tuition assistance under
17 this chapter.

18 3. An application shall be valid for six months
19 from the date of signature on the application.

20 4. A person shall not be approved for tuition
21 assistance under this chapter for more than one
22 eligible certificate program.

23 5. Eligibility for tuition assistance under this
24 chapter shall not be construed to guarantee enrollment
25 in any community college certificate program.

26 6. Eligibility for tuition assistance under this
27 chapter shall be limited to persons earning incomes at
28 or below two hundred percent of the federal poverty
29 level as defined by the most recently revised poverty
30 income guidelines published by the United States
31 department of health and human services.

32 Sec. 83. NEW SECTION. 260I.5 Eligible costs.

33 Costs of a certificate program eligible for coverage
34 by tuition assistance shall include but are not limited
35 to:

36 1. Tuition.

37 2. Direct training costs.

38 3. Required books and equipment.

39 4. Fees including but not limited to fees for
40 industry testing services and background check testing
41 services.

42 Sec. 84. NEW SECTION. 260I.6 Eligible certificate
43 programs.

44 For the purposes of this chapter, "eligible
45 certificate program" means a program meeting all of the
46 following criteria:

47 1. The program is not offered for credit, but is
48 aligned with a certificate, diploma, or degree for
49 credit, and does any of the following:

50 a. Offers a state, national, or locally recognized

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1 certificate.
2 b. Offers preparation for a professional
3 examination or licensure.
4 c. Provides endorsement for an existing credential
5 or license.
6 d. Represents recognized skill standards defined by
7 an industrial sector.
8 e. Offers a similar credential or training.
9 2. The program offers training or a credential in
10 an in-demand occupation. For the purposes of this
11 chapter, "in-demand occupation" includes occupations in
12 the following industries:
13 a. Information technology.
14 b. Health care.
15 c. Advanced manufacturing.
16 d. Transportation and logistics.
17 e. Any other industry designated as in-demand by a
18 regional advisory board established pursuant to section
19 84A.4.
20 Sec. 85. NEW SECTION. 260I.7 Initial assessment.
21 An applicant for tuition assistance under this
22 chapter shall complete an initial assessment
23 administered by the community college receiving the
24 application to determine the applicant's readiness
25 to complete an eligible certificate program. The
26 assessment shall include assessments for completion of
27 a national career readiness certificate, including the
28 areas of reading for information, applied mathematics,
29 and locating information. An applicant must achieve a
30 bronze-level certificate or the minimum score required
31 for an eligible certificate program, whichever is
32 higher, in order to be approved for tuition assistance.
33 An applicant shall complete any additional assessments
34 and occupational research required by an eligible
35 certificate program.
36 Sec. 86. NEW SECTION. 260I.8 Program interview.
37 An applicant for tuition assistance under this
38 chapter shall meet with a member of the staff for
39 an eligible certificate program offered by the
40 community college receiving the application. The
41 staff member shall discuss the relevant industry, any
42 applicable occupational research, and any applicable
43 training relating to the eligible certificate program.
44 The discussion shall include an evaluation of the
45 applicant's capabilities, needs, family situation,
46 work history, educational background, attitude and
47 motivation, employment skills, vocational potential,
48 and employment barriers. The discussion shall also
49 include potential start dates, support needs, and other
50 requirements for an eligible certificate program.

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1 Sec. 87. NEW SECTION. 260I.9 Participation
2 requirements.

3 1. A participant in an eligible certificate program
4 who receives tuition assistance pursuant to this
5 chapter shall do all of the following:

6 a. Maintain regular contact with staff members for
7 the certificate program to document the applicant's
8 progress in the program.

9 b. Sign a release form to provide relevant
10 information to community college faculty or case
11 managers.

12 c. Discuss with staff members for the certificate
13 program any issues that may impact the participant's
14 ability to complete the certificate program, obtain
15 employment, and maintain employment over time.

16 d. Attend all required courses regularly.

17 e. Meet with staff members for the certificate
18 program to develop a job search plan.

19 2. A community college may terminate tuition
20 assistance for a participant who fails to meet the
21 requirements of this section.

22 Sec. 88. NEW SECTION. 260I.10 Oversight.

23 1. The department of education, in coordination
24 with the community colleges, shall establish a steering
25 committee. The steering committee shall determine if
26 the performance measures of the gap tuition assistance
27 program are being met and shall take necessary steps
28 to correct any deficiencies. The steering committee
29 shall meet at least quarterly to evaluate and monitor
30 the performance of the gap tuition assistance program.

31 2. The department of education, in coordination
32 with the community colleges, shall develop a common
33 intake tracking system that shall be implemented
34 consistently by each participating community college.

35 3. The department of education shall coordinate
36 statewide oversight, evaluation, and reporting efforts
37 for the gap tuition assistance program.

38 Sec. 89. NEW SECTION. 260I.11 Rules.

39 The department of education, in consultation
40 with the department of economic development and
41 the community colleges, shall adopt rules pursuant
42 to chapter 17A and this chapter to implement the
43 provisions of this chapter.

44 DIVISION V

45 ORGANIZATIONS REPRESENTING SCHOOL BOARDS,
46 MEMBERS, AND ADMINISTRATORS

47 Sec. 90. Section 279.38, Code 2011, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 279.38 Membership in organizations — requirements.

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1 1. As used in this section:

2 a. "Compensation" means the same as defined in
3 section 8F.2, subsection 2.

4 b. "Organization" means a local, state, regional,
5 or national organization which relates to the functions
6 of the board of directors of a school district or to
7 the administrators of a school district and to which
8 a school board pays monetary fees for products or
9 services or annual dues in accordance with subsection
10 2. "Organization" includes a related for-profit or
11 not-for-profit subsidiary of an organization.

12 2. a. The board of directors of a school district,
13 the duly elected members of the school board, and
14 designated administrators of school districts may join
15 or participate in organizations, including but not
16 limited to organizations such as the Iowa association
17 of school boards, the urban education network, Iowa
18 school finance information services, and the school
19 administrators of Iowa. The school board may pay
20 out of funds available to the school board reasonable
21 monetary fees for products or services or annual
22 dues for membership of the school board, or a board
23 member or administrator, in such an organization.
24 Such an organization that receives fees or dues for
25 membership from a school board shall be considered a
26 taxpayer-funded organization.

27 b. Each school board that pays monetary fees or
28 annual dues to an organization shall annually report
29 to the local community and to the department of
30 education the amount paid in annual dues, fees, or
31 assessments for products or services received from
32 the organization, and the total amount of any revenue
33 or dividend payments received from the organization.
34 The information shall be submitted to the department
35 electronically in the format specified by the
36 department.

37 3. The financial condition and transactions
38 of an organization shall be audited as provided in
39 section 11.6. The organization shall establish an
40 audit committee to review the financial condition
41 and transactions of the organization and the report
42 of examination conducted in accordance with this
43 subsection. The auditor conducting an examination in
44 accordance with this subsection shall have full access
45 to the audit committee and to all of the organization's
46 records, reports, audits, tax reports, and all other
47 documents and papers issued or maintained by the
48 organization.

49 4. An organization shall do all of the following:

50 a. Publish annually on its internet site, and

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1 in a report submitted annually to the department of
2 education, the standing committees on government
3 oversight, and the general assembly, all of the
4 following:

5 (1) A listing of the school districts that pay fees
6 or dues for membership in the organization and the
7 moneys paid by each school district.

8 (2) The total revenue the organization receives
9 from each school district resulting from the payment of
10 monetary fees or annual dues, and the total net profit
11 from the sale of products and services to the school
12 district by the organization.

13 (3) An accounting, broken down by individual
14 employee, of the total amount of moneys expended for
15 reimbursement of expenses incurred by and compensation
16 paid to each of the ten highest paid employees of the
17 organization as evidenced by the tax forms submitted by
18 the organization to the internal revenue service.

19 (4) An accounting of all moneys expended for
20 reimbursement of expenses incurred by and compensation
21 paid to all legislative representatives and lobbyists
22 of the organization.

23 b. Submit to the general assembly and the standing
24 committees on government oversight copies of all
25 reports the organization provides to the United States
26 department of education relating to federal grants and
27 grant amounts that the organization administers or
28 distributes to school districts.

29 c. Provide education and training to the
30 organization's board members in the fiduciary duties
31 and legal responsibilities of members.

32 5. An organization shall not pay an employee
33 or officer of the organization, a member of the
34 organization's governing board, or a legislative
35 representative or lobbyist for the organization, a
36 bonus or other consideration of any type which is
37 in addition to compensation paid and published and
38 reported as required by subsection 4. In addition, the
39 organization shall not allow any other entity to pay an
40 employee or officer of the organization, a member of
41 the organization's governing board, or a legislative
42 representative or lobbyist for the organization for
43 services performed on behalf of the organization.
44 However, the organization may pay an employee a
45 commission if the terms for paying the commission
46 are in writing under an agreement which is a public
47 document and the employee's compensation, which shall
48 list the amount of the commission, is published and
49 reported in the same manner as provided in subsection
50 4.

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1 6. a. A person who serves as the head of an
2 organization or otherwise serves in a supervisory
3 capacity within the organization shall not require
4 an employee of the organization to inform the person
5 that the employee made a disclosure of information
6 permitted by this subsection and shall not prohibit
7 an employee of the organization from disclosing any
8 information to a member of the governing board or to
9 any public official, a law enforcement agency, a state
10 agency, the auditor of state or an auditor conducting
11 an examination of the organization in accordance with
12 section 11.6, the office of the attorney general, the
13 office of citizens' aide, or to a committee of the
14 general assembly if the employee reasonably believes
15 the information evidences a violation of law or rule,
16 mismanagement, a gross abuse of funds, an abuse of
17 authority, or a substantial and specific danger to
18 public health or safety. However, an employee may be
19 required to inform the person that the employee made a
20 disclosure of information permitted by this subsection
21 if the employee represented that the disclosure was
22 the official position of the employee's immediate
23 supervisor or employer.

24 b. A person shall not discharge an employee from
25 or take or fail to take action regarding an employee's
26 appointment or proposed appointment to, promotion or
27 proposed promotion to, or any advantage in, a position
28 administered by, or subject to approval of, the person
29 or the organization's governing board as a reprisal
30 for a failure by that employee to inform the person
31 that the employee made a disclosure of information
32 permitted by this subsection, or for a disclosure of
33 any information by that employee authorized under
34 paragraph "a" if the employee reasonably believes
35 the information evidences a violation of law or rule,
36 mismanagement, a gross abuse of funds, an abuse of
37 authority, or a substantial and specific danger to
38 public health or safety. However, an employee may be
39 required to inform the person that the employee made a
40 disclosure of information permitted by this subsection
41 if the employee represented that the disclosure was
42 the official position of the employee's immediate
43 supervisor or employer.

44 c. Paragraphs "a" and "b" do not apply if the
45 disclosure of the information is prohibited by statute.

46 d. A person who violates paragraph "a" or "b"
47 commits a simple misdemeanor.

48 e. Paragraph "b" may be enforced through a civil
49 action.

50 (1) A person who violates paragraph "b" is liable

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1 to an aggrieved employee for affirmative relief
2 including reinstatement, with or without back pay, or
3 any other equitable relief the court deems appropriate,
4 including attorney fees and costs.

5 (2) When a person commits, is committing, or
6 proposes to commit an act in violation of paragraph
7 "b", an injunction may be granted through an action in
8 district court to prohibit the person from continuing
9 such acts. The action for injunctive relief may
10 be brought by an aggrieved employee or the attorney
11 general.

12 f. A person shall not discharge an employee from
13 or take or fail to take action regarding an employee's
14 appointment or proposed appointment to, promotion
15 or proposed promotion to, or any advantage in, a
16 position administered by, or subject to approval of,
17 the person or the organization's governing board as a
18 reprisal for the employee's declining to participate in
19 contributions or donations to charities or community
20 organizations.

21 g. The person and the organization's governing
22 board shall provide procedures for notifying the
23 organization's new employees of the provisions of this
24 subsection and shall periodically conduct promotional
25 campaigns to provide similar information to the
26 organization's employees. The information shall
27 include the toll-free telephone number of the citizens'
28 aide.

29 7. a. Except as otherwise provided in paragraph
30 "b", all meetings of the governing board of the
31 organization shall comply with the requirements of
32 chapter 21 and all records of the governing board and
33 the organization shall be maintained in accordance with
34 chapter 22.

35 b. The governing board of the organization may keep
36 the following records confidential and the governing
37 board may hold a closed session meeting to discuss the
38 following matters:

39 (1) Personal information in confidential personnel
40 records maintained by the governing board of the
41 organization and required or authorized to be kept
42 confidential by law.

43 (2) Discussions with, or the work product of, an
44 attorney of the governing board of the organization
45 required or authorized to be kept confidential by law.

46 (3) Pricing, product, service, business strategy,
47 or marketing information which if released, would give
48 an advantage to competitors, vendors, or other parties
49 and that serve no public purpose.

50 Sec. 91. REPEAL. Section 279.38A, Code 2011, is

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1 repealed.

2 Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
3 APPLICABILITY. This division of this Act, being deemed
4 of immediate importance, takes effect upon enactment,
5 and if approved by the governor on or after July 1,
6 2011, shall apply retroactively to June 30, 2011.

7 DIVISION VI

8 SCHOOL EMPLOYEE MISCONDUCT

9 Sec. 93. Section 272.2, subsection 1, paragraph b,
10 Code 2011, is amended by striking the paragraph and
11 inserting in lieu thereof the following:

12 b. Provide annually to any person who holds a
13 license, certificate, authorization, or statement of
14 recognition issued by the board, training relating
15 to the knowledge and understanding of the board's
16 code of professional conduct and ethics. The board
17 shall develop a curriculum that addresses the code of
18 professional conduct and ethics and shall annually
19 provide regional training opportunities throughout the
20 state.

21 Sec. 94. Section 272.15, subsection 1, Code 2011,
22 is amended to read as follows:

23 1. a. The board of directors of a school district
24 or area education agency, the superintendent of a
25 school district or the chief administrator of an
26 area education agency, and the authorities in charge
27 of a nonpublic school shall report to the board the
28 nonrenewal or termination, for reasons of alleged or
29 actual misconduct, of a person's contract executed
30 under sections 279.12, 279.13, 279.15 through 279.21,
31 279.23, and 279.24, and the resignation of a person
32 who holds a license, certificate, or authorization
33 issued by the board as a result of or following an
34 incident or allegation of misconduct that, if proven,
35 would constitute a violation of the rules adopted by
36 the board to implement section 272.2, subsection 14,
37 paragraph "b", subparagraph (1), when the board or
38 reporting official has a good faith belief that the
39 incident occurred or the allegation is true. The
40 board may deny a license or revoke the license of an
41 administrator if the board finds by a preponderance
42 of the evidence that the administrator failed to
43 report the termination or resignation of a school
44 employee holding a license, certificate, statement of
45 professional recognition, or coaching authorization,
46 for reasons of alleged or actual misconduct, as defined
47 by this section.

48 b. Information reported to the board in accordance
49 with this section is privileged and confidential, and
50 except as provided in section 272.13, is not subject to

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1 discovery, subpoena, or other means of legal compulsion
2 for its release to a person other than the respondent
3 and the board and its employees and agents involved in
4 licensee discipline, and is not admissible in evidence
5 in a judicial or administrative proceeding other
6 than the proceeding involving licensee discipline.
7 The board shall review the information reported to
8 determine whether a complaint should be initiated. In
9 making that determination, the board shall consider the
10 factors enumerated in section 272.2, subsection 14,
11 paragraph "a".

12 c. For purposes of this section, unless the context
13 otherwise requires, "misconduct" means an action
14 disqualifying an applicant for a license or causing
15 the license of a person to be revoked or suspended
16 in accordance with the rules adopted by the board to
17 implement section 272.2, subsection 14, paragraph "b",
18 subparagraph (1).

19 Sec. 95. Section 280.17, Code 2011, is amended to
20 read as follows:

21 280.17 Procedures for handling child abuse reports.

22 1. The board of directors of a ~~public~~ school
23 ~~district~~ and the authorities in ~~control~~ charge of
24 a nonpublic school shall prescribe procedures, in
25 accordance with the guidelines contained in the model
26 policy developed by the department of education in
27 consultation with the department of human services,
28 and adopted by the department of education pursuant
29 to chapter 17A, for the handling of reports of child
30 abuse, as defined in section 232.68, subsection 2,
31 paragraph "a", "c", or "e", alleged to have been
32 committed by an employee or agent of the public or
33 nonpublic school.

34 2. a. The board of directors of a school district
35 and the authorities in charge of an accredited
36 nonpublic school shall place on administrative leave a
37 school employee who is the subject of an investigation
38 of an alleged incident of abuse of a student conducted
39 in accordance with 281 IAC 102.

40 b. If the results of an investigation of abuse of
41 a student by a school employee who holds a license,
42 certificate, authorization, or statement of recognition
43 issued by the board of educational examiners finds
44 that the school employee's conduct constitutes a crime
45 under any other statute, the board or the authorities,
46 as appropriate, shall report the results of the
47 investigation to the board of educational examiners.

48 Sec. 96. Section 280.27, Code 2011, is amended to
49 read as follows:

50 280.27 Reporting violence — immunity.

1 An employee of a school district, an accredited
 2 nonpublic school, or an area education agency who
 3 participates in good faith and acts reasonably in
 4 the making of a report to, or investigation by, an
 5 appropriate person or agency regarding violence,
 6 threats of violence, physical or sexual abuse of a
 7 student, or other inappropriate activity against a
 8 school employee or student in a school building, on
 9 school grounds, or at a school-sponsored function shall
 10 be immune from civil or criminal liability relating
 11 to such action, as well as for participating in any
 12 administrative or judicial proceeding resulting from or
 13 relating to the report or investigation.

14 DIVISION VII

15 FY 2012-2013

16 DEPARTMENT FOR THE BLIND

17 Sec. 97. ADMINISTRATION. There is appropriated
 18 from the general fund of the state to the department
 19 for the blind for the fiscal year beginning July 1,
 20 2012, and ending June 30, 2013, the following amount,
 21 or so much thereof as is necessary, to be used for the
 22 purposes designated:

- 23 1. For salaries, support, maintenance,
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:
 26 \$ 845,908
 27 FTEs 88.00
- 28 2. For costs associated with universal access to
 29 audio information over the phone on demand for blind
 30 and print handicapped Iowans:
 31 \$ 25,000

32 COLLEGE STUDENT AID COMMISSION

33 Sec. 98. There is appropriated from the general
 34 fund of the state to the college student aid commission
 35 for the fiscal year beginning July 1, 2012, and ending
 36 June 30, 2013, the following amounts, or so much
 37 thereof as is necessary, to be used for the purposes
 38 designated:

- 39 1. GENERAL ADMINISTRATION
 40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-time
 42 equivalent positions:
 43 \$ 116,472
 44 FTEs 3.95
- 45 2. STUDENT AID PROGRAMS
 46 For payments to students for the Iowa grant program
 47 established in section 261.93:
 48 \$ 395,589
- 49 3. DES MOINES UNIVERSITY — HEALTH CARE
 50 PROFESSIONAL RECRUITMENT PROGRAM

1 For forgivable loans to Iowa students attending Des
2 Moines university — osteopathic medical center under
3 the forgivable loan program pursuant to section 261.19:
4 \$ 162,987

5 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
6 For purposes of providing national guard educational
7 assistance under the program established in section
8 261.86:
9 \$ 1,593,117

10 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
11 For the teacher shortage loan forgiveness program
12 established in section 261.112:
13 \$ 196,226

14 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
15 For purposes of the all Iowa opportunity foster care
16 grant program established pursuant to section 261.6:
17 \$ 277,029

18 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
19 a. For purposes of the all Iowa opportunity
20 scholarship program established pursuant to section
21 261.87:
22 \$ 1,120,427

23 b. If the moneys appropriated by the general
24 assembly to the college student aid commission for
25 fiscal year 2012-2013 for purposes of the all Iowa
26 opportunity scholarship program exceed \$500,000,
27 "eligible institution" as defined in section 261.87,
28 shall, during fiscal year 2012-2013, include accredited
29 private institutions as defined in section 261.9,
30 subsection 1.

31 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
32 FORGIVENESS PROGRAM
33 a. For purposes of the registered nurse and nurse
34 educator loan forgiveness program established pursuant
35 to section 261.23:
36 \$ 40,426

37 b. It is the intent of the general assembly that
38 the commission continue to consider moneys allocated
39 pursuant to this subsection as moneys that meet the
40 state matching funds requirements of the federal
41 leveraging educational assistance program and the
42 federal supplemental leveraging educational assistance
43 program established under the Higher Education Act of
44 1965, as amended.

45 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
46 GRANT PROGRAM
47 For purposes of the barber and cosmetology arts and
48 sciences tuition grant program established pursuant to
49 section 261.18:
50 \$ 18,469

1 Sec. 99. IOWA TUITION AND VOCATIONAL-TECHNICAL
 2 TUITION GRANT APPROPRIATIONS FOR FY
 3 2012-2013. Notwithstanding the standing appropriations
 4 in the following designated sections for the fiscal
 5 year beginning July 1, 2012, and ending June 30, 2013,
 6 the amounts appropriated from the general fund of the
 7 state to the college student aid commission pursuant to
 8 these sections for the following designated purposes
 9 shall not exceed the following amounts:

- 10 1. For Iowa tuition grants under section 261.25,
 11 subsection 1:
 12 \$ 21,756,724
- 13 2. For tuition grants for students attending
 14 for-profit accredited private institutions located in
 15 Iowa under section 261.25, subsection 2:
 16 \$ 2,000,000
- 17 3. For vocational-technical tuition grants under
 18 section 261.25, subsection 3:
 19 \$ 1,125,093

20 Sec. 100. CHIROPRACTIC LOAN FUNDS. Notwithstanding
 21 section 261.72, the moneys deposited in the
 22 chiropractic loan revolving fund created pursuant
 23 to section 261.72 may be used for purposes of the
 24 chiropractic loan forgiveness program established in
 25 section 261.73.

26 Sec. 101. WORK-STUDY APPROPRIATION FOR FY
 27 2012-2013. Notwithstanding section 261.85, for the
 28 fiscal year beginning July 1, 2012, and ending June 30,
 29 2013, the amount appropriated from the general fund of
 30 the state to the college student aid commission for the
 31 work-study program under section 261.85 shall be zero.

32 DEPARTMENT OF EDUCATION

33 Sec. 102. There is appropriated from the general
 34 fund of the state to the department of education for
 35 the fiscal year beginning July 1, 2012, and ending June
 36 30, 2013, the following amounts, or so much thereof as
 37 is necessary, to be used for the purposes designated:

- 38 1. GENERAL ADMINISTRATION
 39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-time
 41 equivalent positions:
 42 \$ 2,956,906
 43 FTEs 81.67
- 44 2. VOCATIONAL EDUCATION ADMINISTRATION
 45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-time
 47 equivalent positions:
 48 \$ 224,638
 49 FTEs 11.50
- 50 3. VOCATIONAL REHABILITATION SERVICES DIVISION

1 a. For salaries, support, maintenance,
 2 miscellaneous purposes, and for not more than the
 3 following full-time equivalent positions:
 4 \$ 2,481,584
 5 FTEs 255.00
 6 b. For matching funds for programs to enable
 7 persons with severe physical or mental disabilities to
 8 function more independently, including salaries and
 9 support, and for not more than the following full-time
 10 equivalent position:

11 \$ 19,564
 12 FTEs 1.00

13 c. For the entrepreneurs with disabilities program
 14 established pursuant to section 259.4, subsection 9:
 15 \$ 72,768

16 d. For costs associated with centers for
 17 independent living:
 18 \$ 20,147

19 4. STATE LIBRARY

20 a. For salaries, support, maintenance,
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 604,810
 24 FTEs 17.00

25 b. For the enrich Iowa program established under
 26 section 256.57:
 27 \$ 837,114

28 5. LIBRARY SERVICE AREA SYSTEM

29 For state aid:
 30 \$ 502,722

31 6. PUBLIC BROADCASTING DIVISION

32 For salaries, support, maintenance, capital
 33 expenditures, miscellaneous purposes, and for not more
 34 than the following full-time equivalent positions:
 35 \$ 3,327,011
 36 FTEs 82.00

37 7. REGIONAL TELECOMMUNICATIONS COUNCILS

38 For state aid:
 39 \$ 496,457

40 The regional telecommunications councils established
 41 in section 8D.5 shall use the moneys appropriated in
 42 this subsection to provide technical assistance for
 43 network classrooms, planning and troubleshooting for
 44 local area networks, scheduling of video sites, and
 45 other related support activities.

46 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

47 For reimbursement for vocational education
 48 expenditures made by secondary schools:
 49 \$ 1,315,067

50 Moneys appropriated in this subsection shall be used

1 to reimburse school districts for vocational education
2 expenditures made by secondary schools to meet the
3 standards set in sections 256.11, 258.4, and 260C.14.

4 9. SCHOOL FOOD SERVICE

5 For use as state matching funds for federal
6 programs that shall be disbursed according to federal
7 regulations, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions:

10 \$ 1,088,399

11 FTEs 20.58

12 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID

13 For deposit in the school ready children grants
14 account of the early childhood Iowa fund created in
15 section 256I.11:

16 \$ 2,693,057

17 a. From the moneys deposited in the school ready
18 children grants account for the fiscal year beginning
19 July 1, 2012, and ending June 30, 2013, not more than
20 \$265,950 is allocated for the early childhood Iowa
21 office and other technical assistance activities. The
22 early childhood Iowa state board shall direct staff to
23 work with the early childhood stakeholders alliance
24 created in section 256I.12 to inventory technical
25 assistance needs. Moneys allocated under this lettered
26 paragraph may be used by the early childhood Iowa state
27 board for the purpose of skills development and support
28 for ongoing training of staff. However, except as
29 otherwise provided in this subsection, moneys shall not
30 be used for additional staff or for the reimbursement
31 of staff.

32 b. As a condition of receiving moneys appropriated
33 in this subsection, each early childhood Iowa area
34 board shall report to the early childhood Iowa state
35 board progress on each of the local indicators approved
36 by the area board. Each early childhood Iowa area
37 board must also submit an annual budget for the area's
38 comprehensive school ready children grant developed for
39 providing services for children from birth through five
40 years of age, and provide other information specified
41 by the early childhood Iowa state board, including
42 budget amendments as needed. The early childhood Iowa
43 state board shall establish a submission deadline for
44 the annual budget and any budget amendments that allow
45 a reasonable period of time for preparation by the
46 early childhood Iowa area boards and for review and
47 approval or request for modification of the materials
48 by the early childhood Iowa state board. In addition,
49 each early childhood Iowa area board must continue to
50 comply with reporting provisions and other requirements

1 adopted by the early childhood Iowa state board in
2 implementing section 256I.9.

3 c. Of the amount appropriated in this subsection
4 for deposit in the school ready children grants account
5 of the early childhood Iowa fund, \$2,318,018 shall
6 be used for efforts to improve the quality of early
7 care, health, and education programs. Moneys allocated
8 pursuant to this paragraph may be used for additional
9 staff and for the reimbursement of staff. The early
10 childhood Iowa state board may reserve a portion of the
11 allocation, not to exceed \$88,650, for the technical
12 assistance expenses of the early childhood Iowa state
13 office, including the reimbursement of staff, and
14 shall distribute the remainder to early childhood Iowa
15 areas for local quality improvement efforts through
16 a methodology identified by the early childhood Iowa
17 state board to make the most productive use of the
18 funding, which may include use of the distribution
19 formula, grants, or other means.

20 d. Of the amount appropriated in this subsection
21 for deposit in the school ready children grants account
22 of the early childhood Iowa fund, \$825,030 shall
23 be used for support of professional development and
24 training activities for persons working in early care,
25 health, and education by the early childhood Iowa
26 state board in collaboration with the professional
27 development component group of the early childhood
28 Iowa stakeholders alliance maintained pursuant to
29 section 256I.12, subsection 7, paragraph "b", and the
30 early childhood Iowa area boards. Expenditures shall
31 be limited to professional development and training
32 activities agreed upon by the parties participating in
33 the collaboration.

34 11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION
35 ASSISTANCE

36 a. For deposit in the school ready children grants
37 account of the early childhood Iowa fund created in
38 section 256I.11:

39 \$ 2,714,439

40 b. The amount appropriated in this subsection shall
41 be used for early care, health, and education programs
42 to assist low-income parents with tuition for preschool
43 and other supportive services for children ages three,
44 four, and five who are not attending kindergarten in
45 order to increase the basic family income eligibility
46 requirement to not more than 200 percent of the federal
47 poverty level. In addition, if sufficient funding is
48 available after addressing the needs of those who meet
49 the basic income eligibility requirement, an early
50 childhood Iowa area board may provide for eligibility

1 for those with a family income in excess of the basic
2 income eligibility requirement through use of a sliding
3 scale or other copayment provisions.

4 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
5 PARENT EDUCATION

6 a. For deposit in the school ready children grants
7 account of the early childhood Iowa fund created in
8 section 256I.11:

9 \$ 6,182,217

10 b. The amount appropriated in this subsection
11 shall be used for family support services and parent
12 education programs targeted to families expecting a
13 child or with newborn and infant children through age
14 five and shall be distributed using the distribution
15 formula approved by the early childhood Iowa state
16 board and shall be used by an early childhood Iowa
17 area board only for family support services and parent
18 education programs targeted to families expecting a
19 child or with newborn and infant children through age
20 five.

21 13. BIRTH TO AGE THREE SERVICES

22 For expansion of the federal Individuals with
23 Disabilities Education Improvement Act of 2004, Pub.
24 L. No. 108-446, as amended to January 1, 2012, birth
25 through age three services due to increased numbers of
26 children qualifying for those services:

27 \$ 860,700

28 From the moneys appropriated in this subsection,
29 \$383,769 shall be allocated to the child health
30 specialty clinic at the state university of Iowa to
31 provide additional support for infants and toddlers
32 who are born prematurely, drug-exposed, or medically
33 fragile.

34 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

35 To provide moneys for costs of providing textbooks
36 to each resident pupil who attends a nonpublic school
37 as authorized by section 301.1:

38 \$ 280,107

39 Funding under this subsection is limited to \$20 per
40 pupil and shall not exceed the comparable services
41 offered to resident public school pupils.

42 15. CORE CURRICULUM AND CAREER INFORMATION AND
43 DECISION-MAKING SYSTEM

44 For purposes of implementing the statewide core
45 curriculum for school districts and accredited
46 nonpublic schools and a state-designated career
47 information and decision-making system:

48 \$ 500,000

49 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

50 For purposes of the student achievement and teacher

1 quality program established pursuant to chapter
2 284, and for not more than the following full-time
3 equivalent positions:
4 \$ 2,392,500
5 FTEs 2.00
6 17. JOBS FOR AMERICA'S GRADUATES
7 For school districts to provide direct services to
8 the most at-risk senior high school students enrolled
9 in school districts through direct intervention by a
10 jobs for America's graduates specialist:
11 \$ 20,000
12 18. COMMUNITY COLLEGES
13 a. For general state financial aid to merged
14 areas as defined in section 260C.2 in accordance with
15 chapters 258 and 260C:
16 \$ 81,887,324
17 The funds appropriated in this subsection shall
18 be allocated pursuant to the formula established in
19 section 206C.18C.
20 b. For distribution to community colleges to
21 supplement faculty salaries:
22 \$ 250,000
23 c. For deposit in the workforce training and
24 economic development funds created pursuant to section
25 260C.18A:
26 \$ 2,500,000
27 STATE BOARD OF REGENTS
28 Sec. 103. There is appropriated from the general
29 fund of the state to the state board of regents for the
30 fiscal year beginning July 1, 2012, and ending June 30,
31 2013, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:
33 1. OFFICE OF STATE BOARD OF REGENTS
34 a. For salaries, support, maintenance,
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:
37 \$ 532,503
38 FTEs 15.00
39 The state board of regents shall submit a monthly
40 financial report in a format agreed upon by the state
41 board of regents office and the legislative services
42 agency.
43 b. For moneys to be allocated to the southwest Iowa
44 graduate studies center:
45 \$ 43,736
46 c. For moneys to be allocated to the siouxland
47 interstate metropolitan planning council for the
48 tristate graduate center under section 262.9,
49 subsection 22:
50 \$ 33,301

1 d. For moneys to be allocated to the quad-cities
 2 graduate studies center:
 3 \$ 64,888
 4 e. For moneys to be distributed to Iowa public
 5 radio for public radio operations:
 6 \$ 195,784
 7 2. STATE UNIVERSITY OF IOWA
 8 a. General university, including lakeside
 9 laboratory
 10 For salaries, support, maintenance, equipment,
 11 miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:
 13 \$104,868,656
 14 FTEs 5,058.55
 15 b. Oakdale campus
 16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-time
 18 equivalent positions:
 19 \$ 1,093,279
 20 FTEs 38.25
 21 c. State hygienic laboratory
 22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-time
 24 equivalent positions:
 25 \$ 1,768,358
 26 FTEs 102.50
 27 d. Family practice program
 28 For allocation by the dean of the college of
 29 medicine, with approval of the advisory board, to
 30 qualified participants to carry out the provisions
 31 of chapter 148D for the family practice program,
 32 including salaries and support, and for not more than
 33 the following full-time equivalent positions:
 34 \$ 894,133
 35 FTEs 190.40
 36 e. Child health care services
 37 For specialized child health care services,
 38 including childhood cancer diagnostic and treatment
 39 network programs, rural comprehensive care for
 40 hemophilia patients, and the Iowa high-risk infant
 41 follow-up program, including salaries and support, and
 42 for not more than the following full-time equivalent
 43 positions:
 44 \$ 329,728
 45 FTEs 57.97
 46 f. Statewide cancer registry
 47 For the statewide cancer registry, and for not more
 48 than the following full-time equivalent positions:
 49 \$ 74,526
 50 FTEs 2.10

1 g. Substance abuse consortium
2 For moneys to be allocated to the Iowa consortium
3 for substance abuse research and evaluation, and
4 for not more than the following full-time equivalent
5 position:
6 \$ 27,765
7 FTEs 1.00

8 h. Center for biocatalysis
9 For the center for biocatalysis, and for not more
10 than the following full-time equivalent positions:
11 \$ 361,864
12 FTEs 6.28

13 i. Primary health care initiative
14 For the primary health care initiative in the
15 college of medicine, and for not more than the
16 following full-time equivalent positions:
17 \$ 324,465
18 FTEs 5.89

19 From the moneys appropriated in this lettered
20 paragraph, \$254,889 shall be allocated to the
21 department of family practice at the state university
22 of Iowa college of medicine for family practice faculty
23 and support staff.

24 j. Birth defects registry
25 For the birth defects registry, and for not more
26 than the following full-time equivalent position:
27 \$ 19,144
28 FTEs 1.00

29 k. Larned A. Waterman Iowa nonprofit resource
30 center
31 For the Larned A. Waterman Iowa nonprofit resource
32 center, and for not more than the following full-time
33 equivalent positions:
34 \$ 81,270
35 FTEs 2.75

36 l. Iowa online advanced placement academy science,
37 technology, engineering, and mathematics initiative
38 For the establishment of the Iowa online advanced
39 placement academy science, technology, engineering, and
40 mathematics initiative:
41 \$ 240,925

42 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
43 a. General university
44 For salaries, support, maintenance, equipment,
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:
47 \$ 82,172,599
48 FTEs 3,647.42

49 b. Agricultural experiment station
50 For the agricultural experiment station salaries,

1 support, maintenance, miscellaneous purposes, and
2 for not more than the following full-time equivalent
3 positions:
4 \$ 14,055,939
5 FTEs 546.98
6 c. Cooperative extension service in agriculture and
7 home economics
8 For the cooperative extension service in agriculture
9 and home economics salaries, support, maintenance,
10 miscellaneous purposes, and for not more than the
11 following full-time equivalent positions:
12 \$ 8,968,361
13 FTEs 383.34
14 d. Leopold center
15 For agricultural research grants at Iowa state
16 university of science and technology under section
17 266.39B, and for not more than the following full-time
18 equivalent positions:
19 \$ 198,709
20 FTEs 11.25
21 e. Livestock disease research
22 For deposit in and the use of the livestock disease
23 research fund under section 267.8:
24 \$ 86,423
25 4. UNIVERSITY OF NORTHERN IOWA
26 a. General university
27 For salaries, support, maintenance, equipment,
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:
30 \$ 37,367,293
31 FTEs 1,447.50
32 b. Recycling and reuse center
33 For purposes of the recycling and reuse center, and
34 for not more than the following full-time equivalent
35 positions:
36 \$ 87,628
37 FTEs 3.00
38 c. Science, technology, engineering, and
39 mathematics (STEM) collaborative initiative
40 For purposes of establishing a science, technology,
41 engineering, and mathematics (STEM) collaborative
42 initiative, and for not more than the following
43 full-time equivalent positions:
44 \$ 867,328
45 FTEs 6.20
46 (1) From the moneys appropriated in this lettered
47 paragraph, up to \$282,000 shall be allocated for
48 salaries, staffing, and institutional support. The
49 remainder of the moneys appropriated in this lettered
50 paragraph shall be expended only to support activities

1 directly related to recruitment of kindergarten
 2 through grade 12 mathematics and science teachers and
 3 for ongoing mathematics and science programming for
 4 students enrolled in kindergarten through grade 12.

5 (2) The university of northern Iowa shall work with
 6 the community colleges to develop STEM professional
 7 development programs for community college instructors
 8 and STEM curriculum development.

9 d. Real estate education program

10 For purposes of the real estate education program,
 11 and for not more than the following full-time
 12 equivalent position:

13 \$ 62,651

14 FTEs 1.00

15 5. STATE SCHOOL FOR THE DEAF

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-time
 18 equivalent positions:

19 \$ 4,339,982

20 FTEs 126.60

21 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-time
 24 equivalent positions:

25 \$ 1,809,466

26 FTEs 62.87

27 7. TUITION AND TRANSPORTATION COSTS

28 For payment to local school boards for the tuition
 29 and transportation costs of students residing in the
 30 Iowa braille and sight saving school and the state
 31 school for the deaf pursuant to section 262.43 and
 32 for payment of certain clothing, prescription, and
 33 transportation costs for students at these schools
 34 pursuant to section 270.5:

35 \$ 5,882

36 8. LICENSED CLASSROOM TEACHERS

37 For distribution at the Iowa braille and sight
 38 saving school and the Iowa school for the deaf based
 39 upon the average yearly enrollment at each school as
 40 determined by the state board of regents:

41 \$ 41,025

42 Sec. 104. ENERGY COST-SAVINGS PROJECTS —

43 FINANCING. For the fiscal year beginning July 1,
 44 2012, and ending June 30, 2013, the state board of
 45 regents may use notes, bonds, or other evidences of
 46 indebtedness issued under section 262.48 to finance
 47 projects that will result in energy cost savings in an
 48 amount that will cause the state board to recover the
 49 cost of the projects within an average of six years.

50 Sec. 105. PRESCRIPTION DRUG COSTS. Notwithstanding

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1 section 270.7, the department of administrative
 2 services shall pay the state school for the deaf and
 3 the Iowa braille and sight saving school the moneys
 4 collected from the counties during the fiscal year
 5 beginning July 1, 2012, for expenses relating to
 6 prescription drug costs for students attending the
 7 state school for the deaf and the Iowa braille and
 8 sight saving school.

9 DIVISION VIII

10 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE

11 APPLICABILITY

12 Sec. 106. EFFECTIVE DATE AND RETROACTIVE
 13 APPLICABILITY. Unless otherwise provided, this Act,
 14 if approved by the governor on or after July 1, 2011,
 15 takes effect upon enactment and applies retroactively
 16 to July 1, 2011.>

17 2. By renumbering as necessary.

DOLECHECK of Ringgold

H-1754

1 Amend House File 590, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 2, by striking <IOWA PARTNERSHIP
 4 FOR ECONOMIC PROGRESS AND>

5 2. Page 1, by striking lines 14 through 16 and
 6 inserting:

7 <2. The collaboration shall involve the economic
 8 development authority and the Iowa innovation
 9 corporation, both of which shall work>

10 3. Page 1, before line 23 by inserting:

11 <01A. "Business enterprise" means a work or
 12 improvement located within the state, including but
 13 not limited to real property, buildings, equipment,
 14 furnishings, and any other real and personal property
 15 or any interest therein, financed, refinanced,
 16 acquired, owned, constructed, reconstructed, extended,
 17 rehabilitated, improved, or equipped, directly or
 18 indirectly, in whole or in part, by the authority or
 19 through loans made by it and which is designed and
 20 intended for the purpose of providing facilities for
 21 manufacturing, industrial, processing, warehousing,
 22 wholesale or retail commercial, recreational, hotel,
 23 office, research, business, or other related purposes,
 24 including but not limited to machinery and equipment
 25 deemed necessary or desirable for the operation
 26 thereof.>

27 4. Page 1, lines 25 and 26, by striking <economic
 28 development> and inserting <Iowa innovation>

29 5. Page 1, by striking lines 32 and 33.
30 6. By striking page 2, line 10, through page 4,
31 line 13.
32 7. Page 4, line 22, after <a.> by inserting <(1)>
33 8. Page 4, line 23, by striking <nine> and
34 inserting <eleven>
35 9. Page 4, line 26, by striking <(1)> and inserting
36 <(a)>
37 10. Page 4, by striking lines 27 through 30 and
38 inserting <district in the state.>
39 11. Page 4, line 31, by striking <(2) One member>
40 and inserting <(b) Three members>
41 12. Page 4, before line 32 by inserting:
42 <(2) Of the voting members appointed pursuant
43 to subparagraph (1), the governor shall appoint the
44 following:
45 (a) One person who is a member of the Iowa
46 innovation council established in section 15.117A.
47 (b) One person who has professional experience in
48 finance, insurance, or investment banking.
49 (c) One person who has professional experience in
50 advanced manufacturing.

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1 (d) One person with professional experience in
2 small business development.
3 (e) One person with professional experience
4 representing the interests of organized labor.
5 (f) Six persons who are actively employed in the
6 private, for-profit sector of the economy or who
7 otherwise have substantial expertise in economic
8 development.
9 (3) The governor shall not appoint to the authority
10 board any person who is either the spouse or a relative
11 within the first degree of consanguinity of a serving
12 member of the authority board or the board of directors
13 of the corporation.>
14 13. Page 5, by striking lines 6 through 9 and
15 inserting:
16 <c. (1) There shall be three ex officio, nonvoting
17 members consisting of the following:
18 (a) The president of the state board of regents, or
19 the president's designee.
20 (b) One person, selected by the Iowa association
21 of independent colleges and universities, who is the
22 president of a private college or university in the
23 state, or that person's designee.
24 (c) One person, selected by the Iowa association of
25 community college presidents, who is the president of a
26 community college, or that person's designee.
27 (2) A person serving as a designee pursuant to

28 subparagraph (1) shall serve a one-year term as an ex
29 officio member of the authority board.>

30 14. Page 5, by striking lines 20 through 27 and
31 inserting:

32 <3. a. Seven voting members of the authority
33 constitute a quorum.

34 b. The affirmative vote of a majority of the
35 quorum described in paragraph "a" is necessary for any
36 action taken by the authority. The majority shall not
37 include any member who has a conflict of interest and a
38 statement by a member of a conflict of interest shall
39 be conclusive for this purpose.

40 c. A vacancy in the membership does not impair the
41 right of a quorum to exercise all rights and perform
42 all duties of the authority.>

43 15. Page 6, before line 5 by inserting:

44 <7A. a. The members of the authority shall develop
45 a strategic plan for economic development in the state.

46 b. (1) The strategic plan shall identify the
47 authority's goals for the next calendar year and shall
48 include a set of metrics that will be used to gauge and
49 assess the extent to which the authority achieves those
50 goals. Such metrics shall include, but are not limited

Page 3

1 to:

2 (a) The number of net new jobs created in the
3 state.

4 (b) The average wage and benefit levels for such
5 jobs.

6 (c) The impact to average household income for Iowa
7 families as a result of the jobs created.

8 (d) Such other information as the authority or the
9 director deems relevant.

10 (2) The strategic plan shall be submitted to the
11 general assembly and the governor's office on or before
12 January 31 of each year.>

13 16. Page 6, line 35, by striking <other than>

14 17. Page 7, line 1, by striking <the director of
15 the authority>

16 18. Page 10, before line 13 by inserting:

17 <r. Issue negotiable bonds and notes as provided in
18 section 15.106D.>

19 19. Page 10, by striking lines 24 through 29.

20 20. Page 11, line 2, by striking <issues identified
21 by the partnership> and inserting <strategic plan
22 developed by the members of the authority>

23 21. Page 11, by striking lines 21 through 25 and
24 inserting:

25 <(e) Consulting services.

26 (f) Services related to statewide commercialization

27 development as provided for in section 15.411,
28 subsection 2.>
29 22. Page 12, before line 7 by inserting:
30 <(5) A contract executed pursuant to this paragraph
31 "d" shall be drafted and executed with the assistance
32 and advice of the attorney general.>
33 23. Page 12, before line 12 by inserting:
34 <4. a. If the authority enters into a contract,
35 including but not limited to a contract executed
36 pursuant to subsection 2, paragraph "d", with a
37 nonprofit corporation organized under chapter 504 or
38 under the similar laws of another jurisdiction, the
39 authority shall ensure that the terms of the contract
40 shall provide for the disclosure of all gifts, grants,
41 bequests, donations, or other conveyances of financial
42 assistance to the corporation from all private
43 and public sources. Such disclosure shall include
44 information from the corporation's current fiscal
45 year and its most recent three fiscal years and shall
46 include the name and address of the person or entity
47 making the conveyance and the amount.
48 b. If the authority enters into a contract for
49 the provision of financial assistance to a business,
50 the authority shall ensure that the terms of the

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1 contract provide for the disclosure of all donations
2 the business has ever made to the corporation. The
3 authority shall not consider the amount or frequency
4 of such donations when evaluating the merits of the
5 business's application or when determining the amount
6 of financial assistance to be awarded to the business.
7 c. The authority shall not enter into a contract
8 for services, including a contract executed pursuant
9 to subsection 2, paragraph "d", that exceeds two years
10 in duration.>
11 24. Page 12, by striking lines 13 through 17 and
12 inserting:
13 <1. The operations of the authority shall be
14 administered by a director who shall be appointed by
15 the governor, subject to confirmation by the senate,
16 and who shall serve for a four-year term beginning and
17 ending as provided in section 69.19. An appointment
18 by the governor to fill a vacancy in the office of the
19 director shall be for the balance of the unexpired
20 four-year term.>
21 25. Page 12, by striking lines 27 through 31.
22 26. Page 13, after line 9 by inserting:
23 <___. a. The director may create organizational
24 divisions within the authority in the manner the
25 director deems most efficient to carry out the duties

26 and responsibilities of the department.

27 b. In structuring the authority, the director shall
28 create a small business development division and ensure
29 that the division focuses administrative efforts,
30 program resources, and financial assistance awards on
31 small businesses.

32 c. (1) On or before September 15, 2011, the
33 authority shall submit a report to the governor and
34 the general assembly assessing the extent to which
35 each of the authority's programs can be used to
36 provide assistance to small businesses and making
37 recommendations for legislative changes to such
38 programs in order to better and more intensively focus
39 economic development efforts on such small businesses.
40 The report shall also address the extent to which the
41 authority's programs address local economic development
42 needs and efforts.

43 (2) This paragraph "c" is repealed on June 30,
44 2012.>

45 27. Page 13, after line 9 by inserting:

46 <Sec. ____ NEW SECTION. 15.106D Private activity
47 bonds and notes.

48 1. The authority may issue its negotiable bonds
49 and notes in principal amounts as, in the opinion
50 of the authority, are necessary to finance the cost

Page 5

1 of business enterprises, to finance the working
2 capital needs of businesses, to refinance existing
3 indebtedness incurred for any of the foregoing purposes
4 or any combination of the foregoing, the payment of
5 interest on its bonds and notes, the establishment
6 of reserves to secure its bonds and notes, and all
7 other expenditures of the authority incident to and
8 necessary or convenient to carry out the purposes of
9 this section. The bonds and notes shall be deemed to
10 be investment securities and negotiable instruments
11 within the meaning of and for all purposes of the
12 uniform commercial code, chapter 554.

13 2. All bonds issued by the authority shall be
14 limited obligations of the authority. The principal of
15 and interest on such bonds shall be payable solely out
16 of the revenues derived from the business enterprise to
17 be financed by the bonds so issued under the provisions
18 of this section. Bonds and interest coupons issued
19 under authority of this section shall not constitute an
20 indebtedness of the authority within the meaning of any
21 state constitutional provision or statutory limitation,
22 and shall not constitute nor give rise to a pecuniary
23 liability of the authority or a charge against its
24 general credit. Bonds or notes are not an obligation

25 of this state or any political subdivision of this
26 state, other than the authority, within the meaning of
27 any constitutional or statutory debt limitations, but
28 are special obligations of the authority payable solely
29 and only from the sources provided in this section,
30 and the authority may not pledge the credit or taxing
31 power of this state or any political subdivision of
32 this state, other than the authority, or make its debts
33 payable out of any moneys except as provided in this
34 section.

35 3. Bonds and notes must be authorized by a
36 resolution of the authority. However, a resolution
37 authorizing the issuance of bonds or notes may delegate
38 to an officer of the authority the power to negotiate
39 and fix the details of an issue of bonds or notes by an
40 appropriate certificate of such authorized officer.

41 4. Bonds shall:

42 a. State the date and series of the issue, be
43 consecutively numbered, and state on their face that
44 they are payable both as to principal and interest
45 solely out of the revenues derived from the business
46 enterprise to be financed by the bonds so issued under
47 the provisions of this section, constitute special
48 obligations of the authority, and do not constitute
49 an indebtedness of the authority, this state, or any
50 political subdivision of this state within the meaning

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1 of any constitutional or statutory debt limit.
2 b. Be either registered, registered as to principal
3 only, or in coupon form, issued in denominations as
4 the authority prescribes, fully negotiable instruments
5 under the laws of this state, signed on behalf of the
6 authority with the manual or facsimile signature of the
7 chairperson or vice chairperson, attested by the manual
8 or facsimile signature of the secretary, have impressed
9 or imprinted thereon the seal of the authority or a
10 facsimile of the seal of the authority, and the coupons
11 attached shall be signed with the facsimile signature
12 of the chairperson or vice chairperson, be payable as
13 to interest at rates and at times as the authority
14 determines, be payable as to principal at times over
15 a period not to exceed fifty years from the date of
16 issuance.

17 5. The authority may issue its bonds for the
18 purpose of refunding any bonds or notes of the
19 authority then outstanding, including the payment
20 of any redemption premiums thereon and any interest
21 accrued or to accrue to the date of redemption of the
22 outstanding bonds or notes. Until the proceeds of
23 bonds issued for the purpose of refunding outstanding

24 bonds or notes are applied to the purchase or
25 retirement of outstanding bonds or notes or the
26 redemption of outstanding bonds or notes, the proceeds
27 may be placed in escrow and be invested and reinvested
28 in accordance with the provisions of this chapter. The
29 interest, income, and profits earned or realized on an
30 investment may also be applied to the payment of the
31 outstanding bonds or notes to be refunded by purchase,
32 retirement, or redemption. After the terms of the
33 escrow have been fully satisfied and carried out, any
34 balance of proceeds and interest earned or realized
35 on the investments may be returned to the authority
36 for use by it in any lawful manner. All refunding
37 bonds shall be issued and secured and subject to the
38 provisions of this section in the same manner and to
39 the same extent as other bonds issued pursuant to this
40 section.

41 6. The authority may issue negotiable bond
42 anticipation notes and may renew them from time to
43 time, but the maximum maturity of the notes, including
44 renewals, shall not exceed ten years from the date
45 of issue of the original notes. Notes are payable
46 solely out of the revenues derived from the business
47 enterprise to be financed by the notes so issued under
48 the provisions of this section, or from the proceeds
49 of the sale of bonds of the authority in anticipation
50 of which the notes were issued. Notes shall be

Page 7

1 issued in the same manner and for the same purposes as
2 bonds. Notes and the resolutions authorizing them may
3 contain any provisions, conditions, or limitations, not
4 inconsistent with the provisions of this subsection,
5 which the bonds or a bond resolution of the authority
6 may contain. Notes may be sold at public or private
7 sale. In case of default on its notes or violation of
8 any obligations of the authority to the noteholders,
9 the noteholders shall have all the remedies provided in
10 the resolution authorizing their issuance. Notes shall
11 be as fully negotiable as bonds of the authority.

12 7. It is the intent of the general assembly that a
13 pledge made in respect of bonds or notes shall be valid
14 and binding from the time the pledge is made, that the
15 money or property so pledged and received after the
16 pledge by the authority shall immediately be subject
17 to the lien of the pledge without physical delivery or
18 further act, and that the lien of the pledge shall be
19 valid and binding as against all parties having claims
20 of any kind in tort, contract, or otherwise against the
21 authority whether or not the parties have notice of the
22 lien. Neither the resolution, trust agreement, nor any

23 other instrument by which a pledge is created needs to
24 be recorded or filed under the Iowa uniform commercial
25 code, chapter 554, to be valid, binding, or effective
26 against the parties.

27 8. Neither the members of the authority nor any
28 person executing its bonds, notes, or other obligations
29 shall be liable personally on the bonds, notes,
30 or other obligations or be subject to any personal
31 liability or accountability by reason of the issuance
32 of the authority's bonds or notes.>

33 28. Page 13, by striking lines 10 through 14.

34 29. Page 13, line 22, by striking <Economic
35 development> and inserting <Iowa innovation>

36 30. Page 13, line 23, by striking <economic
37 development> and inserting <Iowa innovation>

38 31. Page 14, by striking lines 28 through 33 and
39 inserting:

40 <a. A board of directors to govern the corporation.

41 (1) The board of directors shall initially be
42 comprised of seven members appointed by the governor to
43 concurrent terms of four years. Two of such members
44 shall be subject to confirmation by the senate.

45 (2) For appointments subsequent to the initial
46 appointments pursuant to subparagraph (1), two of the
47 members shall be appointed by the governor, subject to
48 confirmation by the senate, to staggered terms of four
49 years each, and the remaining five members shall be
50 selected by a majority vote of the board of directors

Page 8

1 of the corporation for terms the length of which shall
2 be provided in the articles of the corporation.

3 (3) The governor and the board of directors of the
4 corporation shall not appoint or select any person who
5 is either the spouse or a relative within the first
6 degree of consanguinity of a serving member of the
7 board of directors or of the authority board.>

8 32. Page 15, by striking lines 17 and 18 and
9 inserting <direction, implement the applicable portions
10 of the strategic plan developed by members of the
11 authority pursuant to section 15.105.>

12 33. Page 15, by striking lines 23 through 28.

13 34. Page 16, by striking lines 14 through 17 and
14 inserting:

15 <c. Perform any functions delegated by the
16 authority pursuant to section 15.106B, subsection 2,
17 paragraph "d".

18 (1) In performing such functions, the corporation
19 shall not subcontract the performance of a delegated
20 function except as provided in subparagraph (2).

21 (2) The corporation may subcontract services under

22 the following conditions:

23 (a) The services are necessary to accomplish the
24 functions delegated to the corporation.

25 (b) The contract delegating the function contains a
26 list of the services that may be subcontracted pursuant
27 to this subparagraph (2).

28 (c) The contract delegating the function requires
29 that any agreement to subcontract a service must be
30 approved by the authority prior to the execution of
31 such an agreement by the corporation.>

32 35. Page 18, before line 8 by inserting:

33 <e. An assessment of economic development efforts
34 in the state as measured by the goals and metrics
35 contained in the strategic plan developed by the
36 members of the authority pursuant to section 15.105.>

37 36. Page 18, line 24, after <certified public
38 accountant> by inserting <in accordance with generally
39 accepted accounting principles>

40 37. Page 19, by striking lines 6 and 7.

41 38. Page 19, by striking lines 15 and 16.

42 39. Page 19, before line 17 by inserting:

43 <Sec. ____ AUTHORITY MERGER STUDY. The economic
44 development authority and the Iowa finance authority
45 shall study the issue of merging the two authorities
46 into a single authority. The authorities shall prepare
47 a report analyzing the advantages and disadvantages
48 of such a merger and assessing whether such a merger
49 is feasible. The authorities shall submit the report
50 to the governor and the general assembly on or before

Page 9

1 December 1, 2011.>

2 40. Page 19, line 28, after <latter.> by inserting
3 <If an employee of the department is an employee
4 covered under the collective bargaining provisions of
5 chapter 20, then that employee shall also be covered
6 under chapter 20 upon employment with the authority.>

7 41. By striking page 19, line 35, through page 20,
8 line 2, and inserting <for purposes of chapter 97B.>

9 42. Page 20, before line 3 by inserting:

10 <4. Notwithstanding any provisions to the contrary
11 in chapter 68B or in this Act, and subject to the
12 approval of the director of the economic development
13 authority, the corporation established pursuant to
14 section 15.107 may employ not more than two individuals
15 who were employed by the department of economic
16 development on or before November 1, 2010.>

17 43. Page 20, after line 30 by inserting:

18 <Sec. ____ ECONOMIC DEVELOPMENT AUTHORITY BOARD —
19 TRANSITION PROVISION. Notwithstanding any provision
20 of section 15.105, as amended by this Act, to the

21 contrary, the initial board of the economic development
 22 authority shall consist of the members of the Iowa
 23 economic development board serving on the effective
 24 date of this Act and eight voting members of the
 25 initial board shall constitute a quorum. Said board
 26 members shall serve as members and fulfill the duties
 27 of the economic development authority board as created
 28 by this Act until such time as members of the economic
 29 development authority board are appointed as provided
 30 by section 15.105, as amended by this Act.>

31 44. Page 21, after line 11 by inserting:

32 <Sec. _____. Section 15E.52, subsection 7, paragraph
 33 a, if enacted by 2011 Iowa Acts, Senate File 517, is
 34 amended to read as follows:

35 a. The fund is organized for the purposes of making
 36 investments in promising early-stage companies which
 37 have a principal place of business in the state ~~and for~~
 38 ~~using the profits from such investments to fund further~~
 39 ~~investments.>~~

40 45. Page 23, by striking lines 6 through 15.

41 46. Page 23, before line 25 by inserting:

42 <Sec. _____. Section 476C.1, subsection 6, paragraph
 43 f, as enacted by 2011 Iowa Acts, House File 672,
 44 section 4, is amended to read as follows:

45 f. For applications filed on or after July 1, 2011,
 46 except for wind energy conversion facilities, is a
 47 facility of no greater than ~~five~~ sixty megawatts of
 48 nameplate generating capacity or the energy production
 49 capacity equivalent.

50 Sec. _____. Section 476C.3, subsection 4, paragraph

Page 10

1 b, as enacted by 2011 Iowa Acts, House File 672,
 2 section 9, is amended to read as follows:

3 b. The maximum amount of energy production capacity
 4 equivalent of all other facilities the board may find
 5 eligible under this chapter shall not exceed a combined
 6 output of fifty-three megawatts of nameplate generating
 7 capacity and one hundred sixty-seven billion British
 8 thermal units of heat for a commercial purpose. Of
 9 the maximum amount of energy production capacity
 10 equivalent of all other facilities found eligible
 11 under this chapter, no more than ten megawatts of
 12 nameplate generating capacity or energy production
 13 capacity equivalent shall be allocated to any one
 14 facility. Of the maximum amount of energy production
 15 capacity equivalent of all other facilities found
 16 eligible under this chapter, fifty-five billion British
 17 thermal units of heat for a commercial purpose shall
 18 be reserved for an eligible facility that is a refuse
 19 conversion facility for processed, engineered fuel from

20 a multicounty solid waste management planning area.
 21 The maximum amount of energy production capacity the
 22 board may find eligible for a single refuse conversion
 23 facility is fifty-five billion British thermal units of
 24 heat for a commercial purpose. Of the maximum amount
 25 of energy production capacity equivalent of all other
 26 facilities found eligible under this chapter, an amount
 27 equivalent to ten megawatts of nameplate generating
 28 capacity shall be reserved for eligible renewable
 29 energy facilities incorporated within or associated
 30 with an ethanol cogeneration plant engaged in the
 31 sale of ethanol to states to meet a low carbon fuel
 32 standard.>

33 47. Page 23, after line 25 by inserting:
 34 <Sec. ____ RETROACTIVE APPLICABILITY. The
 35 following provision or provisions of this division of
 36 this Act apply retroactively to January 1, 2011, for
 37 tax years beginning and investments made on or after
 38 that date:

39 1. The section of this Act amending section
 40 15E.52.>

41 48. Page 26, line 2, after <purposes.> by inserting
 42 <The board, as defined by section 15.102, may allocate
 43 an amount of repayments and recaptures for purposes of
 44 financial assistance or administrative costs of the
 45 economic development authority.>

46 49. Page 26, before line 19 by inserting:

47 <5. If an employee of the office of energy
 48 independence is an employee covered under the
 49 collective bargaining provisions of chapter 20, then
 50 that employee shall also be covered under chapter 20

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1 for purposes of employment with the authority.>

2 50. Page 36, after line 11 by inserting:

3 <DIVISION VI

4 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
 5 APPLICABILITY

6 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
 7 APPLICABILITY. Unless otherwise provided, this Act,
 8 if approved by the governor on or after July 1, 2011,
 9 takes effect upon enactment and applies retroactively
 10 to July 1, 2011.>

11 51. By renumbering, redesignating, and correcting
 12 internal references as necessary.

SENATE AMENDMENT

H-1755

1 Amend Senate File 493, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 15 through 17.

4 2. By striking page 1, line 33, through page 2,
5 line 3.

6 3. Page 3, by striking lines 16 and 17 and
7 inserting:

8 <14. "Unit owners association" means an association,
9 regardless of name, organized as a for-profit or
10 nonprofit corporation, trust, limited liability
11 company, partnership, unincorporated association,
12 or any other form of organization authorized by the
13 laws of this state, the membership of which consists
14 exclusively of all unit owners except following
15 termination of the common interest community, at
16 which time the association shall consist of all former
17 unit owners entitled to distributions of proceeds or
18 their heirs, successors, or assigns. A unit owners
19 association shall have an executive board.>

20 4. By striking page 3, line 24, through page 13,
21 line 17, and inserting:

22 <1. This chapter applies to common interest
23 communities established within the state having four or
24 more units.

25 2. Any portion of a declaration, bylaws, covenant,
26 or other contractual provision existing prior to
27 July 1, 2012, that violates or is inconsistent with
28 this chapter is not enforceable. However, nothing in
29 this chapter shall be construed to invalidate other
30 provisions of the declaration, bylaws, plats, or plans
31 of those common interest communities established before
32 July 1, 2012.

33 3. The provisions of this chapter shall prevail
34 over any conflicting provision of law under which a
35 common interest community or unit owners association is
36 organized.>

37 5. Page 13, by striking lines 19 and 20 and
38 inserting:

39 <1. Meetings of a unit owners association shall
40 comply>

41 6. By striking page 20, line 31, through page 21,
42 line 8.

43 7. By striking page 21, line 19, through page 22,
44 line 26.

45 8. By renumbering, redesignating, and correcting
46 internal references as necessary.

ISENHART of Dubuque

CONFERENCE COMMITTEE REPORTS

Conference Committee Reports filed during the Eighty-fourth
General Assembly, 2011 Session.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 648

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 648, a bill for an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, respectfully make the following report:

1. That the House amendment, S-3371, to the Senate amendment, H-1702, to House File 648, as amended, passed, and reprinted by the House, is amended to read as follows:

1. Page 1, by striking lines 14 through 16.
2. Page 1, line 17, by striking "b." and inserting "a."
3. Page 1, line 20, by striking "c." and inserting "b."
4. Page 1, by striking lines 24 through 34.
5. Page 2, by striking line 9.
6. Page 2, line 16, before "For" by inserting "a."
7. Page 2, by striking line 22 and inserting:

"b. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 500,000

c. For costs associated with the renovation, expansion, and improvements of exhibits as part of a zoo capital campaign located in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:

FY 2011-2012..... \$ 0

d. For interior and exterior renovations and repairs of cabins, including improved energy efficiencies and for compliance with the federal Americans with Disabilities Act, at a year-round camp for persons with disabilities in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:

FY 2011-2012..... \$ 250,000

e. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 100,000"

8. Page 2, by striking line 33.
9. Page 3, line 5, by striking "8,600,000" and inserting "5,459,000"

10. Page 3, by striking lines 6 through 16 and inserting: "Of the amount appropriated in this lettered paragraph, \$350,000 shall be allocated to a county with a population between seventeen thousand seven hundred and seventeen thousand eight hundred as determined by the 2010 federal decennial census, for a lake with public access that has the support of a benefited lake district. The allocated moneys shall be

used for purposes of completing a preconstruction dam restoration study that would include a geotechnical evaluation, hydrological studies, restoration alternatives, and construction specifications. The preconstruction dam restoration study shall be filed with the general assembly upon completion. It is the intent of the general assembly that money shall be appropriated for the restoration and reconstruction of the dam for FY 2012-2013 and FY 2013-2014. Funding shall be contingent upon receipt of the study by the general assembly.

c. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 75,000

d. For costs associated with the hiring and employment of an asset manager at Honey creek resort state park, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 75,000"

11. Page 3, by striking line 21.

12. Page 3, by striking line 28.

13. Page 3, by striking line 33.

14. Page 3, by striking lines 37 through 39.

15. Page 4, by striking lines 7 through 10 and inserting:

"c. For projects for immediate fire safety needs and for compliance with the federal Americans with Disabilities Act, at the regents institutions:

FY 2011-2012..... \$ 2,000,000

FY 2012-2013..... \$ 2,000,000"

16. Page 4, line 41, by striking "2,000,000" and inserting "3,000,000"

17. Page 4, by striking line 42.

18. Page 4, by striking line 49.

19. Page 5, by striking line 3.

20. Page 5, by striking line 7.

21. Page 5, by striking line 13.

22. Page 5, by striking line 49.

23. Page 6, by striking line 4.

24. Page 6, by striking line 10.

25. Page 6, by striking line 16.

26. Page 6, by striking line 27.

27. Page 6, line 29, before "To" by inserting "a."

28. Page 6, after line 38 by inserting:

"b. For the purchase of software and for training costs associated with the purchase of the software for a community-based, nonprofit, nonresidential program serving persons with disabilities, notwithstanding section 8.57C, subsection 2:

FY 2011-2012..... \$ 11,000"

29. Page 6, by striking line 44.

30. Page 7, line 12, by striking "600,000" and inserting "50,000"

31. Page 7, line 14, before "For" by inserting "a."

32. Page 7, line 23, by striking "subsection" and inserting "lettered paragraph"

33. Page 7, after line 38 by inserting:

"b. For transfer to a firefighter association in a county with a population between ninety thousand and ninety-five thousand as determined by the 2010 federal decennial census for a driving simulator to enhance the association's emergency vehicle operations course:

FY 2011-2012..... \$ 80,000"

34. Page 8, line 8, by striking "amount" and inserting "amounts"

35. Page 8, after line 18 by inserting:

"Moneys appropriated in this subsection shall not be used for purposes of the Iowa building."

36. Page 8, by striking line 34 and inserting "the following departments for the"

37. Page 8, line 36, by striking "amount" and inserting "amounts"

38. Page 8, after line 37 by inserting:

a. DEPARTMENT OF ADMINISTRATIVE SERVICES"

39. Page 8, line 40, by striking "4,040,000" and inserting "2,020,000"

40. Page 8, after line 40 by inserting:

"Moneys appropriated in this lettered paragraph shall not be used for purposes of the Iowa building.

b. DEPARTMENT OF ECONOMIC DEVELOPMENT

For deposit into the community attraction and tourism fund created in section 15F.204:

FY 2011-2012..... \$ 2,020,000

Moneys appropriated for grants awarded pursuant to this lettered paragraph shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use."

41. Page 9, by striking lines 2 through 12.

42. Page 9, line 47, after "state" by inserting "and which will utilize, to the greatest extent possible, resident subcontractors on the public improvement"

43. Page 10, after line 5 by inserting:

"i. "Resident subcontractor" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting or has conducted business in this state for at least three years prior to the date of the first advertisement for the public improvement."

44. By striking page 12, line 49, through page 13, line 1, and inserting:

"Sec. ___. EFFECTIVE DATE. This division of this Act takes effect September 1, 2011."

45. Page 13, line 6, after "date" by inserting "of this division"

46. By striking page 13, line 7, through page 15, line 17, and inserting:

"DIVISION __
GROW IOWA VALUES FUND

Sec. ___. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In lieu of the \$50,000,000 appropriated for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, \$15,000,000 for the purposes of making expenditures pursuant to chapter 15G.

Sec. ___. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 11, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, of the \$15,000,000 appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 11:

1. For departmental purposes, \$8,550,000. Of the moneys allocated in this subsection, the department may use up to \$600,000 for administrative costs.
2. For the state board of regents institutions, \$1,500,000.
3. For state parks, \$300,000.
4. For deposit in the Iowa cultural trust fund, \$300,000.

5. For community colleges for deposit in the workforce training and economic development funds pursuant to section 260C.18A, \$2,100,000.

6. For regional financial assistance, \$300,000. Of the moneys allocated in this subsection, the department shall transfer \$105,000 to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.

7. For innovation and commercialization services, \$1,650,000.

8. For targeted small business, \$300,000.

Sec. ___. NEW SECTION. 15G.107 Subchapter repealed ---- new program proposal.

1. This subchapter of this chapter is repealed on June 30, 2012.

2. On or before November 30, 2011, the department of economic development shall propose to the general assembly a new business development financial assistance program.

3. On or before November 30, 2011, the department of economic development shall propose to the general assembly any changes in law necessary to implement the repeal of this subchapter.

Sec. ___. Section 15G.110, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15G.110 Appropriation.

For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated to the department of economic development fifteen million dollars from the rebuild Iowa infrastructure fund for deposit in the grow Iowa values fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. ___. Section 15G.111, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the department, with the approval of the board, may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph "a".

DIVISION __

GAMBLING REVENUES ---- CONTINGENT APPROPRIATION

Sec. ___. GAMBLING REVENUES ---- APPROPRIATION. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated from the rebuild Iowa infrastructure fund an amount not to exceed two million dollars of any gambling revenues in excess of the revenue estimate determined by the revenue estimating conference on March 25, 2011, for the fiscal year ending June 30, 2011, pursuant to section 8.22A, subsection 5, paragraph "b", to the department of economic development for deposit into the community attraction and tourism fund created in section 15F.204, notwithstanding section 8.57, subsection 6, paragraph "c".

47. Page 16, line 3, by striking "2012" and inserting "2013"

48. Page 16, lines 4 and 5, by striking "~~forty-two~~ thirty-five" and inserting "forty-two"

49. Page 16, after line 13 by inserting:

"c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of thirty-five million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c"."

50. Page 16, line 33, by striking "sixteen million" and inserting "fifteen million, five hundred forty-one thousand"

51. By striking page 16, line 38, through page 17, line 2, and inserting:

"NEW PARAGRAPH. d. (1) The department shall annually issue a request for proposals for leasing privately owned office space for state employees in the downtown area of the city of Des Moines. Prior to replacing or renovating publicly owned buildings or relocating any state agencies to any space in publicly owned buildings, the department shall use such proposals to compare the costs of privately owned space to publicly owned space. The department shall locate state employees in office space in the most cost-efficient manner possible. In determining cost efficiency, the department shall consider all costs of the publicly owned space, the costs of the original acquisition of the publicly owned space, the costs of tenant improvements to the publicly owned space, and the anticipated economic and useful life of the publicly owned building space.

(2) Subparagraph (1) shall not apply when emergency circumstances exist. Actions taken during an emergency which would otherwise violate subparagraph (1) shall be limited in scope and duration to meet the emergency. An emergency includes but is not limited to a condition that does any of the following:

(a) Threatens public health, welfare, or safety.

(b) In which there is a need to protect the health, welfare, or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement.

(c) In which the department or agency must act to preserve critical services or programs.

(d) In which the need is a result of events or circumstances not reasonably foreseeable."

52. Page 17, by striking line 23 and inserting "a, subparagraphs (6) and (7), Code 2011, are amended to read as"

53. Page 17, by striking lines 25 through 27 and inserting:

"(6) For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of ~~five~~ three million three hundred thousand dollars.

(7) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of ~~five~~ fifteen million dollars."

54. Page 17, by striking lines 30 through 45.

55. Page 18, after line 15 by inserting:

"Sec. ____ 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, as amended by 2010 Iowa Acts, chapter 1184, section 51, is amended to read as follows:

d. For allocation to the public broadcasting division for costs of installation of digital and analog television for Iowa public television facilities, notwithstanding section 8.57, subsection ~~5 6~~, paragraph "c":

FY 2004-2005.....	\$ 8,000,000
FY 2005-2006.....	\$ 8,000,000
FY 2006-2007.....	\$ 2,300,000

Of the amounts appropriated in this lettered paragraph, up to a maximum of \$1,000,000 may be used for operational costs of the division for the fiscal years beginning July 1, 2011, and July 1, 2012.

Notwithstanding section 8.33, 2004 Iowa Acts, chapter 1175, section 290, or any other provision of law, moneys allocated in this lettered paragraph that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012. ~~However, if the projects for which the moneys are appropriated are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that fiscal year.~~

56. Page 19, by striking lines 21 through 30.

57. By striking page 20, line 26, through page 21, line 1, and inserting:

"Sec. ____ 2009 Iowa Acts, chapter 184, section 3, is amended to read as follows:

SEC. 3. There is appropriated from the rebuild Iowa infrastructure fund to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 2,000,000

Of the amount appropriated in this section, ten percent shall be allocated to the planning and development of rail ports in Iowa.

Sec. ____ 2010 Iowa Acts, chapter 1184, section 2, subsection 3, unnumbered paragraph 1, is amended to read as follows:

For deposit into the passenger rail service revolving fund created in section 327J.2 for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008 for passenger rail service, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ ~~6,500,000~~

0"

58. By striking page 21, line 49, through page 22, line 20.

59. Page 24, after line 14 by inserting:

"DIVISION ____
MISCELLANEOUS

Sec. ____ WELCOME CENTER DESIGNATION. Notwithstanding any provision of section 15.272 to the contrary, the department of economic development shall by January 1, 2012, select a site in or near the city of Nashua for designation as a statewide welcome center under the statewide welcome center program.

Sec. ____ IOWA BUILDING LEASES. The department of administrative services may utilize space in the Iowa building for purposes of entering into short-term leases with persons associated with the media who request space for the purpose of providing media coverage of the 2012 Iowa presidential caucuses. Moneys received pursuant to any such lease agreements shall be retained by and are appropriated to the department for purposes of operational costs of the Iowa building."

60. By renumbering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

ROYD CHAMBERS, Chair
DENNIS COHOON
ERIK HELLAND
DAN HUSEMAN
JO OLDSON

MATT MCCOY, Chair
DARYL BEALL
ROBERT E. DVORSKY
TIM KAPUCIAN

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 649

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 649, a bill for an Act relating to and making appropriations for health and human services

and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-3375.
2. That the Senate recedes from its amendment, H-1732.
3. That House File 649, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking everything after the enacting clause and inserting:

DIVISION I

DEPARTMENT ON AGING — FY 2011-2012

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 10,302,577
.....	FTEs 35.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. The amount appropriated in this section includes additional funding of \$450,000 for delivery of long-term care services to seniors with low or moderate incomes.

3. Of the funds appropriated in this section, \$179,946 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

- (1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.
- (2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.
- (3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.
- (4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging

expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

DIVISION II

DEPARTMENT OF PUBLIC HEALTH — FY 2011-2012

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$ 23,503,190
..... FTEs	13.00

a. (1) Of the funds appropriated in this subsection, \$3,253,830 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative.

(2) Of the funds allocated in this paragraph "a", \$453,830 shall be transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances in accordance with 2011 Iowa Acts, House File 467, as enacted.

b. Of the funds appropriated in this subsection, \$20,249,360 shall be used for problem gambling and substance abuse prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph "b", \$17,132,508 shall be used for substance abuse prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), \$899,300 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), \$427,539 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), \$426,839 shall be used for grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to \$44,922 may be used to administer substance abuse prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), \$273,062 shall be used for culturally competent substance abuse treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph "b", up to \$3,116,852 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), \$2,579,000 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to \$437,852 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to \$100,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance abuse treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance abuse and problem gambling treatment shall include problem gambling prevention by July 1, 2012. The department shall submit a proposed legislative bill in accordance with section 2.16, for consideration during the 2012 legislative session, addressing any statutory revisions necessary for full implementation of the system.

(2) The system for delivery of substance abuse and problem gambling treatment shall include substance abuse prevention by July 1, 2014.

(3) Of the funds allocated in paragraph "b", the department may use up to \$100,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2011.

e. The department of public health shall work with all other departments that fund substance abuse prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance abuse services as required under the federal substance abuse prevention and treatment block grant.

f. The department shall amend or otherwise revise departmental policies and contract provisions in order to eliminate free t-shirt distribution, banner production, and other unnecessary promotional expenditures.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

..... \$ 2,594,270
..... FTEs 10.00

a. Of the funds appropriated in this subsection, not more than \$739,318 shall be used for the healthy opportunities to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2011.

b. Of the funds appropriated in this subsection, \$329,885 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, \$31,597 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the dental lifeline network to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, \$112,677 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, \$163,760 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

..... \$ 3,361,656
..... FTEs 4.00

a. Of the funds appropriated in this subsection, \$160,582 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, \$483,600 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, \$498,874 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$31,254 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, \$788,303 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$497,065 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this lettered paragraph, \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$126,450 shall be used for cervical and colon cancer screening.

h. Of the funds appropriated in this subsection, \$528,834 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$129,937 shall be used for the prescription drug donation repository program created in chapter 135M.

j. Of the funds appropriated in this subsection, \$12,500 shall be used for the purposes of the epilepsy treatment and education task force as specified in 2011 Iowa Acts, House File 322, as enacted.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

..... \$ 4,235,166
..... FTEs 14.00

a. Of the funds appropriated in this subsection, \$100,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas.

b. Of the funds appropriated in this subsection, \$111,308 is allocated for continuation of an initiative implemented at the university of Iowa and \$100,493 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$1,171,491 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, \$121,817 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, \$144,542 shall be used for the mental health professional shortage area program implemented pursuant to section 135.80.

f. Of the funds appropriated in this subsection, \$38,263 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.80.

g. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... \$ 132,580

(2) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 77,609

(3) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 77,609

(4) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 124,050

(5) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 110,430

(6) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ 260,000

(7) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ 270,000

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h. (1) Of the funds appropriated in this subsection, \$149,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this lettered paragraph for an additional position to assist in the continued implementation.

(2) It is the intent of the general assembly that a board of direct care workers shall be established within the department of public health by July 1, 2014, contingent upon the availability of funds to establish and maintain the board.

(3) The direct care worker advisory council shall submit a final report no later than March 1, 2012, to the governor and the general assembly, in accordance with 2010 Iowa Acts, chapter 1192, section 2, subsection 4, paragraph "h", subparagraph (3).

(4) The department of public health shall report to the persons designated in this Act for submission of reports regarding use of the funds allocated in this lettered paragraph, on or before January 15, 2012.

i. (1) Of the funds appropriated in this subsection, \$130,100 shall be used for allocation to an independent statewide direct care worker association under a contract with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, \$58,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to \$58,518 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, \$50,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

- \$ 7,297,142
- a. Of the funds appropriated in this subsection, \$2,009,187 shall be used for local public health nursing services.
- b. Of the funds appropriated in this subsection, \$5,287,955 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

- \$ 813,777
- FTEs 4.00

Of the funds appropriated in this subsection, \$544,377 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

- \$ 1,345,847
- FTEs 4.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

- \$ 2,776,232
- FTEs 125.00

a. Of the funds appropriated in this subsection, not more than \$471,690 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, \$210,619 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, not more than \$436,582 shall be used for the state poison control center.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

- \$ 819,554
- FTEs 7.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DIVISION III

DEPARTMENT OF VETERANS AFFAIRS — FY 2011-2012

Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

..... \$ 998,832
..... FTEs 16.34

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 8,952,151

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... \$ 12,416

Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

..... \$ 990,000

DIVISION IV

DEPARTMENT OF HUMAN SERVICES — FY 2011-2012

Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, and from moneys received under the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 21,500,738

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 12,411,528

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,898,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2012, the moneys shall revert.

4. For field operations:

..... \$ 31,296,232

5. For general administration:

..... \$ 3,744,000

6. For state child care assistance:

..... \$ 16,382,687

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-fourth General Assembly, 2011 Session, for the federal fiscal year beginning October 1, 2011, and ending September 30, 2012. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For mental health and developmental disabilities community services:

..... \$ 4,894,052

8. For child and family services:

..... \$ 32,084,430

9. For child abuse prevention grants:

..... \$ 125,000

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2011, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2011, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 1,037,186

12. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to

children from birth through five years of age developed by early childhood Iowa areas as provided in section 256I.11:

..... \$ 6,350,000

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2010 or 2011 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, received by the state during the fiscal year beginning July 1, 2010, and ending June 30, 2011, not otherwise appropriated in this section and remaining available as of July 1, 2011, and received by the state during the fiscal year beginning July 1, 2011, and ending June 30, 2012, are appropriated to the extent as may be necessary to be used in the following priority order: the family investment program for the fiscal year and for state child care assistance program payments for individuals enrolled in the family investment program who are employed. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program under chapter 239B have been expended.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

14. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2011, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. For continuation of the program allowing the department to maintain categorical eligibility for the food assistance program as required under the section of this division relating to the family investment account:

..... \$ 146,072

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2011, and ending June 30, 2012, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 5,342,834

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2011-2012.

c. For the diversion subaccount of the FIP account:

..... \$ 1,698,400

A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

d. For the food stamp employment and training program:

..... \$ 66,588

(1) The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50-50 match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 20,235,905

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 50,171,027

1. Of the funds appropriated in this section, \$7,824,377 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,463,854 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2011, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. MH/MR/DD/BI community services (local purchase).

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, \$195,678 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 13,119,255

..... FTEs 475.00

1. The department shall expend up to \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2011, for a child support public awareness campaign. The department and the office of the attorney general shall

cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2011, and ending June 30, 2012. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2012.

Sec. 9. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2011, and ending June 30, 2012, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with implementation.

Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2011, except as otherwise expressly authorized by law, and consistent with options under federal law and regulations:

..... \$909,993,421

1. Iowans support reducing the number of abortions performed in our state. For an abortion covered under the program, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

a. That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

b. That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

2. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2011, shall be transferred to the department of human services for an integrated substance abuse

managed care system. The department shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, up to \$442,100 may be used for the medical contract for clinical assessment services and prior authorization of services.

7. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

8. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

9. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

10. Of the funds appropriated in this section, the following amounts shall be transferred to the appropriations made in this division of this Act for the state mental health institutes:

- a. Cherokee mental health institute \$ 9,098,425
- b. Clarinda mental health institute \$ 1,977,305
- c. Independence mental health institute \$ 9,045,894
- d. Mount Pleasant mental health institute \$ 5,752,587

11. a. Of the funds appropriated in this section, \$7,425,684 is allocated for the state match for a disproportionate share hospital payment of \$19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment of \$7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

12. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the medical assistance appropriation an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

13. Of the funds appropriated in this section, up to \$4,480,304 may be transferred to the IowaCare account created in section 249J.24.

14. Of the funds appropriated in this section, \$200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

15. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

16. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

17. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal family opportunity Act.

18. A portion of the funds appropriated in this section may be used for the medical contracting administrative activities associated with the money follows the person demonstration project.

19. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes for the fiscal year beginning July 1, 2011.

20. a. The department may implement cost containment strategies recommended by the governor, and may adopt emergency rules for such implementation.

b. The department shall not implement the cost containment strategy to require a primary care referral for the provision of chiropractic services.

c. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement the cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

d. If the savings to the medical assistance program exceed the cost, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive Order No. 20, issued December 16, 2009, or cost containment strategies initiated pursuant to this subsection, to the appropriation made in this division of this Act for general administration to defray the increased contract costs associated with implementing such efforts.

e. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this division of this Act for submission of reports on a quarterly basis.

21. Notwithstanding any provision of law to the contrary, the department of human services shall amend the section 1915(b) waiver and Iowa plan contract to include remedial services under the Iowa plan contract effective July 1, 2011.

22. Of the funds appropriated in this section, \$5,000,000 shall be used to reduce the waiting lists of these medical assistance home and community-based services waivers: the waiver for persons with intellectual disabilities, the waiver for persons with brain injury, and the children's mental health waiver. The department shall distribute the funding allocated under this subsection proportionately among these waivers.

23. a. The department may submit medical assistance program state plan amendments to the centers for Medicare and Medicaid services of the United States department of health and human services, and may adopt administrative rules pursuant to chapter 17A to implement any of the following if the respective state plan amendment is approved:

(1) Health homes pursuant to section 2703 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148. The department shall collaborate with the medical home system advisory council created pursuant to section 135.159 in developing such health homes.

(2) Accountable care organization pilot programs, if such programs are advantageous to the medical assistance program.

b. Any health home or accountable care organization pilot program implemented pursuant to this subsection shall demonstrate value to the state with a positive return on investment within two years of implementation, and may utilize care coordination fees, pay-for-performance fees, or shared saving strategies if approved as part of the state plan amendment.

24. The department, in consultation with the Iowa pharmacy association and other appropriate entities, shall develop recommendations to replace the reimbursement methodology of average wholesale price minus 12 percent for covered brand-name prescription drugs, generic drugs, and over-the-counter drugs. The department shall

report the recommendations to the persons designated in this division of this Act for submission of reports by December 15, 2011.

25. The department shall amend the state Medicaid health information technology plan to include costs related to the one-time development costs of the health information technology system developed by the department of public health.

Sec. 11. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 16,850,747

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2011, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 12. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:
..... \$ 32,806,102

2. Of the funds appropriated in this section, \$128,950 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 13. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 53,237,662

1. Of the funds appropriated in this section, \$51,896,082 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state

obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, \$432,453 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$936,974 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 14. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 8,258,251
..... FTEs 114.00

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 10,638,677
 FTEs 164.30

Of the funds appropriated in this subsection, \$91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2011.

Sec. 15. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 82,830,163

2. In order to address a reduction of \$5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to \$30,169,129 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2011, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year

2011-2012. Of the funds appropriated in this section, \$1,717,753 is allocated specifically for expenditure for fiscal year 2011-2012 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to \$7,170,116. The department may execute contracts that result from the department's request for proposal, bid number ACFS-11-114, to provide the range of child welfare emergency services described in the request for proposals, and any subsequent amendments to the request for proposals.

8. Federal funds received by the state during the fiscal year beginning July 1, 2011, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. Of the funds appropriated in this section, at least \$3,696,285 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$2,062,488 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2011. However, if this subsection is enacted on or after June 15, 2011, the determination shall be made not later than 10 calendar days after the effective date of this subsection.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The

chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

11. Of the funds appropriated in this section, \$5,922,602 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

12. Of the funds appropriated in this section, \$988,285 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

13. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

14. Of the funds appropriated in this section, \$3,069,832 is allocated for the preparation for adult living program pursuant to section 234.46.

15. Of the funds appropriated in this section, \$520,150 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

- a. Marshall county:
..... \$ 62,708
- b. Woodbury county:
..... \$ 125,682
- c. Polk county:
..... \$ 195,892
- d. The third judicial district:
..... \$ 67,934
- e. The eighth judicial district:
..... \$ 67,934

16. Of the funds appropriated in this section, \$227,337 shall be used for the public purpose of providing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

17. Of the funds appropriated in this section, \$125,590 is allocated for the elevate approach of providing a support network to children placed in foster care.

18. Of the funds appropriated in this section, \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

19. Of the funds appropriated in this section, \$630,240 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

21. Of the funds appropriated in this section, \$1,200,495 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, at least \$147,158 shall be used for the child welfare training academy.

23. Of the funds appropriated in this section, \$25,000 shall be used for the public purpose of providing a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

24. Of the funds appropriated in this section, \$250,000 shall be used for continuation of the central Iowa system of care program grant through June 30, 2012.

25. Of the funds appropriated in this section, \$160,000 shall be used to award a grant through a request for proposals process to a nonprofit entity that is providing child welfare treatment and prevention services in multiple locations throughout the state of Iowa. The grant project shall replicate the model and outcomes of the system of care project for children and youth with emotional and behavior challenges operating in northeast Iowa. The grant project shall be implemented in a manner so as to ensure collaboration with local planning groups and agencies that are involved with providing mental health services, the families of children receiving these services, and the children receiving these services, in order to improve access and expand the array of appropriate community-based services. The grant project shall provide services to children and families in Cerro Gordo and Linn counties.

Sec. 16. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:
..... \$ 33,266,591

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2011, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 17. JUVENILE DETENTION HOME FUND.

1. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2011, and ending June 30, 2012, are appropriated to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2010. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2010. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2011, shall be limited to the amount appropriated for the purposes of this section.

2. Representatives of chief juvenile court officers, the department of human rights, and the department of human services shall work with juvenile detention centers and other stakeholders to review the current methodology for distribution of moneys from the juvenile detention home fund, consider alternative distribution methodologies, and report findings and recommendations to the persons designated by this division of this Act for the submission of reports by December 15, 2011. It is the intent of the general assembly to shift responsibility for administering the fund from the department of human services to the division of criminal and juvenile justice planning of the department of human rights, effective with the fiscal year beginning July 1, 2012.

Sec. 18. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... \$ 1,167,998

2. The department shall use at least \$385,500 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$25,000 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 19. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 33,622

Sec. 20. MENTAL HEALTH INSTITUTES.

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the

following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,877,308
..... FTEs 168.50

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,411,734
..... FTEs 86.10

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 10,275,685
..... FTEs 233.00

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 944,323
..... FTEs 97.72

Sec. 21. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 18,507,801

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,785,658

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is

available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2011-2012.

Sec. 22. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:
 \$ 12,169,482

2. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, \$200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C. ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2009, and ending September 30, 2010, beginning October 1, 2010, and ending September 30, 2011, and beginning October 1, 2011, and ending September 30, 2012. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 23. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:
 \$ 14,211,100

1. Of the funds appropriated in this section, \$14,187,556 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2.

a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$23,544 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4.

a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county's county management plan approved by the board of supervisors. A county without an approved county management plan shall not receive allocated funds until the county's management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. The latest certified census issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

Sec. 24. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,550,727
..... FTEs 89.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 25. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 54,789,921
..... FTEs 1,781.00

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall

remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 26. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 14,596,745
 FTEs 290.00

1. Of the funds appropriated in this section, \$38,543 allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

3. Of the funds appropriated in this section, \$132,300 shall be used to contract with a statewide association representing community providers of mental health, mental retardation and brain injury services programs to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based waiver services for adults with disabilities under the medical assistance program. Notwithstanding section 8.47 or any other provision of law to the contrary, the department may utilize a sole source approach to contract with the association.

4. Of the funds appropriated in this section, \$176,400 shall be used to contract with an appropriate entity to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers. Notwithstanding section 8.47 or any other provision of law to the contrary, the department may utilize a sole source approach to enter into such contract.

5. Of the funds appropriated in this section, \$500,000 shall be used for implementation of child protection system improvements addressed in 2011 Iowa Acts, House File 562, as enacted.

6. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 27. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
 \$ 84,660

Sec. 28. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2011, the total state funding amount for the nursing facility budget shall not exceed \$225,457,724.

(2) For the fiscal year beginning July 1, 2011, the department shall rebase case-mix nursing facility rates effective July 1, 2011. However, total nursing facility budget expenditures, including both case-mix and noncase-mix shall not exceed the amount specified in subparagraph (1). When calculating case-mix per diem cost and the patient-day-weighted medians used in rate-setting for nursing facilities effective July 1, 2011, the inflation factor applied from the midpoint of the cost report period to the

first day of the state fiscal year rate period shall be adjusted to maintain state funding within the amount specified in subparagraph (1).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year is projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.

(4) For the fiscal year beginning July 1, 2011, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2011.

b. For the fiscal year beginning July 1, 2011, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.34 per prescription or the pharmacy's usual and customary fee, whichever is lower. However, the department shall adjust the dispensing fee specified in this paragraph to distribute an additional \$2,981,980 in reimbursements for pharmacy dispensing fees under this paragraph for the fiscal year.

c. (1) For the fiscal year beginning July 1, 2011, reimbursement rates for outpatient hospital services shall be rebased effective January 1, 2012.

(2) For the fiscal year beginning July 1, 2011, reimbursement rates for inpatient hospital services shall be rebased effective October 1, 2011.

(3) The total amount of increased funding available for reimbursement attributable to rebasing under this paragraph for the fiscal year beginning July 1, 2011, shall not exceed \$4,500,000.

(4) For the fiscal year beginning July 1, 2011, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2011, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(5) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2011, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2011, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2011.

f. For the fiscal year beginning July 1, 2011, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2011, not to exceed a home health agency's actual allowable cost.

g. For the fiscal year beginning July 1, 2011, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2011, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2011.

i. (1) For the fiscal year beginning July 1, 2011, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) (a) For nonstate-owned psychiatric medical institutions for children, reimbursement rates shall remain at the rates in effect on June 30, 2011. However, the department shall adjust the reimbursement rates in effect on June 30, 2011, to distribute an additional \$350,000 in reimbursements for nonstate-owned psychiatric medical institutions for children under this subparagraph (2) for the fiscal year.

(b) The department, in consultation with representatives of the nonstate-owned psychiatric medical institutions for children, shall develop a reimbursement methodology required for federal compliance, to be implemented on July 1, 2012. To the extent possible, the reimbursement methodology shall be developed in a manner so as to be budget neutral to the institutions and cost effective for the state.

j. For the fiscal year beginning July 1, 2011, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2011, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2011, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2011.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2011, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall remain at the rate in effect on June 30, 2011; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2011, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2011, inpatient mental health services provided at hospitals shall be rebased effective October 1, 2011, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

o. For the fiscal year beginning July 1, 2011, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2011.

p. For the fiscal year beginning July 1, 2011, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2011.

q. For the fiscal year beginning July 1, 2011, the department shall adjust the rates in effect on June 30, 2011, for providers of home and community-based services waiver services to distribute an additional \$1,500,000 in reimbursements to such providers for the fiscal year.

2. For the fiscal year beginning July 1, 2011, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2011, notwithstanding section 234.38, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$15.74, the rate for children ages 6 through 11 years shall be \$16.37, the rate for children ages 12 through 15 years shall be \$17.92, and the rate for children and young adults ages 16 and older shall be \$18.16. The maximum supervised apartment living foster care reimbursement rate shall be \$25.00 per day. For youth ages 18 to 21 who have exited foster care, the maximum preparation for adult living program maintenance rate shall be \$574.00 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408 shall be continued.

5. For the fiscal year beginning July 1, 2011, the maximum reimbursement rates under the supervised apartment living program and for social services providers under contract shall remain at the rates in effect on June 30, 2011, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2011, the initial reimbursement rate for the service or provider shall be based upon actual and allowable costs. Providers may also be eligible for an additional amount as specified under the department's request for proposal, bid number ACFS-11-115.

6. For the fiscal year beginning July 1, 2011, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2011.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. a. For the fiscal year beginning July 1, 2011, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established in a contract based on the requirements of the department's request for proposal, bid number ACFS-11-114.

b. For the fiscal year beginning July 1, 2011, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2011, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on

recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2010.

9. For the fiscal year beginning July 1, 2011, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. Beginning July 1, 2011, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2011.

10. For the fiscal year beginning July 1, 2011, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2011, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2011. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

11. The department may adopt emergency rules to implement this section.

Sec. 29. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2011, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 30. CIVIL MONETARY PENALTIES — DIRECT CARE WORKER INITIATIVES PROPOSAL. The department of human services shall develop a proposal, in collaboration with the department of public health, requesting federal approval for the use of a portion of the funds received by the department of human services as civil monetary penalties from nursing facilities to support direct care worker initiatives that enhance the quality of care in nursing facilities. The proposal shall request use of the funds for direct care worker initiatives based on recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, as included in the report submitted to the governor and the general assembly in December 2006. Upon completion of the proposal, the department of human services shall submit the proposal to the centers for Medicare and Medicaid services of the United States department of health and human services for approval.

The department of human services shall notify the persons designated in this division of this Act for submission of reports upon receipt of approval of the proposal.

Sec. 31. FEDERAL GRANTS REPORTING. During the fiscal year beginning July 1, 2011, the departments and agencies receiving an appropriation in this Act from the general fund of the state shall report to the persons designated by this Act for submission of reports and the department of management within 60 calendar days of applying for or renewing a federal grant with a value over \$1,000. The report shall list the federal funding source and address the potential need for the commitment of state funding in order to match or continue the funding provided by the federal grant in the present or the future.

Sec. 32. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 33. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment and if approved by the governor on or after July 1, 2011, apply retroactively to June 30, 2011:

The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for fiscal year 2011-2012.

DIVISION V

PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2011-2012

Sec. 34. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program:

..... \$ 10,907,457

1. Of the funds appropriated in this section, up to \$200,000 may be transferred to the appropriation made to the department for general administration in this Act for the same fiscal year to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

2. Of the funds appropriated in this section, \$50,000 shall be used for home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements. The department shall submit a report to the persons designated by this Act for submission of reports by December 15, 2011, regarding the modifications to the quality assurance programs.

Sec. 35. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 27,284,584

a. (1) Funds appropriated in this subsection used for abortions shall be used in a manner consistent with options under federal Medicaid law and regulation.

(2) Iowans support reducing the number of abortions performed in our state. For an abortion covered under this subsection, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(a) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(b) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

c. The university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed \$20,000,000.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 44,226,279

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

3. There is appropriated from the IowaCare account created in section 249J.24, to the state board of regents for distribution to university of Iowa physicians for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 16,277,753

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated

by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 65,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of \$60,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds \$60,000,000. The amount paid in excess of \$60,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of \$60,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs and podiatry services.

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection, shall be reimbursed for outpatient prescription drugs and podiatry services provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed \$4,000,000.

c. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 4, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of \$38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

d. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph "a", subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2011, and December 31, 2011, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (1), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of January 2012, following the July 1 through December 31, 2011, period.

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph "a", subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2012, and June 30, 2012, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of

\$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (2), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of July 2012, following the January 1 through June 30, 2012, period.

5. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For payment to the regional provider network specified by the department pursuant to section 249J.7 for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... \$ 3,472,176

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

6. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For a care coordination pool to pay the expansion population providers consisting of the university of Iowa hospitals and clinics, the publicly owned acute care teaching hospital as specified in section 249J.7, and current medical assistance program providers that are not expansion population network providers pursuant to section 249J.7, for services covered by the full benefit medical assistance program but not under the IowaCare program pursuant to section 249J.6, that are provided to expansion population members:

..... \$ 1,500,000

a. Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide payment for medically necessary services provided to expansion population members for continuation of care provided by the university of Iowa hospitals and clinics or the publicly owned acute care teaching hospital as specified in section 249J.7. Payment may only be made for services that are not otherwise covered under section 249J.6, and which are follow-up services to covered services provided by the hospitals specified in this paragraph "a".

b. The funds appropriated in this subsection are intended to provide limited payment for continuity of care services for an expansion population member, and are intended to cover the costs of services to expansion population members, regardless of the member's county of residence or medical home assignment, if the care is related to specialty or hospital services provided by the hospitals specified in paragraph "a".

c. The funds appropriated in this subsection are not intended to provide for expanded coverage under the IowaCare program, and shall not be used to cover emergency transportation services.

d. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection.

7. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2011, and ending

June 30, 2012, the following amount or so much thereof as is necessary to be used for the purposes designated:

For a laboratory test and radiology pool for services authorized by a federally qualified health center designated by the department as part of the IowaCare regional provider network that does not have the capability to provide these services on site:

..... \$ 500,000

Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide reimbursement for services provided to expansion population members that have previously been paid for through expenditure by designated regional provider network providers of their own funds, not to expand coverage under the IowaCare program or to expand the expansion population provider network. The department shall designate the laboratory and radiology provider associated with each designated regional provider network provider that may receive reimbursement. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection. All other medical assistance program payment policies and rules for laboratory and radiology services shall apply to services provided under this subsection. If the entire amount appropriated under this subsection is expended, laboratory tests and radiology services ordered by a designated regional provider network provider shall be the financial responsibility of the regional provider network provider.

Sec. 36. APPROPRIATIONS FROM NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, and subject to the availability of funds, there is appropriated from the nonparticipating provider reimbursement fund created in section 249J.24A to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount or so much thereof as is necessary for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:

..... \$ 2,000,000

Sec. 37. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:

..... \$ 100,000

2. For other health promotion partnership activities pursuant to section 249J.14:

..... \$ 600,000

3. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:

..... \$ 125,000

4. For administrative costs associated with chapter 249J:

..... \$ 1,132,412

5. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14:

..... \$ 1,000,000

6. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:

..... \$ 50,000

7. For medical contracts:

..... \$ 2,000,000

8. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:

..... \$ 290,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

9. For transfer to the department of public health to be used for the costs of medical home system advisory council established pursuant to section 135.159, including for the incorporation of the work and duties of the prevention and chronic care management advisory council pursuant to section 135.161, as amended by this Act:

..... \$ 233,357

10. For implementation of a uniform cost report:

..... \$ 150,000

The uniform cost report shall be used in the development of specified Medicaid reimbursement rates over a multiyear timeframe. The department of human services, in collaboration with affected providers, shall finalize a uniform cost report that includes provider type-specific cost schedules by December 15, 2011. The uniform cost report shall be applied to providers of home and community-based services waiver services, habilitation services, case management services and community mental health centers, residential care facilities, psychiatric medical institutions for children, and intermediate care facilities for the mentally retarded in the development of Medicaid reimbursement rates. The department shall collaborate with affected Medicaid providers to test the effectiveness of the uniform cost report and determine the fiscal impact of implementing the uniform cost report during the fiscal year beginning July 1, 2012. A report of the findings and fiscal impact shall be submitted to the governor and the general assembly by December 31, 2013. The rates paid in the fiscal year beginning July 1, 2014, shall be established using uniform cost reports submitted in the fiscal year beginning July 1, 2012. Implementation of the uniform cost report shall be limited to the extent of the funding available.

11. For implementation of an electronic medical records system:

..... \$ 100,000

a. The implementation of an electronic medical records system shall include system purchase or development for home and community-based services providers and mental health services providers that comply with the requirements of federal and state laws and regulation by the fiscal year beginning July 1, 2013.

b. The department shall analyze the costs and benefits of providing an electronic medical records and billing system for home and community-based services providers and mental health services providers that comply with the requirements of federal and state laws and regulation. The analysis shall include a review of all of the following: including the capability for an electronic medical records and billing system within the procurement for the Medicaid management information system, developing the system, and utilizing capacity within the health information network established by the department of public health. If the analysis demonstrates that a program may be implemented in a cost-effective manner and within available funds, the department may take steps to implement such a system. The department shall report the results of

the analysis, activities, and recommendations to the persons designated in this Act for submission of reports by December 15, 2011.

c. Notwithstanding section 8.33, funds allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated.

12. For transfer to the department of public health to support the department's activities relating to health and long-term care access as specified pursuant to chapter 135, division XXIV:

..... \$ 134,214

13. For an accountable care organization pilot project as specified in the division of this Act relating to prior appropriations and related changes:

..... \$ 100,000

14. For the development of a provider payment system plan to provide recommendations to reform the health care provider payment system as an effective way to promote coordination of care, lower costs, and improve quality as specified in the division of this Act relating to cost containment:

..... \$ 200,000

15. For transfer to the department of public health to be used as state matching funds for the health information technology system developed by the department of public health:

..... \$ 363,987

16. To supplement the appropriation for medical assistance:

..... \$ 1,956,245

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 38. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the inspection and certification of assisted living programs and adult day care services, including program administration and costs associated with implementation:

..... \$ 1,339,527

Sec. 39. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 29,000,000

Sec. 40. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 39,223,800

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used for the purposes of the fund:

..... \$ 776,200

Sec. 41. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2011-2012. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from the general fund of the state, the Medicaid fraud account, the quality assurance trust fund, and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VI
HEALTH AND HUMAN SERVICES
MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR
FISCAL YEAR 2011-2012

Sec. 42. MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX RELIEF. Notwithstanding the standing appropriation in section 426B.1, subsection 2, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the amount appropriated from the general fund of the state pursuant to that provision shall not exceed the following amount:

..... \$ 81,199,911

Sec. 43. SENATE FILE 209 APPROPRIATION — FY 2010-2011.

1. Of the amount credited to the property tax relief fund from the appropriation made pursuant to 2011 Iowa Acts, Senate File 209, section 21, subsection 1, there is appropriated to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution in accordance with this section:

..... \$ 10,000,000

2. a. For the purposes of this subsection, unless the context otherwise requires:

(1) “County management plan” means the county management plan for the county’s mental health, mental retardation, and developmental disabilities services system in accordance with section 331.439.

(2) “Risk pool board” means the risk pool board created in section 426B.5.

(3) “Services fund” means the county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A.

b. The appropriation made in this section shall be distributed to counties with persons on a waiting list between April 21, 2011, and the date of application for adult mental health, mental retardation, and developmental disabilities services in accordance with the county management plan in effect as of January 1, 2011. All of the following provisions shall apply to such distribution:

(1) A county’s application for the funding distribution must be received by the department on or before July 15, 2011, or within 10 calendar days of the enactment date of this section, whichever is later.

(2) The county’s application shall provide all of the following information:

(a) A declaration that the county cannot provide services in accordance with the county's management plan and remain in compliance with the 99 percent budgeting requirement in section 331.439, subsection 5, resulting in the creation of a waiting list.

(b) An accounting of the individuals to be removed from the county's waiting list as a result of the funding applied for under this subsection, along with the following information in a format specified by the department:

(i) Each individual's unique client identifier established pursuant to section 225C.6A, subsection 3.

(ii) The date the individual was originally placed on the county waiting list.

(iii) The services needed by the individual.

(iv) The projected cost for each service needed for that individual for the period beginning on the date the individual is removed from the waiting list through June 30, 2012.

(v) The total cost for all of the services for each individual for the fiscal year.

(3) The application shall be accompanied by a signed statement by the county's board of supervisors certifying that the individuals for whom funding is provided under this subsection will not subsequently be placed by the county on a waiting list for services through June 30, 2012.

(4) The risk pool board may accept or reject an application for assistance in whole or in part if the board determines the application does not meet the intent or a requirement of this section and may prorate distribution of funding as necessary to conform to the amount available for distribution. The decision of the risk pool board is final. The risk pool board shall issue a funding decision within 15 working days of the final receipt date for applications.

(5) The funding under this subsection shall be distributed within 15 working days of the date the risk pool board's funding decision is issued.

c. If there is a balance remaining following the distribution of funding under paragraph "b", the balance shall be distributed in a second distribution process for individuals placed on a waiting list after April 21, 2011, in accordance with the county management plan provisions for the services in effect as of January 1, 2011. In addition, notwithstanding 2010 Iowa Acts, chapter 1192, section 48, subsection 4, paragraph "c", any funding rebated by counties pursuant to that provision and any moneys otherwise available in the risk pool in the property tax relief fund for the fiscal year beginning July 1, 2011, pursuant to section 426B.5, subsection 2, shall also be included in the second distribution process. The distribution process under this lettered paragraph shall be in lieu of any risk pool distribution for the fiscal year beginning July 1, 2011, under section 426B.5. All provisions applicable under paragraph "b" shall apply except that a county's application for the second funding distribution process must be received by the department on or before December 1, 2011.

d. If moneys from a distribution made under this subsection are not expended by a county by November 1, 2012, for services provided prior to July 1, 2012, the county shall reimburse the unexpended moneys to the department by November 30, 2012, and the moneys reimbursed shall be credited to the risk pool in the property tax relief fund.

e. The risk pool board shall submit a report to the governor and general assembly on or before December 31, 2012, regarding the expenditure of funds distributed under this subsection.

Sec. 44. 2010 Iowa Acts, chapter 1193, section 1, is amended to read as follows:

SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING —
— FY 2011-2012.

1. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2011, shall be

established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fourth General Assembly, 2011 Session, on January 10, 2011. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 11, 2011.

2. The appropriation and allocations made in this section fulfill the requirements of the governor and general assembly under subsection 1.

3. a. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2011-2012 as provided in this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 54,697,893

b. Of the amount credited to the property tax relief fund from the appropriation made pursuant to 2011 Iowa Acts, Senate File 209, section 21, subsection 1, there is appropriated to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties as described in paragraph "a":

..... \$ 10,000,000

Sec. 45. 2010 Iowa Acts, chapter 1193, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Of the amounts appropriated in this section, \$28,000,000 shall be distributed as provided in this subsection.

a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:

(1) The county is levying for the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2011; the county is levying for at least 90 percent of the maximum amount allowed for the county's services fund and that levy rate is more than \$2 per \$1,000 of the assessed value of all taxable property in the county; or the county is levying at least 92 percent of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for the fiscal year and had a negative services fund balance for the fiscal year beginning July 1, 2009, after disregarding the temporary funding increase provided to counties for the fiscal year beginning July 1, 2009, through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5.

(2) In the fiscal year beginning July 1, 2009, the county's mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county's actual gross expenditures for that fiscal year.

b. The amount of a county's distribution from the allocation made in this subsection shall be determined based upon the county's proportion of the general population of the counties eligible to receive a distribution under this subsection. The latest certified federal census issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The distributions made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county

mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2011.

NEW SUBSECTION. 5. The following amount of the funding appropriated in this section for distribution to counties is the allowed growth factor adjustment for fiscal year 2011-2012, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 36,697,893

For the distribution made for the fiscal year beginning July 1, 2011, a county that is levying at least 92 percent of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for the fiscal year and had a negative services fund balance for the fiscal year beginning July 1, 2009, after disregarding the temporary funding increase provided to counties for the fiscal year beginning July 1, 2009, through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, shall be deemed to have met the allocation eligibility requirement under section 426B.5, subsection 1, paragraph "d", subparagraph (1), subparagraph division (a).

NEW SUBSECTION. 6. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2011-2012 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1, and including the allocation eligibility provision authorized in subsection 5 of this section:

..... \$ 49,773,346

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2011:

..... \$ 14,187,556

NEW SUBSECTION. 7.

a. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 6 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable.

b. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2009, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2009, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection.

c. For purposes of calculating withholding factors and for ending balance amounts used for other purposes under law, the county ending balances shall be adjusted, using forms developed for this purpose by the county finance committee, to disregard the temporary funding increase provided to the counties for the fiscal year through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a county may adjust the ending balance amount by rebating to the department all or a portion of the allowed growth and MH/DD services fund moneys the county received for the fiscal year beginning July 1, 2010, in accordance with 2009 Iowa Acts, chapter 179, section 1, as amended by 2009 Iowa Acts, chapter 1192, sections 47 and 48, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2011, in order to be counted. However, if this division of this Act is enacted after June 1, 2011, the rebate must be remitted not later than 10 calendar days after the date of the governor's approval of this Act. The amount rebated by a county shall be subtracted dollar-for-dollar from the county's ending balance amount for the fiscal year beginning July 1, 2009, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2011. The rebates received by the department shall be credited to the property tax relief fund and distributed as additional funding for the fiscal year beginning July 1, 2011, in accordance with the formula provisions in this section.

d. The withholding factor for a county shall be the following applicable percent:

(1) For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(2) For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(3) For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for counties with an ending balance percentage of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

(4) For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

NEW SUBSECTION. 8. The total withholding amounts applied pursuant to subsection 7 shall be equal to a withholding target amount of \$13,075,453. If the department of human services determines that the amount appropriated is insufficient or the amount to be withheld in accordance with subsection 7 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 7 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall only adjust the zero withholding factor or the inflation adjustment percentages specified in subsection 7, paragraph "d", when the amount appropriated is insufficient.

Sec. 46. 2010 Iowa Acts, chapter 1193, section 99, is amended to read as follows:

SEC. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding section 331.424A, subsection 5, and section 331.432, subsection 3, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, a county may transfer moneys from other funds of the county to the county's mental health, mental retardation, and

developmental disabilities services fund created in section 331.424A. A county transferring moneys from other funds of the county to the county's services fund pursuant to this section shall submit a report detailing the transfers made and funds affected. The county shall submit the report along with the county expenditure and information report submitted by December 1, 2010 2011, in accordance with section 331.439.

Sec. 47. JUDICIAL BRANCH AND DEPARTMENT OF HUMAN SERVICES WORKGROUP— RESIDENTIAL CARE FACILITIES. The workgroup implemented by the judicial branch and the department of human services pursuant to 2010 Iowa Acts, chapter 1192, section 24, subsection 2, and continued pursuant to 2011 Iowa Acts, Senate File 525, shall also address recommendations included in the final report of the stakeholder workgroup on residential care facilities implemented pursuant to 2010 Iowa Acts, chapter 1192, section 27, subsection 7. The recommendations addressed shall include but are not limited to educating judicial magistrates and mental health patient advocates on ways to enhance the consistency of services for individuals who are court ordered to a residential care facility. In addition, the workgroup shall address issues involved with identifying facilities with the capacity to provide an appropriate placement for an individual who has been arrested, charged, or convicted of assault, a forcible felony, arson, or an offense that requires registration as a sex offender under chapter 692A. The recommendations shall be included in the recommendations and report submitted by the workgroup pursuant to 2011 Iowa Acts, Senate File 525.

Sec. 48. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act amending 2010 Iowa Acts, chapter 1193, section 99, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to December 1, 2010.

Sec. 49. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act making an appropriation for the fiscal year beginning July 1, 2010, of moneys credited to the property tax relief fund pursuant to 2011 Iowa Acts, Senate File 209, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 21, 2011.

DIVISION VII

PRIOR APPROPRIATIONS AND RELATED CHANGES COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

Sec. 50. **NEW SECTION. 16.185 Community housing and services for persons with disabilities revolving loan program fund.**

1. A community housing and services for persons with disabilities revolving loan program fund is created within the authority to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive services opportunities. The moneys in the fund are annually appropriated to the authority to be used for the development and operation of a revolving loan program to provide financing to construct affordable permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse.

2. Moneys transferred by the authority for deposit in the community housing and services for persons with disabilities revolving loan program fund, moneys appropriated to the community housing and services for persons with disabilities revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be credited to the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the community

housing and services for persons with disabilities revolving loan program fund shall be credited to the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund from any other fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the other fund.

3. *a.* The authority shall annually allocate moneys available in the fund for the development of permanent supportive housing for Medicaid waiver-eligible individuals. The authority shall develop a joint application process for the allocation of United States housing and urban development HOME investment partnerships program funding and the funds available under this section. Moneys allocated to such projects may be in the form of loans, forgivable loans, or a combination of loans and forgivable loans.

b. The authority shall annually allocate moneys available in the fund for the development of infrastructure in which to provide supportive services for Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care. Moneys allocated to such projects may be in the form of loans, forgivable loans, or a combination of loans and forgivable loans.

4. *a.* A project shall demonstrate written approval of the project by the department of human services to the authority prior to application for funding under this section.

b. In order to be approved by the department of human services for application for funding for development of permanent supportive housing under this section, a project shall include all of the following components:

(1) Provision of services to any of the following Medicaid waiver-eligible individuals:

(a) Individuals who are currently underserved in community placements, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the psychiatric medical institution for children level of care.

(b) Individuals who are currently residing in out-of-state facilities.

(c) Individuals who are currently receiving care in a licensed health care facility.

(2) A plan to provide each individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

c. In order to be approved by the department of human services for application for funding for development of infrastructure in which to provide supportive services under this section, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care.

(2) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

d. Housing provided through a project under this section is exempt from the requirements of chapter 135O.

5. The authority, in collaboration with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section.

VIETNAM CONFLICT VETERANS BONUS

Sec. 51. Section 35A.8A, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. The person files an application for compensation under this section, in a manner determined by the department of veterans affairs, by July 1, 2010 May 1, 2011.

VIETNAM CONFLICT VETERANS BONUS FUND

Sec. 52. 2008 Iowa Acts, chapter 1187, section 68, as amended by 2009 Iowa Acts, chapter 182, section 82, and 2010 Iowa Acts, chapter 1192, section 55, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2010 repeal of section 35A.8A. Upon such repeal, the remaining moneys shall be transferred to the veterans trust fund and, notwithstanding section 35A.13, subsection 3, shall only be expended in accordance with an appropriation for purposes of a bonus enacted for veterans of the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

INJURED VETERANS GRANT PROGRAM

Sec. 53. 2008 Iowa Acts, chapter 1187, section 69, unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2010 2011.

BEHAVIORAL HEALTH SERVICES

ACCOUNT — MEDICAL ASSISTANCE

Sec. 54. 2009 Iowa Acts, chapter 182, section 9, subsection 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192, section 63, is amended to read as follows:

b. The department shall continue to maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts, chapter 1187, section 9, subsection 20. Notwithstanding section 8.33, other than funds remaining from the appropriation allocations made for implementation of the emergency mental health crisis services and system, for implementation of the mental health services system for children and youth, and for training of child welfare services providers in 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph “c”, subparagraphs (1), (2), and (6), as authorized in 2009 Iowa Acts, chapter 182, section 72, shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated until expended and any other funds remaining in the account that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available in succeeding fiscal years and are appropriated to the department to be used for the medical assistance program to be used for purposes of crisis stabilization and other mental and behavioral health service improvements.

CHILD WELFARE DECATEGORIZATION FY 2009-2010 NONREVERSION

Sec. 55. 2009 Iowa Acts, chapter 182, section 14, subsection 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188, subsection 5, moneys from the allocations made in this subsection or made from any other source for the decategorization of child welfare and juvenile justice funding initiative under section 232.188 for the fiscal year beginning July 1, 2009, that are designated as carryover funding that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2010, shall not revert but shall be transferred to the community housing and services for persons with disabilities revolving loan program fund created in section 16.185, as enacted by this division of this Act.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 — ALLOCATION FOR INFANT AND TODDLER CARE QUALITY

Sec. 56. 2009 Iowa Acts, chapter 183, section 62, subsection 3, is amended to read as follows:

3. For the purposes of this subsection, "federal poverty level" means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The program shall provide financial assistance to families with infants and toddlers less than thirty-six months of age two that have a family income of more than 145 percent but not more than 185 percent of the federal poverty level. However, the department may adjust the qualifying criteria or the financial assistance purpose provisions specified in this subsection or make other changes as necessary for implementation to conform with federal requirements for the funding. Outcome reporting and other grant requirements shall be developed by the department in cooperation with the Iowa empowerment board.

Sec. 57. 2009 Iowa Acts, chapter 183, section 62, subsection 4, is amended to read as follows:

4. The financial assistance shall be for any of the following purposes:

a. For making temporary payments to qualifying families whose members are recently unemployed and seeking work to use in meeting immediate family needs.

b. For providing sliding scale subsidies for qualifying families for child care provided to the families' infants and toddlers by providers who are accredited by the national association for the education of young children or the national association for family child care, or who have a rating at level 3 2 or higher under the child care quality rating system implemented pursuant to section 237A.30.

c. For expanding training and other support for infant care providers in the community and this state.

d. For ensuring child care environments are healthy and safe.

e. For promoting positive relationships between parents and providers in their mutual efforts to care for very young children.

f. For ensuring that parents have the information and resources needed to choose quality child care.

IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 58. 2010 Iowa Acts, chapter 1192, section 1, subsection 2, is amended to read as follows:

2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

IOWA VETERANS HOME

Sec. 59. 2010 Iowa Acts, chapter 1192, section 3, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The funds appropriated in this subsection to the Iowa veterans home that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first \$500,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2011, the department of management shall transfer the remaining balance to the appropriation to the department of human services for medical assistance.

MEDICAL ASSISTANCE PROGRAM

Sec. 60. 2010 Iowa Acts, chapter 1192, section 11, is amended by adding the following new subsection:

NEW SUBSECTION. 25. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program as necessary to implement cost containment efforts in order to accomplish medical assistance program savings. These amounts may be transferred to the appropriation made in this division of this Act for the health insurance premium payment program.

STATE SUPPLEMENTARY ASSISTANCE PROGRAM

Sec. 61. 2010 Iowa Acts, chapter 1192, section 14, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

CHILD WELFARE TRAINING ACADEMY

Sec. 62. 2010 Iowa Acts, chapter 1192, section 19, subsection 22, is amended to read as follows:

22. Of the funds appropriated in this section, at least \$47,158 shall be used for the child welfare training academy. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

ADOPTION SUBSIDY TRANSFER AND NONREVERSION

Sec. 63. 2010 Iowa Acts, chapter 1192, section 20, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Of the funds appropriated in this section, \$60,000 shall be transferred to the appropriation made in this division of this Act for the state mental health institute at Cherokee to be used for childrens' beds at the institute.

NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DEPARTMENT OF HUMAN SERVICES — FIELD OPERATIONS

Sec. 64. 2010 Iowa Acts, chapter 1192, section 29, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DEPARTMENT OF HUMAN SERVICES — GENERAL ADMINISTRATION

Sec. 65. 2010 Iowa Acts, chapter 1192, section 30, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys appropriated in this section and the designated allocations that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 66. 2010 Iowa Acts, chapter 1192, section 37, subsection 1, is amended to read as follows:

1. a. Of the funds appropriated in this section, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES

Sec. 67. 2010 Iowa Acts, chapter 1192, section 44, is amended to read as follows:

SEC. 44.

QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 13,900,000
33,708,458

1. Of the funds appropriated in this section, \$7,500,000 shall be used for nursing facility reimbursement under the medical assistance program in accordance with the nursing facility reimbursement provisions of division IV of this Act, to continue application of the administrative rules changes relating to nursing facility reimbursement and payment procedures made pursuant to 2010 Iowa Acts, Senate File 2366, if enacted, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, and to restore the 5 percent reduction made in nursing facility reimbursement in accordance with executive order number 19 issued October 8, 2009.

2. The costs associated with the implementation of this section shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

INJURED VETERANS TRUST FUND

Sec. 68. INJURED VETERANS TRUST FUND. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the injured veterans trust fund created pursuant to section 35A.14 to be used for the injured veterans grant program:

..... \$ 1,000,000

The department shall review the rules and statutory provisions pertaining to the injured veterans grant program and propose amendments to improve the program. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until expended.

MERCHANT MARINE BONUS FUND TRANSFER

Sec. 69. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT MARINE BONUS FUND.

1. The appropriation made from the merchant marine bonus fund to the department of cultural affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82, shall be transferred on the effective date of this section to the department of veterans affairs to be used for departmental costs.

2. Moneys transferred pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall be credited to the veterans trust fund created in section 35A.13.

Sec. 70. DECATORIZATION PROJECT FUNDING. For the period beginning June 1, 2010, and ending June 30, 2012, a child welfare and juvenile justice funding decategorization initiative project that is incorporated and owns real property may utilize project funding to purchase liability insurance.

STATE INSTITUTION — APPROPRIATION TRANSFERS

Sec. 71. DEPARTMENT OF HUMAN SERVICES. There is transferred between the following designated appropriations made to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, not more than the following amounts:

1. From the appropriation made for purposes of the state resource center at Glenwood in 2010 Iowa Acts, chapter 1192, section 25, subsection 1, paragraph “a”, to the appropriation made for purposes of the Iowa juvenile home at Toledo in 2010 Iowa Acts, chapter 1192, section 17, subsection 1:

..... \$ 400,000

2. From the appropriation made for purposes of the state resource center at Woodward in 2010 Iowa Acts, chapter 1192, section 25, subsection 1, paragraph “b”, to the appropriation made for purposes of the state mental health institute at Independence in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “c”:

..... \$ 400,000

Sec. 72. ACCOUNTABLE CARE ORGANIZATION — PILOT.

1. a. If an entity applies for certification from the secretary of the United States department of health and human services prior to January 1, 2012, and is subsequently certified to administer an accountable care organization pilot project, pursuant to the federal Patient Protection and Accountability Act, Pub. L. No. 111-148, the department of human services shall work with the entity to provide access to the complete deidentified claims data of the medical assistance recipients receiving health care services through the pilot project for the purposes of identifying areas of utilization, need, and potential cost savings to the medical assistance program subject to all applicable state and federal laws and regulations. The department may also

employ new payment models, information technology, and data analytics provisions necessary to the administration of the pilot project.

b. The department of human services shall work with an entity to administer an accountable care organization pilot project, only if the centers for Medicare and Medicaid services of the United States department of health and human services approves participation of the medical assistance program in the pilot project and the entity meets all of the following requirements:

(1) At a minimum, includes the participation of a prospective payment system hospital, ten primary care physicians, a home health care practice, a palliative care services, a hospice service, and a community mental health center, all of which agree to be paid under a partial or global payment for identified services.

(2) Requires all participating providers to utilize electronic health records.

(3) Includes delivery of mental health services to recipients of medical assistance through collaboration with the regional community mental health center, a federally qualified health center, and at least one nursing facility as consistent with any other law enacted by the Eighty-fourth general assembly, 2011 session, that redesigns the mental health delivery system in the state.

c. The entity certified to implement the pilot project shall report to the joint appropriations subcommittee for health and human services during the 2012 legislative session detailing the progress and expected outcomes of the pilot project.

Sec. 73. EMERGENCY RULES. For purposes of the initial rules to implement the provisions of section 16.185, as enacted by this division of this Act, the Iowa finance authority may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. Except as otherwise provided by this division of this Act, this division of this Act, being deemed of immediate importance, takes effect upon enactment and if approved by the governor on or after July 1, 2011, applies retroactively to June 30, 2011.

Sec. 75. RETROACTIVE APPLICABILITY. The section of this division of this Act addressing child welfare and juvenile justice funding decategorization initiative project funding for the period beginning June 1, 2010, and ending June 30, 2012, applies retroactively to June 1, 2010.

Sec. 76. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 35A.8A, applies retroactively to July 1, 2010.

Sec. 77. RETROACTIVE APPLICABILITY. The section of this division of this Act making transfers between appropriations made to the department of human services for state institutions in 2010 Iowa Acts, chapter 1192, applies retroactively to January 1, 2011.

DIVISION VIII

PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 78. Section 135.159, subsection 10, Code 2011, is amended to read as follows:

10. The department shall integrate the recommendations and policies developed by the prevention and chronic care management advisory council pursuant to section 135.161, Code 2011, into the medical home system and shall incorporate the development and implementation of the state initiative for prevention and chronic care management as developed pursuant to section 135.161, Code 2011, into the duties of the medical home system advisory council beginning January 1, 2012.

Sec. 79. Section 135.162, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence-based best practices regarding the implementation of the medical home as defined in section 135.157 and the prevention and chronic care management initiative pursuant to section 135.161. The director shall act as chairperson of the advisory panel.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home and the prevention and chronic care management initiative and shall provide clinical consultation to the department regarding the medical home and the initiative.

Sec. 80. Section 136.3, subsection 14, Code 2011, is amended to read as follows:

14. Perform those duties authorized pursuant to sections 135.156, and 135.159, and 135.161, and other provisions of law.

Sec. 81. REPEAL. Section 135.161, Code 2011, is repealed.

Sec. 82. EFFECTIVE DATE. This division of this Act takes effect December 31, 2011.

DIVISION IX

MISCELLANEOUS

Sec. 83. Section 29C.20B, Code 2011, is amended to read as follows:

29C.20B Disaster case management.

1. The rebuild Iowa office homeland security and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response in coordination with the homeland security and emergency management division the department of human services to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the department of human services homeland security and emergency management division shall coordinate case management services locally through local committees as established in each local emergency management commission's emergency plan. Beginning July 1, 2011, the department of human services shall assume the duties of the rebuild Iowa office under this subsection.

2. The department of human services homeland security and emergency management division, in conjunction with the rebuild Iowa office, the homeland security and emergency management division department of human services, and an Iowa representative to the national voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case management which shall include at least all of the following:

a. Disaster case management standards.

- b. Disaster case management policies.
- c. Reporting requirements.
- d. Eligibility criteria.
- e. Coordination mechanisms necessary to carry out the services provided.
- f. Develop formal working relationships with agencies and create interagency agreements for those considered to provide disaster case management services.
- g. Coordination of all available services for individuals from multiple agencies.

Sec. 84. Section 135.106, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. It is the intent of the general assembly that priority for home visitation funding be given to approaches using evidence-based or promising models for home visitation.

Sec. 85. Section 147.136, Code 2011, is amended to read as follows:

147.136 Scope of recovery.

1. In Except as otherwise provided in subsection 2, in an action for damages for personal injury against a physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to, the cost of reasonable and necessary medical care, rehabilitation services, and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source except the assets of the claimant or of the members of the claimant's immediate family.

2. This section shall not bar recovery of economic losses replaced or indemnified by any of the following:

a. Benefits received under the medical assistance program under chapter 249A.

b. The assets of the claimant or of the members of the claimant's immediate family.

Sec. 86. Section 153.14, subsection 1, Code 2011, is amended to read as follows:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at the state an accredited dental college, students of dental hygiene who practice upon patients at clinics in connection with their regular course of instruction at state-approved schools, and students of dental assisting who practice upon patients at clinics in connection with a regular course of instruction determined by the board pursuant to section 153.39.

Sec. 87. Section 154A.24, subsection 3, paragraph s, Code 2011, is amended by striking the paragraph.

Sec. 88. **NEW SECTION. 155A.43 Pharmaceutical collection and disposal program — annual allocation.**

Of the fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, and retained by the board pursuant to section 147.82, not more than one hundred twenty-five thousand dollars, may be allocated annually by the board for administering the pharmaceutical collection and disposal program originally established pursuant to 2009 Iowa Acts, chapter 175, section 9. The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals. The board of pharmacy may cooperate with the Iowa pharmacy association and may consult with the department and sanitary landfill operators in administering the program.

Sec. 89. Section 225B.8, Code 2011, is amended to read as follows:

225B.8 Repeal.

This chapter is repealed July 1, 2011 2012.

Sec. 90. Section 232.188, subsection 5, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project until the close of the succeeding fiscal year and for the next two succeeding fiscal years. Such moneys shall be known as "*carryover funding*". Moneys may be made available to a funding pool from one or more of the following sources:

Sec. 91. Section 235B.19, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A.

a. The department shall serve a copy of the petition and any order authorizing protective services, if issued, on the dependent adult and on persons who are competent adults and reasonably ascertainable at the time the petition is filed in accordance with the following priority:

(1) An attorney in fact named by the dependent adult in a durable power of attorney for health care pursuant to chapter 144B.

(2) The dependent adult's spouse.

(3) The dependent adult's children.

(4) The dependent adult's grandchildren.

(5) The dependent adult's siblings.

(6) The dependent adult's aunts and uncles.

(7) The dependent adult's nieces and nephews.

(8) The dependent adult's cousins.

b. When the department has served a person in one of the categories specified in paragraph "a", the department shall not be required to serve a person in any other category.

c. The department shall serve the dependent adult's copy of the petition and order personally upon the dependent adult. Service of the petition and all other orders and notices shall be in a sealed envelope with the proper postage on the envelope, addressed to the person being served at the person's last known post office address, and deposited in a mail receptacle provided by the United States postal service. The department shall serve such copies of emergency orders authorizing protective services and notices within three days after filing the petition and receiving such orders.

d. The department and all persons served by the department with notices under this subsection shall be prohibited from all of the following without prior court approval after the department's petition has been filed:

(1) Selling, removing, or otherwise disposing of the dependent adult's personal property.

(2) Withdrawing funds from any bank, savings and loan association, credit union, or other financial institution, or from an account containing securities in which the dependent adult has an interest.

Sec. 92. Section 237A.1, subsection 3, paragraph n, Code 2011, is amended to read as follows:

n. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in

employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

Sec. 93. Section 249A.4B, subsection 2, paragraph a, subparagraph (18), Code 2011, is amended to read as follows:

(18) The Iowa/Nebraska Iowa primary care association.

Sec. 94. REPEAL. Section 135.27A, Code 2011, is repealed December 31, 2011.

DIVISION X MEDICAID PRESCRIPTION DRUGS

Sec. 95. Section 249A.20A, subsection 4, Code 2011, is amended to read as follows:

4. With the exception of drugs prescribed for the treatment of human immunodeficiency virus or acquired immune deficiency syndrome, transplantation, or cancer and drugs prescribed for mental illness with the exception of drugs and drug compounds that do not have a significant variation in a therapeutic profile or side effect profile within a therapeutic class, prescribing and dispensing of prescription drugs not included on the preferred drug list shall be subject to prior authorization.

Sec. 96. 2010 Iowa Acts, chapter 1031, section 348, is amended to read as follows:

SEC. 348.

MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

1. The department shall adopt rules pursuant to chapter 17A to restrict physicians and other prescribers to prescribing not more than a 72-hour or three-day supply of a prescription drug not included on the medical assistance preferred drug list while seeking approval to continue prescribing the medication.

2. Notwithstanding subsection 1, the department shall adopt rules pursuant to chapter 17A to restrict a physician or other prescriber prescribing a chemically unique mental health prescription drug to prescribing not more than a seven-day supply of the prescription drug while requesting approval to continue to prescribe the medication. The rules shall provide that if an approval or disapproval is not received by the physician or other prescriber within 48 hours of the request, the request is deemed approved.

Sec. 97. REPEAL. 2010 Iowa Acts, chapter 1031, section 349, is repealed.

Sec. 98. RESCINDING AND ADOPTION OF RULES. The department of human services shall rescind the rules adopted pursuant to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031, section 348, subsection 2, and chapter 1031, section 349, and shall instead adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement section 249A.20A, as amended in this division of this Act, and the rules shall be effective immediately upon filing and retroactively applicable to January 1, 2011, unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 99. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2011.

DIVISION XI IOWA FALSE CLAIMS ACT

Sec. 100. Section 685.1, subsection 11, Code 2011, is amended to read as follows:

11. "Original source" means an individual who has direct and independent prior to a public disclosure under section 685.3, subsection 5, paragraph "c", has voluntarily disclosed to the state the information on which the allegations or transactions in a claim are based; or who has knowledge of the information on which the allegations are

based that is independent of and materially adds to the publicly disclosed allegations or transactions, and has voluntarily provided the information to the state before filing an action under section 685.3 which is based on the information this chapter.

Sec. 101. Section 685.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 15. “*State*” means the state of Iowa.

Sec. 102. Section 685.2, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A person who commits any of the following acts is liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars the civil penalty allowed under the federal False Claims Act, as codified in 31 U.S.C. § 3729 et seq., as may be adjusted in accordance with the inflation adjustment procedures prescribed in the federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410, for each false or fraudulent claim, plus three times the amount of damages which the state sustains because of the act of that person:

Sec. 103. Section 685.3, subsection 5, paragraph c, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

c. A court shall dismiss an action or claim under this section, unless opposed by the state, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in a state criminal, civil, or administrative hearing in which the state or an agent of the state is a party; in a state legislative, state auditor, or other state report, hearing, audit, or investigation; or by the news media, unless the action is brought by the attorney general or the qui tam plaintiff is an original source of the information.

Sec. 104. Section 685.3, subsection 6, Code 2011, is amended to read as follows:

6. a. Any employee, contractor, or agent who shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts performed done by the employee, contractor, or agent on behalf of the employee, contractor, or agent or associated others in furtherance of an action under this section or other efforts to stop a violation one or more violations of this chapter, shall be entitled to all relief necessary to make the employee, contractor, or agent whole. Such relief

b. Relief under paragraph “a” shall include reinstatement with the same seniority status such that employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An employee, contractor, or agent may bring an action under this subsection may be brought in the appropriate district court of the state for the relief provided in this subsection.

c. A civil action under this subsection shall not be brought more than three years after the date when the retaliation occurred.

DIVISION XII VOLUNTEER HEALTH CARE PROVIDER PROGRAM

Sec. 105. Section 135.24, subsection 2, paragraphs b and c, Code 2011, are amended to read as follows:

b. Procedures for registration of hospitals, free clinics, field dental clinics, and specialty health care provider offices.

c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through the volunteer health care provider program. A hospital, a clinic, a free clinic, a field dental clinic, a specialty health care provider office, a health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.

Sec. 106. Section 135.24, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A hospital providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the hospital in accordance with this section, if the hospital has registered with the department pursuant to subsection 1.

Sec. 107. Section 135.24, subsection 7, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0e. "*Hospital*" means hospital as defined in section 135B.1.

DIVISION XIII

HEALTH CARE COST CONTAINMENT

Sec. 108. ALL-PAYER CLAIMS DATABASE. The department of human services in consultation with the division of insurance of the department of commerce shall investigate the costs associated with and the privacy implications of implementing an all-payer claims database to provide for the collection and analysis of claims data from multiple payers of health care. The department shall report its findings and recommendations to the individuals specified in this Act for submission of reports by December 15, 2011.

Sec. 109. PROVIDER PAYMENT SYSTEM PLAN — PILOT PROJECT. The department of human services shall develop a provider payment system plan to provide recommendations to reform the health care provider payment system as an effective way to promote coordination of care, lower costs, and improve quality. The plan shall provide analysis and recommendations regarding but not limited to accountable care organizations, a global payment system, or an episode of care payment system.

Sec. 110. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV

HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 111. HEALTH INFORMATION TECHNOLOGY SYSTEM— BUSINESS MODEL AND FINANCIAL SUSTAINABILITY PLAN.

1. The department of public health shall convene a workgroup to develop a business model and financial sustainability plan for implementation of a statewide health information technology system. The workgroup shall incorporate the results of the public and private collaborative efforts described in chapter 135, division XXI into its deliberations. The workgroup shall include all of the following selected by the director of public health, unless otherwise specified:

a. Two members who are representatives of hospitals selected by the Iowa hospital association, one of which represents the largest health system in the state.

b. One member who is a representative of the university of Iowa hospitals and clinics.

c. One member who is a licensed practicing physician selected by the Iowa medical society.

d. One member who is a licensed practicing physician selected by the Iowa osteopathic medical association.

e. Two members who are representatives of insurance carriers selected by the federation of Iowa insurers, one of which represents the largest carrier.

f. One member who represents the Iowa Medicaid enterprise.

g. One member who represents the department of public health.

h. One member who is a business entrepreneur selected by the governor.

2. In developing the business model and financial sustainability plan the workgroup shall consider and make recommendations regarding fees to be paid by participants who choose to use the health information technology system; strategies to avoid the use of general fund appropriations for sustainability of the health information technology system; the establishment of a dedicated electronic health finance fund; and the transitioning of technical infrastructure, business operations, and governance of the health information technology system to a nongovernmental entity.

3. The department of public health shall submit the proposed business model and financial sustainability plan to the executive committee established pursuant to section 135.156 and the state board of health for approval.

4. The approved business model and financial sustainability plan shall be submitted to the governor and the general assembly no later than December 1, 2011, for review and subsequent action.

Sec. 112. HEALTH INFORMATION TECHNOLOGY SYSTEM— STRATEGIC AND OPERATIONAL PLAN— PILOT. For the purposes of administering a health information technology system pilot project during the fiscal year beginning July 1, 2011, the department of public health shall incorporate all of the following legal standards and policy provisions into the strategic and operational plan for the pilot project:

1. A participant shall not be compelled by subpoena, court order, or other process of law to access health information through the health information technology system in order to gather records or information not created by the participant.

2. A provider who relies reasonably and in good faith upon any health information provided through the health information technology system in treatment of a patient who is the subject of the health information shall be immune from criminal or civil liability arising from any damages caused by such reasonable, good faith reliance. Such immunity shall not apply to acts or omissions constituting negligence, recklessness, or intentional misconduct.

3. A participant who has disclosed health information through the health information technology system in compliance with applicable law and the standards, requirements, policies, procedures, and agreements of the health information technology system shall not be subject to criminal or civil liability for the use or disclosure of health information by another participant.

4. Notwithstanding chapter 22, the following records shall be kept confidential, unless otherwise ordered by a court or consented to by the patient or by a person duly authorized to release such information:

a. The protected health information contained in, stored in, submitted to, transferred or exchanged by, or released from the health information technology system.

b. Any protected health information in the possession of the department due to its administration of the health information technology system.

DIVISION XV

DEPARTMENT ON AGING — FY 2012-2013

Sec. 113. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,151,288
 FTEs 35.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. The amount appropriated in this section includes additional funding of \$225,000 for delivery of long-term care services to seniors with low or moderate incomes.

3. Of the funds appropriated in this section, \$89,973 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

- (1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.
- (2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.
- (3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.
- (4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

DIVISION XVI

DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

Sec. 114. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

..... \$ 11,751,595
..... FTEs 13.00

a. (1) Of the funds appropriated in this subsection, \$1,626,915 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative.

(2) Of the funds allocated in this paragraph “a”, \$226,915 shall be transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances in accordance with 2011 Iowa Acts, House File 467, as enacted.

b. Of the funds appropriated in this subsection, \$10,124,680 shall be used for problem gambling and substance abuse prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph “b”, \$8,566,254 shall be used for substance abuse prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), \$449,650 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), \$213,769 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), \$213,419 shall be used for grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to \$22,461 may be used to administer substance abuse prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), \$136,531 shall be used for culturally competent substance abuse treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph "b", up to \$1,558,426 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), \$1,289,500 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to \$218,926 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to \$50,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance abuse treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance abuse and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance abuse and problem gambling treatment shall include substance abuse prevention by July 1, 2014.

(3) Of the funds allocated in paragraph "b", the department may use up to \$50,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2012.

e. The department of public health shall work with all other departments that fund substance abuse prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance abuse services as required under the federal substance abuse prevention and treatment block grant.

f. The department shall amend or otherwise revise departmental policies and contract provisions in order to eliminate free t-shirt distribution, banner production, and other unnecessary promotional expenditures.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

..... \$ 1,297,135

..... FTEs 10.00

a. Of the funds appropriated in this subsection, not more than \$369,659 shall be used for the healthy opportunities to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2012.

b. Of the funds appropriated in this subsection, \$164,942 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, \$15,798 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, \$56,338 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, \$81,880 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

..... \$ 1,680,828

..... FTEs 4.00

a. Of the funds appropriated in this subsection, \$80,291 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, \$241,800 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, \$249,437 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$15,627 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, \$394,151 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$248,533 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this lettered paragraph, \$75,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$63,225 shall be used for cervical and colon cancer screening.

h. Of the funds appropriated in this subsection, \$264,417 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$64,968 shall be used for the prescription drug donation repository program created in chapter 135M.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

..... \$ 2,117,583
..... FTEs 14.00

a. Of the funds appropriated in this subsection, \$50,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas.

b. Of the funds appropriated in this subsection, \$55,654 is allocated for continuation of an initiative implemented at the university of Iowa and \$50,246 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$585,745 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, \$60,908 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, \$72,271 shall be used for the mental health professional shortage area program implemented pursuant to section 135.80.

f. Of the funds appropriated in this subsection, \$19,131 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.80.

g. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:
..... \$ 66,290

(2) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:
..... \$ 38,804

(3) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:
..... \$ 38,804

(4) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:
..... \$ 62,025

(5) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 55,215

(6) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ 130,000

(7) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ 135,000

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h.

(1) Of the funds appropriated in this subsection, \$74,500 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this lettered paragraph for an additional position to assist in the continued implementation.

(2) It is the intent of the general assembly that a board of direct care workers shall be established within the department of public health by July 1, 2014, contingent upon the availability of funds to establish and maintain the board.

i.

(1) Of the funds appropriated in this subsection, \$65,050 shall be used for allocation to an independent statewide direct care worker association under a contract with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, \$29,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to \$29,259 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, \$25,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... \$ 3,648,571

a. Of the funds appropriated in this subsection, \$1,004,593 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, \$2,643,977 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

..... \$ 406,888

..... FTEs 4.00

Of the funds appropriated in this subsection, \$272,188 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 672,923
 FTEs 4.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

..... \$ 1,388,116
 FTEs 125.00

a. Of the funds appropriated in this subsection, not more than \$235,845 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, \$105,309 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, not more than \$218,291 shall be used for the state poison control center.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

..... \$ 409,777
 FTEs 7.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DIVISION XVII

DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

Sec. 115. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

..... \$ 499,416
 FTEs 16.34

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,476,075

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... \$ 6,208

Sec. 116. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

..... \$ 495,000

DIVISION XVIII

DEPARTMENT OF HUMAN SERVICES — FY 2012-2013

Sec. 117. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, and from moneys received under the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 10,750,369

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 6,205,764

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 1,449,490

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the

succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2013, the moneys shall revert.

4. For field operations:

..... \$ 15,648,116

5. For general administration:

..... \$ 1,872,000

6. For state child care assistance:

..... \$ 8,191,343

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-fourth General Assembly, 2012 Session, for the federal fiscal year beginning October 1, 2012, and ending September 30, 2013. Of this amount, \$100,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For mental health and developmental disabilities community services:

..... \$ 2,447,026

8. For child and family services:

..... \$ 16,042,215

9. For child abuse prevention grants:

..... \$ 62,500

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 965,033

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2012, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2012, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 518,593

12. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas as provided in section 256I.11:

..... \$ 3,175,000

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

13.

a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2011 or 2012 Iowa Acts regarding the

receipt and appropriation of federal block grants, federal funds from the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, received by the state during the fiscal year beginning July 1, 2011, and ending June 30, 2012, not otherwise appropriated in this section and remaining available as of July 1, 2012, and received by the state during the fiscal year beginning July 1, 2012, and ending June 30, 2013, are appropriated to the extent as may be necessary to be used in the following priority order: the family investment program for the fiscal year and for state child care assistance program payments for individuals enrolled in the family investment program who are employed. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program under chapter 239B have been expended.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

14. Of the amounts appropriated in this section, \$6,481,004 for the fiscal year beginning July 1, 2012, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. For continuation of the program allowing the department to maintain categorical eligibility for the food assistance program as required under the section of this division relating to the family investment account:

..... \$ 73,036

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 118. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 10,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,671,417

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2012-2013.

c. For the diversion subaccount of the FIP account:

..... \$ 849,200

A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

d. For the food stamp employment and training program:

..... \$ 33,294

(1) The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50-50 match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 10,117,952

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 119. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 25,085,513

1. Of the funds appropriated in this section, \$3,912,188 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$1,231,927 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2012, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. MH/MR/DD/BI community services (local purchase).

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, \$97,839 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

Sec. 120. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,559,627
 FTEs 475.00

1. The department shall expend up to \$12,164, including federal financial participation, for the fiscal year beginning July 1, 2012, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow

management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph “c”, subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2012, and ending June 30, 2013. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2013.

Sec. 121. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2012, and ending June 30, 2013, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with implementation.

Sec. 122. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2012, except as otherwise expressly authorized by law, and consistent with options under federal law and regulations:

..... \$914,993,421

1. Iowans support reducing the number of abortions performed in our state. For an abortion covered under the program, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

- a. That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.
- b. That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child’s birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

2. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2012, shall be transferred to the department of human services for an integrated substance abuse managed care system. The department shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and

treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, up to \$442,100 may be transferred to the appropriation in this division of this Act for medical contracts to be used for clinical assessment services and prior authorization of services.

7. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

8. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

9. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

10. Of the funds appropriated in this section, the following amounts shall be transferred to the appropriations made in this division of this Act for the state mental health institutes:

- a. Cherokee mental health institute \$ 9,098,425
- b. Clarinda mental health institute \$ 1,977,305
- c. Independence mental health institute \$ 9,045,894
- d. Mount Pleasant mental health institute \$ 5,752,587

11. a. Of the funds appropriated in this section, \$7,425,684 is allocated for the state match for a disproportionate share hospital payment of \$19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal

share for a disproportionate share hospital payment of \$7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

12. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the medical assistance appropriation an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

13. Of the funds appropriated in this section, up to \$4,480,304 may be transferred to the IowaCare account created in section 249J.24.

14. Of the funds appropriated in this section, \$200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

15. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

16. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

17. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal family opportunity Act.

18. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

19. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes for the fiscal year beginning July 1, 2012.

20. a. The department may continue to implement cost containment strategies recommended by the governor, and may adopt emergency rules for such implementation.

b. The department shall not implement the cost containment strategy to require a primary care referral for the provision of chiropractic services.

c. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement the cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

d. If the savings to the medical assistance program exceed the cost, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive Order No. 20, issued December 16, 2009, or cost containment strategies initiated pursuant to this subsection, to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

e. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this division of this Act for submission of reports on a quarterly basis.

21. Notwithstanding any provision of law to the contrary, the department of human services shall continue implementation of the amended section 1915(b) waiver and Iowa plan contract for inclusion of remedial services under the Iowa plan contract for the fiscal year beginning July 1, 2012.

22.

a. Of the funds appropriated in this section, \$5,000,000 shall be used to continue the reduction in the waiting lists of these medical assistance home and community-based services waivers implemented pursuant to this Act for 2011-2012: the waiver for persons with intellectual disabilities, the waiver for persons with brain injury, and the children’s mental health waiver.

b. In addition to the funds allocated in paragraph “a”, \$5,000,000 of the funds appropriated in this section shall be used to implement reductions in the waiting lists of all medical assistance home and community-based services waivers.

Sec. 123. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 5,453,728

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, \$25,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to \$200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

Sec. 124. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013,

the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 8,425,373

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2012, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 125. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:
..... \$ 16,403,051

2. Of the funds appropriated in this section, \$64,475 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 126. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 26,618,831

1. Of the funds appropriated in this section, \$25,948,041 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, \$216,226 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$468,487 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 127. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 4,129,125
..... FTEs 114.00

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,319,338
..... FTEs 164.30

Of the funds appropriated in this subsection, \$45,575 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the

department of human services based upon the average student yearly enrollment at each institution as determined by the department.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2012.

Sec. 128. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 41,415,081

2. In order to address a reduction of \$5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to \$2,600,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to \$15,084,564 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2012, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2012-2013. Of the funds appropriated in this section, \$858,876 is allocated specifically for expenditure for fiscal year 2012-2013 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to \$3,585,058. The department may continue or execute contracts that result from the department's request for proposal, bid number ACFS-11-114, to provide the range of child welfare emergency services described in the request for proposals, and any subsequent amendments to the request for proposals.

8. Federal funds received by the state during the fiscal year beginning July 1, 2012, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. Of the funds appropriated in this section, at least \$1,848,142 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$1,031,244 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to \$778,143 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$7,500 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$374,492 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2012.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$41,500 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$8,500 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

11. Of the funds appropriated in this section, \$2,961,301 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

12. Of the funds appropriated in this section, \$494,142 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

13. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

14. Of the funds appropriated in this section, \$1,534,916 is allocated for the preparation for adult living program pursuant to section 234.46.

15. Of the funds appropriated in this section, \$260,075 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

- a. Marshall county:
..... \$ 31,354
- b. Woodbury county:
..... \$ 62,841
- c. Polk county:
..... \$ 97,946
- d. The third judicial district:
..... \$ 33,967
- e. The eighth judicial district:
..... \$ 33,967

16. Of the funds appropriated in this section, \$113,668 shall be used for the public purpose of providing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

17. Of the funds appropriated in this section, \$62,795 is allocated for the elevate approach of providing a support network to children placed in foster care.

18. Of the funds appropriated in this section, \$101,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

19. Of the funds appropriated in this section, \$315,120 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, \$185,625 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

21. Of the funds appropriated in this section, \$600,247 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, at least \$73,579 shall be used for the child welfare training academy.

23. Of the funds appropriated in this section, \$12,500 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

24. Of the funds appropriated in this section \$125,000 shall be used for continuation of the central Iowa system of care program grant through June 30, 2013.

25. Of the funds appropriated in this section, \$80,000 shall be used for the public purpose of the continuation of a system of care grant implemented in Cerro Gordo and Linn counties in accordance with this Act in FY 2011-2012.

Sec. 129. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:
..... \$ 16,633,295

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2012, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 130. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2012, and ending June 30, 2013, are appropriated to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2011. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2011. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2012, shall be limited to the amount appropriated for the purposes of this section.

Sec. 131. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... \$ 583,999

2. The department shall use at least \$192,750 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$12,500 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 132. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 16,811

Sec. 133. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,938,654

..... FTEs 168.50

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,205,867

..... FTEs 86.10

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,137,842

..... FTEs 233.00

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 472,161

..... FTEs 97.72

Sec. 134. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,253,900

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 6,392,829

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2012-2013.

Sec. 135. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

..... \$ 6,084,741

2. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, \$100,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C. ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2010, and ending September 30, 2011, beginning October 1, 2011, and ending September 30, 2012, and beginning October 1, 2012, and ending September 30, 2013. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 136. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund

created in section 225C.7 for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 14,211,100

1. Of the funds appropriated in this section, \$14,187,556 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2.

a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$23,544 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4.

a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county's county management plan approved by the board of supervisors. A county without an approved county management plan shall not receive allocated funds until the county's management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

Sec. 137. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,775,363
 FTEs 89.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 138. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
 \$ 27,394,960
 FTEs 1,781.00

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 139. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
 \$ 7,298,372
 FTEs 285.00

1. Of the funds appropriated in this section, \$19,271 allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

3. Of the funds appropriated in this section, \$66,150 shall be used to continue the contract for the provision of a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based waiver services for adults with disabilities under the medical assistance program.

4. Of the funds appropriated in this section, \$88,200 shall be used to continue the contract to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers.

5. Of the funds appropriated in this section, \$250,000 shall be used for continuation of child protection system improvements addressed in 2011 Iowa Acts, House File 562, as enacted.

6. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 140. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and

ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

..... \$ 42,330

Sec. 141. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2012, the total state funding amount for the nursing facility budget shall not exceed \$225,457,724.

(2) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph “c”, and subsection 3, paragraph “a”, subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year is projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.

(3) For the fiscal year beginning July 1, 2012, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2012.

b. For the fiscal year beginning July 1, 2012, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.34 per prescription or the pharmacy’s usual and customary fee, whichever is lower. However, the department shall adjust the dispensing fee specified in this paragraph to distribute an additional \$2,981,980 in reimbursements for pharmacy dispensing fees under this paragraph for the fiscal year.

c. (1) For the fiscal year beginning July 1, 2012, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2012.

(2) For the fiscal year beginning July 1, 2012, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2012.

(3) For the fiscal year beginning July 1, 2012, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2012, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2012, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2012, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2012.

f. For the fiscal year beginning July 1, 2012, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2012, not to exceed a home health agency’s actual allowable cost.

g. For the fiscal year beginning July 1, 2012, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2012, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2012.

i. (1) For the fiscal year beginning July 1, 2012, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the department as required for federal compliance.

j. For the fiscal year beginning July 1, 2012, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2012, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2012, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2012.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2012, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall remain at the rate in effect on June 30, 2012; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2012, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2012, inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2012, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

o. For the fiscal year beginning July 1, 2012, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2012.

p. For the fiscal year beginning July 1, 2012, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2012.

q. For the fiscal year beginning July 1, 2012, the department shall adjust the rates in effect on June 30, 2012, for providers of home and community-based services waiver services to distribute an additional \$1,500,000 in reimbursements to such providers for the fiscal year.

2. For the fiscal year beginning July 1, 2012, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2012, notwithstanding section 234.38, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$15.74, the rate for children ages 6 through 11 years shall be \$16.37, the rate for children ages 12 through 15 years shall be \$17.92, and the rate for children and young adults ages 16 and older shall be \$18.16. The maximum supervised apartment living foster care reimbursement rate shall be \$25.00 per day. For youth ages 18 to 21 who have exited foster care, the maximum preparation for adult living program maintenance rate shall be \$574.00 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408 shall be continued.

5. For the fiscal year beginning July 1, 2012, the maximum reimbursement rates under the supervised apartment living program and for social services providers under contract shall remain at the rates in effect on June 30, 2012, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2012, the initial reimbursement rate for the service or provider shall be based upon actual and allowable costs. Providers may also be eligible for an additional amount as specified under the department's request for proposal, bid number ACFS-11-115.

6. For the fiscal year beginning July 1, 2012, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2012.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. a. For the fiscal year beginning July 1, 2012, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established in a contract based on the requirements of the department's request for proposal, bid number ACFS-11-114.

b. For the fiscal year beginning July 1, 2012, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2012, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2011.

9. For the fiscal year beginning July 1, 2012, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. Beginning July 1, 2012, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2012.

10. For the fiscal year beginning July 1, 2012, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2012, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2012. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

11. The department may adopt emergency rules to implement this section.

Sec. 142. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2012, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 143. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 144. EFFECTIVE DATE. The following provision of this division of this Act, being deemed of immediate importance, take effect upon enactment:

The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for fiscal year 2012-2013.

DIVISION XIX

PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2012-2013

Sec. 145. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program:

..... \$ 2,716,807

Sec. 146. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 27,284,584

a. (1) Funds appropriated in this subsection used for abortions shall be used in a manner consistent with options under federal Medicaid law and regulation.

(2) Iowans support reducing the number of abortions performed in our state. For an abortion covered under this subsection, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(a) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(b) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

c. The university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed \$20,000,000.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 44,226,279

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

3. There is appropriated from the IowaCare account created in section 249J.24, to the state board of regents for distribution to university of Iowa physicians for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 16,277,753

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 65,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of \$60,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds \$60,000,000. The amount paid in excess of \$60,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of \$60,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs and podiatry services.

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection, shall be reimbursed for outpatient prescription drugs and podiatry services provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed \$4,000,000.

c. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 4, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of \$38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

d. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph “a”, subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2012, and December 31, 2012, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (1), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of January 2013, following the July 1 through December 31, 2012, period.

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph “a”, subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2013, and June 30, 2013, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (2), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of July 2013, following the January 1 through June 30, 2013, period.

5. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For payment to the regional provider network specified by the department pursuant to section 249J.7 for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... \$ 3,472,176

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

6. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For a care coordination pool to pay the expansion population providers consisting of the university of Iowa hospitals and clinics, the publicly owned acute care teaching hospital as specified in section 249J.7, and current medical assistance program providers that are not expansion population network providers pursuant to section 249J.7, for services covered by the full benefit medical assistance program but not under the IowaCare program pursuant to section 249J.6, that are provided to expansion population members:

..... \$ 1,500,000

a. Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide payment for medically necessary services provided to expansion population members for continuation of care provided by the university of Iowa hospitals and clinics or the publicly owned acute care teaching hospital as

specified in section 249J.7. Payment may only be made for services that are not otherwise covered under section 249J.6, and which are follow-up services to covered services provided by the hospitals specified in this paragraph "a".

b. The funds appropriated in this subsection are intended to provide limited payment for continuity of care services for an expansion population member, and are intended to cover the costs of services to expansion population members, regardless of the member's county of residence or medical home assignment, if the care is related to specialty or hospital services provided by the hospitals specified in paragraph "a".

c. The funds appropriated in this subsection are not intended to provide for expanded coverage under the IowaCare program, and shall not be used to cover emergency transportation services.

d. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection.

7. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount or so much thereof as is necessary to be used for the purposes designated:

For a laboratory test and radiology pool for services authorized by a federally qualified health center designated by the department as part of the IowaCare regional provider network that does not have the capability to provide these services on site:

..... \$ 500,000

Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide reimbursement for services provided to expansion population members that have previously been paid for through expenditure by designated regional provider network providers of their own funds, not to expand coverage under the IowaCare program or to expand the expansion population provider network. The department shall designate the laboratory and radiology provider associated with each designated regional provider network provider that may receive reimbursement. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection. All other medical assistance program payment policies and rules for laboratory and radiology services shall apply to services provided under this subsection. If the entire amount appropriated under this subsection is expended, laboratory tests and radiology services ordered by a designated regional provider network provider shall be the financial responsibility of the regional provider network provider.

Sec. 147. APPROPRIATIONS FROM NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, and subject to the availability of funds, there is appropriated from the nonparticipating provider reimbursement fund created in section 249J.24A to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount or so much thereof as is necessary for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:

..... \$ 2,000,000

Sec. 148. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the

following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:
 \$ 50,000
2. For other health promotion partnership activities pursuant to section 249J.14:
 \$ 300,000
3. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:
 \$ 62,500
4. For administrative costs associated with chapter 249J:
 \$ 566,206
5. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14:
 \$ 500,000
6. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:
 \$ 25,000
7. For medical contracts:
 \$ 1,000,000
8. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:
 \$ 145,000
 Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.
9. For transfer to the department of public health to be used for the costs of medical home system advisory council established pursuant to section 135.159:
 \$ 116,679
10. For continued implementation of a uniform cost report:
 \$ 75,000
11. For continued implementation of an electronic medical records system:
 \$ 50,000
 Notwithstanding section 8.33, funds allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated.
12. For transfer to the department of public health to support the department's activities relating to health and long-term care access as specified pursuant to chapter 135, division XXIV:
 \$ 67,107
13. For continuation of an accountable care organization pilot project:
 \$ 50,000
14. For the continued development of a provider payment system plan to provide recommendations to reform the health care provider payment system as an effective way to promote coordination of care, lower costs, and improve quality:
 \$ 100,000
15. For transfer to the department of public health to be used as state matching funds for the health information technology system developed by the department of public health:

..... \$ 181,993

16. To supplement the appropriation for medical assistance:

..... \$ 1,956,245

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 149. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the inspection and certification of assisted living programs and adult day care services, including program administration and costs associated with implementation:

..... \$ 669,764

Sec. 150. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF HUMAN SERVICES. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 2,000,000

Sec. 151. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 29,000,000

Sec. 152. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 39,223,800

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used for the purposes of the fund:

..... \$ 776,200

Sec. 153. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2012-2013. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2012, and ending June 30, 2013, from the general fund of the state, the Medicaid fraud account, the quality assurance trust fund, and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or

unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION XX

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
2012-2013

Sec. 154. MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX RELIEF. Notwithstanding the standing appropriation in section 426B.1, subsection 2, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amount appropriated from the general fund of the state pursuant to that provision shall not exceed the following amount:

..... \$ 81,199,911

Sec. 155. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2012-2013 as provided in this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 74,697,893

2. Of the amount appropriated in this section, \$38,000,000 shall be distributed as provided in this subsection.

a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:

(1) The county is levying for the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2012, or the county is levying for at least 90 percent of the maximum amount allowed for the county's services fund and that levy rate is more than \$2 per \$1,000 of the assessed value of all taxable property in the county.

(2) In the fiscal year beginning July 1, 2010, the county's mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county's actual gross expenditures for that fiscal year.

b. The amount of a county's distribution from the allocation made in this subsection shall be determined based upon the county's proportion of the general population of the counties eligible to receive a distribution under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The distributions made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2012.

3. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2012-2013, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 36,697,893

4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2012-2013 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:
..... \$ 49,773,346

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2012:
..... \$ 14,187,556

5. a. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 4 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable.

b. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2010, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2010, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection.

c. For purposes of calculating withholding factors and for ending balance amounts used for other purposes under law, the county ending balances shall be adjusted, using forms developed for this purpose by the county finance committee, to disregard the temporary funding increase provided to the counties for the fiscal year through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a county may adjust the ending balance amount by rebating to the department all or a portion of the allowed growth and MH/DD services fund moneys the county received for the fiscal year beginning July 1, 2011, in accordance with this Act, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2012, in order to be counted. The amount rebated by a county shall be subtracted dollar-for-dollar from the county's ending balance amount for the fiscal year beginning July 1, 2010, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2012. The rebates received by the department shall be credited to the property tax relief fund and distributed as additional funding for the fiscal year beginning July 1, 2012, in accordance with the formula provisions in this section.

d. The withholding factor for a county shall be the following applicable percent:

(1) For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an

inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(2) For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(3) For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for counties with an ending balance of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

(4) For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of \$13,075,453. If the department of human services determines that the amount appropriated is insufficient or the amount to be withheld in accordance with subsection 5 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 5 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall only adjust the zero withholding factor or the inflation adjustment percentages specified in subsection 5, paragraph "d", when the amount appropriated is insufficient.

DIVISION XXI

CONDITIONAL RETROACTIVE APPLICABILITY

Sec. 156. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

DAVE HEATON, Chair
 JOEL FRY
 MATT WINDSCHITL

JACK HATCH, Chair
 JOE BOLKCOM
 AMANDA RAGAN

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 209

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 209, a bill for an Act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-3041.
2. That Senate File 209, as amended, passed, and reprinted by the Senate, is amended to read as follows:
 1. By striking everything after the enacting clause and inserting:

"DIVISION I

2011 BONUS DEPRECIATION COUPLING

Section 1. Section 422.7, subsection 39A, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 18, is amended to read as follows: The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 2. Section 422.7, subsection 39B, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 18, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 3. Section 422.35, subsection 19A, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 21, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

Sec. 4. Section 422.35, subsection 19B, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 21, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2008, for tax years ending on or after that date:

1. The section of this Act amending section 422.7, subsections 39A and 39B, as enacted by 2011 Iowa Acts, Senate File 512, section 18.

2. The section of this Act amending section 422.35, subsections 19A and 19B, as enacted by 2011 Iowa Acts, Senate File 512, section 21.

DIVISION II
EARNED INCOME TAX CREDIT

Sec. 7. Section 422.12B, subsection 1, Code 2011, is amended to read as follows:

1. The taxes imposed under this division less the credits allowed under section 422.12 shall be reduced by an earned income credit equal to ~~seven~~ ten percent of the federal earned income credit provided in section 32 of the Internal Revenue Code. Any credit in excess of the tax liability is refundable.

Sec. 8. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, for tax years beginning on or after that date.

DIVISION III
SUPPLEMENTAL APPROPRIATIONS

Sec. 9. DEPARTMENT OF EDUCATION ---- COMMUNITY COLLEGES. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. MERGED AREA I ---- NORTHEAST IOWA COMMUNITY COLLEGE

For general state financial aid for merged area I, in 2010 Iowa Acts, chapter 1183, section 6, subsection 19, and reflecting a corrective addition of \$4,474 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 298,883

2. MERGED AREA II ---- NORTH IOWA AREA COMMUNITY COLLEGE

For general state financial aid for merged area II, in 2010 Iowa Acts, chapter 1183, section 6, subsection 20, and reflecting a corrective reduction of \$28,512 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 286,545

3. MERGED AREA III ---- IOWA LAKES COMMUNITY COLLEGE

For general state financial aid for merged area III, in 2010 Iowa Acts, chapter 1183, section 6, subsection 21, and reflecting a corrective reduction of \$32,233 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 257,873

4. MERGED AREA IV ---- NORTHWEST COMMUNITY COLLEGE

For general state financial aid for merged area IV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 22, and reflecting a corrective reduction of \$13,939 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 128,526

5. MERGED AREA V ---- IOWA CENTRAL COMMUNITY COLLEGE

For general state financial aid for merged area V, in 2010 Iowa Acts, chapter 1183, section 6, subsection 23, and reflecting a corrective addition of \$18,745 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 344,251

6. MERGED AREA VI -- IOWA VALLEY COMMUNITY COLLEGE DISTRICT

For general state financial aid for merged area VI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 24, and reflecting a corrective reduction of \$25,507 in the overall

amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 251,942

7. MERGED AREA VII ---- HAWKEYE COMMUNITY COLLEGE

For general state financial aid for merged area VII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 25, and reflecting a corrective reduction of \$11,837 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 401,298

8. MERGED AREA IX ---- EASTERN IOWA COMMUNITY COLLEGE

For general state financial aid for merged area IX, in 2010 Iowa Acts, chapter 1183, section 6, subsection 26, and reflecting a corrective reduction of \$4,921 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 508,961

9. MERGED AREA X ---- KIRKWOOD COMMUNITY COLLEGE

For general state financial aid for merged area X, in 2010 Iowa Acts, chapter 1183, section 6, subsection 27, and reflecting a corrective addition of \$55,034 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 959,044

10. MERGED AREA XI ---- DES MOINES AREA COMMUNITY COLLEGE

For general state financial aid for merged area XI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 28, and reflecting a corrective addition of \$106,395 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 1,016,636

11. MERGED AREA XII ---- WESTERN IOWA TECH COMMUNITY COLLEGE

For general state financial aid for merged area XII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 29, and reflecting a corrective reduction of \$8,974 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 328,413

12. MERGED AREA XIII ---- IOWA WESTERN COMMUNITY COLLEGE

For general state financial aid for merged area XIII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 30, and reflecting a corrective addition of \$9,196 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 355,950

13. MERGED AREA XIV ---- SOUTHWESTERN COMMUNITY COLLEGE

For general state financial aid for merged area XIV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 31, and reflecting a corrective reduction of \$12,340 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 132,279

14. MERGED AREA XV ---- INDIAN HILLS COMMUNITY COLLEGE

For general state financial aid for merged area XV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 32, and reflecting a corrective reduction of \$43,717 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 409,622

15. MERGED AREA XVI ---- SOUTHEASTERN COMMUNITY COLLEGE

For general state financial aid for merged area XVI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 33, and reflecting a corrective reduction of \$11,864 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 248,098

16. COMMUNITY COLLEGE SALARIES. For distribution to community colleges to supplement faculty salaries, in 2010 Iowa Acts, chapter 1183, section 8:

..... \$ 20,415

Sec. 10. DEPARTMENT OF CORRECTIONS. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the operation of adult correctional institutions in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "a":

..... \$ 1,920,083

b. For the operation of the Anamosa correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "b":

..... \$ 1,293,060

c. For the operation of the Oakdale correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "c":

..... \$ 2,385,141

d. For the operation of the Newton correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "d":

..... \$ 1,101,460

e. For the operation of the Mount Pleasant correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "e":

..... \$ 1,359,865

f. For the operation of the Rockwell City correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "f":

..... \$ 412,008

g. For the operation of the Clarinda correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "g":

..... \$ 1,180,617

h. For the operation of the Mitchellville correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "h":

..... \$ 504,674

i. For the operation of the Fort Dodge correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "i":

..... \$ 1,162,060

2. For general administration in 2010 Iowa Acts, chapter 1190, section 4, subsection 1, paragraph "a":

..... \$ 110,202 3. For the judicial district departments of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, to be allocated as follows:

a. For the first judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "a":

..... \$ 393,353

b. For the second judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "b":

..... \$ 360,912

c. For the third judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "c":

..... \$ 221,793

d. For the fourth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "d":

..... \$ 169,067

e. For the fifth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "e":

..... \$ 723,637

f. For the sixth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "f":

..... \$ 460,329

g. For the seventh judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "g":

..... \$ 265,431

h. For the eighth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "h":

..... \$ 177,991

Sec. 11. STATE PUBLIC DEFENDER. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the office of the state public defender, in 2010 Iowa Acts, chapter 1190, section 10, subsection 1:

..... \$ 2,551,500

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815, in 2010 Iowa Acts, chapter 1190, section 10, subsection 2:

..... \$ 16,000,000

Sec. 12. DEPARTMENT OF PUBLIC SAFETY. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the department's administrative functions in 2010 Iowa Acts, chapter 1190, section 14, subsection 1:

..... \$ 275,000

2. For the division of criminal investigation in 2010 Iowa Acts, chapter 1190, section 14, subsection 2:

..... \$ 325,000

3. For the division of narcotics enforcement in 2010 Iowa Acts, chapter 1190, section 14, subsection 4, paragraph "a":

..... \$ 225,000

4. For the division of state fire marshal in 2010 Iowa Acts, chapter 1190, section 14, subsection 5:

..... \$ 130,000

5. For the division of state patrol in 2010 Iowa Acts, chapter 1190, section 14, subsection 6:

..... \$ 2,000,000

Sec. 13. DEPARTMENT OF PUBLIC HEALTH. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For addictive disorders, in 2010 Iowa Acts, chapter 1192, section 2, subsection 1:

..... \$ 675,896

2. For healthy children and families, in 2010 Iowa Acts, chapter 1192, section 2, subsection 2:

..... \$ 68,192

3. For community capacity, in 2010 Iowa Acts, chapter 1192, section 2, subsection 4:

..... \$ 13,275

4. For healthy aging, in 2010 Iowa Acts, chapter 1192, section 2, subsection 5:

..... \$ 403,500

5. For infectious diseases, in 2010 Iowa Acts, chapter 1192, section 2, subsection 7:

..... \$ 51,688

Sec. 14. DEPARTMENT OF HUMAN SERVICES ---- APPROPRIATIONS. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the state mental health institute at Cherokee, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph "a":

..... \$ 784,607

2. For the state mental health institute at Clarinda, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph "b":

..... \$ 623,793

3. For the state mental health institute at Independence, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph "c":

..... \$ 1,235,916

Sec. 15. 2010 Iowa Acts, chapter 1193, section 84, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For the duties of the office of the state debt coordinator established in 2010 Iowa Acts, Senate File 2383, if enacted, including salaries, support, maintenance, services, advertising, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 300,000

..... FTEs 3.00

Beginning on the effective date of this division of this 2011 Iowa Act, moneys appropriated in this subsection that remain unencumbered or unobligated shall be

used by the department of revenue for the administrative costs associated with state tax processing.

Sec. 16. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
CORRECTIVE PROVISIONS

Sec. 17. 2010 Iowa Acts, chapter 1193, section 199, is amended to read as follows:

SEC. 199. TERRACE HILL ---- GENERAL FUND ---- DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated: For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 263,329
..... FTEs 6.38

Sec. 18. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment. The section of this division of this Act amending 2010 Iowa Acts, chapter 1193, section 199, applies retroactively to April 29, 2010.

DIVISION V
IOWA COMMUNICATIONS NETWORK

Sec. 19. IOWA COMMUNICATIONS NETWORK ---- AUTHORIZATION FOR CONTRACTS. Pursuant to section 8D.11, subsection 1, paragraph "a", the general assembly authorizes the Iowa telecommunications and technology commission to enter into contracts in excess of the contract limitation amount established in section 8D.11, subsection 1, paragraph "c", for purposes of the commission's project associated with the federal grant awarded to the commission under the federal broadband technology opportunities program. This authorization applies for the duration of the commission's project and to all affected contracts associated with the project and project funding.

Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
ADULT MENTAL HEALTH AND INTELLECTUAL AND OTHER
DEVELOPMENTAL DISABILITIES SERVICES SYSTEM REFORM

Sec. 21. ADULT MENTAL HEALTH AND INTELLECTUAL AND OTHER DEVELOPMENTAL DISABILITIES SERVICES SYSTEM REFORM -- APPROPRIATION.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the property tax relief fund created in chapter 426B and for distribution in accordance with appropriations made from the property tax relief fund enacted by the Eighty-fourth General Assembly, 2011 Session, pursuant to recommendations by the general assembly's committees on appropriations, to address needs in the publicly funded adult mental health and intellectual and other developmental disability services system, which may include but are not limited to eliminating county waiting lists or providing risk pool funding:

..... \$ 20,000,000

2. It is the intent of the general assembly to enact legislation providing for the reform of the publicly funded adult mental health and intellectual and other developmental disability services system and to implement a new services system structure by July 1, 2013, when the repeals contained in this division of this Act take effect.

Sec. 22. Section 331.424A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section is repealed July 1, 2013.

Sec. 23. Section 331.438, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This section is repealed July 1, 2013.

Sec. 24. Section 331.439, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. This section is repealed July 1, 2013.

Sec. 25. Section 331.440, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. This section is repealed July 1, 2013.

Sec. 26. NEW SECTION. 426B.6 Future repeal. This chapter is repealed July 1, 2013.

Sec. 27. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII
TAXPAYERS TRUST FUND

Sec. 28. Section 8.54, subsection 5, Code 2011, is amended to read as follows:

5. For fiscal years in which it is anticipated that the distribution of moneys from the Iowa economic emergency fund in accordance with section 8.55, subsection 2, results will result in moneys being transferred to the general fund, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys which are so anticipated to be so transferred.

Sec. 29. Section 8.55, subsection 2, Code 2011, is amended to read as follows:

2. a. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be ~~transferred to the general fund.~~ distributed as follows:

(1) The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

(2) The remainder of the excess, if any, shall be transferred to the general fund of the state.

b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be ~~transferred to the general fund of the state distributed as provided in paragraph "a"~~ but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".

Sec. 30. NEW SECTION. 8.57E Taxpayers trust fund.

1. A taxpayers trust fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance

of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. Moneys in the taxpayers trust fund shall only be used pursuant to appropriations made by the general assembly for tax relief.

3. a. Moneys in the taxpayer's trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

b. Except as provided in section 8.58, the taxpayers trust fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the taxpayers trust fund shall be credited to the fund.

Sec. 31. Section 8.58, Code 2011, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, ~~and~~ Iowa economic emergency fund, ~~and taxpayers trust fund~~ shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, ~~and~~ Iowa economic emergency fund, ~~and taxpayers trust fund~~ shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 33. APPLICABILITY. The amendments in this division of this Act to sections 8.54 and 8.55 apply to moneys attributed to fiscal years beginning on or after July 1, 2011."

2. Title page, by striking lines 2 and 3 and inserting "making appropriations, providing for certain additional depreciation allowances, increasing the state earned"

ON THE PART OF THE HOUSE:

J. SCOTT RAECKER, Chair
ERIK HELLAND
DAVE JACOBY
TYLER OLSON
NICK WAGNER

ON THE PART OF THE SENATE:

JOE BOLKCOM, Chair
ROBERT E. DVORSKY
PAM JOCHUM
STEVE KETTERING
BRAD ZAUN

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 509

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 509, a bill for an Act relating to and making appropriations involving state government entities

involved with agriculture, natural resources, and environmental protection, and including effective date provisions, respectfully make the following report:

1. Amend the Senate amendment, H-1743, to the House amendment, S-3227, to Senate File 509, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 22, by striking "345.00" and inserting "365.00"
2. Page 2, by striking lines 20 through 42.
3. By striking page 2, line 43, through page 3, line 4.
4. Page 3, line 19, by striking "12,291,688" and inserting "12,266,688"
5. Page 3, line 26, after "parks." by inserting "This subsection shall not impact park ranger positions within the department."
6. Page 7, line 11, by striking "525,000" and inserting "625,000"
7. Page 7, by striking lines 16 through 24 and inserting:

"c. Of the amount appropriated in paragraph "a", \$370,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a"."

8. Page 8, after line 33 by inserting:

"___. LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 75,000

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act."

9. Page 8, after line 33 by inserting:

"___. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 25,000"

10. Page 8, after line 33 by inserting:

"___. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 475,000

b. (1) Of the amount appropriated in paragraph "a", \$356,250 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", \$118,750 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs."

11. Page 8, line 49, by striking "3,410,000" and inserting "3,210,000"

12. Page 9, line 21, by striking "520,000" and inserting "420,000"

13. Page 10, line 17, by striking "12,375,000" and inserting "12,000,000"

14. Page 11, by striking lines 6 through 25 and inserting:

"DIVISION ___

INTERIM LEGISLATIVE COMMITTEE -- STATE FISH AND GAME PROTECTION
FUND

Sec. ____ INTERIM STUDY. The legislative council shall establish a study committee during the 2011 interim for purposes of reviewing expenditures from the state fish and game protection fund by the department of natural resources."

15. Page 11, lines 43 and 44, by striking "October 31, 2011" and inserting "June 30, 2012"

16. Page 11, by striking lines 45 through 49 and inserting: "____. The mobile radios purchased by the department of natural resources pursuant to subsection 1 shall be compatible with a statewide public safety radio network, if created in legislation enacted by the 2011 regular session of the General Assembly, which may include provisions in 2011 Iowa Acts, Senate File 541, if enacted. The department shall purchase the mobile radios after conducting a competitive bidding process."

17. Page 12, line 8, after "mandate," by inserting "and"

18. Page 12, by striking lines 9 and 10 and inserting "to meet those needs."

19. Page 12, before line 11 by inserting:

"Sec. ____ RADIOS. The sections of 2011 Iowa Acts, Senate File 538, amending 2011 Iowa Acts, Senate File 509, section 22, and establishing an effective date for that amendment, if enacted, are repealed."

20. Page 15, line 45, by striking "practical farmers of Iowa" and inserting "Iowa farmers union"

21. Page 20, after line 46 by inserting:

"Sec. ____ EFFECTIVE DATE. This division of this Act takes effect July 1, 2012."

22. Page 21, line 12, by striking "8,343,252" and inserting "8,248,654"

23. Page 21, line 13, by striking "347.00" and inserting "366.00"

24. Page 22, by striking lines 11 through 33.

25. Page 22, by striking lines 34 through 45.

26. Page 23, line 10, by striking "6,145,844" and inserting "6,133,344"

27. Page 23, line 17, after "parks." by inserting "This subsection shall not impact park ranger positions within the department."

28. Page 27, line 2, by striking "262,500" and inserting "312,500"

29. Page 27, by striking lines 7 through 15 and inserting:

"c. Of the amount appropriated in paragraph "a", \$185,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a"."

30. Page 28, after line 24 by inserting:

"____ LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 37,500

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act."

31. Page 28, after line 24 by inserting:

"____ AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 12,500"

32. Page 28, after line 24 by inserting:

"____ LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 237,500

b. (1) Of the amount appropriated in paragraph "a", \$178,125 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", \$59,375 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs."

33. Page 28, line 40, by striking "1,705,000" and inserting "1,605,000"

34. Page 29, line 12, by striking "260,000" and inserting "210,000"

35. ""By striking page 29, line 43, through page 30, line 8.""

36. By renumbering, redesignating, and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

JACK DRAKE, Chair
DWAYNE ALONS
ROSS PAUSTIAN

DENNIS BLACK, Chair
DICK L. DEARDEN
JAMES F. HAHN
HUBERT HOUSER
MARY JO WILHELM

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 510

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 510, a bill for an Act relating to and making appropriations to the justice system, respectfully make the following report:

1. Amend the Senate amendment, H-1744, to the House amendment, S-3233, to Senate File 510, as passed by the Senate, as follows:

1. Page 1, line 19, by striking "7,942,930" and inserting "7,792,930"

2. Page 2, line 28, by striking "3,336,344" and inserting "3,136,163"

3. Page 2, line 42, by striking "41,188,445" and inserting "41,031,283"

4. Page 3, after line 38 by inserting:

"___. For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:

..... \$ 157,162"

5. Page 7, after line 19 by inserting:

"___. A judicial district department of correctional services shall accept into the facilities of the district department offenders assigned from other judicial district departments of correctional services."

6. Page 9, line 37, by striking "24,083,182" and inserting "25,083,182"

7. Page 9, line 42, by striking "31,680,929" and inserting "30,680,929"

8. Page 11, line 42, by striking "6,353,345" and inserting "6,429,884"

9. Page 14, line 3, by striking "1,397,069" and inserting "1,297,069"

10. Page 16, by striking lines 34 through 40.

- 11. Page 17, line 37, by striking "3,971,465" and inserting "3,896,465"
- 12. Page 18, line 46, by striking "1,668,172" and inserting "1,568,082"
- 13. Page 19, line 10, by striking "20,594,223" and inserting "20,515,641"
- 14. Page 20, after line 6 by inserting:
 "___ For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:
 \$ 78,581"
- 15. Page 23, after line 38 by inserting:
 "___ A judicial district department of correctional services shall accept into the facilities of the district department offenders assigned from other judicial district departments of correctional services."
- 16. Page 26, line 6, by striking "12,041,591" and inserting "12,541,591"
- 17. Page 26, line 11, by striking "15,840,465" and inserting "15,340,464"
- 18. Page 28, line 11, by striking "3,176,673" and inserting "3,214,942"
- 19. Page 30, line 22, by striking "698,535" and inserting "648,535"
- 20. Page 30, by striking lines 40 through 46.
- 21. By renumbering, redesignating, and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

GARY WORTHAN, Chair
 JULIAN GARRETT
 LANCE HORBACH

TOM HANCOCK, Chair
 MERLIN BARTZ
 EUGENE S. FRAISE
 ROBERT M. HOGG

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 517

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 517, a bill for an Act relating to making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, respectfully make the following report:

1. That the Senate amendment, H-1745, to the House amendment, S-3285, to Senate File 517, as amended, passed, and reprinted by the Senate, is amended to read as follows:

- 1. Page 1, by striking line 18 and inserting:
 \$ 171,813"
- 2. Page 1, by striking line 46 and inserting:
 \$ 150,000"
- 3. Page 3, by striking line 13 and inserting:
 \$ 9,783,424"
- 4. Page 3, by striking lines 31 and 32.
- 5. Page 9, by striking line 25 and inserting:
 \$ 2,949,044"
- 6. By striking page 10, line 34, through page 11, line 2.
- 7. Page 13, by striking lines 11 through 20.

- 8. Page 19, by striking line 48 and inserting:
..... \$ 85,907"
- 9. Page 20, by striking line 26 and inserting:
..... \$ 75,000"
- 10. Page 21, by striking line 43 and inserting:
..... \$ 4,891,712"
- 11. Page 22, by striking lines 11 and 12.
- 12. Page 27, by striking line 45 and inserting:
..... \$ 1,474,522"
- 13. By renumbering as necessary.

ON THE PART OF THE HOUSE:

JASON SCHULTZ, Chair
MARK LOFGREN
CHUCK SODERBERG

ON THE PART OF THE SENATE:

WILLIAM DOTZLER, Chair
NANCY J. BOETTGER
SWATI DANDEKAR
ROBERT E. DVORSKY

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 525

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 525, a bill for an Act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, respectfully make the following report:

1. That the Senate amendment, H-1733, to the House amendment, S-3335, to Senate File 525, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, by striking lines 13 through 15 and inserting:

"___. Page 1, by striking lines 44 through 47 and inserting "both chambers and from both political parties.""

2. Page 1, by striking lines 22 through 28 and inserting "repeal provisions, the interim committee shall consider all funding sources for replacing the county authority to levy for adult disability services.""

3. Page 1, by striking lines 33 through 45 and inserting: ""

g. Developing a proposal for addressing service provider and other workforce shortages. The development of the proposal shall incorporate an examination of scope of practice limitations and barriers to recruiting providers and maintaining the workforce, including recruitment of minorities and addressing cultural competency considerations for the workforce in general and for accrediting professional level providers, evaluating the impact of inadequate reimbursement, identifying the appropriate state role in providing the resources to ensure an appropriately trained workforce is available, and an examination of the variation in health ""

4. Page 2, by striking lines 4 through 9 and inserting "representatives. The preliminary""

5. Page 2, by striking lines 22 through 44.

6. Page 3, by striking lines 28 and 29 and inserting:

"____. Page 17, by striking line 2 and inserting "provided as a combination of all funding sources.""

ON THE PART OF THE HOUSE:

LINDA UPMEYER, Chair
LISA HEDDENS
RENEE SCHULTE
MARK SMITH

ON THE PART OF THE SENATE:

JACK HATCH, Chair
JOE BOLKCOM
DAVID JOHNSON
AMANDA RAGAN
PAT WARD

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 533

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 533, a bill for an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, respectfully make the following report:

1. That the Senate amendment, H-1752, to the House amendment, S-3372, to Senate File 533, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking page 3, line 20, through page 5, line 22.

2. Page 5, line 31, after "regents" by inserting "who receive bonuses funded by moneys from sources other than appropriations"

3. Page 5, after line 39 by inserting:

"Sec. ____ SALARY INCREASES ---- CERTAIN REVOLVING FUNDS.

1. For the fiscal years beginning July 1, 2011, and July 1, 2012, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation's racetrack, excursion boat, or gambling structure enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

2. For the fiscal years beginning July 1, 2011, and July 1, 2012, there is appropriated from the gaming regulatory revolving fund, if enacted by the Eighty-fourth General Assembly, 2011 session, an amount necessary for funding annual pay adjustments and related benefits for positions in the racing and gaming commission of the department of inspections and appeals who are assigned to administration and enforcement of the excursion boat and gambling structure laws. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund."

4. Page 16, after line 41 by inserting:

"DIVISION ____

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ---- FY 2013-2014

Sec. ____ ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ----

FY 2013-2014. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2013, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fifth General Assembly, 2013 Session, on January 14, 2013. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 14, 2013."

5. Page 17, by striking line 41 and inserting:

..... \$ 5,364,446"

6. Page 17, by striking line 47 and inserting:

..... \$ 7,060,931"

7. Page 18, by striking lines 3 through 9.

8. Page 18, after line 18 by inserting:

"Sec. ____ Section 257.35, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5B. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be reduced by the department of management by ten million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003."

9. By striking page 18, line 22, through page 19, line 39.

10. Page 19, line 48, after "regents" by inserting "who receive bonuses funded by moneys from sources other than appropriations"

11. Page 20, after line 6 by inserting:

"Sec. ____ SALARY INCREASES ---- CERTAIN REVOLVING FUNDS.

1. For the fiscal years beginning July 1, 2012, and July 1, 2013, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation's racetrack, excursion boat, or gambling structure enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

2. For the fiscal years beginning July 1, 2012, and July 1, 2013, there is appropriated from the gaming regulatory revolving fund, if enacted by the Eighty-fourth General Assembly, 2011 or 2012 session, an amount necessary for funding annual pay adjustments and related benefits for positions in the racing and gaming commission of the department of inspections and appeals who are assigned to administration and enforcement of the excursion boat and gambling structure laws. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund."

12. Page 28, by striking lines 21 and 22 and inserting "land stewardship for the following fiscal years, the following amounts,"

13. Page 28, by striking line 25 and inserting

"FY 2011-2012..... \$ 97,000
FY 2012-2013..... \$ 48,500"

14. Page 29, by striking lines 22 and 23 and inserting "authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or"

15. Page 31, before line 4 by inserting:

"Sec. ____ PRESCHOOL FOUNDATION AID ---- ADMINISTRATIVE COSTS. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, of the amount of

preschool foundation aid received by a school district for a fiscal year, not more than five percent shall be used by the school district for administering the district's approved local program."

16. By striking page 33, line 47, through page 34, line 21.

17. Page 35, by striking lines 14 through 45.

18. Page 36, after line 17 by inserting:

"Sec. ____ Section 422.11P, subsection 2, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 531, section 25, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel classified as provided in this section, if the classification meets the standards provided in section 214A.2. In ensuring that biodiesel blended fuel meets the classification requirements of this section, the department shall take into account reasonable variances due to testing and other limitations."

19. Page 36, line 33, by striking "three" and inserting "two"

20. Page 36, line 34, by striking "ten million" and inserting "eight million seven hundred fifty thousand"

21. Page 37, by striking lines 37 through 41.

22. Page 38, by striking lines 13 through 15.

23. Page 38, before line 16 by inserting:

"Sec. ____ REPEAL. Chapter 327K, Code 2011, is repealed."

24. Page 38, by striking lines 20 through 44.

25. Page 38, before line 45 by inserting:

"Sec. ____ EFFECTIVE DATE ---- RETROACTIVE APPLICABILITY.

1. The section of this division of this Act appropriating moneys to the department of cultural affairs for purposes of a grant for the battleship Iowa, BB-61, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to June 30, 2011.

2. The section of this division of this Act amending section 303.19A, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to March 29, 2011."

26. Page 39, after line 2 by inserting:

"Sec. ____ EFFECTIVE DATE ---- APPLICABILITY.

1. Section 422.11P, as amended by this division of this Act, takes effect on January 1, 2012.

2. Section 422.11P, as amended by this division of this Act, applies to tax years beginning on and after January 1, 2012."

27. Page 40, line 13, by striking "NEW SECTION8.75"

28. Page 40, by striking line 29 and inserting "services agency on January 15, 2012, and July 15, 2012,"

29. Page 40, line 33, by striking "NEW SECTION8A.319"

30. Page 40, by striking lines 40 and 41 and inserting "with a report regarding planned purchases and to report regarding"

31. Page 40, by striking line 45 and inserting "services to receive training about"

32. Page 45, line 10, by striking "three" and inserting "two"

33. Page 45, line 25, by striking "three" and inserting "two"

34. By striking page 47, line 17, through page 49, line 23.

35. Page 50, line 15, by striking "538" and inserting "533"

36. Page 50, line 25, by striking "538" and inserting "533"

37. By striking page 50, line 35, through page 72, line 27.

38. Page 72, before line 28 by inserting:

"DIVISION ____
TEACHER EXPENSES

Sec. ____ Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. ____ **REFUNDS.** Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. ____ **EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.** This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION ____
QUALIFIED HIGHER EDUCATION EXPENSES

Sec. ____ Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes. Sec. ____ **REFUNDS.** Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. ____ **EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.** This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION ____
SPECIAL FILING PROVISIONS

Sec. ____ **SPECIAL FILING PROVISIONS.**

1. Adjustments by individuals to federal adjusted gross income and by corporations to federal taxable income for tax returns filed prior to the enactment of 2011 Iowa Acts, Senate File 512, may be required as a result of the provisions of the divisions of this Act relating to the adjustment provisions enumerated in this subsection. These adjustments are as follows:

a. The increased expensing allowance authorized in section 179(b) of the Internal Revenue Code for tax years beginning on or after January 1, 2010, but before January 1, 2011.

b. The deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code.

c. The deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code.

2. In lieu of filing an amended tax return, taxpayers may make the adjustments, pursuant to rules adopted by the director of revenue, on the next return filed subsequent to the enactment of 2011 Iowa Acts, Senate File 512. If the taxpayer elects not to file an amended return, these provisions are suspended with regard to the following adjustments otherwise available as a result of this Act.

a. The limitation based on income provisions and regulations of section 179(b)(3) of the Internal Revenue Code with regard to the section 179(b) adjustment.

b. The applicable dollar limit provisions of section 222(b)(2)(B) of the Internal Revenue Code with regard to the section 222 adjustment.

DIVISION ____

DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

Sec. ____ Section 422.9, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A taxpayer is allowed to take the deduction for disaster-related casualty losses under section 165(h) of the Internal Revenue Code, as modified by the Heartland Disaster Relief Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. ____ Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. ____ **EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.** This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION ____

CLASS "A" FELONIES ---- JUVENILES

Sec. ____ Section 902.1, Code 2011, is amended to read as follows:

902.1 Class "A" felony.

1. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a class "A" felony, and a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

2. a. Notwithstanding subsection 1, a person convicted of a class "A" felony, and who was under the age of eighteen at the time the offense was committed shall be eligible for parole after serving a minimum term of confinement of twenty-five years.

b. If a person is paroled pursuant to this subsection the person shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole.

c. A person convicted of murder in the first degree in violation of section 707.2 shall not be eligible for parole pursuant to this subsection.

Sec. ____ **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION ___

CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

Sec. ___. SENATE FILE 508 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 508, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. ___. SENATE FILE 511 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 511, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. ___. SENATE FILE 525 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 525, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. ___. HOUSE FILE 148 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, House File 148, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. ___. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies as provided by this division of this Act.

DIVISION ___

HOUSING DEVELOPMENT ---- TAX STATUS

Sec. ___. Section 405.1, Code 2011, is amended to read as follows:

405.1 Housing development ---- tax status ---- limitation.

1. a. ~~The board of supervisors of a county with a population of less than twenty thousand may adopt an ordinance providing that property acquired and subdivided for development of housing on or after January 1, 2011, shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or five years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the five-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.~~

b. ~~Ordinances adopted under this section, to the extent such ordinances affect the assessment of property subdivided for development of housing on or after January 1, 2004, but before January 1, 2011, shall remain in effect or otherwise be made effective and such ordinances adopted under section 405.1, subsection 1, Code 2011, shall be extended to apply the ordinances to the period of time ending ten years from the date of subdivision, and ordinances adopted under section 405.1, subsection 2, Code 2011, shall be extended to apply the ordinances to the period of time ending eight years from the date of subdivision.~~

2. ~~The board of supervisors of a county with a population of twenty thousand or more may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or three years from the ate of subdivision, whichever is shorter. Upon the sale or the expiration of the three-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable. On or after the effective date of this division of this Act, the board of supervisors of a county may amend an ordinance adopted or otherwise made effective under subsection 1 to extend the period of time established under subsection 1 to apply the ordinance to a period of time not to exceed five years beyond the end of the period of time established under subsection 1. An extension of an~~

ordinance under this subsection may apply to all or a portion of the property that was subject to the original ordinance.

3. A city council may adopt an ordinance affecting that portion of the applicable property located within the incorporated area of the city, effectuating an extension of a county ordinance otherwise eligible to be extended under subsection 2 and not previously extended by the board of supervisors. An ordinance by a city council providing for an extension under this subsection shall be subject to the limitations of subsection 2.

Sec. ____ Section 441.72, Code 2011, is amended to read as follows:

441.72 Assessment of platted lots.

1. When Except as provided in subsection 2, when a subdivision plat is recorded pursuant to chapter 354, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for ~~three~~ five years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter.

2. For subdivision plats recorded pursuant to chapter 354 on or after January 1, 2004, but before January 1, 2011, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for eight years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter.

3. This section does not apply to special assessment levies.

Sec. ____ IMPLEMENTATION. Nothing in this division of this Act shall be construed to require the refund or modification of property taxes that are attributable to assessment years beginning before January 1, 2012 or the adjustment of property assessments for assessment years beginning before January 1, 2012.

Sec. ____ EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to assessment years beginning on or after January 1, 2012."

39. By renumbering as necessary.

ON THE PART OF THE HOUSE:

J. SCOTT RAECKER, Chair
JEFF KAUFMANN
NICK WAGNER

ON THE PART OF THE SENATE:

ROBERT E. DVORSKY, Chair
JEFF DANIELSON
PAM JOCHUM

RESOLUTIONS ADOPTED

Resolutions adopted during the Eighty-fourth General Assembly,
2011 session, not otherwise printed in the House Journal.

HOUSE CONCURRENT RESOLUTION 7 BY CHAMBERS and KEARNS

1 A concurrent resolution supporting the establishment of
2 a veterans national recovery center at the former
3 Veterans Affairs Hospital campus in Knoxville, Iowa.
4 WHEREAS, Iowa has a proud tradition of supporting
5 veterans who have fought to protect us all; and
6 WHEREAS, the history of war is such that veterans
7 do not need to bleed to be injured, evidenced by
8 "soldier's heart" in the Civil War, "shell shock" in
9 World War II, and post-traumatic stress disorder (PTSD)
10 and traumatic brain injury (TBI) today, demonstrating
11 that what veterans see and experience can change them
12 in profound ways; and
13 WHEREAS, society is only beginning to understand
14 how these potentially lifelong conditions affect the
15 ability of the returning veteran to adapt to society,
16 often resulting in homelessness, drug addiction, and
17 suicide, even though these emotional and physiological
18 wounds remain unseen unlike physical injuries from
19 combat; and
20 WHEREAS, nationwide there are an estimated 126,000
21 homeless veterans today, and recovery facilities are
22 scarce, especially in small urban and rural areas, with
23 an estimated 30,000-recovery-bed shortage, including
24 a shortage of 8,000 beds for the two-year Department
25 of Veterans Affairs-funded transitional program for
26 homeless veterans; and
27 WHEREAS, homelessness among veterans has for years
28 been considered a local and regional problem, as local

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1 citizens can best reintegrate the local soldier into
2 the fabric of local society; and
3 WHEREAS, this local problem creates a need for a
4 veterans national recovery center because nothing
5 similar exists today for homeless veterans; and
6 WHEREAS, a vision exists in which homeless veterans
7 from around the region and nation can access an
8 integrated services center that provides training,
9 counseling, personal connectivity from outside
10 providers to create an environment that can lift the
11 spirits and aspirations of even the most discouraged
12 homeless veteran, to give veterans from underserved
13 areas, both rural and suburban, priority services,

14 and to conduct needed research into the solutions for
15 homelessness among veterans; and
16 WHEREAS, the integrated services center could
17 network with national corporations at the highest level
18 to provide job and living opportunities across the
19 country to homeless veterans that have progressed to
20 psychological stability and self-sufficiency; and
21 WHEREAS, base funding is available for operations
22 through programs promoted by the United States
23 Department of Veterans Affairs, including a capitals
24 program, a transportation program, and a two-year
25 program intended to transition the homeless veteran
26 from the street to a working, stable home; and
27 WHEREAS, the former Veterans Affairs Hospital
28 campus at Knoxville, Iowa, is available and has the
29 capacity to support the veterans national recovery
30 center for veterans who are homeless or have suffered

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1 from post-traumatic stress disorders or traumatic
2 brain injuries, and can provide jobs for veterans and
3 nonveterans alike and economic development to the
4 area; NOW THEREFORE,
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
6 SENATE CONCURRING, That the General Assembly of the
7 State of Iowa views the establishment of a veterans
8 national recovery center at the former Veterans Affairs
9 Hospital campus in Knoxville, Iowa, favorably and urges
10 the United States Department of Veterans Affairs to
11 take those actions necessary to implement the center's
12 establishment.
13 BE IT FURTHER RESOLVED, That upon passage, the Chief
14 Clerk of the House of Representatives immediately
15 transmit a copy of this resolution to the Honorable
16 Eric Shinseki, Secretary of the United States
17 Department of Veterans Affairs.

H.C.R. 7 filed on January 19, 2011; adopted January 19, 2011.

HOUSE CONCURRENT RESOLUTION 11
BY UPMEYER and McCARTHY

1 A concurrent resolution relating to Pioneer Lawmakers.
2 WHEREAS, The Eighty-fourth General Assembly
3 is advised of a meeting of the Pioneer Lawmakers
4 Association to be held Wednesday, April 6, 2011; and
5 WHEREAS, The Pioneer Lawmakers request the
6 opportunity to meet formally with the General Assembly;
7 NOW THEREFORE,
8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
9 THE SENATE CONCURRING, That the General Assembly meet
10 in joint session in the House Chamber on Wednesday,

11 April 6, 2011, at 2:00 p.m., and that the Pioneer
 12 Lawmakers be invited to attend and present a program
 13 on that occasion, and that the Speaker of the House
 14 of Representatives and the President of the Senate be
 15 designated to deliver the invitation to them.

H.C.R. 11 filed on February 22, 2011; adopted February 24, 2011.

HOUSE RESOLUTION 5

BY KAUFMANN, HALL, BYRNES, WITTNEBEN, UPMEYER,
 MUHLBAUER, BRANDENBURG, COHOON, FORRISTALL, and THOMAS

1 A resolution recognizing January 27, 2011, as a day
 2 to honor Iowa's community colleges on their 45th
 3 anniversary.
 4 WHEREAS, 2011 marks the 45th anniversary of the
 5 designation of the first of fifteen merged area
 6 schools, now called community colleges; and
 7 WHEREAS, in 1965 the legislation creating these
 8 merged area schools was floor managed by Senator Jack
 9 Kibbie; and
 10 WHEREAS, today Iowa has a statewide system of
 11 fifteen community colleges, which are public,
 12 postsecondary, two-year institutions organized as
 13 comprehensive community colleges, serving all of Iowa's
 14 ninety-nine counties; and
 15 WHEREAS, Iowa's community colleges have enjoyed
 16 tremendous success, with the number of students
 17 attending community colleges growing from 8,000 to
 18 80,000; and
 19 WHEREAS, Iowa's community colleges have provided
 20 easy access to thousands of Iowans who seek higher
 21 education, including many who transfer credits to
 22 senior institutions and thousands more who seek
 23 high-quality vocational-technical programs; and
 24 WHEREAS, adult and continuing education courses and
 25 job training programs have trained thousands of Iowa's
 26 citizens, who have improved their skills, benefiting
 27 businesses, the workforce, and the overall economy of
 28 the state; and

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1 WHEREAS, community colleges are the port of entry
 2 for many of the poorest, most challenged, and most
 3 disadvantaged citizens of the state; NOW THEREFORE,
 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
 5 the House of Representatives recognizes January 27,
 6 2011, as a day to honor the fifteen community colleges
 7 in Iowa on the 45th anniversary of their founding.

H.R. 5 filed January 26, 2011; adopted January 27, 2011.

HOUSE RESOLUTION 6

BY KAUFMANN, GASKILL, WENTHE, MUHLBAUER, WITTNEBEN,
HEDDENS, DRAKE, SODERBERG, BALTIMORE, and FRY

1 A resolution requesting modifications to a national
2 broadband plan for the benefit of rural residents of
3 this state.
4 WHEREAS, residents of this state living in rural
5 areas deserve and expect the same high-quality,
6 affordable communications services that are available
7 to their urban neighbors; and
8 WHEREAS, similar to businesses in urban areas, rural
9 businesses, farmers, and ranchers compete in the global
10 marketplace and depend on affordable access to robust
11 broadband services to market and sell their products
12 around the world; and
13 WHEREAS, children living in rural areas should
14 have the same educational opportunities as their
15 urban counterparts and high-speed internet access
16 is absolutely necessary to allow these students
17 opportunities for advanced learning through distance
18 education; and
19 WHEREAS, residents living in rural areas face unique
20 health care challenges because of the distances that
21 must be traveled to seek basic and advanced medical
22 care, and telemedicine delivered via broadband networks
23 can improve the health of rural residents by reducing
24 the time and travel needed for high-quality health
25 care; and
26 WHEREAS, many rural areas encounter significant
27 challenges in pursuing and sustaining economic

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1 development plans that bring quality higher paying
2 jobs to their communities, and insufficiently robust
3 broadband speeds will further hamper the economic
4 development needs of many rural communities; and
5 WHEREAS, the United States Department of Agriculture
6 has rightfully placed significant importance on the
7 need for broadband access in rural America to improve
8 quality-of-life and economic development; and
9 WHEREAS, communications providers that serve this
10 state's rural areas have worked diligently to ensure
11 that their consumers have access to affordable and
12 reliable broadband services and have utilized the
13 United States Department of Agriculture's Rural
14 Utilities Service loan and grant programs for economic
15 development; and
16 WHEREAS, contrary to the progress rural
17 communications providers have had in deploying
18 broadband, the Federal Communications Commission
19 is embarking on a National Broadband Plan that will

20 negatively impact the ability of residents living in
 21 rural areas in this state to realize the true benefits
 22 of access to robust broadband speeds by limiting
 23 support to four megabits per second in rural, high-cost
 24 areas of the country, while calling for one hundred
 25 million urban homes to have access to broadband speeds
 26 at one hundred megabits per second by 2020; and
 27 WHEREAS, the National Broadband Plan runs counter
 28 to the federal universal service policy which ensures
 29 access to communications services at comparable rates
 30 regardless of the consumer's location; NOW THEREFORE,

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1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
 2 the House of Representatives challenges the Federal
 3 Communications Commission to make substantive changes
 4 to the National Broadband Plan so that the plan does
 5 not limit the future economic livelihood and social
 6 wellbeing of rural consumers; and
 7 BE IT FURTHER RESOLVED, That the House of
 8 Representatives encourages the members of Iowa's
 9 congressional delegation to work with the Federal
 10 Communications Commission to ensure that commissioners
 11 understand the importance of robust broadband
 12 deployment to rural Iowa and how the current draft of
 13 the National Broadband Plan needs to be dramatically
 14 altered to ensure quality broadband service
 15 availability throughout this state.

H.R. 6 filed January 27, 2011; adopted January 27, 2011.

HOUSE RESOLUTION 10

BY ALONS, ANDERSON, ARNOLD, BALTIMORE, BAUDLER,
 BRANDENBURG, BYRNES, CHAMBERS, COWNIE, DE BOEF, DEYOE,
 DOLECHECK, DRAKE, FORRISTALL, FRY, GARRETT, GRASSLEY,
 HAGENOW, HAGER, HANUSA, HEATON, HEIN, HELLAND,
 HORBACH, HUSEMAN, IVERSON, JORGENSEN, KAUFMANN, KLEIN,
 KOESTER, LOFGREN, LUKAN, MASSIE, L. MILLER, MOORE,
 S. OLSON, PAULSEN, PAUSTIAN, PEARSON, PETTENGILL,
 RAECKER, RASMUSSEN, RAYHONS, ROGERS, SANDS, SCHULTE,
 SCHULTZ, SHAW, J. SMITH, SODERBERG, SWEENEY,
 J. TAYLOR, TJEPKES, UPMEYER, VAN ENGELHOFEN,
 VANDER LINDEN, WAGNER, WATTS, WINDSCHITL, and WORTHAN

1 A resolution to commemorate the centennial of the birth
 2 of President Ronald Reagan.
 3 WHEREAS, February 6, 2011, is the centennial
 4 birthday of Ronald Wilson Reagan; and
 5 WHEREAS, Ronald Reagan was a man of humble
 6 background, who worked throughout his life serving
 7 freedom and advancing the public good, having been

8 employed as an entertainer, union leader, corporate
9 spokesman, Governor of California, and President of the
10 United States; and

11 WHEREAS, Ronald Reagan served with honor and
12 distinction for two terms as the fortieth President
13 of the United States of America, the second term of
14 which he earned the confidence of sixty percent of
15 the electorate and was victorious in forty-nine of
16 the fifty states in the general election, a record
17 unsurpassed in the history of American Presidential
18 elections; and

19 WHEREAS, both President Reagan and his wife
20 Nancy have distinguished records of public service
21 to the United States, the American people, and the
22 international community; and

23 WHEREAS, during his terms in office, President
24 Reagan worked in a bipartisan manner to enact his
25 bold agenda of restoring accountability and common
26 sense to government which led to an unprecedented
27 economic expansion and opportunity for millions of
28 Americans; and

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1 WHEREAS, President Reagan fulfilled his pledge to
2 help restore "the great, confident roar of American
3 progress, growth, and optimism" and ensure renewed
4 economic prosperity; and

5 WHEREAS, President Reagan's commitment to an active
6 social policy agenda for the nation's children helped
7 lower crime and drug use in the nation's communities
8 and neighborhoods; and

9 WHEREAS, President Reagan's commitment to the
10 nation's armed forces contributed to the restoration of
11 pride in America, American values and those cherished
12 by the free world, and prepared America's armed forces
13 to win the Gulf War; and

14 WHEREAS, President Reagan's vision of "peace through
15 strength" led to the end of the Cold War and the
16 ultimate demise of the Soviet Union, guaranteeing basic
17 human rights for millions of people; NOW THEREFORE,

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
19 the House of Representatives, on this the centennial of
20 his birth, recognizes and honors the life and public
21 service of Ronald Wilson Reagan, President of the
22 United States of America, and declares February 6,
23 2011, to be Ronald Reagan Day in Iowa.

H.R. 10 filed February 2, 2011; adopted February 3, 2011.

HOUSE RESOLUTION 14

BY ABDUL-SAMAD, H. MILLER, BERRY, GAINES, and THEDE

1 A resolution designating February 2011 as Black History

2 Month.

3 WHEREAS, Black History Month in the United States

4 dates back to 1926, based upon the efforts of Dr.

5 Carter G. Woodson, a Harvard-educated scholar descended

6 from slave parents; and

7 WHEREAS, Black History Month is traditionally

8 observed in February of each year; and

9 WHEREAS, Black History Month is designated to

10 recognize and pay tribute to many African Americans

11 long neglected by society and the history books; and

12 WHEREAS, Black History Month aims to bridge the gap

13 created by American history's failure to accurately

14 acknowledge, portray, and record the contributions of

15 Blacks in society; and

16 WHEREAS, Black History Month acknowledges the

17 achievements of Blacks in the military, the arts,

18 civil rights, education, entertainment, history, law,

19 literature, medicine, music, politics, science, sports,

20 and other areas; and

21 WHEREAS, the African American population in Iowa has

22 grown from 1.4 percent of the state population in 1980

23 to 2.9 percent in 2010, to almost 90,000 Iowans; and

24 WHEREAS, African Americans in Iowa are increasingly

25 assuming leadership roles in law, medicine, sports,

26 government, education, the arts, and other areas; and

27 WHEREAS, the five African American sponsors

28 of this resolution currently serving in the House

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1 of Representatives constitute one of the largest

2 delegations of African Americans ever to serve in the

3 House of Representatives; NOW THEREFORE,

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

5 That the House of Representatives designates February

6 2011 as Black History Month and encourages schools,

7 community leaders, religious leaders, and all

8 Iowans to take this opportunity to embrace the rich

9 history of African Americans in Iowa, from George

10 Washington Carver to James B. Morris to Simon Estes

11 to Luther and Willie Glanton, and to rediscover the

12 contributions African Americans continue to make to

13 Iowa's educational, economic, and cultural well-being.

H.R. 14 filed on February 23, 2011; adopted February 24, 2011.

HOUSE RESOLUTION 15

BY COWNIE and OLDSON

1 A resolution recognizing February 26, 2011, as Iowa
2 Bacon Day.
3 WHEREAS, the people of Maine have lobster, the
4 people of Idaho grow great potatoes, and the folks
5 of Texas make great chili, we Iowans have bacon ---
6 nature's perfect food; and
7 WHEREAS, whether plain or apple-wood smoked, whether
8 store-bought or artisan-made, bacon is a meat for any
9 meal; and
10 WHEREAS, as America's top pork producer, Iowa stands
11 tall as the nation's source of high-quality bacon; and
12 WHEREAS, the 4th annual Blue Ribbon Bacon Festival
13 is set for Saturday, February 26, 2011, from 10:00 a.m.
14 to 4:00 p.m., in Des Moines; NOW THEREFORE,
15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
16 the House of Representatives recognizes February 26,
17 2011, as Iowa Bacon Day and invites all Iowans to take
18 part in the festival and to celebrate bacon.

H.R. 15 filed February 24, 2011; adopted February 25, 2011.

HOUSE RESOLUTION 17

BY HEDDENS, HEATON, SCHULTE, and M. SMITH

1 A resolution recognizing Wednesday, March 2, 2011, as
2 "Spread the Word to End the Word" day of awareness
3 in Iowa and encouraging the American Medical
4 Association, the American Psychiatric Association,
5 and kindred organizations to utilize the term
6 "intellectual disability" for clinical purposes.
7 WHEREAS, the terms "mental retardation" and
8 "mentally retarded", originally introduced as medical
9 terms, have evolved in today's society to be used
10 as hate speech to degrade and insult persons with
11 intellectual disabilities; and
12 WHEREAS, "Spread the Word to End the Word" is an
13 ongoing effort by Special Olympics and Best Buddies
14 International to raise the consciousness of society
15 about the dehumanizing and hurtful effects of using
16 terms based on the word "retarded" and encourage
17 cessation of the use of such terms; and
18 WHEREAS, the effort to build awareness would be
19 greatly advanced if the American Medical Association,
20 the American Psychiatric Association, and kindred
21 organizations act to replace the use of terms based
22 on the word "retarded" with the use of terms based
23 on the words "intellectual disabilities" for clinical
24 purposes; and
25 WHEREAS, promoting the use of respectful and
26 inclusive language is essential to acknowledging the

27 dignity and humanity of persons with intellectual
28 disabilities; NOW THEREFORE,

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1 BE IT FURTHER RESOLVED BY THE HOUSE OF
2 REPRESENTATIVES, That the House of Representatives
3 proclaims and recognizes Wednesday, March 2, 2011, as
4 "Spread the Word to End the Word" day of awareness in
5 Iowa; and
6 BE IT FURTHER RESOLVED, That all Iowans are
7 encouraged to declare support for their fellow Iowans
8 with intellectual disabilities by spreading the word to
9 end the word on March 2, 2011, and thereafter; and
10 BE IT FURTHER RESOLVED, That the American Medical
11 Association, the American Psychiatric Association, and
12 kindred organizations are encouraged to replace the use
13 of terms based on the word "retarded" with the use of
14 terms based on the words "intellectual disabilities"
15 for clinical purposes.

H.R. 17 filed on March 1, 2011; adopted March 2, 2011.

HOUSE RESOLUTION 20

BY MURPHY, HEIN, ISENHART, LUKAN, and MOORE

1 A resolution to recognize the centennial anniversary of
2 IBM.
3 WHEREAS, on June 16, 2011, IBM will celebrate its
4 100-year anniversary; and
5 WHEREAS, in 1911, the Computing Tabulating Recording
6 Corporation was formed, the legendary Thomas J.
7 Watson, Sr. became its general manager and president
8 in the following years, and in 1924, the company was
9 reorganized and renamed the International Business
10 Machines Corporation, later abbreviated as IBM; and
11 WHEREAS, in its first century, IBM has created
12 technological discoveries that have transformed
13 our lives, from the first electronic calculator and
14 programmable computers, to the chip powering the
15 leading gaming consoles, to the chess master Deep Blue,
16 to the Jeopardy! champion Watson; and
17 WHEREAS, through innovation and technological
18 discovery, IBM ushered in the information age and has
19 improved our world by creating cleaner air and water,
20 better crime-fighting systems for cities, and lower
21 incidence of AIDS, influenza, and other infectious
22 diseases; and
23 WHEREAS, today IBM is continuing to shape the
24 world, investing \$6 billion annually in research and
25 development, employing globally more than 400,000
26 employees, and developing the practices and discoveries

27 that are creating a "Smarter Planet"; and
28 WHEREAS, IBM is also assisting growing cities

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1 around the world including Dubuque, Iowa, to establish
2 solutions to build "Smarter Cities" by reducing
3 traffic congestion and resulting air pollution;
4 digitizing health records to improve patient care;
5 improving access to and quality of education; enhancing
6 surveillance systems to reduce crime rates; sourcing
7 and managing power more intelligently; and improving
8 quality, supply, and access to water; NOW THEREFORE,
9 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
10 That the House of Representatives congratulates the
11 men and women of IBM for 100 years of dedication and
12 innovation, for their pivotal role in the unparalleled
13 progress in the Twentieth Century, and for the
14 promise of a bright future they offer all of us in the
15 Twenty-first Century.

H.R. 20 filed March 9, 2011; adopted April 22, 2011.

HOUSE RESOLUTION 22

BY ANDERSON, DRAKE, ARNOLD, BERRY, MASCHER, S. OLSON,
and PETERSEN

1 A resolution supporting the Republic of China on Taiwan
2 as a part of the global community.
3 WHEREAS, the Republic of China (Taiwan) as the
4 world's 19th largest economy has achieved economic
5 and social stability and in the last two decades has
6 been lauded as a beacon of democracy for Asia, has
7 dramatically improved its record on human rights, and
8 has taken great steps forward to enter the world arena
9 as a trusted partner; and
10 WHEREAS, Taiwan's absence from international
11 organizations has impeded Taiwan's ability to
12 participate in global climate initiatives and to
13 respond to natural disasters like Typhoon Morakot,
14 which struck Taiwan in the summer of 2009, an unusually
15 destructive typhoon season in the Pacific; and
16 WHEREAS, the Taiwan government is grateful for
17 the assistance and condolences of the international
18 community in the wake of Typhoon Morakot in 2009, as
19 dozens of international organizations and nations
20 stepped up to help, including the United States, which
21 supplied military equipment for rescue and recovery
22 operations, the European Union, Japan, and the Chinese
23 mainland; and
24 WHEREAS, aviation safety has become a major global
25 concern since 2001, and Taiwan is a key air transport

26 hub in the Asia-Pacific region, with over 1.35 million
 27 flights passing through the Taipei Flight Information

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1 Region, and with the world's 15th-largest airport by
 2 cargo volume, Taoyuan International Airport; and
 3 WHEREAS, the Taiwan government has undertaken a
 4 policy of "flexible diplomacy" in its international
 5 relations and a pragmatic approach to China, having
 6 completed a number of cross-strait liberalization
 7 measures, including regular, direct passenger
 8 flights between mainland China and Taiwan and other
 9 goodwill measures, resulting in reciprocal gestures
 10 and rapprochement between Taipei and Beijing; NOW
 11 THEREFORE,
 12 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
 13 That the House of Representatives affirms its support
 14 for the participation of Taiwan in the United Nations
 15 Framework Convention on Climate Change (UNFCCC) and the
 16 International Civil Aviation Organization (ICAO) to
 17 increase Taiwan's international space and contribution
 18 to the global community; and
 19 BE IT FURTHER RESOLVED, That the Chief Clerk of the
 20 House of Representatives is hereby directed to send a
 21 copy of this Resolution to Hillary Clinton, Secretary
 22 of State of the United States; Executive Secretary
 23 Christiana Figueres of the UNFCCC; Secretary General
 24 Raymond Benjamin of the ICAO; and the Taipei Economic
 25 and Cultural Office in Chicago, Illinois.

H.R. 22 filed March 9, 2011; adopted March 23, 2011.

HOUSE RESOLUTION 26

BY L. MILLER, RUNNING-MARQUARDT, and PETERSEN

1 A resolution recognizing May as Lupus Awareness Month
 2 in Iowa.
 3 WHEREAS, the Lupus Foundation of America designates
 4 May as National Lupus Awareness Month to show support
 5 for all Americans who have lupus; and
 6 WHEREAS, lupus is an acute and chronic autoimmune
 7 disease in which the immune system is unbalanced,
 8 causing inflammation and tissue damage to virtually
 9 every organ system in the body; and
 10 WHEREAS, lupus can affect any part of the body,
 11 including the skin, lungs, heart, kidneys, and brain,
 12 and can cause seizures, strokes, heart attacks,
 13 miscarriages, and organ failure; and
 14 WHEREAS, although lupus strikes mostly women of
 15 childbearing age, no one is immune from lupus; and
 16 African Americans, Hispanics, Asians, and Native

17 Americans are two to three times more likely to develop
 18 lupus, a disparity that remains unexplained; and
 19 WHEREAS, lupus can be particularly difficult to
 20 diagnose because its symptoms are similar to those
 21 of many other illnesses, with more than one-half of
 22 all people with lupus enduring four or more years of
 23 suffering and visiting three or more doctors before
 24 obtaining a correct diagnosis; and
 25 WHEREAS, major gaps exist in understanding
 26 the causes and consequences of lupus, and current
 27 treatments for the disease can have damaging side
 28 effects; and

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1 WHEREAS, in 2011 the United States Food and Drug
 2 Administration has approved the first new drug for
 3 lupus in half a century; and
 4 WHEREAS, 16,000 Americans develop lupus every
 5 year and 500,000 to 1.5 million Americans have been
 6 diagnosed with the disease, including nearly 15,000
 7 people in Iowa; NOW THEREFORE,
 8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
 9 That the House of Representatives recognizes May
 10 2011 as Lupus Awareness Month in Iowa and urges all
 11 Iowans to observe this month by educating themselves
 12 on the symptoms and impact of lupus, and to join with
 13 the Iowa Chapter of the Lupus Foundation of America
 14 in supporting programs of research, education, and
 15 community service.

H.R. 26 filed on March 15, 2011; adopted April 21, 2011.

HOUSE RESOLUTION 31

BY MASSIE, PEARSON, SHAW, MOORE, KOESTER, IVERSON,
 HAGER, ALONS, KAUFMANN, GRASSLEY, LUKAN, UPMEYER,
 ARNOLD, BRANDENBURG, PAULSEN, HORBACH, ANDERSON, and
 FRY

1 A resolution calling for audit reform and transparency
 2 of the Federal Reserve.
 3 WHEREAS, honest stewardship of the public money and
 4 credit is essential to preserve public confidence in
 5 America's monetary system; and
 6 WHEREAS, a transparent government governs best,
 7 and a transparent monetary system is essential to a
 8 stable, sustainable economy that avoids squandering
 9 resources; and
 10 WHEREAS, by promoting open and transparent
 11 government, an audit of the Federal Reserve by the
 12 Government Accountability Office will promote trust
 13 in government and bring accountability to the Federal

14 Reserve; NOW THEREFORE,
15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
16 the House of Representatives calls upon Congress to
17 enact appropriate legislation to require a full and
18 complete audit of the Federal Reserve, and that the
19 results be immediately provided to Congress and the
20 people of the United States of America; and
21 BE IT FURTHER RESOLVED, That the Chief Clerk of the
22 House of Representatives is directed to forward a copy
23 of this resolution to Iowa's congressional delegation.

H.R. 31 filed March 21, 2011; adopted May 6, 2011.

HOUSE RESOLUTION 33

BY RAECKER, M. SMITH, KAUFMANN, and HORBACH

1 A resolution recognizing the Hoover Uncommon Public
2 Service Award.
3 WHEREAS, Herbert Hoover was both a visionary and
4 dedicated public servant and through his tireless
5 efforts millions of lives were saved in the years after
6 World War I; and
7 WHEREAS, to honor that spirit of public service the
8 Herbert Hoover Presidential Library Association has
9 created the Hoover Uncommon Public Service Award; and
10 WHEREAS, the association will annually present
11 the Hoover Uncommon Public Service Award to Iowa
12 legislators who exemplify President Hoover's
13 humanitarian efforts and have gone above and beyond
14 the call of duty to demonstrate uncommon service and
15 commitment to the people of Iowa; and
16 WHEREAS, in 2011, the association awarded the
17 fifth annual Hoover Uncommon Public Service Award
18 to Representative Annette Sweeney from Alden; NOW
19 THEREFORE,
20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
21 That the House of Representatives thanks the Herbert
22 Hoover Presidential Library Association for the
23 creation of the Hoover Uncommon Public Service Award
24 and congratulates Representative Sweeney on receiving
25 the 2011 award.

H.R. 33 filed March 24, 2011; adopted March 24, 2011.

HOUSE RESOLUTION 36

BY KELLEY, HELLAND, KEARNS, MUHLBAUER, KOESTER, and
CHAMBERS

1 A resolution to recognize the efforts of Patriot
2 Outreach, Inc. in supporting Iowa's veterans and
3 their families.
4 WHEREAS, our nation was founded on the principles of
5 liberty, opportunity, and justice for all, principles

6 which the men and women of our armed forces have
7 valiantly defended throughout our nation's history; and
8 WHEREAS, thousands of Iowans have proudly served in
9 the armed forces, and by answering the call of duty
10 risked their lives in response to combat, peacekeeping
11 missions, rescue operations, and humanitarian relief
12 efforts; and
13 WHEREAS, mental health is essential to everyone's
14 overall health and well-being; and
15 WHEREAS, our brave soldier-citizens face significant
16 challenges in readjusting from the stress of combat to
17 their civilian lives, and family members experience
18 emotional challenges coping with a loved one in
19 danger; and
20 WHEREAS, Patriot Outreach, Inc., a nonprofit
21 organization, founded in the city of Davenport, Iowa,
22 has provided simple, effective, nonintrusive support,
23 designed to bridge the gap between those who seek help
24 and the silent majority who avoid the stigma of seeking
25 assistance; and
26 WHEREAS, Patriot Outreach, Inc. has provided 55,000
27 "Coping Strategies" compact disks and has provided over

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1 34,000 downloads to all branches of the armed forces,
2 veterans, first responders, government civilians,
3 battlefield contractors, and their families; and
4 WHEREAS, these requests do pay tribute to the
5 testimonials attesting to their effectiveness in
6 combating anger, stress, pain, and even posttraumatic
7 stress disorder, with the most notable bulk requests
8 for the compact disks received from the 82nd Airborne
9 Division, 5,000 copies; from the 91st Division, 3,000
10 copies; from Fort Hood, 3,500 copies; from Joint Task
11 Force Headquarters, 1,500 copies; from USO, 1,000
12 copies; and from the Iowa VFW, 8,000 copies; NOW
13 THEREFORE,
14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
15 the House of Representatives recognizes all volunteer
16 organizations that are dedicated to helping the men and
17 women who have served our country, including Patriot
18 Outreach, Inc., and encourage more Iowans to volunteer
19 their services in support of Iowa's veterans and their
20 families.

H.R. 36 filed April 7, 2011; adopted May 2, 2011.

HOUSE RESOLUTION 37

BY PETTENGILL, KAUFMANN, SANDS, J. SMITH, ALONS,
 IVERSON, WATTS, SHAW, HEATON, BAUDLER, TJEPKES, DRAKE,
 SCHULTZ, BALTIMORE, BYRNES, HORBACH, RASMUSSEN,
 SODERBERG, GRASSLEY, PAUSTIAN, DOLECHECK, CHAMBERS,
 VANDER LINDEN, MUHLBAUER, HEIN, WITTNEBEN, RAYHONS,
 WINDSCHITL, WENTHE, MOORE, THOMAS, DE BOEF, DEYOE,
 FRY, MASSIE, and QUIRK

1 A resolution urging the nullification of rules adopted
 2 by the United States Environmental Protection
 3 Agency relating to national emissions standards for
 4 hazardous air pollutants for reciprocating internal
 5 combustion engines.
 6 WHEREAS, the United States Environmental
 7 Protection Agency in March 2010 finalized national
 8 emissions standards for hazardous air pollutants for
 9 reciprocating internal combustion engines which took
 10 effect in May 2013; and
 11 WHEREAS, the rules would have a devastating impact
 12 on Iowa's municipal utilities due to the fact that the
 13 municipal utilities collectively operate 287 diesel
 14 electric generators with a combined nameplate capacity
 15 of 548 megawatts; and
 16 WHEREAS, these rules impact 67 utilities that serve
 17 a total of 106,000 customers with an average of 1,560
 18 customer meters per utility; and
 19 WHEREAS, Iowa's municipal electric utilities
 20 operate diesel generators both to be able to keep the
 21 lights on when transmissions lines are downed by ice,

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1 wind, floods, or other natural disasters or man-made
 2 emergencies, and to meet the obligation to own or buy
 3 reserve capacity; and
 4 WHEREAS, the rules allow a municipal electric
 5 utility to run diesel generators in an emergency, but
 6 effectively take away the ability of a small community
 7 to afford them by prohibiting the receipt of payment or
 8 credit for reserve capacity; and
 9 WHEREAS, the diesel generators run only a few hours
 10 a year, with averages ranging from 14 to 46 hours
 11 depending on power supply arrangements; and
 12 WHEREAS, the application of the rules requires that
 13 each of these engines either be retrofit, replaced,
 14 or removed, resulting in huge cost increases to the
 15 citizen owners of these utilities in the form of rate
 16 increases and lost capacity; and
 17 WHEREAS, the cost estimate if all 287 diesel
 18 generators were to be retrofit for compliance over a
 19 10-year period is \$36 million, which is an average cost
 20 of \$34.14 per year per customer with costs as high

21 as \$203 per year per customer or more, and such cost
22 estimates would increase beyond this amount if diesel
23 generators are replaced or taken out of service; NOW
24 THEREFORE,
25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
26 the United States Environmental Protection Agency is
27 urged to rescind the national emissions standards for
28 hazardous air pollutants for reciprocating internal
29 combustion engines; and
30 BE IT FURTHER RESOLVED, That Iowa's Congressional

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1 delegation is urged to take action to nullify the
2 rules; and
3 BE IT FURTHER RESOLVED, That the Chief Clerk of the
4 House of Representatives shall forward a copy of this
5 resolution to the Administrator of the United States
6 Environmental Protection Agency and all members of
7 Iowa's Congressional delegation.

H.R. 37 filed April 8, 2011; adopted April 13, 2011.

HOUSE RESOLUTION 38

BY WATTS, KELLEY, BALTIMORE, and SWAIM

1 A resolution celebrating baseball and baseball's
2 greatest in Iowa.
3 WHEREAS, springtime has come again to Iowa, bringing
4 with it another season of baseball; and
5 WHEREAS, as another season opens we pause to
6 remember two remarkable Iowans who dedicated themselves
7 to the game, first cousins Bob Feller of Van Meter and
8 Hal Manders of Waukee; and
9 WHEREAS, as kids Bob Feller, Nile Kinnick, and Hal
10 Manders all played on the same Junior Legion Baseball
11 Team; and
12 WHEREAS, Hal Manders was born in 1917, and studied
13 medicine at the University of Iowa and pitched for
14 the Hawkeyes, but chose baseball over medicine and
15 was a relief pitcher in major league baseball in the
16 1940s, playing for the Detroit Tigers and the Chicago
17 Cubs; and
18 WHEREAS, Mr. Manders returned home in 1946 and
19 farmed the rich soils of Dallas County for the rest of
20 his life, working as a community leader and a rural
21 development advisor to President Ronald Reagan; and
22 WHEREAS, Bob Feller was born in 1918, actually
23 pitched his first professional game before he
24 was a senior in high school, and spent his entire
25 professional career of 18 years with the Cleveland
26 Indians, and in 1962 as "the Heater from Van Meter",

27 was inducted into the baseball Hall of Fame; and
 28 WHEREAS, Mr. Feller put his career aside to serve

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1 his country, volunteering immediately for combat
 2 service following the attack on Pearl Harbor, and
 3 becoming the first major league baseball player to do
 4 so; and
 5 WHEREAS, both have passed away in 2010, Mr. Manders
 6 on January 21, and Mr. Feller on December 15, with Mr.
 7 Manders remembered at the Manders Museum Wing in the
 8 Waukee Public Library, and Mr. Feller memorialized at
 9 the Bob Feller Museum in Van Meter; and
 10 WHEREAS, both of these Iowans live on through the
 11 game they loved, as each springtime introduces a new
 12 generation of youngsters to baseball, fans fill the
 13 bleachers, and players take the field; NOW THEREFORE,
 14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
 15 the House of Representatives celebrates the coming of
 16 spring and another baseball season, and celebrates the
 17 memory of Iowa greats Bob Feller and Hal Manders.

H.R. 38 filed on April 13, 2011; adopted April 14, 2011.

HOUSE RESOLUTION 39

BY CHAMBERS, ABDUL-SAMAD, ALONS, ANDERSON, ARNOLD,
 BALTIMORE, BAUDLER, BERRY, BRANDENBURG, BYRNES,
 COHOON, COWNIE, DE BOEF, DEYOE, DOLECHECK, DRAKE,
 FORRISTALL, FRY, GAINES, GARRETT, GASKILL, GRASSLEY,
 HAGENOW, HAGER, HALL, HANSON, HANUSA, HEATON, HEDDENS,
 HEIN, HELLAND, HORBACH, HUNTER, ISENHART, IVERSON,
 JACOBY, JORGENSEN, KAJTAZOVIC, KAUFMANN, KEARNS,
 KELLEY, KLEIN, KOESTER, KRESSIG, LENSING, LOFGREN,
 LUKAN, LYKAM, MASCHER, MASSIE, McCARTHY, H. MILLER,
 L. MILLER, MOORE, MUHLBAUER, MURPHY, OLDSON, S. OLSON,
 T. OLSON, PAULSEN, PAUSTIAN, PEARSON, PETTENGILL,
 RAECKER, RASMUSSEN, RAYHONS, ROGERS,
 RUNNING-MARQUARDT, SANDS, SCHULTE, SCHULTZ, SHAW,
 J. SMITH, M. SMITH, SODERBERG, STECKMAN, SWAIM, SWEENEY,
 J. TAYLOR, T. TAYLOR, THEDE, THOMAS, TJEPKES,
 VAN ENGELHOFEN, VANDER LINDEN, WAGNER, WATTS,
 WENTHE, WESSEL-KROESCHELL, WILLEMS, WINCKLER,
 WINDSCHITL, WITTNEBEN, WOLFE, and WORTHAN

1 A resolution commemorating the seventieth anniversary
 2 of the beginning of World War II and honoring all
 3 World War II veterans.
 4 WHEREAS, nearly 70 years ago, President Franklin
 5 Delano Roosevelt announced to Americans that December
 6 7, 1941, was "a date which will live in infamy"; and
 7 WHEREAS, on that morning, America was maliciously
 8 attacked without warning and without provocation

9 and more than 2,400 Americans died and 1,100 were
10 wounded; and

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1 WHEREAS, the attack on Pearl Harbor changed America
2 forever, thrusting the United States into the Second
3 World War with Japan, Italy, and Germany; and

4 WHEREAS, following the attack, Iowans answered the
5 call of service and joined the armed forces in defense
6 of freedom, with 262,638 Iowans serving valiantly
7 during World War II, with 8,398 laying down their
8 lives, and 10 being awarded the Medal of Honor; and

9 WHEREAS, during World War II, in some of the darkest
10 days of the twentieth century, Iowans proudly served
11 the United States, which stood with more than 40 allied
12 nations to fight and defeat the enemies of freedom
13 across both the Atlantic and Pacific Oceans; and

14 WHEREAS, more than 16 million Americans served in
15 the military during World War II and more than 400,000
16 Americans made the ultimate sacrifice by giving their
17 lives in the service of their country and their fellow
18 Americans and in the name of freedom everywhere; and

19 WHEREAS, all Americans sacrificed on the home front
20 by giving up their loved ones and working for the war
21 effort, offering valuable support to family members,
22 neighbors, and unknown fellow Americans; and

23 WHEREAS, we honor the lives lost in the attack on
24 Pearl Harbor and salute the veterans of World War II
25 by remembering their sacrifices, also paying tribute
26 to those now serving America to advance freedom around
27 the world; NOW THEREFORE,

28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
29 the House of Representatives recognizes December 7,
30 2011, as Pearl Harbor Remembrance Day and commemorates

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1 the seventieth anniversary of the United States of
2 America entering into World War II; and

3 BE IT FURTHER RESOLVED, That all World War II
4 survivors be accorded special thanks and recognition
5 for their actions in their fight against Nazism,
6 fascism, and totalitarianism; and

7 BE IT FURTHER RESOLVED, That those killed during
8 the war be memorialized so the memories of them do not
9 fade; and

10 BE IT FURTHER RESOLVED, That all state agencies,
11 interested organizations, groups, and individuals
12 be encouraged to observe this solemn occasion with
13 appropriate ceremonies and activities.

H.R. 39 filed April 18, 2011; adopted April 18, 2011.

HOUSE RESOLUTION 40

BY DE BOEF, KLEIN, MUHLBAUER, and QUIRK

1 A resolution to honor the service and sacrifice of
2 Keokuk County Deputy Sheriff Eric Stein.
3 WHEREAS, the recent killing of a local peace officer
4 tragically reminds us of the dangers that peace
5 officers face every day and the price that is sometimes
6 demanded of those who stand in harm's way to protect
7 us; and
8 WHEREAS, on April 4, 2011, the highest price was
9 paid by Sergeant Eric Stein, a Deputy Sheriff in Keokuk
10 County and an eleven-year veteran of the Sheriff's
11 Department, when he was slain in the line of duty while
12 protecting the public; and
13 WHEREAS, Sergeant Stein is the first peace officer
14 slain in the line of duty in Iowa since 1985; and
15 WHEREAS, Sergeant Stein was a career law enforcement
16 officer who lived to serve the community as a volunteer
17 firefighter, as an emergency medical technician, and
18 as a sheriff's deputy; and
19 WHEREAS, Sergeant Stein has now been laid to rest,
20 leaving behind a nine-year-old daughter, reminding us
21 that it is not only the officer who must pay the price
22 of law enforcement service; and
23 WHEREAS, in honor of his memory, Governor
24 Terry Branstad has ordered that flags be flown
25 half-staff; NOW THEREFORE,
26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
27 That the House of Representatives mourns the loss of
28 Sergeant Eric Stein, a true hero, whose service and

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1 sacrifice will not be forgotten; and
2 BE IT FURTHER RESOLVED, That the House of
3 Representatives extends the condolences of each member
4 of the House to Sergeant Stein's young daughter, his
5 extended family and friends, the men and women of
6 the Keokuk County Sheriff's Department, and to the
7 communities of Keokuk County.

H.R. 40 filed April 18, 2011; adopted April 22, 2011.

HOUSE RESOLUTION 41

BY ANDERSON, DRAKE, ARNOLD, MASCHER, S. OLSON,
PETERSEN, and BERRY

1 A resolution reaffirming Iowa's sister-state
2 relationship with the Republic of China (Taiwan),
3 and encouraging the United States government to
4 include Taiwan in the United States Visa Waiver
5 Program.

6 WHEREAS, the Republic of China (Taiwan) celebrates
7 its centennial this year and its National Day on
8 October 10, 2011, joining friends and compatriots
9 around the world in commemorating 100 years since
10 its birth on October 10, 1911, as Asia's first
11 Republic; and
12 WHEREAS, in the last quarter-century, the Republic
13 of China, which exists today on Taiwan, has achieved
14 economic and social stability, has been lauded as a
15 beacon of democracy for Asia, has dramatically improved
16 its record on human rights, and has taken great
17 steps forward to enter the world arena as a trusted
18 partner, provider of humanitarian aid, promoter of
19 cultural ties, and creator of new technologies and
20 businesses; and
21 WHEREAS, Governor Terry E. Branstad has played an
22 important role in cementing the long-standing cordial
23 relationship between Iowa and Taiwan, and in 1989
24 signed the agreement with Governor Chuang-huan Chiu
25 of the Taiwan provincial government that formally
26 established sister-state relations; and
27 WHEREAS, the relationship between Iowa and Taiwan

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1 has flourished and been beneficial ever since,
2 particularly with respect to agricultural trade,
3 educational and cultural exchanges, and the hosting of
4 reciprocal trade, legislative, and other delegations
5 to promote economic and cultural ties, including the
6 possible opening of an Iowa state trade office in
7 Taipei; and
8 WHEREAS, Taiwan is an invaluable friend and
9 partner as Taiwan in 2009 ranked as the United States'
10 tenth-largest trading partner and fifth-largest market
11 for United States agricultural goods and the world's
12 fourteenth-largest market for Iowa goods, worth \$94.1
13 million in 2009, an increase of 9.4 percent above
14 Iowa's exports to Taiwan in 2008; and
15 WHEREAS, the Taiwan government has met a central
16 requirement for inclusion in the United States Visa
17 Waiver Program by achieving a low visa-rejection
18 rate of less than 3 percent among Taiwan nationals
19 applying for visas to the United States and has
20 gained visa-waiver status with 113 other countries
21 including the European Union, the United Kingdom and
22 Canada, representing 96 percent of the most frequently
23 visited countries by citizens of Taiwan, which is an
24 increase of 50 countries of those granting Taiwan
25 visa-waiver status in just two and one-half years, thus
26 symbolizing the growing respect commanded by Taiwan
27 internationally; NOW THEREFORE,

28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
29 the House of Representatives reaffirms its support of
30 the sister-state relations between Iowa and Taiwan; and

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1 urges the United States government to include Taiwan in
2 the United States Visa Waiver Program; and
3 BE IT FURTHER RESOLVED, That the Chief Clerk of the
4 House shall send a copy of this Resolution to Governor
5 Terry E. Branstad, United States Secretary of State
6 Hillary Rodham Clinton, Junq-Tzer Lin, Governor of the
7 Taiwan Provincial Government, and the Taipei Economic
8 and Cultural Office in Chicago, Illinois.

H.R. 41 filed April 18, 2011; adopted April 29, 2011.

HOUSE RESOLUTION 42

BY ANDERSON, DRAKE, ARNOLD, BERRY, MASCHER, S. OLSON,
and PETERSEN

1 A resolution to recognize the centennial of the
2 establishment of the Republic of China on Taiwan.
3 WHEREAS, National Celebration Day, also known as
4 Double Ten Day, is celebrated every year on October
5 10th to commemorate the 1911 Wuchang Uprising, which
6 led to the collapse of the Qing Dynasty in China; and
7 WHEREAS, that milestone was quickly followed by the
8 establishment of the Republic of China (Taiwan) on
9 January 1, 1912, under the leadership of the visionary
10 Dr. Sun Yat-sen; and
11 WHEREAS, the Republic of China (Taiwan) is both the
12 first and the oldest republic in Asia; and
13 WHEREAS, the Republic of China (Taiwan) is a vibrant
14 democracy and economic powerhouse that protects
15 human rights, governs through the rule of law, and
16 continually seeks participation in international
17 affairs; NOW THEREFORE,
18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
19 That the members of the House of Representatives offer
20 their congratulations to President Ma Ying-jeou on the
21 centennial year of the founding of the Republic of
22 China (Taiwan) and a century of social, political, and
23 economic achievements; and
24 BE IT FURTHER RESOLVED, That the Chief Clerk of
25 the House is directed to deliver a copy of this
26 resolution to the Taiwan Embassy in the United States
27 and to President Ma Ying-jeou of the Republic of China
28 (Taiwan).

H.R. 42 filed April 18, 2011; adopted April 29, 2011.

HOUSE RESOLUTION 44

BY HEATON, HORBACH, HEDDENS, and M. SMITH

1 A resolution to recognize the positive impact of the
2 community services block grant program.
3 WHEREAS, in state fiscal year 2010, 365,752 Iowans
4 in 140,333 households were helped in their fight
5 against poverty through services funded by the federal
6 Community Services Block Grant (CSBG) program; and
7 WHEREAS, more than 96 percent of the families
8 receiving services were at or below 175 percent of
9 the federal poverty level or \$35,427 annual family
10 income; and
11 WHEREAS, more than 76 percent of the individuals
12 served by the 18 community action agencies were
13 working or received social security as their source of
14 income; and
15 WHEREAS, those 18 community action agencies have 127
16 service centers throughout all 99 Iowa counties; and
17 WHEREAS, each community action agency is governed
18 by a community-based volunteer board of directors
19 consisting of elected officials, private sector
20 representatives, and low-income Iowans; and
21 WHEREAS, Iowa's 18 community action agencies employ
22 3,350 Iowans; and
23 WHEREAS, CSBG funding for the 18 community action
24 agencies brought in \$2.3 million in local funding,
25 \$13.6 million in private funding, \$13.9 million in
26 state funding, and \$222.9 million in federal funding to
27 Iowa's local communities; and
28 WHEREAS, CSBG funding for Iowa's 18 community action

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1 agencies helped generate \$17.7 million in in-kind goods
2 and services and donated items; and
3 WHEREAS, the 18 community action agencies received
4 \$7,154,281 in CSBG funding enabling the community
5 action agencies to operate their service centers and to
6 administer state and federally funded programs; and
7 WHEREAS, President Obama has proposed a 50 percent
8 reduction in CSBG funding and making the allocation
9 of the remaining funds competitive instead of
10 continuing the current allocation formula that brings
11 stability to Iowa's community and economic development
12 initiatives; and
13 WHEREAS, the Iowa House of Representatives supports
14 efforts of the United States Congress to effectively
15 reduce the federal deficit while promoting the current
16 and future economic security of all Iowans; NOW
17 THEREFORE,
18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
19 the House of Representatives supports the positive

20 impact of the CSBG program in Iowa and opposes federal
 21 action to reduce CSBG funding disproportionately
 22 compared to the rest of the federal domestic
 23 discretionary budget; and
 24 BE IT FURTHER RESOLVED, That a copy of this
 25 resolution be sent to the President of the United
 26 States, the President and Secretary of the United
 27 States Senate, the Speaker and Clerk of the United
 28 States House of Representatives, and each member of the
 29 Iowa congressional delegation.

H.R. 44 filed on April 19, 2011; adopted May 10, 2011.

HOUSE RESOLUTION 45

BY KAUFMANN, ARNOLD, BERRY, and GASKILL

1 A resolution celebrating the coal-mining town of Buxton
 2 and its tradition of racial integration and harmony.
 3 WHEREAS, the memory of Buxton, Iowa, reminds us that
 4 racial equality and harmony are more than just societal
 5 dreams; and
 6 WHEREAS, Buxton existed as a coal-mining town in
 7 northern Monroe County from its founding in 1895 until
 8 its mines were closed and its final residents left in
 9 1927; and
 10 WHEREAS, Buxton's population once swelled as high as
 11 10,000, where significant white and African-American
 12 populations harmoniously coexisted, working in
 13 integrated mines, living together in neighborhoods,
 14 learning in integrated schools, and playing on the same
 15 baseball team; and
 16 WHEREAS, African-American and white families alike
 17 shared in the prosperity brought by Buxton's coal,
 18 earning up to \$100 for a five-day workweek at the dawn
 19 of the Twentieth Century; and
 20 WHEREAS, Buxton defied racial attitudes of the
 21 time by allowing African-Americans to serve in
 22 prominent roles in the community such as postmaster,
 23 superintendent of schools, justice of the peace,
 24 constable, and deputy sheriff; and
 25 WHEREAS, Buxton's notable African-American residents
 26 included Dr. Edward A. Carter, who was the first
 27 Black American to graduate from the University of Iowa
 28 College of Medicine, and attorneys George H. Woodson

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1 and Samuel Joe Brown, who cofounded the National Bar
 2 Association; and
 3 WHEREAS, a newspaper at the time described Buxton as
 4 a mecca of Iowa, and modern scholars have called Buxton
 5 a utopia; NOW THEREFORE,

6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
7 That the House of Representatives celebrates the rich
8 history of Buxton, and the ideals of racial integration
9 and harmony it embraced.

H.R. 45 filed April 19, 2011; adopted April 20, 2011.

HOUSE RESOLUTION 46

BY HEATON, HANSON, KEARNS, COHOON, KLEIN, and SANDS

1 A resolution to recognize the Mount Pleasant Mental
2 Health Institute on the sesquicentennial anniversary
3 of its founding.
4 WHEREAS, in 1855, the newly formed state of Iowa was
5 struggling to provide the amenities, facilities, and
6 services that a state owes its citizens; and
7 WHEREAS, in that year, Iowa began construction of a
8 facility to house the mentally ill; and
9 WHEREAS, built at a cost of \$400,000, the facility,
10 then called the Iowa Lunatic Asylum, admitted its first
11 patient on February 26, 1861; and
12 WHEREAS, although that original name seems harsh to
13 modern ears, the asylum embodied the latest thinking in
14 humane patient care and treatment, and was one of the
15 first institutions built on the "Kirkbride Plan"; and
16 WHEREAS, decades passed, treatments improved, and
17 the old asylum was renamed the Mount Pleasant State
18 Hospital and similar facilities were built throughout
19 the state; and
20 WHEREAS, today the old asylum is long closed, and
21 the Mount Pleasant Mental Health Institute provides
22 Twenty-first Century inpatient care for psychiatric and
23 substance abuse problems; and
24 WHEREAS, at the Institute, the Center for
25 Psychiatric Care is accredited by the Centers for
26 Medicare and Medicaid Services, while the Iowa
27 Residential Treatment Center is licensed by the Iowa
28 Department of Public Health; NOW THEREFORE,

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1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 That the House of Representatives honors the long
3 tradition of patient care at the Mount Pleasant Mental
4 Health Institute and congratulates the Institute on its
5 sesquicentennial anniversary.

H.R. 46 filed April 20, 2011; adopted April 26, 2011.

HOUSE RESOLUTION 51

BY PAULSEN, UPMEYER, and McCARTHY

1 A resolution honoring the service, courage, and
 2 sacrifice of United States Army Staff Sergeant
 3 Salvatore Augustine Giunta.
 4 WHEREAS, Salvatore Augustine Giunta is a life-long
 5 Iowan, born in Clinton and raised in Cedar Rapids and
 6 Hiawatha; and
 7 WHEREAS, Staff Sergeant Giunta enlisted in the
 8 United States Army in 2003 and has served two tours of
 9 duty in Afghanistan; and
 10 WHEREAS, on October 25, 2007, Staff Sergeant Giunta
 11 was in the desolate Korengal Valley in Afghanistan as
 12 part of a patrol with other soldiers of Company B, 2nd
 13 Battalion, 503rd Infantry Regiment, 173rd Airborne
 14 Brigade, United States Army; and
 15 WHEREAS, when ambushed by heavily armed Taliban
 16 insurgents, Staff Sergeant Giunta acted only for the
 17 protection of his wounded comrades, engaging the enemy,
 18 pulling the wounded from the line of fire, and rescuing
 19 a wounded soldier from certain capture; and
 20 WHEREAS, the Medal of Honor is the highest award
 21 for valor in action against an enemy force which can
 22 be bestowed upon a soldier serving in the armed forces
 23 of the United States; and
 24 WHEREAS, for his selfless and courageous actions
 25 Staff Sergeant Giunta was awarded the Medal of Honor by
 26 President Barack Obama on November 16, 2010; and
 27 WHEREAS, Staff Sergeant Giunta is the first living
 28 Medal of Honor recipient since Vietnam; NOW THEREFORE,

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1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
 2 the House of Representatives, on behalf of all Iowans,
 3 honors our state's native son Salvatore Augustine
 4 Giunta, a soldier both courageous and humble, whose
 5 actions bring honor to himself and all the soldiers of
 6 the 173rd Airborne Brigade, and expresses its gratitude
 7 for his service to his comrades and his country.

H.R. 51 filed April 25, 2011; adopted May 3, 2011.

HOUSE RESOLUTION 52

BY PAUSTIAN

1 A resolution calling for the curtailment and assessment
 2 of air quality regulation by the United States
 3 environmental protection agency.
 4 WHEREAS, the United States environmental protection
 5 agency (EPA) has proposed or is proposing numerous
 6 new air quality regulations that have had and will

7 potentially have an enormous negative effect on this
8 state's residential, commercial, and industrial energy
9 consumers by increasing rates; and
10 WHEREAS, the EPA's regulatory activity regarding
11 air quality and greenhouse gases has been referred
12 to as a "train wreck" because of the numerous and
13 overlapping requirements, the uncertainty created by
14 the continual demand to upgrade or comply with a new
15 set of regulations, and the potentially devastating
16 consequences this regulatory activity may have on the
17 economy of this state; and
18 WHEREAS, the EPA has not undertaken any
19 comprehensive study of the cumulative effects of
20 this new regulatory activity on the economy, jobs,
21 and competitiveness of the United States; nor has it
22 performed any comprehensive study of the prospective
23 environmental benefits of its greenhouse gas regulation
24 in terms of the impact on global climate change; and
25 WHEREAS, having identified taking action on climate
26 change and improving air quality as its first strategic
27 goal for the 2011-2015 time period, the EPA should be
28 required to identify the specific actions it intends

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1 to take to achieve these goals and to assess the total
2 cost of the actions required to achieve them; and
3 WHEREAS, the General Assembly of the State of Iowa
4 supports continuing improvements in the quality of the
5 nation's air and believes that such improvements can be
6 made in a sensible fashion without damaging the economy
7 so long as there is a full understanding of the cost of
8 the regulations at issue; and
9 WHEREAS, the regulations under consideration could
10 pose significant compliance challenges for the electric
11 power sector, both with respect to economic burden and
12 the feasibility of implementation by the contemplated
13 deadlines; NOW THEREFORE,
14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
15 the House of Representatives supports the imposition
16 of a moratorium on enforcement of rules regulating
17 greenhouse gas emissions for a period of at least two
18 years, and a moratorium on enforcement of existing or
19 proposed rules regulating air quality for at least
20 two years, except air quality regulation which the
21 EPA can document by a preponderance of evidence will
22 result in an imminent or irreversible threat to public
23 health or the environment if subject to a delay in
24 implementation; and
25 BE IT FURTHER RESOLVED, That the House of
26 Representatives supports requiring the EPA to undertake
27 a study, drawing on the expertise of both the EPA and

28 federal agencies and departments possessing expertise
29 in and responsibility for the United States economy
30 and electric utility generation and regulation,

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1 to identify all regulatory activity that the EPA
2 intends to undertake in furtherance of its goal of
3 taking action on climate change and improving air
4 quality. The study should specify the cumulative
5 effects of these regulations on the economy, jobs, and
6 competitiveness of the United States, and provide an
7 objective cost-benefit analysis of the EPA's current
8 and anticipated air quality regulation; and
9 BE IT FURTHER RESOLVED, That a copy of this
10 resolution be sent to the members of Iowa's
11 congressional delegation.

H.R. 52 filed April 26, 2011; adopted May 6, 2011.

HOUSE RESOLUTION 53

BY HALL, WOLFE, HUNTER, T. TAYLOR, MASCHER, KEARNS,
COHOON, ISENHART, M. SMITH, LENSING, KELLEY, T. OLSON,
STECKMAN, BERRY, LUKAN, HANSON, KRESSIG, HEDDENS,
H. MILLER, THEDE, McCARTHY, ABDUL-SAMAD, LYKAM,
WINCKLER, GAINES, GASKILL, MURPHY, WENTHE, OLDSON,
MUHLBAUER, PETERSEN, JACOBY, WITTNEBEN, SWAIM, QUIRK,
R. OLSON, WILLEMS, THOMAS, HEATON, FORRISTALL, DRAKE,
L. MILLER, RAYHONS, WATTS, TJEPKES, DEYOE, DE BOEF,
ANDERSON, HELLAND, UPMEYER, WAGNER, and KOESTER

1 A resolution recognizing the University of Iowa
2 Writers' Workshop and its 75th anniversary.
3 WHEREAS, the Program in Creative Writing at the
4 University of Iowa, better known as the Iowa Writers'
5 Workshop, was founded in 1936 and now celebrates its
6 75th anniversary; and
7 WHEREAS, the program was formally founded under the
8 leadership of Wilbur Schramm and came into prominence
9 during the 24-year tenure of Paul Engle; and
10 WHEREAS, the University of Iowa Writers' Workshop
11 was the first creative writing degree program in the
12 United States and is still the model for contemporary
13 writing programs; and
14 WHEREAS, workshop alumni have collectively
15 published more than 3,500 books of fiction, poetry,
16 and nonfiction and alumni have won 17 Pulitzer Prizes,
17 numerous National Book Awards, and other major literary
18 honors; and
19 WHEREAS, the workshop inspired the creation of

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1 a variety of important University of Iowa writing
2 programs, including the International Writing
3 Program, the Iowa Playwrights Workshop, the top-ranked
4 Nonfiction Writing Program, the Iowa Summer Writing
5 Festival, and the Iowa Young Writers' Studio; and
6 WHEREAS, today the Iowa Writers' Workshop admits
7 up to 50 graduate students each year for a two-year
8 residency program awarding a Master of Fine Arts
9 degree; NOW THEREFORE,
10 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
11 the members of the House of Representatives, with great
12 pride, congratulate the Iowa Writers' Workshop for 75
13 years of literary excellence and send their best wishes
14 for the workshop's 75th Anniversary Reunion scheduled
15 for June 9-12, 2011, in Iowa City.

H.R. 53 filed April 27, 2011; adopted April 29, 2011.

HOUSE RESOLUTION 55
BY UPMEYER and H. MILLER

1 A resolution requesting that the Department of Human
2 Services and the Department of Public Health study
3 the management and treatment of atrial fibrillation.
4 WHEREAS, atrial fibrillation (AFib) is the most
5 common serious heart rhythm disorder and causes 15
6 percent of all strokes in the United States; and
7 WHEREAS, atrial fibrillation affects more than 2.3
8 million Americans, which number is expected to more
9 than double to 5.6 million Americans by 2050; and
10 WHEREAS, one in four people aged 40 years or older
11 develop atrial fibrillation during their lifetime; and
12 WHEREAS, atrial fibrillation causes the heart to
13 beat irregularly or out of rhythm, with the result that
14 people with AFib are nearly five times more likely to
15 have a stroke than someone without the condition; and
16 WHEREAS, AFib-related strokes are about twice as
17 likely to be fatal and about twice as likely to be
18 severely disabling than strokes that are not related
19 to AFib; and
20 WHEREAS, three out of four AFib-related strokes can
21 be prevented, but many patients are not aware of their
22 risk and do not take action to prevent a stroke; and
23 WHEREAS, the estimated direct medical costs of
24 strokes for 2007 totalled \$25.2 billion, including
25 hospital outpatient or office-based provider visits,
26 hospital inpatient stays, emergency room visits,
27 prescribed medicines, and home health care; and
28 WHEREAS, appropriate stroke prevention measures for

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1 persons affected by AFib can effectively reduce the
 2 overall financial burden of the illness within public
 3 assistance programs such as Medicaid and Medicare; and
 4 WHEREAS, reducing the risk of stroke related to AFib
 5 may maintain self-sufficiency on the part of patients
 6 cared for within public assistance programs; NOW
 7 THEREFORE,
 8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
 9 That the House of Representatives requests that the
 10 Department of Human Services and the Department of
 11 Public Health study the feasibility of implementing
 12 an audit program to assess chronic disease management
 13 of stroke prevention in atrial fibrillation patients
 14 using available public and private sources of funding
 15 in an effort to identify opportunities to reduce the
 16 financial and clinical burden of AFib-related strokes
 17 on Iowa, and on public assistance programs including
 18 Medicare and Medicaid; and
 19 BE IT FURTHER RESOLVED, That at the conclusion of
 20 the study, a report of findings and recommendations
 21 be prepared and provided to the General Assembly so
 22 that it can evaluate the effectiveness of the current
 23 quality of care within public assistance programs
 24 including Medicare and Medicaid.

H.R. 55 filed May 5, 2011; adopted May 10, 2011.

HOUSE RESOLUTION 57

BY PAULSEN, BRANDENBURG, DRAKE, FORRISTALL, GARRETT,
 LOFGREN, SCHULTE, WORTHAN, JORGENSEN, SODERBERG,
 ANDERSON, SANDS, COWNIE, PAUSTIAN, S. OLSON, MOORE,
 HAGER, WINDSCHITL, DOLECHECK, DEYOE, J. SMITH,
 BALTIMORE, HEIN, VANDER LINDEN, UPMEYER, TJEPKES,
 PETTENGILL, RAYHONS, DE BOEF, SWEENEY, CHAMBERS,
 HUSEMAN, WATTS, BAUDLER, KOESTER, IVERSON, ARNOLD,
 RASMUSSEN, HANUSA, HAGENOW, FRY, J. TAYLOR, ROGERS,
 ALONS, SCHULTZ, SHAW, and PEARSON

1 A resolution related to the naming of public buildings
 2 and institutions.
 3 WHEREAS, Iowa has a long tradition of naming public
 4 buildings and institutions to honor the life, public
 5 service, and memory of distinguished political leaders
 6 or notable Iowans; and
 7 WHEREAS, the Hoover, Grimes, Wallace, and Ola
 8 Babcock Miller state office buildings, and Jack Trice
 9 Stadium provide examples of this long-established
 10 precedent; and
 11 WHEREAS, traditionally, this honor comes as the
 12 final capstone to a distinguished career and is often

13 accorded as a posthumous honor; and
14 WHEREAS, the Board of Regents has departed from
15 this principle by naming an Iowa State University
16 public policy institute after United States Senator Tom
17 Harkin; and
18 WHEREAS, while a public official may be
19 well-deserving of this honor, it is a departure from
20 this state's tradition while the official is serving in

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1 a state or federal elected position; and
2 WHEREAS, this honor could provide an unfair
3 political advantage to an active political leader
4 who could use the honor as part of future political
5 campaigns; and
6 WHEREAS, this departure from past practice may usher
7 in a new paradigm where buildings and institutions are
8 named based on what funding a particular name might
9 generate; NOW THEREFORE,
10 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
11 the House of Representatives respectfully requests that
12 the Board of Regents reconsider and reverse its action
13 naming an Iowa State University public policy institute
14 after United States Senator Tom Harkin, and reserve
15 that honor until the Senator has retired from public
16 office; and
17 BE IT FURTHER RESOLVED, That the House of
18 Representatives affirms that no public building or
19 institution should be named after a state or federal
20 elected official until that official has retired from
21 public life.

H.R. 57 filed June 6, 2011; adopted June 7, 2011.

MEMORIALS

IN MEMORIAM

HOUSE OF REPRESENTATIVES

SAMUEL ANANIA..... March 3, 1921 – May 25, 2010

PAUL A. BELL October 3, 1950 – June 7, 2010

DONALD L. GRIES..... May 15, 1929 – July 8, 2010

ROBERT M.L. JOHNSON January 6, 1921 – April 13, 2009

ROBERT M. KREAMER January 5, 1941 – October 1, 2010

JOSEPH M KREMER August 19, 1921 – June 30, 2010

OPAL L. MILLER..... October 6, 1915 – April 1, 2010

JANE SVOBODA..... November 3, 1944 – March 14, 2010

SAMUEL ANANIA

SAMUEL ANANIA was born March 3, 1921 in Des Moines, Iowa.

Anania was a graduate of Dowling High School and Iowa Barber College. He owned and operated his barbershop on the corner of SE First and Edison from 1953 to 1970.

Anania served his country in the Army Signal Corps stationed in New Guinea during World War II. He was a south side resident all his life with his wife Mary Louise for over sixty years. They had two children, three grandchildren, four great grandchildren.

He enjoyed supporting his community, politics and volunteering. He served on many community boards including Des Moines Park and Recreation and Des Moines Planning and Zoning Commission. He served on the Polk County Board of Supervisors from 1974 to 1980. Anania was a member of Izaak Walton League, Polk County Peace Officers Association, Stemma D'Italia Lodge, Railsplitters Ambassadors and Bellizzi-MacRae American Legion Post.

He was a member of St. Anthony's Church in West Des Moines, and a past President of the Dowling Club.

Samuel Anania was a Democrat from Polk County. He was elected to the Iowa House in November of 1970 and served in the 64th General Assembly.

Samuel Anania passed away on May 25, 2010 at the age of 89.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Samuel Anania, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BRUCE HUNTER
PETER COWNIE
Committee

PAUL A. BELL

PAUL A. BELL was born On October 3, 1950 in in Algona, Iowa.

After graduating from the University of Northern Iowa he and Niki moved to Newton. Paul served for 31 years as a member of the Newton Police Department. During that time Bell served as the first D.A.R.E. officer in the state and also started the first Neighborhood Watch program in Newton. Representative Bell's first election to the legislature came in 1992.

A large part of Paul's personal life consisted of fishing and time spent outdoors with family and friends. Paul used his lifetime of outdoors experiences to become a very effective Chair of the House Natural Resources Committee. Working as the natural resources leader in the House, Paul was an unyielding supporter of the Water and Land Legacy Amendment to the Iowa Constitution. He led the measure to passage in two successive General Assemblies which allowed the amendment to be put to a vote of the people in the fall of 2010. Seventy-six percent of Iowans agreed with Paul and the measure is now a part of the Iowa Constitution.

Another of Paul's passions was serving as a member of trade delegations visiting other countries. This interest led him to become a member of the General Assembly's International Relations Committee where he quickly became an expert on diplomatic protocol. When Paul formally introduced foreign dignitaries on the House floor, his natural friendliness and diplomatic tact always imparted dignity and made guests feel welcome. The attendance at his memorial service by dignitaries from several other countries was a testament to this generous and special part of Paul's personality.

Paul's friendly manner, easy camaraderie and willingness to share resulted in his membership, often as leader, of a long list of formal and sometimes not-so-formal groups, including: the Lutheran Church, RSVP, YMCA, Kiwanis, PTA, Special Olympics, Salvation Army, League of Women Voters, Cub Scouts, Little League, Red Ribbon Campaign, Jaycees, and, last and certainly not least, his morning coffee group, Wednesday night poker group, the afternoon card group, and his Capitol lunch group.

During his illness Paul inspired others with his courage and his positive outlook on life. He was present in the House Chamber for every day of the 2010 session, even while undergoing difficult treatments in the battle for his health. Paul Bell served nine terms in the Iowa House of Representatives.

Paul Bell passed away on June 7, 2010 at the age of 59.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Paul Bell, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAN KELLEY
JAMES VAN ENGLENHOVEN
Committee

DONALD LEROY GRIES

DONALD "DON" LEROY GRIES was born on May 15, 1929 in Ute, Iowa.

Gries attended Ute Elementary School, Central Grade School in Omaha, NE, and graduated from Ute High School in 1947. After High School, Don served in the U.S. Army. He was assigned duty with the Army of Occupation in Japan. After an honorable discharge he was recalled to active duty during the Korean conflict. In 1951 he was relieved from active duty and honorably discharged from the Reserve in 1952.

September 9, 1950 he married Dorothy in Onawa. In their nearly 60 years together they had four children. He enjoyed watching his children and grandchildren grow up and perform in a variety of events throughout the years.

In 1954 he graduated from Buena Vista College with a Bachelor of Arts degree. Don received a Master of Science degree from Omaha University in 1965 and then went on to earn a specialist in education degree from Omaha University in 1967. During his career in education he began as a teacher at Holly Springers-Hornick School system before they merged with Ute in 1957. For the next ten years he served as a teacher, coach and principal in the Charter Oak-Ute Community School District, in 1967 he became the superintendent until he retired in 1992.

He was an active member of St. John's Lutheran Church. He was active in the American Legion Post 442 for over 50 years and a member of the Charter Oak Community Club.

Donald Gries was a Republican from Crawford County. During his time in the Iowa House he was the chairman of Education, and was a member of the following committees: Ways and Means, Environmental Protection, Small Business, Health and Human Rights Appropriations Subcommittee and Ethics. He was elected to the Iowa House in November of 1992 and served in the 75th, 76th, 77th General Assemblies.

Donald Gries passed away on July 8, 2010 at the age of 81.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Donald Gries, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JASON SCHULTZ
DAN MUHLBAUER
Committee

ROBERT M. L. JOHNSON

ROBERT M.L. JOHNSON was born on January 6, 1921, in Des Moines, Iowa.

As a small boy his family moved to Chicago and then later to Cedar Rapids. He was a 1938 graduate of Franklin High School where he met his bride, Edna Mae Haldy. They were married on July 20, 1941 at Coe College in Cedar Rapids.

Johnson served in the U.S. Army during World War II in the Pacific theater reaching the rank of 1st Lt in the 10th Corps.

After returning from the war Johnson worked in broadcasting first with the Eldora Herald-Tribune then to the Waterloo Daily Courier as a reporter and columnist. He was hired by WMT Stations in 1952 as a radio and television reporter and 'on air' newscaster before becoming the new editor.

Johnson was appointed to the Cedar Rapids City Council as Safety Commissioner. Served as Mayor from 1962 to 1968 during that time he initiated Urban Renewal that essentially rebuilt the downtown area. After his term as Mayor he was the City Manager for Marion from 1971 to 1973. Johnson was involved in many groups and organizations such as a member of the Kenwood Park Presbyterian Church, Mt. Hermon Masonic Lodge, El Kahir Shrine Temple, Goodfellows, Optimists, Executives Club, High 12, Veterans Memorial Commission and the Governors Commission for State and Local Governments under Governor Harold Hughes.

Johnson was a Linn County Republican. During his time in the Iowa House he was the Vice-Chair Commerce and was a member of County Government, Labor and Industrial Relations. He was elected to the Iowa House in November 1978. He served in the 68th, 69th, 69th Extra and 69th Second-Extra General Assemblies.

Robert M.L. Johnson passed away on April 13, 2009, he was 88 years old.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Robert M.L. Johnson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

NICK WAGNER
TODD TAYLOR
Committee

ROBERT MCDONALD KREAMER

ROBERT MCDONALD KREAMER was born on January 5, 1941 in Sioux City, Iowa.

He graduated from Roosevelt High School in 1959. He was a football All-American and first team All-State halfback on the 1958 undefeated state champion football team. Bob attended the University of Iowa on a football scholarship and graduated with Bachelor of Arts in 1963. During his time at the University of Iowa he lettered in both football and track, served as president of Phi Kappa Psi. In 1966 he graduated from University of Iowa, law school with a J.D. degree.

After graduation he was an associate and partner in the Des Moines law firm of Whitfield and Eddy for 25 years and in 1996 he formed Kreamer Law Office.

Bob was always very active in his community, serving on numerous board and numerous positions of leadership. Athletics were a big part of Bob's life. Whether it was participating, watching or being honored by different groups such as being an inductee into the B'Nai B'rith Sports Hall of Fame, Iowa High School Athletic Association Football Players' Hall of Fame and in 1994 inducted to the Drake Relays Officials Wall of Fame.

Most important to Bob was his family, he was married to Donna and together they had six children. Bob loved cooking family dinners, attending family functions and watching his children and grandchildren's' activities. Bob was a member of the First United Methodist Church of Indianola.

Robert M Kreamer was a Republican from Polk County. He was elected to the Iowa House in November of 1968, representing the Beaverdale area in Des Moines serving as the youngest Republican at the time. In his next three terms he was selected by his caucus party to be the Assistant Majority leader, Speaker Pro Tempore, and Assistant Minority Leader. He served in the 63rd, 64th, 65th and 66th General Assemblies.

Robert M. Kreamer passed away on October 1, 2010 at the age of 69.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Robert M. Kreamer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CHRIS HAGENOW
JANET PETERSEN
Committee

JOSEPH M. KREMER

JOSEPH M. KREMER was born August 19, 1921 in Jesup, Iowa.

Kremer was a graduate of Jesup Community School in 1939. He served in the U.S. Army during World War II until discharged in December 1946. On June 11, 1947, he married Ellen Janice Harn at St. John the Evangelist Church in Independence, Iowa. During their sixty-three year marriage they had eight children. Kremer was a lifelong farmer before retiring in 1986.

Kremer was very involved in his community, serving as a member of: Knights of Columbus, Buchanan County Farm Bureau, Iowa Corn Growers Association, Iowa Soybean Association and AMVET Post 31. He was also the Past President of Parish Council, Jesup Senior Citizens Housing, Farmers Mutual Telephone Company, St. Athanasius Credit union and Jesup Formers Cooperative.

He was a member of St. Athanasius Church in Jesup.

Joseph M. Kremer was a Republican from Buchanan County. During his time in the Iowa House he served as a member on Economic Development, Judiciary and Law Enforcement, Labor and Industrial Relations, Small Business and Commerce and Agriculture. He was elected to the Iowa House in November of 1984 and served in the 71st, 72nd, 72nd Extra, 72nd Second-Extra, 73rd, 74th, 74th Extra, 74th Second Extra, 76th and 77th General Assemblies.

Joseph M. Kremer passed away on June 30, 2010 at the age of 88.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Joseph M. Kremer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAN RASMUSSEN
DEBORAH BERRY
Committee

OPAL LOUISE MILLER

OPAL LOUISE MILLER was born October 6, 1915 on a farm west of Rockwell City, Iowa.

Opal was a graduate of Rockwell City High School. While attending Iowa State Teacher's College, majoring in Music and Education she met the love of her life, R.G. (Hap) Miller whom she married in 1935. She owned and operated a farm near Rockwell City.

For twelve years Miller was a deputy recorder for both Warren and Allamakee Counties. Opal was an active member of her community involved with the following groups: Legislative Ladies' League, Eastern Star, Business and Professional Women's Club, Iowa Women's Political Caucus, National Organization of Democratic Women State Legislators, Calhoun County Historical Society, Federated Women's Club and Farm organizations.

After serving her State, Opal began worldwide missionary service, serving in many different areas in a wide range of jobs. She is missed by her six children, thirteen grandchildren and seventeen great-grandchildren.

Opal Miller was a Democrat from Calhoun County, and widow of former State Legislator R. G. (Hap) Miller. She decided to run and was elected to the Iowa House in November of 1974 and served in the 66th and 67th General Assemblies.

Opal Louise Miller passed away on April 1, 2010 at the age of 94.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Opal Louise Miller, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

HELEN MILLER
DAVID TJEPKES
Committee

JANE SVOBODA

JANE SVOBODA was born November 3, 1944 in Toledo, Iowa.

Svoboda graduated from North Tama High School and then attended two years of business school at the Business Institute of Technology with an Advanced Business Degree.

On March 31, 1964 she married Stanley J Svoboda in Clutier, Iowa. They farmed for many years, also owned and operated a waste disposal service. They had four children together and five grandchildren.

Svoboda was a member of the National Society of Foresters, Lions Club and member of the Outstanding Young Women of America. She received a County Bellringer Award in 1980 serving as a member of the Iowa Porkettes and, American Citizenship Award from Iowa Bar Association in 1962.

Svoboda was a person who was always busy. She enjoyed snowmobiling, traveling, dancing and loved spending time with her grandchildren.

Svoboda was a Democrat from Tama County. During her time in the Iowa House she served as a member on Agriculture, Economic Development, and Energy and Environmental Protection. She was elected to the Iowa House in November of 1986 and served in the 72nd, 72nd Extra, 72nd Second-Extra, 73rd, 74th, 74th Extra and 74th Second-Extra General Assemblies.

Jane Svoboda passed away on March 14, 2010 at the age of 65.

Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Fourth General Assembly Of Iowa, That in the passing of the Honorable Jane Svoboda, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

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Committee

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BRANDENBURG, MARK A.—Representative Pottawattamie County

Amendment filed—394

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Resolutions filed—169, 222, 742, 827, 1048, 1223

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BYRNES, JOSH—Representative Cerro Gordo-Floyd-Howard-Mitchell Counties

Amendments filed—742, 904, 999, 1155

Amendments offered—758, 1031, 1062, 1155

Amendment withdrawn—916

Bills introduced—55, 56, 57, 103, 137, 138, 142, 143, 163, 186, 192, 210, 211, 311, 324, 346, 361, 384, 610

Committee appointments—20, 22

Leave of absence—1105

Resolutions filed—169, 222, 719, 827, 987, 1048

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COHOON, DENNIS M.—Representative **Des Moines** County

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 Amendments offered—886, 887, 963
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 Resolutions filed—169, 827, 839, 1048, 1097, 1135, 1251
 Subcommittee assignments—203, 313, 318, 388, 685, 711, 771, 804, 836, 1066

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COWNIE, PETER—Representative Polk County

Amendments filed—557, 773, 1022, 1079, 1145, 1223, 1235

Amendments offered—791, 1042, 1079, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243

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- DOLECHECK, CECIL—Representative Adams-Montgomery-**Ringgold**-Taylor-Union Counties
 Amendments filed—666, 686, 808, 857, 869, 903, 1294
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- DRAKE, JACK—Representative Cass-**Pottawattamie**-Shelby Counties
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 Amendments offered—962, 964
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Recommendations—221, 279, 314, 393, 479, 505, 553-555, 772, 806, 826
Subcommittee assignments—83-84, 107, 144, 145, 152, 158, 166, 167, 188, 189, 203, 218, 276, 277, 313, 321, 331, 353, 365, 388, 415, 433, 434, 446, 447, 474, 475, 498, 499, 524, 644, 646, 685, 712, 719, 804

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Amendments offered—351, 576, 900, 917

Bills introduced—55, 56, 57, 82, 137, 138, 142, 147, 148, 161, 186, 187, 198, 199, 286, 294, 317, 324, 369, 396

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FRY, JOEL—Representative **Clarke**-Decatur-Union Counties

Amendment offered—1013

Bills introduced—55, 56, 57, 137, 138, 147, 163, 186, 192, 199, 210, 211, 286, 347, 348, 361, 369, 396, 610

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Leaves of absence—627, 609, 922

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Resolutions filed—169, 171, 222, 719, 742, 827, 987, 1048, 1223, 1251

Subcommittee assignments—83, 152, 158, 188, 189, 202, 218, 284, 299, 313, 318, 321, 364, 365, 414, 432, 580, 644, 645, 646, 665, 712, 722

GAINES, RUTH ANN—Representative **Polk** County

Amendments filed—109, 110, 111, 112, 582, 687, 773, 903, 904, 1146

Amendments offered—609, 639, 690, 698, 702

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Leaves of absence—715, 1048, 1225, 1266

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Amendments filed—686, 720, 839, 869, 1008, 1151

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Bills introduced—55, 57, 137, 138, 142, 147, 156, 161, 163, 164, 210, 211, 324, 346, 442, 610

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 House Concurrent Resolution 3—Chief Justice Mark Cady's Condition of the Judicial
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 House Concurrent Resolution 4—Terry E. Branstad's Condition of the State and
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GRASSLEY, PAT—Representative Bremer-**Butler** Counties

Amendments filed—109, 113, 117
 Amendment offered—1149
 Bills introduced—55, 56, 57, 103, 105, 137, 138, 142, 143, 147, 163, 186, 192, 210, 211, 283, 320, 324, 335, 347, 358, 384, 610
 Committee appointments—13, 20, 22
 Resolutions filed—222, 719, 742, 827, 987, 1048
 Subcommittee assignments—152, 166, 218, 277, 330, 364, 376, 388, 433, 447, 474, 498, 646, 804, 836, 868, 985, 1047, 1096

HAGENOW, CHRIS—Representative **Polk** County

Amendments filed—334, 356, 678, 954, 1033, 1082, 1097, 1110, 1132, 1159
 Amendments offered—352, 748, 1033
 Amendment withdrawn—1033
 Bills introduced—55, 56, 57, 137, 138, 142, 148, 162, 163, 186, 192, 199, 208, 210, 211, 286, 323, 324, 346, 369, 382, 396, 443
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Resolutions filed—222, 827, 1048, 1223, 1251
Resolution offered—428
Subcommittee assignments—107, 140, 143, 166, 189, 218, 281, 305, 364, 365, 387,
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- HAGER, BOB—Representative **Allamakee**-Winneshiek Counties
Amendments filed—954, 964, 986
Amendment offered—1014
Bills introduced—56, 57, 137, 138, 147, 186, 192, 265, 324, 1000
Committee appointments—20, 21, 337
Explanation of vote—578
Leaves of absence—536, 747, 988
Resolutions filed—222, 742, 827, 1048, 1223
Subcommittee assignments—152, 202, 277, 283, 312, 313, 330, 353, 433, 473, 499, 645
- HALL, CHRIS—Representative **Sioux** County
Amendments filed—109, 110, 111, 112, 780, 954, 963, 964, 965, 1179
Amendments offered—133, 780, 963, 965, 1179
Amendment withdrawn—982
Bills introduced—151, 156, 186, 286, 311, 324, 325, 347, 374, 385, 395, 604, 610
Committee appointments—20, 21, 22, 337, 1259
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Resolutions filed—169, 720, 827, 839, 1048, 1135, 1251
Subcommittee assignments—152, 204, 388, 414, 433, 498, 643, 771, 804, 805, 836, 1066
- HANSON, CURT—Representative **Jefferson**-Van Buren-Wapello Counties
Amendments filed—109, 110, 111, 112, 113, 582, 648, 686, 687, 903, 904, 954, 964,
1146
Amendments offered—614, 637, 696, 697
Bills introduced—74, 146, 151, 156, 187, 188, 265, 267, 280, 286, 324, 347, 361, 370,
374, 395, 460, 495, 604, 610, 1000
Committee appointments—20, 21, 22
Resolutions filed—647, 827, 1048, 1097, 1135, 1251
Subcommittee assignments—107, 145, 166, 167, 189, 203, 276, 330, 364, 388, 415,
432, 644, 836
- HANUSA, MARY ANN—Representative **Pottawattamie** County
Amendments filed—686, 999
Amendment offered—1011
Bills introduced—56, 57, 104, 105, 137, 138, 142, 147, 148, 163, 192, 199, 208, 210,
211, 324, 346, 347, 610
Committee appointments—9, 20, 21, 22, 924
Leave of absence—706
Resolutions filed—222, 827, 1048, 1223
Subcommittee assignments—83, 144, 152, 166, 188, 189, 195, 203, 277, 299, 306,
312, 313, 331, 388, 432, 433, 446, 447, 473, 524, 644, 685, 712, 836
- HEATON, DAVID E.—Representative **Henry**-Lee Counties
Amendments filed—666, 921, 954, 1016, 1108, 1286
Amendments offered—724, 967, 981, 1016, 1108, 1286
Amendment withdrawn—978

- Bills introduced—56, 57, 104, 138, 161, 163, 186, 192, 198, 208, 293, 310, 317, 324, 326, 335, 347, 359, 384, 483, 523
 Committee appointments—9, 20, 21, 1289
 Report—2961-3057
 Resolutions filed—222, 482, 719, 827, 987, 1048, 1082, 1097, 1135
 Resolutions offered—1111, 1164
 Subcommittee assignments—84, 107, 167, 204, 306, 312, 313, 321, 365, 387, 393, 432, 473, 474, 580, 711, 771, 804, 855, 1066, 1130
- HEDDENS, LISA K.**—Representative Boone-**Story** Counties
 Amendments filed—109, 110, 111, 112, 122, 557, 720, 773, 903, 921, 953, 954, 967, 968, 969, 970, 971, 1082, 1146
 Amendments offered—120, 122, 616, 821, 885, 912, 915, 967, 968, 969, 970, 971, 973, 974, 975, 977, 978, 980, 1015, 1194
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 Bills introduced—105, 151, 157, 186, 188, 286, 310, 324, 347, 374, 385, 395, 445, 451, 494, 511, 523, 604
 Committee appointments—20, 22, 1259, 1289
 Report—3071-3072
 Resolutions filed—171, 482, 647, 827, 839, 1048, 1082, 1135, 1251
 Subcommittee assignments—166, 277, 305, 393, 473, 711, 771, 804, 1066, 1130
- HEIN, LEE**—Representative Dubuque-**Jones** Counties
 Bills introduced—55, 56, 137, 138, 142, 192, 210, 211, 265, 324, 430, 610
 Committee appointments—20, 22, 63
 Resolutions filed—222, 647, 719, 827, 987, 1048, 1223, 1292
 Subcommittee assignments—139, 166, 202, 298, 299, 306, 329, 330, 377, 388, 415, 579, 770
- HELLAND, ERIK**—Representative **Polk** County, Majority Whip
 Amendments filed—169, 334, 348, 1187
 Amendments offered—182, 348, 1187
 Bills introduced—55, 56, 57, 103, 104, 137, 138, 142, 147, 148, 162, 163, 186, 187, 192, 194, 210, 211, 285, 316, 324, 346, 360, 384, 459, 461
 Committee appointments—19, 21, 22, 566, 1272
 Leaves of absence—1003, 1230
 Report—2955-2960, 3058-3066
 Resolutions filed—222, 827, 986, 1048, 1135
 Resolutions offered—428, 443, 801
 Subcommittee assignments—107, 143, 144, 218, 329, 377, 388, 473, 498, 499, 579, 803, 804, 835, 836, 868, 869, 984, 1020, 1096, 1134
- HORBACH, LANCE J.**—Representative Grundy-**Tama** Counties
 Amendments filed—556, 581, 648, 742, 768, 769, 828
 Amendments offered—760, 843
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 Bills introduced—56, 61, 103, 104, 137, 138, 155, 209, 210, 211, 266, 286, 294, 311, 324, 359, 610
 Committee appointments—20, 21, 1259
 Leaves of absence—287, 362, 458, 800, 973, 1145
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Resolutions filed—222, 719, 742, 801, 827, 987, 1048, 1082
Subcommittee assignments—83, 143, 152, 166, 276, 277, 299, 312, 353, 364, 432,
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Amendment offered—1013
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- HUNTER, BRUCE L.—Representative **Polk** County
Amendments filed—109, 110, 111, 112, 197, 302, 424, 534, 535, 556, 557, 582, 618,
625, 687, 874, 1146
Amendments offered—602, 618, 619, 631, 632, 633, 635, 636, 640, 641, 785, 878, 879,
884, 1116, 1122
Amendments withdrawn—213, 1117
Bills introduced—102, 103, 139, 141, 142, 146, 147, 150, 151, 161, 170, 171, 185, 187,
210, 265, 266, 280, 286, 324, 347, 374, 382, 385, 395, 460, 461, 495, 536, 537
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Resolutions filed—647, 827, 839, 1048, 1135, 1251
Subcommittee assignments—107, 144, 145, 188, 203, 204, 284, 298, 299, 312, 328,
377, 387, 432, 433, 447, 644, 712, 836
- HUSEMAN, DANIEL ADAIR—Representative **Cherokee**-Plymouth-Woodbury Counties
Amendments filed—839, 870, 886, 954, 1268, 1278
Amendments offered—848, 886, 1268, 1278
Bills introduced—55, 56, 57, 104, 137, 138, 142, 147, 148, 161, 163, 185, 186, 192,
198, 199, 208, 210, 211, 286, 287, 294, 317, 324, 335, 346, 347, 369, 396, 443, 511,
610
Committee appointments—20, 22, 1272
Leaves of absence—988, 1000, 1023, 1041, 1048, 1069, 1083, 1105, 1112, 1145, 1154,
1164
Report—2955-2960
Resolutions filed—222, 827, 1223, 1251
Subcommittee assignments—204, 388, 434, 665, 711, 771, 804, 836, 1066
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ISENHART, CHARLES—Representative **Dubuque** County

Amendments filed—109, 110, 111, 112, 113, 169, 197, 356, 465, 556, 557, 558, 581, 641, 648, 666, 677, 686, 687, 713, 773, 774, 779, 797, 808, 828, 840, 869, 904, 954, 964, 1117, 1123, 1194, 1316
 Amendments offered—135, 184, 465, 634, 641, 677, 705, 735, 779, 819, 820, 947, 948, 964, 978, 1115, 1117, 1118, 1121, 1123, 1124, 1194
 Amendments withdrawn—287, 677, 705
 Bills introduced—61, 81, 104, 105, 139, 143, 146, 151, 161, 185, 186, 188, 212, 266, 267, 280, 286, 310, 320, 324, 347, 358, 362, 381, 385, 395, 459, 460, 495, 511, 523, 532
 Committee appointments—19, 20, 22
 Resolutions filed—333, 647, 827, 839, 1048, 1135, 1251, 1292
 Subcommittee assignments—139, 144, 152, 166, 202, 203, 298, 299, 306, 329, 330, 388, 414, 415, 579, 645, 1096, 1134

IVERSON, STEWART, JR.—Representative Franklin-Hamilton-Webster-**Wright** Counties

Amendments filed—581, 648, 666, 683, 742, 827, 828, 1022, 1079
 Amendments offered—656, 683, 766, 767, 813, 830, 930, 1150
 Amendment withdrawn—831
 Bills introduced—56, 57, 137, 138, 147, 156, 161, 162, 163, 192, 211, 286, 294, 324, 360, 443, 494, 537
 Committee appointments—20, 21, 22
 Leaves of absence—5, 47, 800, 1071
 Resolutions filed—222, 719, 742, 827, 987, 1048, 1223
 Subcommittee assignments—139, 152, 166, 202, 203, 204, 281, 298, 299, 305, 306, 330, 353, 364, 365, 377, 414, 433, 434, 447, 473, 474, 499, 643, 644, 645, 646, 711, 712, 796, 836, 1110

JACOBY, DAVID J.—Representative **Johnson** County

Amendments filed—109, 110, 111, 112, 284, 322, 334, 464, 558, 852, 903, 990, 1146, 1180, 1228
 Amendments offered—121, 288, 464, 1180, 1228
 Amendments withdrawn—290, 350, 852
 Bills introduced—163, 186, 324, 347, 495, 841, 849
 Committee appointments—9, 20, 22, 566, 1259
 Leave of absence—1229
 Report—3058-3066
 Resolutions filed—713, 827, 839, 902, 1048, 1135, 1251
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 Resolutions relating to:
 House Concurrent Resolution 1—canvass of votes and Chester J. Culver's
 Condition of the State and Budget message—10, 12, 36

House Concurrent Resolution 3—Condition of the Judicial Branch message—11, 12, 36
 House Concurrent Resolution 4—Terry E. Branstad's Condition of the State and Budget message—11, 12, 36
 House Concurrent Resolution 5—inauguration of Governor-elect Terry E. Branstad and Lieutenant Governor-elect Kim Reynolds—74, 75, 79
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Resolutions relating to:
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JORGENSEN, RON—Representative **Woodbury** County

Amendments filed—557, 582, 625, 686, 954
 Amendments offered—625, 629, 636
 Bills introduced—55, 56, 57, 137, 138, 142, 150, 157, 161, 162, 163, 187, 192, 209, 265, 280, 384, 385, 610
 Committee appointments—20, 21, 22
 Explanation of vote—473
 Leaves of absence—350, 362
 Presented to the House—3A Boys' Basketball 2011 Champions—723
 Presented to the House—2011 Teacher of the Year—1114
 Resolutions filed—222, 720, 827, 1048, 1223
 Subcommittee assignments—107, 139, 144, 145, 167, 189, 202, 218, 276, 298, 299, 305, 321, 328, 330, 365, 377, 387, 414, 415, 432, 434, 475, 498, 580, 644, 645, 712, 719, 836

JUDICIARY, COMMITTEE ON—

Amendments filed—531, 557
 Amendments offered—727, 756
 Appointed—21
 Bills introduced—211, 265, 305, 309, 323, 361, 462, 510, 519, 522, 523, 538, 539, 563, 597, 598, 600
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KAJTAZOVIC, ANESA—Representative **Black Hawk** County

Amendments filed—109, 110, 111, 112, 322, 334, 582, 798, 903, 972, 1047, 1082, 1110, 1122
 Amendments offered—640, 972, 1122
 Bills introduced—186, 207, 266, 311, 324, 325, 347, 374, 384, 385, 395, 411, 494
 Committee appointments—20, 21, 22, 49, 173
 Explanation of vote—1037
 Requested to be added as a sponsor of House File 93—312
 Resolutions filed—647, 713, 827, 839, 1048, 1251
 Subcommittee assignments—83, 139, 166, 299, 329, 330, 353, 364, 388, 414, 415, 433, 473, 474, 498, 499, 534, 579, 645, 646, 712, 770, 804, 836, 869, 1020, 1096

KAUFMANN, JEFF—Representative **Cedar**-Johnson-Muscatine Counties, Speaker Pro Tempore

Amendments filed—109, 113, 117, 581, 582, 666, 709, 742, 765, 921, 933, 1047, 1156
 Amendments offered—117, 681, 765, 933, 1116
 Amendments withdrawn—117, 765
 Bills introduced—55, 56, 57, 58, 81, 103, 105, 137, 138, 142, 147, 163, 170, 186, 192, 198, 211, 265, 304, 310, 316, 326, 361, 369, 374, 382, 384, 396, 442, 445, 459, 461, 610
 Committee appointments—6, 19, 21, 22, 1288
 Leave of absence—1086
 Presented to the House—Governor Terry E. Branstad—785
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 Remarks by—13-15
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 Resolutions filed—15, 169, 171, 222, 647, 713, 719, 742, 801, 827, 987, 1048, 1082
 Resolution offered—1084
 Rulings made (as acting Speaker)—120, 705, 947, 965, 977, 1010
 Subcommittee assignments—84, 139, 140, 143, 166, 203, 218, 283, 299, 305, 306, 328, 329, 330, 331, 388, 415, 432, 474, 499, 711, 712, 719, 868, 1134

KEARNS, JERRY A.—Representative **Lee** County

Amendments filed—109, 110, 111, 112, 113, 206, 534, 535, 612, 616, 625, 989, 1146
 Amendments offered—213, 612, 616, 634, 989
 Amendment withdrawn—625
 Bills introduced—105, 146, 151, 186, 187, 188, 266, 324, 347, 374, 385, 395, 495, 536, 537, 604, 1000
 Committee appointments—21, 22, 337
 Explanation of vote—551
 Resolutions filed—114, 647, 827, 839, 986, 1048, 1097, 1135, 1251
 Subcommittee assignments—143, 144, 276, 299, 306, 329, 365, 388, 415, 432, 473, 499, 644, 645, 740, 771, 796, 804, 836, 868, 869, 1096, 1134

KELLEY, DAN—Representative **Jasper** County

Amendments filed—109, 110, 111, 112, 113, 322, 558, 687, 773, 954, 964, 1146
 Amendments offered—569, 698, 1123
 Bills introduced—146, 151, 186, 265, 286, 311, 324, 347, 374, 384, 395, 460, 495, 537, 604, 622
 Committee appointments—20, 21, 64, 924
 Explanation of vote—1198
 Resolutions filed—647, 827, 839, 986, 1040, 1048, 1135, 1251
 Subcommittee assignments—140, 145, 188, 202, 277, 313, 330, 376, 388, 414, 432, 644, 712, 804, 855

KLEIN, JARAD—Representative Jefferson-Johnson-**Washington** Counties

Amendment filed—581, 582
 Amendment offered—735
 Amendment withdrawn—789

Bills introduced—55, 56, 57, 137, 138, 147, 185, 186, 192, 211, 265, 286, 324, 347, 361, 369, 386, 395, 396, 411, 443, 610
 Committee appointments—20, 21, 22, 64
 Resolutions filed—222, 713, 827, 1048, 1067, 1097
 Subcommittee assignments—139, 143, 145, 188, 202, 203, 276, 299, 330, 353, 376, 432, 473, 499, 685, 722, 836

KOESTER, KEVIN—Representative **Polk** County

Amendments filed—1078, 1079, 1159
 Amendments offered—1077, 1078, 1079
 Bills introduced—56, 57, 81, 103, 137, 138, 142, 147, 163, 164, 186, 199, 211, 311, 324, 412, 442, 459, 537
 Committee appointments—16, 20, 21, 22
 Explanations of vote—387, 684, 1290
 Leaves of absence—650, 761, 1230, 1272
 Resolutions filed—222, 647, 742, 827, 986, 1048, 1136, 1220, 1223
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KRESSIG, BOB M.—Representative **Black Hawk** County

Amendments filed—109, 110, 111, 112, 322, 334, 394, 581, 903, 1082
 Amendment offered—129
 Amendment withdrawn—130
 Bills introduced—146, 186, 187, 191, 207, 286, 311, 324, 325, 347, 374, 385, 395, 461
 Committee appointments—2, 20, 21, 22
 Leaves of absence—445, 450
 Report—2
 Resolutions filed—647, 713, 827, 839, 1048, 1135, 1251
 Subcommittee assignments—83, 107, 166, 318, 330, 353, 364, 376, 433, 434, 446, 473, 499, 721

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Appointed—21
 Bills introduced—191, 430, 493, 497, 519, 520, 521, 539, 598, 605
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LENSING, VICKI S.—Representative **Johnson** County

Amendments filed—109, 110, 111, 112, 686, 687, 742, 773, 794, 874, 903, 964, 1082, 1146

Amendments offered—134, 794, 948, 964, 1120, 1121, 1123

Amendments withdrawn—882, 964, 1121

Bills introduced—105, 146, 151, 187, 324, 326, 347, 374, 385, 395, 461, 495, 604

Committee appointments—2, 20, 21, 22, 923

Report—2

Resolutions filed—647, 713, 827, 839, 1048, 1135, 1251

Subcommittee assignments—84, 140, 166, 189, 218, 299, 306, 364, 377, 388, 473, 498, 499, 643, 644, 711, 712, 1110

LOBBYISTS—

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Amendment filed—440

Amendment offered—512

Appointed—21

Bills introduced—461, 462, 512, 519, 520, 522, 532, 539, 540, 598

Recommendations—438-439, 507, 529-530, 722, 807, 826

Subcommittee assignments—202, 203, 218, 276, 283, 353, 365, 433, 473, 499, 645, 646

LOFGREN, MARK S.—Representative **Muscatine** County

Amendments filed—839, 954, 964

Amendment offered—847

Bills introduced—55, 56, 57, 104, 137, 138, 142, 147, 148, 163, 186, 192, 198, 208, 211, 294, 316, 317, 324, 335, 359, 384, 412, 604

Committee appointments—16, 20, 21, 1259

Explanation of vote—473

Leave of absence—450

Presided at session of the House—1262

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Requested to be added as a sponsor of House File 19—106

Resolutions filed—222, 827, 1048, 1223

Subcommittee assignments—143, 145, 153, 167, 195, 203, 204, 218, 313, 331, 387, 446, 447, 474, 498, 644, 712

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties, Assistant

Majority Leader

Amendments filed—424, 557, 720, 773, 817, 819, 820

Amendments offered—573, 817, 819, 823

Bills introduced—55, 56, 57, 58, 81, 105, 138, 142, 147, 148, 163, 186, 187, 192, 199, 209, 211, 317, 324, 348, 360, 361, 446, 610

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 Resolutions filed—222, 647, 742, 827, 1048, 1135, 1292
 Rulings made (as acting Speaker)—180, 181, 972
 Subcommittee assignments—158, 203, 277, 331, 393, 771, 804, 805, 1066

LYKAM, JIM—Representative **Scott** County

Amendments filed—109, 110, 111, 112, 666, 827, 887
 Amendment offered—887
 Amendments withdrawn—716, 717
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 Resolutions filed—827, 839, 1048, 1135, 1251
 Subcommittee assignments—152, 158, 202, 204, 277, 281, 298, 395, 306, 330, 353,
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MAJORITY LEADER, Linda Upmeyer—Representative Cerro Gordo-Franklin-**Hancock**
 Counties

MASCHER, MARY—Representative **Johnson** County, Assistant Minority Leader

Amendments filed—109, 110, 111, 112, 558, 582, 666, 686, 687, 779, 808, 827, 900,
 903, 1082, 1146
 Amendments offered—123, 637, 690, 693, 698, 702, 779, 912, 1120
 Amendments withdrawn—675, 702, 831, 1126
 Bills introduced—105, 151, 186, 187, 188, 267, 324, 347, 374, 384, 385, 395, 461, 494,
 495, 604
 Committee appointments—6, 19, 20, 21, 22
 Leave of absence—715
 Resolutions filed—647, 685, 713, 827, 839, 1048, 1067, 1135, 1159, 1251
 Subcommittee assignments—107, 203, 277, 298, 305, 312, 330, 365, 415, 432, 447,
 474, 475, 499, 643, 644, 685

MASSIE, GLEN H.—Representative **Warren** County

Amendments filed—828, 857
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 Requested to be added as a sponsor of House File 1—77
 Resolutions filed—169, 222, 719, 742, 827, 987, 1048, 1101, 1251
 Subcommittee assignments—78, 84, 166, 306, 312, 364, 365, 377, 414, 474, 498, 524,
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MCCARTHY, KEVIN M.—Representative **Polk** County, Minority Leader

Amendments filed—109, 110, 111, 112, 282, 509
 Amendment offered—517
 Bills introduced—347, 385, 724
 Committee appointment—19
 Leaves of absence—688, 715
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MILLER, HELEN—Representative **Webster** County

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 Committee appointments—20, 21
 Leaves of absence—224, 287, 611, 627, 649, 650, 674, 688
 Resolutions filed—424, 827, 839, 1048, 1135, 1160, 1251
 Resolutions offered—1165
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MILLER, LINDA J.—Representative **Scott** County

Amendments filed—557, 666, 713, 1108
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MINORITY LEADER, Kevin McCarthy—Representative **Polk** County

MOORE, BRIAN—Representative Clinton-Dubuque-**Jackson** Counties
Amendments filed—742, 954, 964
Amendment offered—794
Bills introduced—55, 56, 57, 138, 147, 163, 186, 192, 198, 211, 265, 610, 1000
Committee appointments—20, 21, 22, 173, 336
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Prevailed:
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MURPHY, PATRICK J.—Representative **Dubuque** County

Amendments filed—109, 110, 111, 112, 113, 196, 206, 468, 531, 534, 535, 557, 613,
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Amendments offered—126, 468, 613, 614, 635, 893, 908, 1244
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395, 410, 460, 495, 536, 604
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 Resolutions filed—647, 827, 1048, 1135, 1251, 1252, 1292
 Subcommittee assignments—145, 388, 415, 432, 645, 771, 804, 836, 1066

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- OLSON, RICK**—Representative **Polk** County
Amendments filed—109, 110, 111, 394, 648, 686, 742, 768, 769, 860, 864, 990
Amendments offered—768, 769
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- OLSON, STEVEN N.**—Representative **Clinton-Scott** Counties
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- PEARSON, KIM—Representative Jasper-Polk Counties**
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- PETERSEN, JANET—Representative **Polk** County
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- PETTENGILL, DAWN E.—Representative **Benton**-Iowa Counties
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Amendments filed—109, 110, 111, 112, 557, 713, 720, 742, 773, 797, 861, 904, 1068, 1082, 1107

Amendments offered—758, 759, 817, 821, 861, 913, 1084, 1086, 1088, 1090

Amendments withdrawn—817, 820, 917, 1090

Bills introduced—151, 163, 188, 207, 324, 446, 610

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Explanation of vote—297

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SANDS, THOMAS R.—Representative Des Moines-**Louisa**-Muscatine Counties

Amendments filed—449, 713, 863, 1040, 1063, 1177, 1178, 1189, 1229

Amendments offered—464, 465, 863, 864, 1004, 1045, 1063, 1177, 1178, 1189, 1227, 1229, 1245

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Amendments withdrawn—1015, 1108, 1195

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SMITH, MARK D.—Representative **Marshall** County, Assistant Minority Leader

Amendments filed—109, 110, 111, 112, 557, 558, 648, 773, 857, 1146
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 Amendments offered—852, 1085, 1117, 1118, 1124
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 House Resolution 50—impeach Supreme Court Justice David S. Wiggins—1101
- SWAIM, KURT—Representative Appanoose-**Davis**-Wayne Counties
 Amendments filed—109, 110, 111, 112, 113, 394, 582, 686, 828, 860, 864, 989, 1146
 Amendments offered—121, 125, 653, 860, 864
 Bills introduced—104, 105, 146, 186, 265, 303, 311, 325, 374, 395, 441, 442, 494, 495, 510
 Committee appointments—13, 20, 21, 22
 Explanation of vote—305
 Leaves of absence—346, 373, 1295
 Resolutions filed—647, 827, 839, 1040, 1048, 1135, 1251
 Subcommittee assignments—203, 218, 330, 364, 365, 376, 388, 433, 446, 474, 685, 712, 719
- SWEENEY, ANNETTE—Representative Franklin-**Hardin**-Marshall Counties
 Addressed the House—801
 Amendments filed—648, 839, 869, 954, 964
 Amendments offered—717, 941
 Bills introduced—55, 56, 57, 105, 137, 138, 142, 147, 163, 185, 192, 211, 294, 324, 346, 384, 385, 386, 396, 441, 451, 495, 497, 610, 830
 Committee appointments—20, 21, 22
 Leaves of absence—1225, 1227
 Presided at session of the House—184
 Received the Hoover Uncommon Public Service Award—801
 Resolutions filed—169, 222, 394, 556, 827, 1048, 1223
 Subcommittee assignments—158, 203, 313, 388, 415, 432, 474, 645, 646, 712
- TAYLOR, JEREMY—Representative **Woodbury** County
 Amendments filed—356, 558, 720, 904, 954, 986
 Amendments offered—453, 576, 755, 1008
 Bills introduced—57, 62, 104, 105, 137, 138, 142, 163, 170, 187, 192, 199, 211, 286, 294, 324, 346, 348, 361, 369, 384, 396, 610
 Committee appointments—20, 21, 22, 86
 Leaves of absence—963, 1225, 1227, 1303
 Presented to the House—3A Boys' Basketball 2011 Champions—723
 Resolutions filed—222, 482, 720, 827, 1048, 1223
 Subcommittee assignments—84, 140, 145, 152, 188, 189, 203, 218, 219, 313, 321, 365, 388, 415, 474, 498, 499, 524, 644, 712, 804, 868, 985, 1020

TAYLOR, TODD E.—Representative **Linn** County

Amendments filed—109, 110, 111, 112, 113, 534, 535, 611, 617, 618, 686, 908, 989, 990, 991, 1226
Amendments offered—127, 609, 611, 618, 635, 709, 785, 908, 989, 990, 991
Amendments withdrawn—617, 717, 990, 1244
Bills introduced—146, 207, 208, 266, 303, 324, 385, 430, 536
Committee appointments—20, 21, 22, 1259
Explanations of vote—387, 740
Leaves of absence—1266, 1293, 1303
Presented to the House—U.S. Congressman David Loebsack—383
Resolutions filed—647, 827, 839, 1048, 1135, 1251
Subcommittee assignments—144, 153, 166, 202, 298, 312, 328, 330, 388, 432, 644, 645, 771, 804, 836, 1066

TEMPORARY OFFICERS—

Elected—1
Took oath of office—1

TEMPORARY RULES—

Adopted—16

THEDE, PHYLLIS—Representative **Scott** County

Amendments filed—109, 110, 111, 112, 557, 773, 1146
Amendments offered—603, 607, 633
Bills introduced—186, 286, 311, 347, 374, 395, 494, 495, 604, 610
Committee appointments—20, 21
Leaves of absence—650, 674, 875, 906, 1293, 1303
Presented to the House—“Write Women Back Into History” essay contest winners—614-615
Resolutions filed—424, 647, 827, 1048, 1135, 1251
Subcommittee assignments—158, 276, 433, 473, 499, 740, 855

THOMAS, ROGER—Representative **Clayton**-Delaware-Fayette Counties

Amendments filed—109, 110, 111, 112, 113, 468, 720, 742, 773, 785, 820, 990, 1178, 1180, 1190
Amendments offered—130, 785, 817, 820, 822, 990, 1178, 1190
Amendments withdrawn—468, 817, 823, 1180
Bills introduced—105, 164, 170, 187, 265, 324, 347, 385, 460, 495, 604
Committee appointments—20, 22, 1259
Resolutions filed—169, 719, 827, 987, 1048, 1135, 1251
Subcommittee assignments—144, 203, 299, 329, 377, 388, 474, 498, 645, 804, 869

TIME CERTAIN—

Invoked:
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House File 697—1224
Senate File 534—1224

TJEPKES, DAVID A.—Representative Calhoun-Greene-**Webster** Counties

Amendment filed—1157
Amendment offered—1157
Bills introduced—55, 56, 57, 103, 137, 138, 146, 187, 199, 265, 317, 326, 335, 346

- Committee appointments—21, 22, 64
 - Resolutions filed—222, 509, 647, 719, 827, 987, 1048, 1135, 1223
 - Subcommittee assignments—84, 148, 202, 203, 204, 218, 281, 298, 305, 306, 313, 318, 353, 364, 365, 388, 414, 434, 473, 474, 499, 645, 711, 712, 721, 836
- TRANSPORTATION, COMMITTEE ON—
- Amendment filed—840
 - Amendment offered—930
 - Appointed—22
 - Bills introduced—346, 431, 463, 532, 600
 - Recommendations—333, 423, 439-440, 482, 509, 741, 839
 - Subcommittee assignments—107, 158, 167, 204, 281, 298, 305, 306, 318, 353, 414, 415, 434, 474, 644, 645, 665, 711, 712, 836
- UNANIMOUS CONSENT—9, 10, 11, 15, 16, 74, 82, 114, 171, 224, 251, 484, 517, 627, 789, 801, 1041, 1042, 1048, 1084, 1283, 1304
- UNFINISHED BUSINESS CALENDAR—
- Bills placed on—867, 983
- UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties, Majority Leader
- Amendment filed—1079
 - Bills introduced—55, 56, 57, 103, 137, 138, 142, 210, 211, 324, 384, 724
 - Committee appointments—19, 1259
 - Leave of absence—800
 - Presented to the House—Honorable Clarence Hoffman—194
 - Presided at session of the House—987
 - Remarks by—17-19, 1309-1311
 - Report—3071-3072
 - Resolutions filed—9, 10, 11, 74, 82, 169, 222, 394, 742, 827, 1110, 1136, 1160, 1223, 1251, 1314
 - Resolutions offered—9, 10, 11, 74, 82, 114, 171, 484, 1161, 1271, 1293, 1314
 - Special presentation to House Pages—1111-1112
- VAN ENGELENHOVEN, JAMES—Representative Jasper-**Marion** Counties
- Bills introduced—138, 142, 147, 148, 186, 192, 211, 294, 323, 324, 360, 374, 610
 - Committee appointments—21, 22
 - Leaves of absence—625, 927, 1145, 1154
 - Presented to the House—Queen of the 2011 Pella Tulip Festival—743
 - Resolutions filed—222, 827, 1048
 - Subcommittee assignments—153, 158, 365, 473, 499, 836, 855
- VANDER LINDEN, GUY—Representative **Mahaska**-Poweshiek Counties
- Bills introduced—55, 56, 57, 105, 137, 138, 186, 192, 208, 211, 265, 324, 369, 396, 511
 - Committee appointments—2, 21, 22
 - Report—2
 - Resolutions filed—222, 719, 827, 987, 1048, 1223, 1292
 - Subcommittee assignments—166, 299, 313, 328, 329, 330, 353, 388, 579, 644, 645, 770, 796, 920, 984, 1096

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Resolutions relating to:

- House Concurrent Resolution 6—Condition of the Iowa National Guard message—82, 172
- House Concurrent Resolution 7—establishing national recovery center —114, 143
- House Resolution 36—Patriot Outreach, Inc.—986, 1140
- House Resolution 39—World War II—seventieth anniversary—1048
- House Resolution 51—U.S. Army Staff Sergeant Salvatore Augustine Giunta—1110, 1144
- House Resolution 62—USS Dubuque and crew—1292, 1293

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- Appointed—22
- Bills introduced—266, 386, 493, 494, 540
- Recommendations—196, 379-380, 448-449, 531, 741-742, 772, 874
- Subcommittee assignments—145, 203, 306, 330, 331, 388, 415, 644, 796

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- Quorum call—115, 199, 747, 906, 959, 1003, 1031, 1070, 1112, 1145, 1163, 1267, 1298, 1304

WAGNER, NICK—Representative **Linn** County

- Amendments filed—113, 123, 129, 394, 713, 773, 1107, 1230, 1270
- Amendments offered—115, 123, 129, 467, 513, 752, 1107, 1230, 1270
- Bills introduced—55, 56, 57, 103, 137, 138, 156, 157, 186, 210, 211, 294, 305, 324, 346, 360, 373, 443
- Committee appointments—9, 20, 21, 336, 566, 1288
- Presided at session of the House—1216
- Reports—3058-3066, 3072-3079
- Resolutions filed—222, 827, 1048, 1136
- Subcommittee assignments—166, 283, 305, 331, 364, 393, 414, 433, 434, 446, 473, 499, 534, 719, 771, 804, 1066

WATTS, RALPH C.—Representative Boone-**Dallas** Counties

- Amendments filed—557, 742, 870, 877, 1040, 1082, 1279
- Amendments offered—877, 1279

- Amendments withdrawn—845, 1118
 - Bills introduced—55, 56, 57, 58, 81, 137, 138, 142, 156, 162, 164, 192, 199, 208, 293, 294, 304, 326, 359, 360, 383, 384, 994
 - Committee appointments—20, 21, 22
 - Leaves of absence—688, 715, 784, 800, 1189
 - Resolutions filed—169, 222, 719, 827, 987, 1040, 1048, 1135, 1223
 - Resolution offered—1041
 - Subcommittee assignments—144, 166, 167, 202, 364, 393, 414, 432, 433, 434, 473, 498, 499, 534, 645, 771, 804, 836, 1066
- WAYS AND MEANS, COMMITTEE ON—
- Amendments filed—394, 863, 1040, 1132, 1159, 1223
 - Amendments offered—464, 864, 1149, 1227, 1246
 - Appointed—22
 - Bills introduced—217, 266, 780, 787, 809, 812, 848, 871, 905, 922, 958, 987, 994, 1034, 1094, 1099, 1133, 1141
 - Recommendations—222, 393, 772-773, 807-808, 839, 859, 869, 920-921, 985-986, 1022, 1039, 1100, 1131, 1135, 1143, 1159, 1221-1222, 1223
 - Subcommittee assignments—143, 144, 329, 387, 388, 579, 770, 803, 804, 835, 836, 868, 869, 920, 984, 985, 1020, 1047, 1096, 1097, 1134
- WENTHE, ANDREW J.—Representative Black Hawk-Bremer-**Fayette** Counties
- Amendments filed—109, 110, 111, 112, 113, 557, 666, 874, 954, 964, 965
 - Amendments offered—682, 883, 965
 - Bills introduced—146, 186, 187, 309, 310, 324, 395, 495
 - Committee appointments—19, 20, 22
 - Resolutions filed—171, 647, 719, 827, 987, 1048, 1135, 1251
 - Subcommittee assignments—139, 153, 166, 167, 298, 299, 328, 331, 393, 414, 498, 644, 665, 711, 712, 771, 796, 804, 836, 1066
- WESSEL-KROESCHELL, BETH—Representative **Story** County
- Amendments filed—109, 110, 111, 112, 687, 773, 794, 903, 1082, 1110, 1146
 - Amendment offered—1125
 - Amendments withdrawn—794, 1120
 - Bills introduced—105, 146, 151, 188, 266, 280, 286, 311, 324, 325, 326, 347, 374, 385, 395, 451, 460, 494, 495
 - Committee appointments—20, 21, 1289
 - Leave of absence—373
 - Resolutions filed—647, 827, 839, 1048, 1251
 - Subcommittee assignments—78, 84, 143, 204, 284, 305, 329, 365, 388, 474, 499, 646
- WILLEMS, NATE—Representative Johnson-**Linn** Counties
- Amendments filed—109, 110, 111, 112, 113, 119, 196, 534, 535, 556, 557, 618, 625, 666, 686, 687, 773, 903, 904, 917, 989, 1097
 - Amendments offered—118, 119, 291, 295, 574, 602, 618, 631, 632, 640, 641, 693, 701, 702, 917, 989, 1115
 - Amendments withdrawn—119, 213, 618, 691, 693
 - Bills introduced—61, 146, 185, 186, 207, 266, 286, 294, 316, 324, 325, 361, 385
 - Committee appointments—20, 21, 22
 - Leave of absence—410
 - Resolutions filed—827, 839, 1048, 1135, 1251

- Subcommittee assignments—144, 158, 166, 189, 299, 329, 331, 353, 387, 393, 415, 432, 433, 434, 474, 498, 499, 524, 712, 719, 804, 835, 868, 1020
- WINCKLER, CINDY L.—Representative **Scott** County
Amendments filed—109, 110, 111, 112, 557, 558, 666, 686, 687, 773, 808, 903, 904, 1012, 1146
Amendments offered—116, 132, 575, 691, 700, 702, 703, 912, 913, 914, 915, 916, 1012, 1119
Amendment withdrawn—915
Bills introduced—105, 146, 156, 186, 187, 324, 347, 385, 461, 494, 495, 604
Committee appointments—20, 21
Committee revision—413
Leaves of absence—324, 684
Resolutions filed—647, 827, 839, 1048, 1135, 1251
Subcommittee assignments—107, 144, 145, 158, 203, 218, 313, 365, 387, 388, 644, 665, 685, 711, 712, 771, 804, 1066
- WINDSCHITL, MATT W.—Representative **Harrison-Monona-Pottawattamie** Counties, Assistant Majority Leader
Amendments filed—686, 687, 827
Amendment withdrawn—845
Bills introduced—55, 56, 57, 58, 61, 62, 74, 81, 102, 137, 138, 142, 156, 163, 164, 186, 187, 192, 199, 211, 265, 281, 286, 294, 311, 324, 346, 347, 358, 361, 382, 610
Bills placed on unfinished business calendar (as acting Speaker)—867
Bills referred to committee (as acting Speaker)—796
Committee appointments—19, 20, 22, 89, 1289
Committee revisions (as acting Speaker)—795
Leave of absence—743
Presided at sessions of the House—570, 698, 768, 794, 823, 866, 1112, 1228
Report—2961-3057
Resolutions filed—169, 222, 719, 827, 987, 1048, 1223, 1251
Subcommittee assignments—107, 153, 166, 202, 318, 330, 364, 377, 414, 415, 433, 446, 447, 473, 665, 836
- WITTNEBEN, JOHN—Representative **Emmet-Kossuth-Palo Alto** Counties
Amendments filed—109, 110, 111, 112, 113, 713, 874, 954, 963, 1146
Amendments offered—880, 963
Bills introduced—105, 143, 146, 186, 187, 188, 280, 311, 324, 374, 385, 395, 460, 495, 511, 604, 1000
Committee appointments—20, 21, 22, 79, 172
Leaves of absence—1266, 1293, 1303
Resolutions filed—169, 171, 647, 719, 827, 839, 987, 1048, 1135, 1251
Subcommittee assignments—152, 195, 203, 277, 283, 330, 473, 499, 685
- WOLFE, MARY—Representative **Clinton** County
Amendments filed—109, 110, 111, 112, 558, 686, 713, 779, 989, 1008
Amendments offered—124, 640, 762, 779, 814, 1008
Amendment withdrawn—989
Bills introduced—146, 265, 266, 281, 324, 374, 385, 395, 430, 460, 604
Committee appointments—21, 22, 64
Leaves of absence—1048, 1227

Presented to the House—Honorable Polly Bukta—908

Resolutions filed—647, 827, 839, 1048, 1135, 1251

Subcommittee assignments—140, 144, 218, 306, 318, 364, 388, 434, 474, 645, 665, 836

WORTHAN, GARY—Representative **Buena Vista**-Sac Counties

Amendments filed—903, 921, 954

Amendments offered—908, 989

Bills introduced—55, 56, 57, 58, 81, 137, 138, 143, 147, 148, 156, 163, 164, 186, 211, 294, 310, 317, 324, 335

Committee appointments—20, 22, 1259

Explanation of vote—643

Leaves of absence—320, 588, 1266, 1293, 1303

Report—3069-3070

Resolutions filed—169, 222, 827, 1048, 1223

Subcommittee assignments—318, 388, 415, 644, 722, 771, 804, 836, 1066